

SURFACE TRANSPORTATION BOARD

[Docket No. AB 1294X; Docket No. AB 1293X]

**Eighteen Thirty Group, LLC—
Abandonment Exemption—in Allegany
County, MD.; Georges Creek Railway—
Discontinuance Exemption—in
Allegany County, MD**

Eighteen Thirty Group, LLC (Eighteen Thirty), and Georges Creek Railway (GCR) (collectively, Applicants), have jointly filed a verified notice of exemption under 49 CFR part 1152 subpart F—*Exempt Abandonments and Discontinuances of Service* for Eighteen Thirty to abandon, and for GCR to discontinue service over, an approximately 7.54-mile rail line between milepost BAI 26.00, in Moscow, and milepost BAI 18.46, in Shaft, in Allegany County, Md. (the Line). There are six stations on the Line: (1) Phi Con 10, at milepost BAI 14 (OPSL 56198); (2) Carlos, at milepost BAI 18 (OPSL 56195); (3) Delta 3, at milepost BAI 19 (OPSL 56202); (4) Ocean, at milepost BAI 20 (OPSL 56200); (5) Lonaconing, at milepost BAI 22 (OPSL 55530); and (6) Mine 5, at milepost BAI 24 (OPSL 56215). The Line traverses U.S. Postal Service Zip Codes 21532, 21539, and 21521.

Applicants have certified that: (1) No local traffic has moved over the Line for at least two 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 two-year period; and (4) the requirements at 49 CFR 1105.7(c) and 1105.8(c) (environmental and historic report), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

Any employee of Eighteen Thirty or GCR adversely affected by the abandonment or discontinuance, respectively, shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho*, 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 offer of financial

assistance (OFA) has been received,¹ these exemptions will be effective on March 22, 2020, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,² formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2), and interim trail use/rail banking requests under 49 CFR 1152.29 must be filed by March 2, 2020.³ Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by March 12, 2020, 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 Applicants' representative: Louis E. Gitomer, Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

If the verified notice contains false or misleading information, the exemptions are void ab initio.

Applicants have filed a combined environmental and historic report that addresses the potential effects, if any, of the abandonment on the environment and historic resources. OEA will issue an environmental assessment (EA) by February 28, 2020. The EA will be available to interested persons on the Board's website, by writing to OEA, or by calling OEA at (202) 245-0305. Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877-8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or interim trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), Eighteen Thirty shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the Line. If consummation has not been

¹ Persons interested in submitting an OFA must first file a formal expression of intent to file an offer, indicating the type of financial assistance they wish to provide (*i.e.*, subsidy or purchase) and demonstrating that they are preliminarily financially responsible. See 49 CFR 1152.27(c)(2)(i).

² The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemptions' effective date. See *Exemption of Out-of-Serv. 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 exemptions' effective date.

³ Filing fees for OFAs and trail use requests can be found at 49 CFR 1002.2(f)(25) and (27), respectively.

effected by Eighteen Thirty's filing of a notice of consummation by February 21, 2020, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available at www.stb.gov.

Decided: February 18, 2020.

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

Kenyatta Clay,
Clearance Clerk.

[FR Doc. 2020-03489 Filed 2-20-20; 8:45 am]

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SURFACE TRANSPORTATION BOARD

[Docket No. FD 36379]

**Louisiana & Delta Railroad, Inc.—
Lease Amendment and Operation
Exemption—Union Pacific Railroad
Company**

Louisiana & Delta Railroad, Inc. (LDRR), a Class III railroad, has filed a verified notice of exemption under 49 U.S.C. 10902 to amend, supersede, and replace the leases entered into between LDRR and Union Pacific Railroad Company (UP) on January 17, 1992, and subsequently amended. Specifically, LDRR states that it wishes to consolidate two existing lease agreements, the Lockport Branch Line Lease and the Breaux Bridge Lines Lease, into a single agreement with UP (the Consolidated Lease). The Consolidated Lease covers (1) milepost 0.35 at or near BR Jct, to the end of track at milepost 7.78 being the west line of Berard Street at or near Breaux Bridge (Breux Bridge Branch); (2) the switch on the Breaux Bridge line near milepost 7.678 to a point on the St. Martinsville Branch near milepost 19.381 to the end of track at milepost 19.680 (St. Martinsville Branch); (3) milepost 0.50 at or near Alex. Jct, to the end of track at milepost 1.00, also including the Extension Track from milepost 144.90 to milepost 145.30 (Alexandria Branch); and (4) milepost 0.1 at Raceland Junction, La., to milepost 1.7 (collectively, the Line).¹ LDRR further states that segments (1), (2), and (3) of the Line are near Lafayette, La., and segment (4) is near Lockport, La. The total mileage covered by the Consolidated Lease is approximately 10.43 miles.

¹ LDRR initially submitted the verified notice on January 16, 2020. On February 5, 2020, LDRR filed a supplement to clarify the location of the Line and provide more detailed maps. In light of that supplement, February 5, 2020, is deemed the filing date of the verified notice.

