

The earliest this transaction may be consummated is September 15, 2019.<sup>1</sup>

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than September 6, 2019 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36321, must be filed with the Surface Transportation Board either via e-filing or in writing addressed to 395 E Street SW, Washington, DC 20423-0001. In addition, a copy of each pleading must be served on ALE's representatives: Eric M. Hocky, Clark Hill, PLC, One Commerce Square, 2005 Market Street, Suite 1000, Philadelphia, PA 19103, and Sloane S. Carlough, Clark Hill PLC, 1001 Pennsylvania Avenue NW, Suite 1300 South, Washington, DC 20004.

According to ALE, this action is excluded from environmental review under 49 CFR 1105.6(c) and from historic preservation reporting requirements under 49 CFR 1105.8(b).

Board decisions and notices are available at [www.stb.gov](http://www.stb.gov).

Decided: August 27, 2019.

By the Board, Allison C. Davis, Director, Office of Proceedings.

**Jeffrey Herzig,**  
Clearance Clerk.

[FR Doc. 2019-18808 Filed 8-29-19; 8:45 am]

BILLING CODE 4915-01-P

## SURFACE TRANSPORTATION BOARD

[Docket No. FD 36320]

### Mississippi Export Railroad Company—Continuance in Control Exemption—Alabama Export Railroad, Inc.

Mississippi Export Railroad Company (MSE), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1180.2(d)(2) to continue in control of Alabama Export Railroad, Inc. (ALE),

<sup>1</sup> The verified notices in Docket Nos. FD 36320 and FD 36321 were initially submitted on August 12, 2019. On August 16, 2019, MSE filed a supplement in Docket No. FD 36320 certifying that MSE and ALE are the only two railroads in the corporate family. In light of that supplement, August 16, 2019, is deemed the filing date of the verified notice for continuance in control in Docket No. FD 36320, and that exemption's effective date is September 15, 2019. Because this lease and operation exemption requires the concurrent authority for MSE to continue in control of ALE, the effective date of this exemption likewise will be September 15, 2019.

upon ALE's becoming a Class III rail carrier. ALE is a newly formed noncarrier entity that is wholly owned by MSE.<sup>1</sup>

This transaction is related to a concurrently filed verified notice of exemption in *Alabama Export Railroad—Lease & Operation Exemption—Illinois Central Railroad*, Docket No. FD 36321. In that proceeding, ALE seeks an exemption under 49 CFR 1150.31 to lease and operate approximately 12.1 miles of railroad line in downtown Mobile, Ala., owned by IC. The rail line extends between Belt Junction at milepost 6.6 and the State Docks at milepost 0.0 on IC's Beaumont Subdivision, and between Belt Junction at milepost 6.6 and Frascati Junction at milepost 1.1 on IC's Frascati Lead (the Line).

The earliest this transaction may be consummated is September 15, 2019, the effective date of the exemption.<sup>2</sup>

According to MSE, it currently owns and operates a 42-mile short line railroad between Evanston and Pascagoula, Miss. In its verified notice and supplement, MSE represents that: (1) The Line to be operated by ALE does not connect with the lines of MSE, and the railroads would not connect with any railroads in their corporate family; (2) the transaction is not part of a series of anticipated transactions that would connect these railroads with each other or with any railroad in their corporate family; and (3) the transaction does not involve a Class I rail carrier. The proposed transaction is therefore exempt from the prior approval requirements of 49 U.S.C. 11323. *See* 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Accordingly, the Board may not impose labor protective conditions here because only Class III carriers are involved.

If the notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d)

<sup>1</sup> MSE states that it, in turn, is owned in part (one-third interest) by Illinois Central Railroad Company (IC) and in part (two-thirds interest) by various individual shareholders.

<sup>2</sup> The verified notice was initially submitted on August 12, 2019. On August 16, 2019, MSE filed a supplement certifying that MSE and ALE are the only two railroads in the corporate family. In light of that supplement, August 16, 2019, is deemed the filing date of the verified notice.

may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions to stay must be filed no later than September 6, 2019 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36320, must be filed with the Surface Transportation Board either via e-filing or in writing addressed to 395 E Street SW, Washington, DC 20423-0001. In addition, a copy of each pleading must be served on MSE's representative: Eric M. Hocky, Clark Hill, PLC, One Commerce Square, 2005 Market Street, Suite 1000, Philadelphia, PA 19103, and Sloane S. Carlough, Clark Hill PLC, 1001 Pennsylvania Avenue NW, Suite 1300 South, Washington, DC 20004.

