

before. *See Saratoga & N. Creek Ry.—Operation Exemption—Tahavus Line*, FD 35631 (STB served June 1, 2012). According to the Department, since obtaining Board authority, SNCR has moved at most a few carloads of industrial garnet as well as carloads of ballast purchased by SNCR for its own use. The Department further claims that there is currently no freight service on the Line and there are only two potential shippers. The Department states that SNCR has resorted to using the right-of-way, which runs through the state-owned Forest Preserve within New York's Adirondack Park, as a storage facility for obsolete railcars. The Department states that it is seeking an adverse abandonment to protect the Forest Preserve.

In a decision served on February 27, 2018, the Department was granted exemptions from several statutory provisions as well as waivers of certain Board regulations that were not relevant to its adverse discontinuance application or that sought information not available to the Department.

According to the Department, there is no documentation in its possession that indicates that the Line contains federally granted rights-of-way. Any documentation in the Department's possession will be made available promptly to those requesting it. The Department's entire case-in-chief for adverse abandonment was filed with the application.

The Department states that the interests of railroad employees will be protected by the conditions set forth in *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho*, 360 I.C.C. 91 (1979).

Any interested person may file written comments concerning the proposed adverse abandonment or protests (including protestant's entire opposition case) by October 25, 2018. Persons who may oppose the proposed adverse abandonment but who do not wish to participate fully in the process by submitting verified statements of witnesses containing detailed evidence should file comments. Persons opposing the proposed adverse abandonment who wish to participate actively and fully in the process should file a protest, observing the filing, service, and content requirements of 49 CFR 1152.25. The Department's reply is due by November 9, 2018.

All filings in response to this notice must refer to Docket No. AB 1261 and must be sent to: (1) Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001; and (2)

Joshua M. Tallent, New York State Office of the Attorney General, Environmental Protection Bureau, The Capitol, Albany, NY 12224-0341.

Any request for an interim trail use/railbanking condition under 16 U.S.C. 1247(d) and 49 CFR 1152.29 must be filed by October 25, 2018, and should address whether the issuance of a certificate of interim trail use in this case would be consistent with the grant of an adverse abandonment application. Each trail use request must be accompanied by a \$300 filing fee. *See* 49 CFR 1002.2(f)(27).

Filings may be submitted either via the Board's e-filing format or in the traditional paper format. Any person using e-filing should comply with the instructions found on the Board's "www.stb.gov" website, at the "E-FILING" link. Any person submitting a filing in the traditional paper format should send the original and 10 copies of the filing to the Board with a certificate of service. Except as otherwise set forth in 49 CFR pt. 1152, every document filed with the Board must be served on all parties to this adverse abandonment proceeding. 49 CFR 1104.12(a).

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by the Board's Office of Environmental Analysis (OEA) will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact OEA by phone at the number listed below. EAs in these abandonment proceedings normally will be made available within 33 days of the filing of the application. The deadline for submission of comments on the EA will generally be within 30 days of its service. The comments received will be addressed in the Board's decision. A supplemental EA or EIS may be issued where appropriate.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0238 or refer to the full abandonment regulations at 49 CFR pt. 1152. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.

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

Decided: September 25, 2018.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

**Aretha Laws-Byrum,**  
Clearance Clerk.

[FR Doc. 2018-21161 Filed 9-27-18; 8:45 am]

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## SURFACE TRANSPORTATION BOARD

[Docket No. FD 36216]

### San Pedro Valley Holdings, LLC— Acquisition Exemption—San Pedro and Southwestern Railroad Company in Cochise County, Ariz.

San Pedro Valley Holdings, LLC (SPVH), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire two rail lines owned by the San Pedro and Southwestern Railroad Company: (1) From point of connection to Union Pacific Railroad (UP) at milepost 1033.25 at or near Benson, to milepost 1040.15 at or near St. David, a distance of 6.9 miles in Cochise County, Ariz.; and (2) from point of connection to UP at milepost 1074 at or near Wilcox, to all tracks at Wilcox Yard, a total of 8,281 feet or 1.57 miles, in Cochise County (collectively, the Lines). The Lines total approximately 8.47 miles.

This transaction is related to a concurrently filed verified notice of exemption in *Gregory B. Cundiff—Continuance in Control Exemption—San Pedro Valley Holdings, LLC in Cochise County, Ariz.*, Docket No. FD 36218, in which CGX, Inc., seeks Board approval to continue in control of SPVH upon SPVH's becoming a Class III rail carrier.

SPVH certifies that, as a result of the proposed transaction, its projected annual revenues will not result in its becoming a Class I or Class II rail carrier and will not exceed \$5 million. SPVH also certifies that the proposed transaction does not involve any interchange commitments as defined in 49 CFR 1150.43(h).

