

temporary trackage rights agreement dated August 6, 2020 (Agreement).¹

UP states that the sole purpose of the temporary trackage rights is to allow UP to reroute overhead trains due to a bridge outage on UP's Phoenix Subdivision near Tempe, Ariz.² UP states that the temporary trackage rights will expire on September 18, 2020.

UP concurrently filed a petition for waiver of the 30-day period under 49 CFR 1180.4(g)(1) in this docket and in Docket No. FD 36425, to allow the proposed temporary trackage rights in both dockets to become effective immediately. By decision served August 10, 2020 the Board granted UP's request. As a result, this exemption is now effective.

As a condition to this exemption, any employees affected by the acquisition of the temporary trackage rights will be protected by the conditions imposed in *Norfolk & Western Railway—Trackage Rights—Burlington Northern, Inc.*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Railway—Lease & Operate—California Western Railroad*, 360 I.C.C. 653 (1980), and any employees affected by the discontinuance of those trackage rights will be protected by the conditions set out in *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho*, 360 I.C.C. 91 (1979).

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.

All pleadings, referring to Docket No. FD 36424, 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 UP's representative, Jeremy Berman, 1400 Douglas Street, Union Pacific Railroad Company, STOP 1580, Omaha, NE 68179.

According to UP, this action is categorically excluded from

¹ A redacted copy of the Agreement is attached to the verified notice. An unredacted copy has been filed under seal along with a motion for protective order pursuant to 49 CFR 1104.14. That motion is addressed in a separate decision.

² UP concurrently filed a verified notice of exemption for the acquisition of additional temporary trackage rights to allow UP to reroute trains due to the bridge outage over approximately 674.4 miles of BNSF rail line in *Union Pacific Railroad Company—Temporary Trackage Rights Exemption—BNSF Railway Company*, Docket No. FD 36425.

environmental review under 49 CFR 1105.6(c) and from historic reporting under 49 CFR 1105.8(b)(3).

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

Decided: August 10, 2020.

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

Jeffrey Herzig,
Clearance Clerk.

[FR Doc. 2020-17719 Filed 8-12-20; 8:45 am]

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SURFACE TRANSPORTATION BOARD

[Docket No. FD 36425]

Union Pacific Railroad Company— Temporary Trackage Rights Exemption—BNSF Railway Company

Union Pacific Railroad Company (UP), a Class I railroad, has filed a verified notice of exemption under 49 CFR 1180.2(d)(8) for the acquisition of temporary trackage rights, for overhead operations, over approximately 674.4 miles of rail line owned by BNSF Railway Company (BNSF) between milepost 787.4 on BNSF's Clovis Subdivision near Vaughn, N.M., and milepost 191.6 on BNSF's Phoenix Subdivision near Phoenix, Ariz., pursuant to the terms of a written temporary trackage rights agreement dated August 6, 2020 (Agreement).¹

UP states that the sole purpose of the temporary trackage rights is to allow UP to reroute overhead trains due to a bridge outage on UP's Phoenix Subdivision near Tempe, Ariz.² UP states that the temporary trackage rights will expire on September 18, 2020.

UP concurrently filed a petition for waiver of the 30-day period under 49 CFR 1180.4(g)(1) in this docket and in Docket No. FD 36424, to allow the proposed temporary trackage rights in both dockets to become effective immediately. By decision served August 10, 2020 the Board granted UP's request. As a result, this exemption is now effective.

As a condition to this exemption, any employees affected by the acquisition of the temporary trackage rights will be protected by the conditions imposed in

¹ A redacted copy of the Agreement is attached to the verified notice. An unredacted copy has been filed under seal along with a motion for protective order pursuant to 49 CFR 1104.14. That motion is addressed in a separate decision.

² UP concurrently filed a verified notice of exemption for the acquisition of additional temporary trackage rights to allow UP to reroute trains due to the bridge outage over approximately 566.6 miles of BNSF rail line in *Union Pacific Railroad Company—Temporary Trackage Rights Exemption—BNSF Railway Company*, Docket No. FD 36424.

