

means that the impairment results in “marked” limitations in two out of six domains of functioning or an “extreme” limitation in one of the six domains.<sup>25</sup> We will evaluate an individual’s symptoms at this step when we rate how a child’s impairment-related symptoms affect his or her ability to function independently, appropriately, and effectively in an age-appropriate manner in each functional domain. If a child’s impairment functionally equals a listing, we find him or her disabled. If a child’s impairment does not functionally equal the listings, we find him or her not disabled. For a child with a title XVI disability claim, the sequential evaluation process ends at this step.

If the individual’s impairment does not meet or equal a listing, we will assess and make a finding about an individual’s residual functional capacity based on all the relevant medical and other evidence in the individual’s case record. An individual’s residual functional capacity is the most the individual can still do despite his or her impairment-related limitations. We consider the individual’s symptoms when determining his or her residual functional capacity and the extent to which the individual’s impairment-related symptoms are consistent with the evidence in the record.<sup>26</sup>

After establishing the residual functional capacity, we determine whether an individual is able to do any past relevant work. At step 4, we compare the individual’s residual functional capacity with the requirements of his or her past relevant work. If the individual’s residual functional capacity is consistent with the demands of any of his or her past relevant work, either as the individual performed it or as the occupation is generally performed in the national economy, then we will find the individual not disabled. If none of the individual’s past relevant work is within his or her residual functional capacity, we proceed to step 5 of the sequential evaluation process.

At step 5 of the sequential evaluation process, we determine whether the individual is able to adjust to other work that exists in significant numbers in the national economy. We consider the same residual functional capacity, together with the individual’s age, education, and past work experience. If the individual is able to adjust to other work that exists in significant numbers in the national economy, we will find him or her not disabled. If the

individual cannot adjust to other work that exists in significant numbers in the national economy, we find him or her disabled. At step 5 of the sequential evaluation process, we will not consider an individual’s symptoms any further because we considered the individual’s symptoms when we determined the individual’s residual functional capacity.

This SSR is applicable on MARCH 28, 2016.<sup>27</sup>

CROSS-REFERENCES: SSR 96–8p, “Titles II and XVI: Assessing Residual Functional Capacity in Initial Claims,” and Program Operations Manual System, section DI 24515.064.

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## DEPARTMENT OF STATE

[Delegation of Authority: 439]

### Delegation to the Assistant Secretary for Oceans and International Environmental and Scientific Affairs of Authorities for International Fisheries Organizations and Related Issues

By virtue of the authority vested in the Secretary of State, including Section 1 of the State Department Basic Authorities Act, as amended (22 U.S.C. 2651a), I hereby delegate to the Assistant Secretary for Oceans and International Environmental and Scientific Affairs the following:

1. The functions vested in the Secretary of State by the relevant provisions of the Northwest Atlantic Fisheries Convention Act of 1995, 16 U.S.C. 5603 and 5607(a).

2. The functions vested in the Secretary of State by the relevant provisions of the Western and Central Pacific Fisheries Convention Implementation Act, 16 U.S.C. 6902(b), (d)(1)(D), 6903, and 6908.

3. The functions vested in the Secretary of State by the relevant provisions of the North Pacific Anadromous Stocks Act of 1992, 16 U.S.C. 5003(b), 5004(a)(4), 5005, and 5006(b).

4. The functions vested in the Secretary of State by section 5 of Public

Law 100–629, November 7, 1988, relating to the North Pacific and Bering Sea Fisheries Advisory Body.

5. The functions vested in the Secretary of State by the relevant provisions of the South Pacific Tuna Act of 1988, 16 U.S.C. 973a; 973b, 973f(a) and (e); 973g(b) and (g); 973h(a), (b)(1), (c)(1), and (c)(2); 973i(a) and (b); 973m; 973n; 973p; and 973q.

6. The functions vested in the Secretary of State by the relevant provisions of the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1821(e)(1) and (2), 1821(g), 1824, 1825(a), 1825(b)(2), 1825(c), 1852(c)(1)(D), and 1852(f)(5).