The earliest this transaction may be consummated is October 17, 2018, the effective date of the exemption (30 days after the verified notice was filed).<sup>1</sup> SPVH states that it intends to consummate the transaction no sooner than 30 days after the filing of this notice of exemption.

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

<sup>1</sup> SPVH filed its verified notice of exemption on August 30, 2018. On September 17, 2018, however, SPVH supplemented its verified notice to clarify references to Docket No. FD 36218. Therefore, September 17, 2018, is deemed the verified notice's filing date.

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 to stay must be filed by October 10, 2018 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 36216, must be filed with the Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001. In addition, a copy of each pleading must be served on SPVH's counsel, Thomas F. McFarland, Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1666, Chicago, IL 60604-1228.

According to SPVH, no environmental or historic documentation or report is required pursuant to 49 CFR 1105.6(c) and 1105.8(b).

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

Decided: September 25, 2018.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

**Jeffrey Herzig,**  
*Clearance Clerk.*

[FR Doc. 2018-21185 Filed 9-27-18; 8:45 am]

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## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### Conforming Amendment and Modification to 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 and amendment of action.

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**SUMMARY:** In a notice published on September 21, 2018 (September 21st Notice), the U.S. Trade Representative (Trade Representative) adopted a supplemental action in this 301 investigation by imposing additional duties on goods of China classified in

subheadings of the Harmonized Tariff Schedule of the United States (HTSUS) listed in Annex A of that Notice.

Pursuant to a Presidential Proclamation of July 30, 2018, certain HTSUS subheadings covered by the supplemental action will be modified as of October 1, 2018. This notice conforms the September 21 supplemental action to the HTSUS modifications in the Presidential Proclamation and amends the prior action taken in the investigation by removing certain subheadings of the HTSUS listed in Annex A to the September 21st Notice.

**DATES:**

*October 1, 2018:* The supplemental 301 action is modified to conform to the HTSUS modifications in the Presidential Proclamation of July 30, 2018 (Proclamation 9771), as set out in the Annex to this notice.

*September 24, 2018:* The modification removing certain HTSUS subheadings applies to the date of the imposition of the additional tariff, as set out in paragraph C to the Annex to this notice.

**FOR FURTHER INFORMATION CONTACT:** For questions about this notice, contact Assistant General Counsels Arthur Tsao or Megan Grimbail, or Director of Industrial Goods Justin Hoffmann at (202) 395-5725. For questions on customs classification or implementation of additional duties on products covered in the supplemental action, contact [traderemedy@cbp.dhs.gov](mailto:traderemedy@cbp.dhs.gov).

**SUPPLEMENTARY INFORMATION:** In the September 21st Notice (83 FR 47974), the Trade Representative, in accordance with the specific direction of the President, determined to modify the action being taken in this Section 301 investigation by imposing additional duties on products of China classified in the full and partial subheadings of the HTSUS set out in Annex A to the September 21st Notice, while maintaining the prior action being taken in the investigation. This supplemental action was effective on September 24, 2018.

Proclamation 9771 (83 FR 37993), among other things, modifies the HTSUS to ensure conformity with U.S. obligations under the International Convention on the Harmonized Commodity Description and Coding System, based on a recommendation of the U.S. International Trade Commission. These HTSUS modifications are effective October 1, 2018.

The HTSUS modifications in Proclamation 9771 include certain subheadings in chapter 44 of the HTSUS covered by the action in the September 21st Notice. Paragraph A of the Annex to this notice makes the appropriate conforming amendments to the supplemental action set out in the September 21st Notice. In particular, 14 subheadings in chapter 44 deleted by Proclamation 9771 are accordingly deleted from Annex A of the September 21st Notice, and are replaced by the corresponding 38 new subheadings in chapter 44 of the HTSUS that were added by Proclamation 9771. These changes to the September 21 action are effective on October 1, 2018.

Paragraph B of the Annex to this notice corrects a typographical error in the fourth paragraph of U.S. Note 20(a) to subchapter III of chapter 99, as set out in Annex C of the notice published at 83 FR 40823 (August 16, 2018).

To account fully for the extensive public comments and testimony previously provided in response to the **Federal Register** notices seeking public comments (83 FR 33608, 83 FR 38760), the Trade Representative has determined to further modify the action being taken in the investigation. Paragraph C of the Annex to this notice removes two subheadings from the list of subheadings of the HTSUS subject to the additional duties set forth in Annex A of the September 21st Notice.

**Jeffrey Gerrish,**

*Deputy U.S. Trade Representative.*

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