

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>12</sup>

**Florence E. Harmon,**

*Deputy Secretary.*

[FR Doc. E9-15613 Filed 7-1-09; 8:45 am]

**BILLING CODE 8010-01-P**

## DEPARTMENT OF STATE

[Public Notice 6690]

### Designation and Determination Under the Foreign Missions Act

Pursuant to the authority vested in the Secretary of State by the laws of the United States, including the Foreign Missions Act, 22 U.S.C. 4301 *et seq.*, and delegated by the Secretary to me as one of the President's principal officers for foreign affairs by Delegation of Authority No. 245-1 of February 13, 2009, and at the direction of the Secretary of State, and after due consideration of the benefits, privileges, and immunities provided to missions of the United States abroad, as well as matters related to the protection of the interests of the United States, and at the request of foreign missions, I hereby designate exemption from real property taxes on property owned by foreign governments and used to house staff of permanent missions to the United Nations or the Organization of American States or of consular posts as a benefit for purposes of the Foreign Missions Act. I further determine that such exemption shall be provided to such foreign missions on such terms and conditions as may be approved by the Office of Foreign Missions and that any state or local laws to the contrary are hereby preempted. Prior inconsistent guidance is hereby rescinded. This action is in accord with the tax treatment of foreign government-owned property in the United States used as residences for staff of bilateral diplomatic missions, see Department of State, Notice: Property Owned by Diplomatic Missions and Used to House the Staff of Those Missions is Exempt from General Property Taxes, 51 FR 27303 (July 30, 1986), and conforms to the general practice abroad of exempting government-owned property used for bilateral or multilateral diplomatic and consular mission housing.

This action is necessary to facilitate relations between the United States and foreign states, to protect the interests of the United States, to allow for a more cost effective approach to obtaining benefits for U.S. missions abroad, and to

assist in resolving a dispute affecting U.S. interests and involving foreign governments which assert that international law requires the exemption from taxation of such diplomatic and consular properties. The dispute has become a major irritant in the United States' bilateral relations and threatens to cost the United States hundreds of millions of dollars in reciprocal taxation. As the largest foreign-government property owner overseas, the United States benefits financially much more than other countries from an international practice exempting staff residences from real property taxes, and it stands to lose the most if the practice is undermined. Responsive measures taken against the United States because of the dispute also have impeded significantly the State Department's ability to implement urgent and congressionally mandated security improvements to our Nation's diplomatic and consular facilities abroad, imposing unacceptable risks to the personnel working in those facilities. This action will allow the United States to press forward with improvements that will protect those who represent the Nation's interests abroad.

The exemption from real property taxes provided by this designation and determination shall apply to taxes that have been or will be assessed against any foreign government with respect to property subject to this determination, and shall operate to nullify any existing tax liens with respect to such property, but shall not operate to require refund of any taxes previously paid by any foreign government regarding such property. These actions are not exclusive and are independent of alternative legal grounds that support the tax exemption afforded herein.

June 23, 2009.

**Jacob J. Lew,**

*Deputy Secretary of State for Management and Resources, Department of State.*

[FR Doc. E9-15818 Filed 7-1-09; 8:45 am]

**BILLING CODE 4710-43-P**

## DEPARTMENT OF STATE

[Public Notice 6689]

### In the Matter of the Designation of Kata'ib Hizballah (and Other Aliases) as a Foreign Terrorist Organization Pursuant to Section 219 of the Immigration and Nationality Act, as Amended

Based upon a review of the Administrative Record assembled in this matter, and in consultation with the

Attorney General and the Secretary of the Treasury, I conclude that there is a sufficient factual basis to find that the relevant circumstances described in section 219 of the Immigration and Nationality Act, as amended (hereinafter "INA") (8 U.S.C. 1189), exist with respect to Kata'ib Hizballah (and other aliases).

Therefore, I hereby designate that organization and its aliases as a foreign terrorist organization pursuant to section 219 of the INA.

This determination shall be published in the **Federal Register**.

Dated: June 24 2009.

**James Steinberg,**

*Deputy Secretary of State, Department of State.*

[FR Doc. E9-15661 Filed 7-1-09; 8:45 am]

**BILLING CODE 4710-10-P**

## DEPARTMENT OF STATE

[Public Notice 6688]

### In the Matter of the Designation of Kata'ib Hizballah (and Other Aliases) as a Specially Designated Global Terrorist Pursuant to Section 1(b) of Executive Order 13224, as Amended

Acting under the authority of and in accordance with section 1(b) of Executive Order 13224 of September 23, 2001, as amended by Executive Order 13268 of July 2, 2002, Executive Order 13284 of January 23, 2003, and Executive Order 13372 of February 16, 2005, I hereby determine that the organization known as Kata'ib Hizballah (and other aliases) has committed, or poses a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States.

Consistent with the determination in section 10 of Executive Order 13224 that "for those persons \* \* \* determined to be subject to the order who might have a constitutional presence in the United States \* \* \* prior notice to such persons of measures to be taken pursuant to this order would render these measures ineffectual," I determine that no prior notice needs to be provided to any person subject to this determination who might have a constitutional presence in the United States, because to do so would render ineffectual the measures authorized in the Order.

This notice shall be published in the **Federal Register**.

<sup>12</sup> 17 CFR 200.30-3(a)(12).

Dated: June 24, 2009.

**James Steinberg,**

*Deputy Secretary of State, Department of State.*

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

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## 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).