

DEPARTMENT OF STATE

[Public Notice 6776]

Bureau of Western Hemisphere Affairs, Executive Order 11423, as Amended; Notice of Receipt of Application for a Presidential Permit for an International Pedestrian Bridge on the U.S.-Mexico Border Near San Diego, California and Tijuana, Baja California, Mexico**AGENCY:** Department of State.**ACTION:** Notice.

SUMMARY: The Department of State hereby gives notice that, on September 18, 2009, it received from Otay-Tijuana Venture, L.L.C., an application for a Presidential permit to authorize the construction, operation, and maintenance of a new international pedestrian bridge called the San Diego-Tijuana Airport Cross Border Facility (CBF) on the U.S.-Mexico border near San Diego, California and Tijuana, Baja California, Mexico. According to the application, Otay-Tijuana Venture, L.L.C., is a company created under Delaware law and consists of companies owned by American and Mexican investors with experience in real estate, corporate investing, and airport operations. Otay-Tijuana Venture, L.L.C. states that it is undertaking the project as a for-profit, commercial activity. According to the application, the CBF would enable ticketed airline passengers to travel between Mexico's Tijuana International Airport (TIJ) and San Diego, California, via an enclosed, elevated pedestrian bridge. The CBF will consist of: a main building on the U.S. side of the border housing U.S. Customs and Border Protection (CBP) inspection facilities along with shops and services to accommodate travelers; an approximately 525-foot pedestrian bridge from the main building on the U.S. side connecting into TIJ's passenger terminal on the Mexican side; and parking facilities and areas for car rentals and potentially bus service on the U.S. side. According to the application, the CBF would allow passengers to bypass San Diego's congestion-prone ports of entry and avoid driving through the City of Tijuana.

The Department's jurisdiction over this application is based upon Executive Order 11423 of August 16, 1968, as amended. As provided in E.O. 11423, the Department is circulating this application to relevant Federal and State agencies for review and comment. Under E.O. 11423, the Department has the responsibility to determine, taking into account input from these agencies and other stakeholders, whether

issuance of a Presidential permit for this proposed bridge would be in the U.S. national interest.

DATES: Interested members of the public are invited to submit written comments regarding this application on or before December 31, 2009 to Mr. Stewart Tuttle, U.S.-Mexico Border Affairs Coordinator, via e-mail at WHA-BorderAffairs@state.gov, or by mail at WHA/MEX—Room 3909, Department of State, 2201 C St. NW., Washington, DC 20520.

FOR FURTHER INFORMATION CONTACT: Mr. Stewart Tuttle, U.S.-Mexico Border Affairs Coordinator, via e-mail at WHA-BorderAffairs@state.gov; by phone at 202-647-9894; or by mail at WHA/MEX—Room 3909, Department of State, 2201 C St. NW., Washington, DC 20520. General information about Presidential Permits is available on the Internet at <http://www.state.gov/p/wha/rt/permit/>.

SUPPLEMENTARY INFORMATION: This application and supporting documents are available for review in the Office of Mexican Affairs during normal business hours.

Dated: September 28, 2009.

Alex Lee,

*Director, Office of Mexican Affairs,
Department of State.*

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**OFFICE OF THE UNITED STATES
TRADE REPRESENTATIVE**

[Docket No. WTO/DS399/1]

**WTO Dispute Settlement Proceeding
Regarding United States—Certain
Measures Affecting Imports of Certain
Passenger Vehicle and Light Truck
Tires From China****AGENCY:** Office of the United States Trade Representative.**ACTION:** Notice; request for comments.

SUMMARY: The Office of the United States Trade Representative ("USTR") is providing notice that on September 14, 2009, the People's Republic of China ("China") requested consultations with the United States under the *Marrakesh Agreement Establishing the World Trade Organization* ("WTO Agreement") with respect to certain measures affecting the import of certain passenger vehicle and light truck tires from China (China tires) into the United States. That request may be found at <http://www.wto.org> contained in a document designated as WT/DS399/1. USTR invites written comments from the public concerning the issues raised in this dispute.

DATES: Although USTR will accept any comments received during the course of the dispute settlement proceedings, comments should be submitted on or before October 30 to be assured of timely consideration by USTR.

ADDRESSES: Public comments should be submitted electronically to <http://www.regulations.gov>, docket number USTR-2009-0035. If you are unable to provide submissions by <http://www.regulations.gov>, please contact Sandy McKinzy at (202) 395-9483 to arrange for an alternative method of transmission. If (as explained below) the comment contains confidential information, then the comment should be submitted by fax only to Sandy McKinzy at (202) 395-3640.

FOR FURTHER INFORMATION CONTACT: María L. Pagán, Associate General Counsel, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC 20508, (202) 395-9626.

SUPPLEMENTARY INFORMATION: USTR is providing notice that consultations have been requested pursuant to the WTO *Understanding on Rules and Procedures Governing the Settlement of Disputes* ("DSU"). If such consultations should fail to resolve the matter and a dispute settlement panel is established pursuant to the DSU, such panel, which would hold its meetings in Geneva, Switzerland, would be expected to issue a report on its findings and recommendations within nine months after it is established.

Major Issues Raised by China

On September 14, 2009, China requested consultations regarding restrictions recently announced by the United States on imports of Chinese tires. According to China, these restrictions take the form of substantially higher tariffs over the next three years well in excess of the tariff rates permitted under U.S. international obligations to China. The restrictions were announced on September 11, 2009, by U.S. authorities following an investigation pursuant to section 421 of the Trade Act of 1974, as amended (19 U.S.C. 2451). The report by the U.S. International Trade Commission issued as part of the investigation can be found at *Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China*, Investigation No. TA-421-7, USITC Publication No. 4085 (July 2009). The decision by the President can be found in the Proclamation issued by President Obama on September 11, 2009. The measures are to take effect on September 26, 2009. The request purports to include any other measures

the United States may announce to implement the decision.

