

Dated: June 24, 2009.

**James Steinberg,**

*Deputy Secretary of State, Department of State.*

[FR Doc. E9-15666 Filed 7-1-09; 8:45 am]

BILLING CODE 4710-10-P

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### Petition Under Section 301 on Israel's Protection of Intellectual Property Rights; Decision Not To Initiate Investigation

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

**ACTION:** Decision not to initiate investigation.

**SUMMARY:** The United States Trade Representative (USTR) has determined not to initiate an investigation under section 301 of the Trade Act of 1974 with respect to a petition alleging that the Government of Israel has breached obligations under the WTO Agreement to protect intellectual property rights (IPR).

**DATES:** *Effective Date:* June 25, 2009.

**FOR FURTHER INFORMATION CONTACT:**

Jennifer Choe Groves, Senior Director for Intellectual Property and Innovation and Chair of the Special 301 Committee, (202) 395-4510; or William Busis, Associate General Counsel and Chair of the Section 301 Committee, (202) 395-3150.

**SUPPLEMENTARY INFORMATION:** On May 13, 2009, the Institute for Research: Middle Eastern Policy (IRMEP) filed a petition pursuant to section 302 of the Trade Act of 1974, as amended (the Trade Act)(19 U.S.C. 2412), alleging that acts, policies and practices of the Government of Israel are inconsistent with the obligations of Israel under Article 39 of the *Agreement on Trade-Related Aspects of Intellectual Property Rights* (TRIPS Agreement), among other allegations. The petition presents five separate "complaints" involving: (1) Access to a 1985 classified report relating to the negotiation of the U.S.-Israel FTA; (2) military-industrial espionage; (3) intellectual property rights of U.S. pharmaceutical firms; (4) the use of the proceeds from diamond exports; and (5) the conduct of pro-Israel lobbyists. The petition alleges that the bilateral U.S.-Israel trade deficit results from the matters complained of in the petition, and that the bilateral trade deficit results in the loss of U.S. jobs. The petition requests the Trade Representative to "immediately suspend the U.S.-Israel FTA until such time as

IRMEP's complaints are addressed and Israel has provided damages for past violations of IP rights."

The Trade Representative has decided not to initiate an investigation regarding the petition on three separate grounds. First, IRMEP—which describes itself as an organization involved in Middle Eastern policy formulation—fails to allege the "significant interest" necessary to have standing to file a petition addressed to an alleged denial of U.S. IP rights. Second, the initiation of a Section 301 investigation in response to the petition would not be an effective means to address the matters raised in the petition. Most of the matters raised in the petition are unconnected to the alleged breach of Article 39 of the TRIPS Agreement. And, to the extent the petition does describe any TRIPS Agreement issues, those issues would be addressed more effectively through the established Special 301 process and the on-going Out-of-Cycle Review of Israel's IPR protection (see pp.19-20 of the 2009 Special 301 Report at <http://www.ustr.gov> for a description of the Out-of-Cycle Review of Israel). Third, the petition seeks a form of relief—the immediate suspension of the US-Israel FTA without any form of investigation or dispute settlement—not provided for under the Section 301 statute.

**Daniel Brinza,**

*Assistant United States Trade Representative for Monitoring and Enforcement.*

[FR Doc. E9-15608 Filed 7-1-09; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-290 (Sub-No. 309X)]

### Norfolk Southern Railway Company— Abandonment Exemption—in Blount County, TN

Norfolk Southern Railway Company (NSR) has filed a verified notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments* to abandon a 0.66-mile line of railroad between mileposts 15.50-KA and 16.16-KA in Maryville, Blount County, TN. The line traverses United States Postal Service Zip Code 37804.

NSR has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic can be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service

over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental report), 49 CFR 1105.8 (historic report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an OFA has been received, this exemption will be effective on August 1, 2009, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>1</sup> formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>2</sup> and trail use/rail banking requests under 49 CFR 1152.29 must be filed by July 13, 2009. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by July 22, 2009, with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to NSR's representative: James R. Paschall, Three Commercial Place, Norfolk, VA 23510.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

NSR has filed environmental and historic reports that address the effects, if any, of the abandonment on the environment and historic resources. SEA will issue an environmental assessment (EA) by July 7, 2009. Interested persons may obtain a copy of the EA by writing to SEA (Room 1100, Surface Transportation Board, Washington, DC 20423-0001) or by calling SEA, at (202) 245-0305. Assistance for the hearing impaired is

<sup>1</sup> The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

<sup>2</sup> Each OFA must be accompanied by the filing fee, which currently is set at \$1,500. See 49 CFR 1002.2(f)(25).