7. The functions vested in the Secretary of State by section 7 of Public Law 95–541, the Antarctic Conservation Act (16 U.S.C. 2406).

8. The functions vested in the Secretary of State by sections 304 and 305(a), (b), and (c) of Public Law 98–623, the Antarctic Marine Living Resources Convention Act (16 U.S.C. 2433 and 2434(a), (b), and (c)).

9. The functions vested in the Secretary of State by the relevant provisions of the Atlantic Tunas Convention Act, 16 U.S.C. 971a(b); 971b(b)(3) and (b)(4)(B); 971c(a); 971d(a), (c)(4) and (c)(5); and 971g(a).

10. The functions vested in the Secretary of State by the Great Lakes Fishery Act, 16 U.S.C. 939.

11. The functions vested in the Secretary of State by the Atlantic Salmon Convention Act, 16 U.S.C. 3602(b), 3603, and 3604(b).

12. The functions vested in the Secretary of State by the relevant provisions of the Pacific Salmon Treaty Act of 1985, 16 U.S.C. 3632(b), (g), and (h)(8); and 3633(a) and (b).

13. The functions vested in the Secretary of State by the Yukon River Salmon Act of 2000, 16 U.S.C. 5721.

14. The functions vested in the Secretary of State by the relevant provisions of the Tuna Conventions Act of 1950, 16 U.S.C. 952, 953(a)(2), and 955.

15. The functions vested in the Secretary of State by the relevant provisions of the Whaling Convention Act of 1949, 16 U.S.C. 916a and 916b.

16. The functions vested in the Secretary of State by the relevant provisions of the Northern Pacific Halibut Act of 1982, 16 U.S.C. 773a(b), 773b, and 773c(b)(2).

17. All functions, with respect to oceans and fisheries matters, conferred upon the Secretary of State by section 201 of Public Law 92–471 of October 9, 1972 (22 U.S.C. 2672a), regarding the designation of alternate U.S. commissioners.

<sup>25</sup> See 20 CFR 416.926a.

<sup>26</sup> See 20 CFR 404.1545 and 416.945.

<sup>27</sup> Our adjudicators will apply this ruling when we make determinations and decisions on or after March 28, 2016. When a Federal court reviews our final decision in a claim, we expect the court will review the final decision using the rules that were in effect at the time we issued the decision under review. If a court finds reversible error and remands a case for further administrative proceedings after March 28, 2016, the applicable date of this ruling, we will apply this ruling to the entire period at issue in the decision we make after the court’s remand. Our regulations on evaluating symptoms are unchanged.

18. The functions vested in the Secretary of State by the relevant provisions of the Ensuring Access to Pacific Fisheries Act (16 U.S.C. 7702, 7703, 7708, 7802, 7803, and 7808.

Notwithstanding this delegation of authority, the Secretary, Deputy Secretary, and the Under Secretary for Economic Growth, Energy, and the Environment may at any time exercise any authority or function delegated by this delegation of authority.

Any act, executive order, regulation, or procedure subject to, or affected by, this delegation shall be deemed to be such act, executive order, regulation, or procedure as amended from time to time.

This delegation of authority shall be published in the **Federal Register**.

**Rex W. Tillerson,**  
Secretary of State.

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## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Number USTR-2017-0020]

### Request for Comments and Public Hearing About the Administration's Action Following a Determination of Import Injury With Regard to Certain Crystalline Silicon Photovoltaic Cells

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Request for comments and notice of public hearing.

**SUMMARY:** The United States International Trade Commission (ITC) has determined that certain crystalline silicon photovoltaic (CSPV) cells (whether or not partially or fully assembled into other products) are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article that is like or directly competitive with the imported articles. The Commissioners who voted in the affirmative are now conducting a process to recommend a safeguard measure for the President to apply. The Office of the United States Trade Representative (USTR), on behalf of the Trade Policy Staff Committee (TPSC), is announcing a process so that, once the ITC makes its recommendation, domestic producers, importers, exporters, and other interested parties may submit their views and evidence on the appropriateness of the recommended safeguard measure and whether it

would be in the public interest. USTR also invites interested parties to participate in a public hearing regarding this matter.

