

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.*

[FR Doc. E9-23829 Filed 10-1-09; 8:45 am]

BILLING CODE 3190-W9-P

## 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.<sup>1</sup>

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*

<sup>1</sup> 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.

*Railroad, Inc.* In that proceeding, Watco seeks to continue in control of BVR, upon BVR's becoming a Class III rail carrier.

The transaction is scheduled to be consummated on or after October 16, 2009, (the effective date of the exemption).

BVR certifies that its projected annual revenues as a result of this transaction will not result in BVR becoming a Class II or Class I rail carrier and further certifies that its projected annual revenue will not exceed \$5 million.

Pursuant to the Consolidated Appropriations Act, 2008, Public Law 110–161, § 193, 121 Stat. 1844 (2007), nothing in this decision authorizes the following activities at any solid waste rail transfer facility: collecting, storing or transferring solid waste outside of its original shipping container; or separating or processing solid waste (including baling, crushing, compacting and shredding). The term “solid waste” is defined in section 1004 of the Solid Waste Disposal Act, 42 U.S.C. 6903.

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 to stay must be filed no later than October 9, 2009 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35259 must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001. In addition, a copy must be served on Karl Morell, Of Counsel, Ball Janik LLP, Suite 225, 1455 F Street, NW., Washington, DC 20005.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: September 28, 2009.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

**Kulunie L. Cannon,**  
Clearance Clerk.

[FR Doc. E9–23758 Filed 10–1–09; 8:45 am]

**BILLING CODE 4915–01–P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 35260]

#### **Watco Companies, Inc.—Continuance in Control Exemption—Boise Valley Railroad, Inc.**

Watco Companies, Inc. (Watco), a noncarrier, has filed a verified notice of exemption under 49 CFR 1180.2(d)(2) to continue in control of Boise Valley Railroad, Inc. (BVR), upon BVR's becoming a Class III rail carrier.<sup>1</sup>

This transaction is related to a concurrently filed verified notice of exemption in STB Finance Docket No. 35259, *Boise Valley Railroad, Inc. – Assignment of Lease Exemption—Union Pacific Railroad Company and Idaho Northern & Pacific Railroad Company*. In that proceeding, BVR seeks an exemption under 49 CFR 1150.31 to acquire by assignment of lease from Idaho Northern & Pacific Railroad Company (INPR) the operating and lease rights over approximately 35.99 miles (not including yard track) of rail line owned by Union Pacific Railroad Company (UP). BVR will also acquire 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, ID, and to access one of the leased lines.

The parties intend to consummate the transaction on or shortly after October 16, 2009 (the effective date of this notice).

Watco currently controls 21 Class III rail carriers: South Kansas and Oklahoma Railroad Company, Palouse River & Coulee City Railroad, Inc., Timber Rock Railroad, Inc., Stillwater Central Railroad, Inc., Eastern Idaho Railroad, Inc., Kansas & Oklahoma Railroad, Inc., Pennsylvania Southwestern Railroad, Inc., Great Northwest Railroad, Inc., Kaw River Railroad, Inc., Mission Mountain Railroad, Inc., Mississippi Southern Railroad, Inc., Yellowstone Valley Railroad, Inc., Louisiana Southern Railroad, Inc., Arkansas Southern Railroad, Inc., Alabama Southern Railroad, Inc., and Vicksburg Southern Railroad, Inc., Austin Western Railroad, Inc., Baton Rouge Southern Railroad, LLC, Pacific Sun Railroad L.L.C., Grand Elk Railroad, and Alabama Warrior Railway, L.L.C.

Watco represents that: (1) The rail lines to be operated by BVR do not connect with any other railroads in the Watco corporate family; (2) the

transaction is not part of a series of anticipated transactions that would connect these rail lines with any other railroad in the Watco corporate family; and (3) the transaction does not involve a Class I rail carrier. Therefore, the transaction is 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 all of the carriers involved are Class III carriers.

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. Stay petitions must be filed no later than October 9, 2009 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35260, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Karl Morell, Of Counsel, Ball Janik, LLP, Suite 225, 1455 F Street, NW., Washington, DC 20005.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: September 28, 2009.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

**Jeffrey Herzig,**  
Clearance Clerk.

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**BILLING CODE 4915–01–P**

## DEPARTMENT OF THE TREASURY

### Financial Crimes Enforcement Network

#### **Proposed Collection; Comment Request; Currency Transaction Report**

**AGENCY:** Financial Crimes Enforcement Network, Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** As part of its continuing effort to reduce paperwork and respondent burden, the Financial Crimes

<sup>1</sup> Watco owns 100% of the issued and outstanding stock of BVR.