

by doing so, the Exchange will encourage the additional utilization of, and interaction with, the NYSE Amex Equities market and provide customers with the premier venue for price discovery, liquidity, competitive quotes and price improvement.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were solicited or received with respect to the proposed rule change.

### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act<sup>14</sup> and Rule 19b-4(f)(6) thereunder.<sup>15</sup> Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b-4(f)(6)(iii) thereunder.<sup>16</sup>

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing,

including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

#### *Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-NYSEAmex-2009-98 on the subject line.

#### *Paper Comments*

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-NYSEAmex-2009-98. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission,<sup>17</sup> all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make publicly available. All submissions should refer to File Number SR-NYSEAmex-2009-98 and should be submitted on or before February 5, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>18</sup>

**Florence E. Harmon,**

*Deputy Secretary.*

[FR Doc. 2010-637 Filed 1-14-10; 8:45 am]

BILLING CODE 8011-01-P

## **OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE**

### **2010 Special 301 Review: Identification of Countries Under Section 182 of the Trade Act of 1974: Request for Public Comment and Announcement of Public Hearing**

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Request for written submissions from the public and announcement of public hearing.

**SUMMARY:** Section 182 of the Trade Act of 1974 (Trade Act) (19 U.S.C. 2242) requires the United States Trade Representative (USTR) to identify countries that deny adequate and effective protection of intellectual property rights (IPR) or deny fair and equitable market access to U.S. persons who rely on intellectual property protection. (The provisions of Section 182 are commonly referred to as the "Special 301" provisions of the Trade Act.). The USTR is required to determine which, if any, of these countries should be identified as Priority Foreign Countries. Acts, policies, or practices that are the basis of a country's identification as a Priority Foreign Country can be subject to the procedures set out in sections 301-305 of the Trade Act.

In addition, USTR has created a "Priority Watch List" and "Watch List" to assist the Administration in pursuing the goals of the Special 301 provisions. Placement of a trading partner on the Priority Watch List or Watch List indicates that particular problems exist in that country with respect to IPR protection, enforcement, or market access for persons relying on intellectual property. Trading partners placed on the Priority Watch List are the focus of increased bilateral attention concerning the problem areas.

USTR chairs an interagency team that reviews information from many sources, and that consults with and makes recommendations to the USTR on issues arising under Special 301. Written submissions from interested persons are a key source of information for the Special 301 review process. In 2010, USTR through the Special 301

<sup>14</sup> 15 U.S.C. 78s(b)(3)(A)(iii).

<sup>15</sup> 17 CFR 240.19b-4(f)(6).

<sup>16</sup> In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

<sup>17</sup> The text of the proposed rule change is available on the Commission's Web site at <http://www.sec.gov>.

<sup>18</sup> 17 CFR 200.30-3(a)(12).

Committee will conduct a public hearing as part of the review process.

USTR is hereby requesting written submissions from the public concerning foreign countries' acts, policies, or practices that are relevant to the decision on whether a particular trading partner should be identified as a priority foreign country under Section 182 of the Trade Act or placed on the Priority Watch List or Watch List. Interested parties, including foreign governments, who want to testify at the public hearing must submit a request to testify at the hearing and a short hearing statement. The deadlines for these procedures are set out below.

**DATES:** The schedule for the 2010 Special 301 review is set forth below.

*Tuesday, February 16, 2010 (by 5 p.m.)*—For interested parties, except for foreign governments: Submit written comments, requests to testify at the Special 301 Public Hearing, and hearing statements.

*Tuesday, February 23, 2010 (by 5 p.m.)*—For foreign governments: Submit written comments, requests to testify at the Special 301 Public Hearing, and hearing statements.

*Wednesday, March 3, 2010, and additional days from March 4–8, 2010 as necessary*—Special 301 Committee Public Hearing for interested parties, including representatives of foreign governments, will be held at the United States International Trade Commission, 500 E St. SW., Washington, DC 20436.

*On or about April 30, 2010*—In accordance with statutory requirements, USTR will publish the 2010 Special 301 Report on or about April 30, 2010.

**ADDRESSES:** All written comments, requests to testify, and hearing statements should be sent electronically via <http://www.regulations.gov>, docket number USTR–2010–0003. Submissions should contain the term “2010 Special 301 Review” in the “Type comment & Upload file” field on <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Choe Groves, Senior Director for Intellectual Property and Innovation and Chair of the Special 301 Committee, Office of the United States Trade Representative, at (202) 395–4510. Further information about Special 301 can be located at <http://www.ustr.gov>.