#### DATES:

*November 20, 2017 at midnight EST:* Deadline for submission of written comments.

*November 29, 2017 at midnight EST:* Deadline for submission of written responses to the initial round of comments.

*December 6, 2017 at 9:30 a.m. EST:* The TPSC will hold a public hearing in Rooms 1 and 2, 1724 F Street NW., Washington DC.

**ADDRESSES:** USTR strongly prefers electronic submissions made through the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments in section III below. The docket number is USTR-2017-0020. For alternatives to on-line submissions, please contact Yvonne Jamison, Trade Policy Staff Committee at (202) 395-9666.

#### FOR FURTHER INFORMATION CONTACT:

Victor Mroczka, Office of WTO and Multilateral Affairs, at [Victor\\_S\\_Mroczka@ustr.eop.gov](mailto:Victor_S_Mroczka@ustr.eop.gov) or (202) 395-9450, or Dax Terrill, Office of the General Counsel, at [Dax.Terrill@ustr.eop.gov](mailto:Dax.Terrill@ustr.eop.gov) or (202) 395-4739.

#### SUPPLEMENTARY INFORMATION:

#### I. The ITC Investigation and Section 201

On June 1, 2017, the ITC instituted Investigation No. TA-201-75 under section 202 of the Trade Act (19 U.S.C. 2252), as a result of a petition properly filed on May 17, 2017, by Suniva, Inc., a domestic producer of CSPV cells and CSPV modules. The ITC would determine if CSPV cells (whether or not partially or fully assembled into other products) were being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article that is like or directly competitive with the imported articles. The ITC notice of institution (82 FR 25332) identifies the scope of the products covered by this investigation. On May 25, 2017, another domestic producer of CSPV cells, SolarWorld Americas, Inc., joined the investigation as a petitioner seeking import relief.

On September 22, 2017, after receiving submissions from interested parties and holding a public hearing that provided an opportunity to present opposing views and supporting evidence, the ITC determined that the increased importation of CSPV cells is a substantial cause of serious injury, or

threat thereof, to the domestic industry. You can find the ITC determination and additional information about the investigation, including the administrative record consisting of briefs and other submissions, in the Electronic Document Information System (EDIS) on the ITC Web site at [www.usitc.gov](http://www.usitc.gov).

In light of the affirmative finding on injury, the ITC held a public hearing on October 3, 2017, regarding remedies and interested parties had the opportunity to file submissions on this issue. On November 13, 2017, after the remedy hearing and consideration of the submissions, the ITC will submit to the President a report with its recommendation on action(s) to address the serious injury, or threat thereof, to the domestic industry and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition.

#### II. Proposed Measure and Opportunity To Comment

Section 201 of the Trade Act (19 U.S.C. 2251) authorizes the President, in the event of an affirmative determination by the ITC, to take all appropriate and feasible action within his power that he determines will facilitate efforts by the domestic industry to make a positive adjustment to import competition and provide greater economic and social benefits than costs. The statute provides for the President to take action within 60 days after receiving the ITC report, subject to any decision the President makes to request additional information from the ITC. In accordance with section 203(a)(1)(C) of the Trade Act (19 U.S.C. 2253(a)(1)(C)), the TPSC will make a recommendation to the President. This recommendation will take into account the ITC recommendation, the extent to which the domestic industry will benefit from adjustment assistance, the efforts of the domestic industry to make positive adjustments, and other relevant considerations.

The potential action the President may take to provide a remedy in the form of a safeguard measure includes:

- Imposition, or increase, of a duty on the imported articles in question.
- Use of a tariff-rate quota.
- Modification or imposition of any quantitative restriction on the importation of the articles into the United States.
- A proposal to negotiate and carry out an agreement with foreign countries to limit the exportation from foreign countries and importation into the United States.