Norfolk & Western Railway—Trackage Rights—Burlington Northern, Inc., 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Railway—Lease & Operate—California Western Railroad*, 360 I.C.C. 653 (1980), and any employees affected by the discontinuance of those trackage rights will be protected by the conditions set out in *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho*, 360 I.C.C. 91 (1979).

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.

All pleadings, referring to Docket No. FD 36425, 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 UP's representative, Jeremy Berman, 1400 Douglas Street, Union Pacific Railroad Company, STOP 1580, Omaha, NE 68179.

According to UP, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic reporting under 49 CFR 1105.8(b)(3).

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

Decided: August 10, 2020.

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

Jeffrey Herzig,
Clearance Clerk.

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OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Number USTR-2020-0032]

Request for Comments and Notice of Public Hearing Concerning Russia's Implementation of Its WTO Commitments

AGENCY: Office of the United States Trade Representative.

ACTION: Request for comments and notice of public hearing.

SUMMARY: The interagency Trade Policy Staff Committee (TPSC) will seek public comment to assist the Office of the United States Trade Representative (USTR) in the preparation of its annual report to Congress on Russia's

implementation of its obligations as a Member of the World Trade Organization (WTO). Due to COVID-19, the TPSC will foster public participation via written submissions rather than an in-person hearing. This notice includes the schedule for submission of comments and responses to questions from the TPSC for the Russia WTO implementation report.

DATES:

September 21, 2020 (Monday) at 11:59 p.m. EDT: Deadline for submission of written comments on 2020 Russia WTO implementation report.

September 30, 2020 (Wednesday) at 11:59 p.m. EDT: Deadline for the TPSC to pose questions on written comments.

October 9, 2020 (Friday) at 11:59 p.m. EDT: Deadline for submission of responses to questions from the TPSC.

ADDRESSES: USTR strongly prefers electronic submissions made through the Federal eRulemaking Portal: <http://www.regulations.gov> (*Regulations.gov*). Follow the instructions for submitting comments in section III below. The docket number is USTR-2020-0032. For alternatives to online submissions, please contact Yvonne Jamison at Yvonne_D_Jamison@ustr.eop.gov or (202) 395-3475 before transmitting a comment and in advance of the relevant deadline.

FOR FURTHER INFORMATION CONTACT: For procedural questions concerning written comments, contact Yvonne Jamison at Yvonne_D_Jamison@ustr.eop.gov or (202) 395-3475. Direct all other questions to Betsy Hafner, Deputy Assistant U.S. Trade Representative for Russia and Eurasia at Elizabeth_Hafner@ustr.eop.gov or (202) 395-9124.

SUPPLEMENTARY INFORMATION:

I. Background

Russia became a Member of the WTO on August 22, 2012. On December 21, 2012, following the termination of the application of the Jackson-Vanik amendment to Russia and the extension of permanent normal trade relations to the products of Russia, the United States and Russia both filed letters with the WTO withdrawing their notices of non-application and consenting to have the WTO Agreement apply between them. In accordance with section 201(a) of the Russia and Moldova Jackson-Vanik Repeal and Sergei Magnitsky Rule of Law Accountability Act of 2012 (Pub. L. 112-208), USTR annually is required to submit a report to Congress on the extent to which Russia is implementing the WTO Agreement, including the Agreement on the Application of Sanitary and Phytosanitary Measures and the Agreement on Trade Related

Aspects of Intellectual Property Rights. The Russia WTO implementation report also must assess Russia's progress on acceding to and implementing the Information Technology Agreement (ITA) and the Government Procurement Agreement (GPA). In addition, to the extent that USTR finds that Russia is not implementing fully any WTO agreement or is not making adequate progress in acceding to the ITA or the GPA, USTR must describe in the Russia WTO implementation report the actions it plans to take to encourage Russia to improve its implementation and/or increase its accession efforts. In accordance with section 201(a), and to assist it in preparing this year's report, the TPSC is soliciting public comments.