According to MSE, this action is excluded from environmental review under 49 CFR 1105.6(c) and from historic preservation reporting requirements under 49 CFR 1105.8(b).

Board decisions and notices are available at [www.stb.gov](http://www.stb.gov).

Decided: August 27, 2019.

By the Board, Allison C. Davis, Director, Office of Proceedings.

**Jeffrey Herzig,**  
Clearance Clerk.

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## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### Notice of Modification of Section 301 Action: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation

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

**ACTION:** Notice of modification of action.

**SUMMARY:** In accordance with the specific direction of the President, the U.S. Trade Representative has determined to modify the action being taken in this Section 301 investigation by increasing the rate of additional duty from 10 to 15 percent for the products of China covered by the \$300 billion tariff action published on August 20, 2019.

**DATES:** For products covered by Annex A of the August 20, 2019 notice (84 FR 43304), the rate of additional duty will be 15 percent on the current effective date of September 1, 2019. For products covered by Annex C of the August 20 notice, the rate of additional duty will be 15 percent on the current effective date of December 15, 2019.

**FOR FURTHER INFORMATION CONTACT:** For questions about this action, contact Associate General Counsel Arthur Tsao or Assistant General Counsel Megan Grimball, or Director of Industrial Goods Justin Hoffmann at (202) 395-5725. For questions on customs classification or implementation of additional duties on products identified in the Annexes to this notice, contact [traderemedycbp.dhs.gov](mailto:traderemedycbp.dhs.gov).

**SUPPLEMENTARY INFORMATION:**

**A. Prior Determinations in the Investigation**

On August 18, 2017, the U.S. Trade Representative initiated an investigation into certain acts, policies, and practices of the Government of China related to technology transfer, intellectual property, and innovation. 82 FR 40213 (August 23, 2017). In April 2018, the U.S. Trade Representative published a notice of a determination that the acts, policies, and practices of China under investigation are unreasonable or discriminatory and burden or restrict U.S. commerce, and are thus actionable under Section 301(b) of the Trade Act of 1974, as amended (Trade Act). 83 FR 14906 (April 6, 2018).

Up through early May 2019, the U.S. Trade Representative, at the direction of the President, determined to take actions resulting in the imposition of an additional 25 percent *ad valorem* duty on products of China with an aggregate annual trade value of approximately \$250 billion in order to obtain the elimination of China's acts, policies, and practices covered in the investigation. As explained in prior notices, the actions do not relate to China's acts, policies, and practices involving technology licensing, which are being addressed separately in a WTO dispute settlement proceeding.

The U.S. Trade Representative imposed these additional duties in three tranches. Tranche 1 covered 818 tariff subheadings, with an approximate annual trade value of \$34 billion. See 83 FR 28710 (June 20, 2018). Tranche 2 covered 279 tariff subheadings, with an approximate annual trade value of \$16 billion. See 83 FR 40823 (August 16, 2018). Tranche 3 covered 5,733 tariff subheadings, with an approximate annual trade value of \$200 billion. See 83 FR 47974 (September 21, 2018); 83 FR 49153 (September 28, 2018); and 84 FR 20459 (May 9, 2019).

As of mid-May 2019, China's statements and conduct indicated that action at a \$250 billion level was insufficient to obtain the elimination of China's unfair and harmful policies. Accordingly, the President directed the

U.S. Trade Representative to consider a possible modification of the action being taken in the form of additional duties of up to 25 percent on products of China with an annual aggregate trade value of approximately \$300 billion. In a notice published on May 17, 2019 (84 FR 22564), the Office of the United States Trade Representative invited public comments and announced a public hearing with regard to the possible imposition of additional duties of up to 25 percent on a specific list of tariff subheadings with an approximate annual trade value of \$300 billion. The notice and comment process concluded in early July 2019.

In August 2019, the U.S. Trade Representative, at the direction of the President, determined to modify the action being taken in the investigation by imposing an additional 10 percent *ad valorem* duty on products of China with an annual aggregate trade value of approximately \$300 billion. 84 FR 43304 (August 20, 2019). The August 20 notice contains two separate lists of tariff subheadings, with two different effective dates. List 1, which is set out in Annex A of the August 20 notice, is effective September 1, 2019. List 2, which is set out in Annex C of the August 20 notice, is effective December 15, 2019.

