

The earliest this transaction may be consummated is September 15, 2019.¹

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.

Decided: August 27, 2019.

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

Jeffrey Herzig,
Clearance Clerk.

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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),

¹ 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.¹

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.²

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)

¹ 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.

² 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).

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Decided: August 27, 2019.

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Jeffrey Herzig,
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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.