#### **SUPPLEMENTARY INFORMATION:**

##### **1. Background**

USTR requests that interested persons identify those countries that deny adequate and effective protection for intellectual property rights or deny fair and equitable market access to U.S. persons who rely on intellectual

property protection. USTR requests that, where relevant, submissions mention particular regions, provinces, states, or other subdivisions of a country in which an act, policy, or practice is believed to warrant special attention. Submissions may report positive or negative developments with respect to these sub-national entities.

Section 182 contains a special rule regarding actions of Canada affecting United States cultural industries. The USTR must identify any act, policy or practice of Canada that affects cultural industries, is adopted or expanded after December 17, 1992, and is actionable under Article 2106 of the North American Free Trade Agreement (NAFTA). USTR must make the above-referenced identifications within 30 days after publication of the National Trade Estimate (NTE) report, *i.e.*, approximately April 30, 2010.

##### **2. Public Comments**

###### *a. Written Comments*

The Special 301 Committee invites written submissions from the public concerning foreign countries' acts, policies, or practices that are relevant to the decision whether a particular trading partner should be identified under Section 182 of the Trade Act. As noted above, interested parties, except for foreign governments, must submit written comments by February 16, 2010 at 5 p.m. Interested foreign governments must submit written comments by February 23, 2010 at 5 p.m.

###### *b. Requirements for Comments*

Written comments should include a description of the problems experienced by the submitter and the effect of the acts, policies, and practices on U.S. industry. Comments should be as detailed as possible and should provide all necessary information for assessing the effect of the acts, policies, and practices. Any comments that include quantitative loss claims should be accompanied by the methodology used in calculating such estimated losses. Comments must be in English. All comments should be sent electronically via <http://www.regulations.gov>, docket number USTR–2010–0003.

To submit comments to <http://www.regulations.gov>, find the docket by entering the number USTR–2010–0003 in the “Enter Keyword or ID” window at the <http://www.regulations.gov> 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 & Upload file” field, or by attaching a document. It is USTR's preference that comments be provided in an attached document. If a document is attached, please type “2010 Special 301 Review” in the “Type comment & Upload file” field. 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 “Comments” field.

##### **3. Public Hearing**

###### *a. Notice of Public Hearing*

The Special 301 Committee will hold a public hearing at the United States International Trade Commission, 500 E St. SW., Washington, DC 20436 for interested parties, including representatives of foreign governments, beginning on March 3 and continuing through March 4–8 (as necessary). The hearing will be open to the public, and a transcript of the hearing will be made available on <http://www.ustr.gov>.

###### *b. Submission of Requests To Testify at the Public Hearing and Hearing Statements*

All interested parties, except foreign governments, wishing to testify at the hearing must submit, by 5 p.m. on February 16, 2010, a “Notice of Intent to Testify” and “Hearing Statement” to <http://www.regulations.gov> (following the procedures set forth in “Requirements for Comments” above), the name of the witness, name of the organization (if applicable), address, telephone number, fax number, and e-mail address. Oral testimony before the Special 301 Committee will be limited to one five-minute presentation in English. A five-minute period will be allowed for questions from the Special 301 Committee. If those testifying wish to submit a longer “Hearing Statement” for the record, it must accompany the “Notice of Intent to Testify” to be submitted on February 16, 2010.

All interested foreign governments who wish to testify at the hearing must submit, by 5 p.m. on February 23, 2010, a “Notice of Intent to Testify” to <http://www.regulations.gov> (following the procedures set forth in “Requirements

for Comments" above), the name of the witness, name of the organization (if applicable), address, telephone number, fax number, and e-mail address. Oral testimony before the Special 301 Committee will be limited to one five-minute presentation in English. A five-minute period will be allowed for questions from the Special 301 Committee. If foreign governments testifying wish to submit a "Hearing Statement" for the record, it must be submitted by February 23, 2010.

#### 4. Business Confidential Information

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, the submission must be marked "BUSINESS CONFIDENTIAL" at the top and bottom of the cover page and each succeeding page, and the submission should indicate, via brackets, the specific information that is confidential. Additionally, "Business Confidential" should be included in the "Type comment & Upload file" field. Anyone submitting a comment containing business confidential information must also submit as a separate submission a non-confidential version of the confidential submission, indicating where confidential information has been redacted. The non-confidential summary will be placed in the docket and open to public inspection.

#### 5. Inspection of Comments, Notices, and Hearing Statements

USTR will maintain a docket on the 2010 Special 301 Review, accessible to the public. The public file will include non-confidential comments, notices of intent to testify, and hearing statements received by USTR from the public, including foreign governments, with respect to the 2010 Special 301 Review. 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. Comments may be viewed on the <http://www.regulations.gov> Web site by entering docket number USTR-2010-0003 in the search field on the home page.