LDRR has certified that the transaction does not involve any provision or agreement that would limit future interchange with a third-party connecting carrier. LDRR states that its projected annual revenues as a result of this transaction will not result in LDRR's becoming a Class II or Class I rail carrier. Additionally, LDRR certifies that its total revenues exceed \$5 million. Pursuant to 49 CFR 1150.42(e), if a carrier's projected annual revenues will exceed \$5 million, it must, at least 60 days before the exemption becomes effective, post a notice of its intent to undertake the proposed transaction at the workplace of the employees on the affected lines, serve a copy of the notice on the national offices of the labor unions with employees on the affected lines, and certify to the Board that it has done so. However, LDRR's verified notice includes a request for waiver of the 60-day advance labor notice requirements. LDRR's waiver request will be addressed in a separate decision.

The verified notice states that LDRR and UP entered into the Consolidated Lease agreement on January 1, 2020. LDRR states that it expects to consummate the transaction on the effective date of this exemption. The Board will establish the effective date in its separate decision on the waiver request.

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 February 28, 2020.

All pleadings, referring to Docket No. FD 36379, 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 LDRR's representative, Eric M. Hocky, Clark Hill, PLC, Two Commerce Square, 2001 Market St., Suite 2620, Philadelphia, PA 19103.

According to LDRR, this action is categorically 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: February 18, 2020.

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

Tammy Lowery,
Clearance Clerk.

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OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. USTR-2019-0003]

Notice of Modification of Section 301 Action: Enforcement of U.S. WTO Rights in Large Civil Aircraft Dispute

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of modification of action.

SUMMARY: Effective October 18, 2019, the U.S. Trade Representative imposed additional duties on certain products of the EU and certain EU member States in this Section 301 investigation to enforce U.S. WTO rights in the Large Civil Aircraft dispute. On December 12, 2019, the U.S. Trade Representative announced a review of the Section 301 action and requested public comments. Based on this review, the U.S. Trade Representative has determined to revise the action being taken by increasing the rate of additional duties on certain large civil aircraft, and by modifying the list of other products of certain current and former EU member States subject to additional 25 percent duties.

DATES: The modifications to the Section 301 action set out in Annex 1, subparagraph C, are applicable with respect to products that are entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern standard time on March 18, 2020. The modifications set out in Annex 1, subparagraphs A and B, are applicable with respect to products that are entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern standard time on March 5, 2020.

FOR FURTHER INFORMATION CONTACT: For questions about the determinations in this investigation, contact Assistant General Counsel Megan Grimboll, (202) 395-5725, or Director for Europe Michael Rogers, at (202) 395-3320. For questions on customs classification of products identified in the annexes, contact Traderemedy@cbp.dhs.gov.

SUPPLEMENTARY INFORMATION:

A. Proceedings in the Investigation

On April 12, 2019, the U.S. Trade Representative announced the initiation of an investigation to enforce U.S. rights in the World Trade Organization (WTO)

dispute against the EU and certain EU member States addressed to subsidies on large civil aircraft. See 84 FR 15028 (April 12 notice). The April 12 notice contains background information on the investigation and the dispute settlement proceedings, as well as the website where the WTO reports can be found: https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds316_e.htm.

The April 12 notice solicited comments on a proposed determination that, *inter alia*, the EU and certain member States have denied U.S. rights under the WTO Agreement, and in particular, under Articles 5 and 6.3 of the Agreement on Subsidies and Countervailing Measures (SCM Agreement) and the General Agreement on Tariffs and Trade 1994 (GATT 1994), and have failed to comply with the WTO Dispute Settlement Body (DSB) recommendations to bring the WTO-inconsistent subsidies into compliance with WTO obligations. The April 12 notice invited public comment on a proposed action in the form of an additional *ad valorem* duty of up to 100 percent on products of EU member States to be drawn from a list of 317 tariff subheadings and 9 statistical reporting numbers of the Harmonized Tariff Schedule of the United States (HTSUS) included in the annex to that notice.

In response to public comments received during the comment period, and upon further analysis, USTR published a notice inviting public comment on a second list of products also being considered for an additional *ad valorem* duty of up to 100 percent. See 84 FR 32248 (July 5, 2019) (July 5 notice). The public versions of submissions received in response to the April 12 and July 5 notices, as well as transcripts of both hearings, are available on www.regulations.gov under docket number USTR-2019-0003.

On October 2, 2019, the WTO Arbitrator issued a report that concluded that the appropriate level of countermeasures in response to the WTO-inconsistent launch aid provided by the EU or certain member States to their large civil aircraft domestic industry is approximately \$7.5 billion annually. Subsequently, on October 9, 2019, the U.S. Trade Representative announced a determination that the EU and certain member States have denied U.S. rights under the WTO Agreement and have failed to implement DSB recommendations concerning certain subsidies to the EU large civil aircraft industry. See 84 FR 54245 (October 9, 2019) (October 9 notice). The U.S. Trade Representative determined to take action in the form of additional duties