The terms of Russia's accession to the WTO are contained in the Marrakesh Agreement Establishing the World Trade Organization and the Protocol on the Accession of the Russian Federation to the WTO (including its annexes) (Protocol). The Report of the Working Party on the Accession of the Russian Federation (Working Party Report) provides detail and context to the commitments listed in the Protocol. You can find the Protocol and Working Party Report on USTR's website at <https://ustr.gov/node/5887> or on the WTO website at <http://docsonline.wto.org> (document symbols: WT/ACC/RUS/70, WT/MIN(11)/2, WT/MIN(11)/24, WT/L/839, WT/ACC/RUS/70/Add.1, WT/MIN(11)/2/Add.1, WT/ACC/RUS/70/Add.2, and WT/MIN(11)/2/Add.1.)

II. Public Participation

Due to COVID-19, the TPSC will foster public participation via written submissions rather than an in-person hearing on Russia's implementation of its WTO commitments. USTR invites public comments on Russia's implementation according to the schedule set out in the **DATES** section above. Written comments should address Russia's implementation of the commitments made in connection with its accession to the WTO, including, but not limited to, commitments in the following areas:

- a. Import regulation (*e.g.*, tariffs, tariff-rate quotas, quotas, import licenses).
- b. Export regulation.
- c. Subsidies.
- d. Standards and technical regulations.
- e. Sanitary and phytosanitary measures.
- f. Trade-related investment measures (including local content requirements).
- g. Taxes and charges levied on imports and exports.
- h. Other internal policies affecting trade.

i. Intellectual property rights (including intellectual property rights enforcement).

- j. Services.
- k. Government procurement.
- l. Rule of law issues (*e.g.*, transparency, judicial review, uniform administration of laws and regulations).
- m. Other WTO commitments.

The TPSC will review comments and may ask clarifying questions to commenters. The TPSC will post the questions on the public docket, other than questions that include properly designated business confidential information (BCI). USTR will send questions that include properly designated BCI to the relevant commenters by email, and will not post these questions on the public docket. Replies to questions that contain BCI must follow the procedures in section IV below.

III. Requirements for Submissions

To ensure consideration, interested parties must submit comments and responses to TPSC questions electronically via *Regulations.gov* by the applicable deadlines in the Dates section above. The docket number is USTR-2020-0032. All submissions must be in English. USTR will not accept hand-delivered submissions.

To submit comments using *Regulations.gov*, enter docket number USTR-2020-0032 in the 'search for field 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' in the 'filter results by' section on the left side of the screen and click on the link entitled 'comment now.' *Regulations.gov* offers the option of providing comments by filling in a 'type comment' field or by attaching a document using the 'upload file(s)' field. USTR prefers that you provide submissions in an attached document and, in such cases, that you write 'see attached in the 'type' comment field, on the online submission form. In addition, USTR prefers submissions in Microsoft Word (.doc) or Adobe Acrobat (.pdf). If the submission is in an application other than those two, please indicate the name of the application in the 'type comment' field. At the beginning of the submission, include the following text: (1) 2020 Russia WTO Implementation Report, (2) your organization's name, and (3) whether the document is a comment or an answer to a TPSC question. Written comments should not exceed 30 single-spaced, standard letter-size pages in 12-point type, including attachments. Include any data

attachments to the submission in the same file as the submission itself, and not as separate files.

When you complete the submission procedure at *Regulations.gov*, you will receive a tracking number confirming successful transmission into *Regulations.gov*. For further information on using the *www.regulations.gov* website, please consult the resources provided on the website by clicking on 'How to Use *Regulations.gov*' on the bottom of the home page. USTR is not able to provide technical assistance for *Regulations.gov*.

IV. Business Confidential (BCI) Submissions

A commenter requesting that USTR treat information contained in a submission as BCI must certify that the information is business confidential and they would not customarily release it to the public. You must clearly designate BCI by marking the submission "BUSINESS CONFIDENTIAL" at the top and bottom of the cover page and on each succeeding page, and indicating, via brackets, the specific information that is BCI. Additionally, you must include 'business confidential' in the 'type comment' field and add the designation BCI to the end of the file name for any attachments. For any submission containing BCI, you must separately submit a non-confidential version, *i.e.*, not as part of the same submission with the BCI version, indicating where confidential information has been redacted. USTR will post the non-confidential version in the docket for public inspection.