**Stanford K. McCoy,**  
Assistant U.S. Trade Representative for  
Intellectual Property and Innovation.

[FR Doc. 2010-620 Filed 1-14-10; 8:45 am]

BILLING CODE 3190-WO-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 35339]

#### Carolina Coastal Railway, Inc.— Acquisition and Operation Exemption—North Carolina State Ports Authority

Carolina Coastal Railway, Inc. (CLNA), a Class III rail carrier, has filed a verified notice of exemption <sup>1</sup> under 49 CFR 1150.41 to acquire, by assignment, Morehead & South Fork Railroad Co.'s (MHSF) lease with the North Carolina State Ports Authority (SPA) and to operate approximately 0.87 miles of SPA's rail lines as follows: (1) From milepost 0.0 to milepost 0.87 at Gallants Channel on Radio Island, in Morehead City; <sup>2</sup> (2) from milepost 0.0, in Morehead City, through and including the classification yard parallel to Highway 70 onto the Morehead City Port; <sup>3</sup> and (3) all of the railroad tracks owned or leased by SPA (or previously owned or leased by North Carolina Ports Railway Commission), in Carteret County that might have been omitted from the lines' description. The lines also include 4 additional miles of intra-terminal trackage.

CLNA certifies that its projected annual revenues as a result of this transaction will not exceed those that would qualify it as a Class III carrier and further certifies that its projected revenues will not exceed \$5 million.

CLNA states that its services will replace those provided by MHSF on or about February 1, 2010 (after the January 29, 2010 effective date of the exemption, 30 days after the exemption was filed).

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

<sup>1</sup> CLNA supplemented its notice with a letter filed January 8, 2010, confirming that the agreement between the parties does not contain any provisions prohibiting petitioner from interchanging traffic with any third party.

<sup>2</sup> The line extends from the connection with the Norfolk Southern Railway Company/North Carolina Railroad Company, and includes the spur track and consolidation tracks leading from the line, generally along Inlet Drive, to the industrial tracks on the property leased from SPA to the PCS Phosphate Company, Inc., rail car dump and the "Fishmeal" spur on the area commonly known as Marsh Island, in Carteret County, NC.

<sup>3</sup> The line extends from the connection with the Norfolk Southern Railway Company/North Carolina Railroad Company, and includes all of the railroad tracks on the Morehead City Port's property, whether denominated as spurs, side tracks, industrial tracks, or otherwise, in Carteret County.

automatically stay the effectiveness of the exemption. Stay petitions must be filed no later than January 22, 2010 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35339, 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 John D. Heffner, John D. Heffner, PLLC, 1750 K Street, NW., Suite 200, Washington, DC 20006.

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

Decided: January 12, 2010.

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

**Andrea Pope-Matheson,**  
Clearance Clerk.

[FR Doc. 2010-679 Filed 1-14-10; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-1056X; STB Docket No. AB-1066 (Sub-No. 1X)]

#### Pioneer Industrial Railway Co.— Discontinuance of Service Exemption—Line in Peoria County, IL; Central Illinois Railroad Company— Discontinuance of Service Exemption—Line in Peoria County, IL

On December 29, 2009, Pioneer Industrial Railway Co. (PIRY) and Central Illinois Railroad Company (CIRY), jointly filed with the Surface Transportation Board a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903.<sup>1</sup> PIRY seeks to discontinue service over 8.29 miles of rail line known as the Kellar Branch, between mileposts 1.71 and 10.0, owned by and located in the City of Peoria and the Village of Peoria Heights, IL. CIRY seeks to discontinue service over a 5.72-mile portion of the Kellar Branch, between mileposts 2.78 and 8.50.<sup>2</sup> The line traverses United

<sup>1</sup> Applicants also seek exemptions from 49 U.S.C. 10904 (offer of financial assistance procedures) and 49 U.S.C. 10905 (public use conditions). These requests will be addressed in the final decision. We note, however, that because this is a discontinuance proceeding and not an abandonment, trail use/rail banking and public use conditions are not appropriate. Similarly, no environmental or historic documentation is required under 49 CFR 1105.6(c)(2) and 1105.8(e).

<sup>2</sup> PIRY was authorized to lease and operate the line in *Pioneer Industrial Railway Co.—Lease and Operation Exemption—Peoria, Peoria Heights & Western Railroad*, STB Finance Docket No. 33549