**B. Modification of Action**

The Section 301 statute (set out in Sections 301 to 308 of the Trade Act) (19 U.S.C. 2411-2418) includes authority for the U.S. Trade Representative to modify the action being taken in an investigation. In particular, Section 307(a)(1) authorizes the U.S. Trade Representative to modify or terminate any action taken under Section 301, subject to the specific direction, if any, of the President, if the burden or restriction on United States commerce of the acts, policies, and practices that are the subject of the action has increased or decreased, or the action is being taken under Section 301(b) and is no longer appropriate.

The burden or restriction on United States commerce of the acts, policies, and practices that are the subject of the Section 301 action continues to increase. China's unfair acts, policies, and practices include not just its technology transfer and IP policies referenced in the notice of initiation in the investigation, but also China's subsequent defensive actions taken to maintain those unfair acts, policies, and practices as determined in that investigation. China has determined to impose tariffs on a substantial majority of U.S. goods exported to China, with the goal of pressuring the United States

to cease its efforts to obtain the elimination of China's unfair policies. China has further taken or threatened to take additional countermeasures, including non-tariff measures, against commerce of the United States. For example, China has taken concrete steps to devalue its currency. See <https://home.treasury.gov/news/press-releases/sm751>. Most recently, shortly following the August 2019 announcement of the \$300 billion action, China responded by announcing further tariffs on U.S. goods, starting September 1, 2019. In short, instead of addressing the underlying problems, China has increased tariffs and adopted or threatened additional retaliation to further protect the unreasonable acts, policies, and practices identified in the investigation, resulting in increased harm to the U.S. economy.

China's most recent response of announcing a new tariff increase on U.S. goods has shown that the current action being taken is no longer appropriate. The United States is engaging with China with the goal of obtaining the elimination of the acts, policies, and practices covered in the investigation. The leaders of the United States and China met on December 1, 2018, and agreed to hold negotiations on a range of issues, including those covered in this Section 301 investigation. See <https://www.whitehouse.gov/briefings-statements/statement-press-secretary-regarding-presidents-working-dinner-china>. Since the meeting on December 1, 2018, the United States and China have engaged in additional rounds of negotiation on these issues, including meetings in March, April, May, and July 2019. At certain times in these discussions, China has offered specific commitments that were constructive towards reaching a resolution of this matter. However, China more recently has retreated from these commitments, indicating that the action currently being taken is not effective in obtaining the elimination of the unfair acts, policies, and practices covered in the investigation. And as noted, China's specific response to the \$300 billion action at a 10 percent rate of additional duty was not to address U.S. concerns, but rather to impose further retaliatory tariffs on U.S. commerce.

For these reasons, and in accordance with the specific direction of the President, the U.S. Trade Representative has determined to modify the action being taken in the investigation by increasing the rate of additional duty from 10 percent *ad valorem* to 15 percent *ad valorem* on the goods of China specified in Annex A and Annex C of the August 20 notice.

As noted above, the May 17, 2019 notice invited public comments on duties of up to 25 percent on the products covered by the proposed \$300 billion action. The current modification in the rate of additional duty takes into account the public comments and testimony, as well as advice from advisory committees and the interagency Section 301 committee, concerning the action proposed in the May 17 notice.

The Annex to this notice amends the Harmonized Tariff Schedule of the United States to provide that the rate of additional duties for the products covered in Annex A and Annex C of the August 20 notice will be 15 percent. This increase in the rate of duty does not change the effective date of Annex A (September 1, 2019) or of Annex C (December 15, 2019).

#### Annex

Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on September 1, 2019, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTSUS) is modified:

1. By amending U.S. Note 20(r) to subchapter III of chapter 99, as established by the U.S. Trade Representative in a determination contained in 84 **Federal Register** 43304 (August 20, 2019), by deleting “10 percent” each place that it appears, and inserting “15 percent” in lieu thereof; and

2. by amending the Rates of Duty 1-General column of heading 9903.88.15, as established by the U.S. Trade Representative in a determination contained in 84 **Federal Register** 43304 (August 20, 2019), by deleting “10%”, and inserting “15%” in lieu thereof.

Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on December 15, 2019, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States is modified:

1. By amending U.S. Note 20(t) to subchapter III of chapter 99, as established by the U.S. Trade Representative in a determination contained in 84 **Federal Register** 43304 (August 20, 2019), by deleting “10 percent” each place that it appears, and inserting “15 percent” in lieu thereof; and

2. by amending the Rates of Duty 1-General column of heading 9903.88.16, as established by the U.S. Trade Representative in a determination

contained in 84 **Federal Register** 43304 (August 20, 2019), by deleting “10%”, and inserting “15%” in lieu thereof.

**Joseph Barloon,**

*General Counsel, Office of the U.S. Trade Representative.*

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**BILLING CODE 3290-F9-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Notice of Final Federal Agency Action on the I-10 Mobile River Bridge and Bayway Project in Alabama

**AGENCY:** Federal Highway Administration (FHWA), Department of Transportation (DOT).

**ACTION:** Notice of Limitation on Claims for Judicial Review of Actions by FHWA.

**SUMMARY:** This notice announces actions taken by the FHWA that are final. The action relates to the proposed project to increase the capacity of Interstate Route 10 (I-10) by constructing a new six-lane bridge across the Mobile River and replacing the existing four-lane I-10 bridges across Mobile Bay with eight lanes above the 100-year storm elevation. The proposed project is located in Mobile and Baldwin Counties, Alabama. Those actions grant approvals for the project.

**DATES:** By this notice, the FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(I)(1). A claim seeking judicial review of the Federal agency actions on the project will be barred unless the claim is filed on or before January 27, 2020. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

**FOR FURTHER INFORMATION CONTACT:**

Mark D. Bartlett, Division Administrator, FHWA Alabama Division, 9500 Wynlakes Place, Montgomery, Alabama 36117-8515, Telephone: (334) 274-6350, Email: [Mark.Bartlett@dot.gov](mailto:Mark.Bartlett@dot.gov). The FHWA Alabama Division Office's normal business hours are 8:00 a.m. to 4:30 p.m. (Central Standard Time). You may also contact Matt J. Ericksen, Southwest Region Engineer, Alabama Department of Transportation, 1701 I-65 West Service Road North, Mobile, Alabama 36618, Telephone: (251) 470-8200, Email: [ericksenm@dot.state.al.us](mailto:ericksenm@dot.state.al.us). The Alabama Department of

Transportation's normal business hours are 8:00 a.m. to 5:00 p.m.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that FHWA has taken final agency actions subject to 23 U.S.C. 139(I)(1) by issuing a Record of Decision (ROD) for the following highway project in the State of Alabama: I-10 Mobile River Bridge and Bayway Project in Mobile and Baldwin Counties. The proposed project to increase the capacity of Interstate Route 10 (I-10) by constructing a new six-lane bridge across the Mobile River and replacing the existing four-lane I-10 bridges across Mobile Bay with eight lanes above the 100-year storm elevation. The actions taken by FHWA, and the laws under which such actions were taken, are described in the Combined Final Environmental Impact Statement (FEIS) and ROD approved on August 15, 2019, and in other documents in the project records. The Combined FEIS and ROD and other project records can be viewed on the project's website at:

[www.mobileriverbridge.com](http://www.mobileriverbridge.com). These documents and other project records are also available by contacting FHWA or the Alabama Department of Transportation at the phone numbers and addresses listed above.

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. General: National Environmental Policy Act (NEPA) [42 U.S.C. 4321-4351]; Federal-Aid Highway Act (FAHA) [23 U.S.C. 109 and 23 U.S.C. 128].

2. Air: Clean Air Act [42 U.S.C. 7401-7671(q)].

3. Land: Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303 and 23 U.S.C. 138].

4. Wildlife: Endangered Species Act [16 U.S.C. 1531-1544 and Section 1536]; Marine Mammal Protection Act [16 U.S.C. 1361-1423h]; Fish and Wildlife Coordination Act [16 U.S.C. 661-667(d)]; Migratory Bird Treaty Act [16 U.S.C. 703-712]; Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended [16 U.S.C. 1801 *et seq.*].

5. Historic and Cultural Resources: Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470aa-470mm]; Archeological and Historic Preservation Act [16 U.S.C. 469-469c]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001-3013].

6. Social and Economic: Civil Rights Act of 1964 [42 U.S.C. 2000(d)-