China alleges that the higher tariffs, not having been justified as emergency action under relevant WTO rules, are inconsistent with Article I:1 of the *General Agreement on Tariffs and Trade 1994* ("GATT 1994"). China also alleges that these measures have not been properly justified pursuant to Article XIX of the GATT 1994 and the *WTO Agreement on Safeguards*. China also alleges that these measures have not been properly justified as China-specific restrictions under the *Protocol on the Accession of the People's Republic of China* (Protocol of Accession).

Furthermore, China alleges that the U.S. statute authorizing these China-specific restrictions is inconsistent on its face with Article 16 of the Protocol of Accession because, according to China, the statute impermissibly defines "significant cause" more narrowly than required by the ordinary meaning of the phrase as used in Article 16.4 of the Protocol of Accession. Finally, China alleges that each measure, as applied, is also inconsistent with the Protocol of Accession.

Public Comment: Requirements for Submissions

Interested persons are invited to submit written comments concerning the issues raised in this dispute. Persons may submit public comments electronically to <http://www.regulations.gov> docket number USTR-2009-0035. If you are unable to provide submissions by <http://www.regulations.gov>, please contact Sandy McKinzy at (202) 395-9483 to arrange for an alternative method of transmission.

To submit comments via <http://www.regulations.gov>, enter docket number USTR-2009-0035 on the home page and click "search". The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice by selecting "Notice" under "Document Type" on the left side of the search-results page, and click on the link entitled "Submit a Comment." (For further information on using the <http://www.regulations.gov> Web site, please consult the resources provided on the Web site by clicking on "How to Use This Site" on the left side of the home page.)

The <http://www.regulations.gov> site provides the option of providing comments by filling in a "Type Comment and Upload File" field, or by attaching a document. It is expected that most comments will be provided in an attached document. If a document is

attached, it is sufficient to type "See attached" in the "Type Comment and Upload File" field.

A person requesting that information contained in a comment submitted by that person be treated as confidential business information must certify that such information is business confidential and would not customarily be released to the public by the submitter. Confidential business information must be clearly designated as such and the submission must be marked "BUSINESS CONFIDENTIAL" at the top and bottom of the cover page and each succeeding page. Any comment containing business confidential information must be submitted by fax to Sandy McKinzy at (202) 395-3640. A non-confidential summary of the confidential information must be submitted to <http://www.regulations.gov>. The non-confidential summary will be placed in the docket and open to public inspection.

Information or advice contained in a comment submitted, other than business confidential information, may be determined by USTR to be confidential in accordance with section 135(g)(2) of the Trade Act of 1974 (19 U.S.C. 2155(g)(2)). If the submitter believes that information or advice may qualify as such, the submitter—

- (1) Must clearly so designate the information or advice;
- (2) Must clearly mark the material as "SUBMITTED IN CONFIDENCE" at the top and bottom of the cover page and each succeeding page; and
- (3) Must provide a non-confidential summary of the information or advice.

Any comment containing confidential information must be submitted by fax. A non-confidential summary of the confidential information must be submitted to <http://www.regulations.gov>. The non-confidential summary will be placed in the docket and open to public inspection.

USTR will maintain a docket on this dispute settlement proceeding accessible to the public. The public file will include non-confidential comments received by USTR from the public with respect to the dispute; if a dispute settlement panel is convened or in the event of an appeal from such a panel, the U.S. submissions, any non-confidential submissions, or non-confidential summaries of submissions, received from other participants in the dispute; the report of the panel; and, if applicable, the report of the Appellate Body.

Comments will be placed in the docket and open to public inspection

pursuant to 15 CFR 2006.13, except confidential business information exempt from public inspection in accordance with 15 CFR 2006.15 or information determined by USTR to be confidential in accordance with 19 U.S.C. 2155(g)(2). Comments open to public inspection may be viewed on the <http://www.regulations.gov> Web site.

Daniel Brinza,

Assistant United States Trade Representative for Monitoring and Enforcement.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 35259]

Boise Valley Railroad, Inc.— Assignment of Lease Exemption— Union Pacific Railroad Company and Idaho Northern & Pacific Railroad Company

Boise Valley Railroad, Inc. (BVR), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire by assignment of lease from Idaho Northern and Pacific Railroad Company (INPR) the operating and lease rights over approximately 35.99 miles (not including yard tracks) of rail lines owned by Union Pacific Railroad Company (UP). The lines BVR seeks to acquire by assignment of lease are: (i) between milepost 0.2, near Caldwell, ID, and milepost 11.39, at Wilder, ID; (ii) between milepost 443.0, near Hillcrest, ID, and milepost 467.8, at Nampa, ID; and (iii) track numbers 40, 401, 402, 403, 404, 406, 407, 408, 409, 410, 411, 412, 413, 414, and 415 in UP's Nampa Yard, at Nampa. BVR will also acquire by assignment from INPR approximately 12.11 miles of incidental trackage rights over two segments of UP's lines in order to interchange traffic with UP at Nampa and to access one of the leased lines. The incidental trackage rights BVR seeks to acquire by assignment of lease are between: (i) milepost 465.91, at Caldwell, and milepost 454.0, at Nampa; and (ii) milepost 465.91, at Caldwell, and milepost 0.2, near Caldwell, on the Wilder Branch.¹

This transaction is related to the concurrently filed notice of exemption in STB Finance Docket No. 35260, *Watco Companies, Inc.—Continuance in Control Exemption—Boise Valley*

¹ According to BVR, neither the assignment of lease between INPR and BVR nor the lease agreement being assigned contains any provision that would prohibit BVR from interchanging traffic with a third party.