V. Public Viewing of Review Submissions

USTR will post comments in the docket for public inspection, except business confidential information. You can view comments at *Regulations.gov* by entering docket number USTR-2020-0032 in the search field on the home page. General information concerning USTR is available at *www.ustr.gov*.

Edward Gresser,

*Chair of the Trade Policy Staff Committee,
Office of the United States Trade Representative.*

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OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Notice of Product Exclusion Amendment: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: Effective August 23, 2018, the U.S. Trade Representative imposed additional duties on goods of China with an annual trade value of approximately \$16 billion as part of the action in the Section 301 investigation of China's acts, policies, and practices related to technology transfer, intellectual property, and innovation. The U.S. Trade Representative's determination included a decision to establish a product exclusion process. The U.S. Trade Representative initiated the exclusion process in September 2018, and stakeholders have submitted requests for the exclusion of specific products. In July, September, and October 2019, and February and July 2020, the U.S. Trade Representative granted exclusion requests. This notice announces the U.S. Trade Representative's determination to make an amendment to a previously granted exclusion.

DATES: The amendment is retroactive to the date the original exclusion was published and does not extend the period for the original exclusion. U.S. Customs and Border Protection will issue instructions on entry guidance and implementation.

FOR FURTHER INFORMATION CONTACT: For general questions about this notice, contact Associate General Counsel Philip Butler or Director of Industrial Goods Justin Hoffmann at (202) 395-5725. For specific questions on customs classification or implementation of the product exclusions identified in the Annex to this notice, contact traderemedy@cbp.dhs.gov.

SUPPLEMENTARY INFORMATION:

A. Background

For background on the proceedings in this investigation, please see prior notices including 82 FR 40213 (August 24, 2017), 83 FR 14906 (April 6, 2018), 83 FR 28710 (June 20, 2018), 83 FR 33608 (July 17, 2018), 83 FR 38760 (August 7, 2018), 83 FR 40823 (August 16, 2018), 83 FR 47236 (September 18, 2018), 83 FR 47974 (September 21, 2018), 83 FR 65198 (December 19, 2018), 84 FR 7966 (March 5, 2019), 84 FR 20459 (May 9, 2019), 84 FR 29576

(June 24, 2019), 84 FR 37381 (July 31, 2019), 84 FR 49600 (September 20, 2019), 84 FR 52553 (October 2, 2019), 84 FR 69011 (December 17, 2019), 85 FR 10808 (February 25, 2020), 85 FR 28691 (May 13, 2020), and 85 FR 43291 (July 16, 2020).

Effective August 23, 2018, the U.S. Trade Representative imposed additional 25 percent duties on goods of China classified in 279 eight-digit subheadings of the Harmonized Tariff Schedule of the United States (HTSUS), with an approximate annual trade value of \$16 billion. *See* 83 FR 40823. The U.S. Trade Representative's determination included a decision to establish a process by which U.S. stakeholders could request exclusion of particular products classified within an eight-digit HTSUS subheading covered by the \$16 billion action from the additional duties. The U.S. Trade Representative issued a notice setting out the process for the product exclusions, and opened a public docket. *See* 83 FR 47236 (September 18 notice).

Under the September 18 notice, requests for exclusion had to identify the product subject to the request in terms of the physical characteristics that distinguish the product from other products within the relevant eight-digit subheading covered by the \$16 billion action. Requestors also had to provide the ten-digit subheading of the HTSUS most applicable to the particular product requested for exclusion, and could submit information on the ability of U.S. Customs and Border Protection to administer the requested exclusion. Requestors were asked to provide the quantity and value of the Chinese-origin product that the requestor purchased in the last three years. With regard to the rationale for the requested exclusion, requests had to address the following factors:

- Whether the particular product is available only from China and specifically whether the particular product and/or a comparable product is available from sources in the United States and/or third countries.
- Whether the imposition of additional duties on the particular product would cause severe economic harm to the requestor or other U.S. interests.
- Whether the particular product is strategically important or related to "Made in China 2025" or other Chinese industrial programs.

The September 18 notice stated that the U.S. Trade Representative would take into account whether an exclusion would undermine the objective of the Section 301 investigation.