DEPARTMENT OF STATE

[Public Notice 6574]

Correction of Information on Town Hall Meetings Preparatory to the Conference on Holocaust Era Assets Hosted by the Czech Republic in Prague June 26–30, 2009.

AGENCY: Department of State.

ACTION: Notice; correction.

SUMMARY: The Department of State published a document in the Federal Register of March 23, 2009 entitled: “Preparations for Holocaust Era Assets Conference—Town Hall Follow-up Meetings on Looting Art, Immovable Property and Holocaust Compensation Agreements.” It has become necessary to change the dates of these meetings.

FOR FURTHER INFORMATION CONTACT: Office of Holocaust Issues (EUR/OHI), Bureau of European and Eurasian Affairs, at (202) 647–8047, jones-johnsonCD@state.gov.

Correction

In the Federal Register of March 23, 2009, Volume 74, Number 54, [Notices] [Page 12173] the dates and times of the meetings should read as follows:

—May 4 at 9:45 a.m.: Looting Art.
—May 4 at 1:45 p.m.: Immovable Property.
—May 5 at 9:45 a.m.: Financial Compensation Agreements—stocktaking.

Location: Department of State, 2201 C Street, NW., Washington, DC 20520.

The Department of State is 2201 C Street, NW., Washington, DC.

Written submissions are welcome and should be sent to Ms. Jones-Johnson at the e-mail address cited above by close of business April 30.


Elizabeth Nakian,
Deputy Director, Office of the Special Envoy for Holocaust Issues, Department of State.

[FR Doc. E9–8255 Filed 4–9–09; 8:45 am]

BILLING CODE 4710–23–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. USTR—2009–0011]

Initiation of Section 302 Investigation, Determination of Action Under Section 301, and Request for Comments: Canada—Compliance With Softwood Lumber Agreement

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of initiation of Section 302 investigation and determinations therein; imposition of duties on certain softwood lumber from Canada; and request for public comment.

SUMMARY: Under the 2006 Softwood Lumber Agreement (SLA), Canada agreed to impose export measures on Canadian exports of softwood lumber products to the United States. At the request of the United States, an arbitral tribunal established under the SLA found that Canada had not complied with certain SLA obligations, and in February 2009 the tribunal issued an award concerning the remedy to be applied. In order to enforce U.S. rights under the SLA, the United States Trade Representative (“Trade Representative”) has initiated an investigation under Section 302 of the Trade Act of 1974, as amended (“Trade Act”). In that investigation, the USTR has (i) determined that Canada is denying U.S. rights under the SLA; (ii) found that expeditious action is required to enforce U.S. rights under the SLA; and (iii) determined that appropriate action under Section 301 of the Trade Act is to impose 10 percent ad valorem duties on imports of softwood lumber products from the provinces of Ontario, Quebec, Manitoba, and Saskatchewan, as set out in the annex to this notice. The duties will remain in place until such time as the United States has collected $54.8 million, which is the amount determined by the arbitral tribunal. Interested persons are invited to submit comments on the determinations in this investigation, and to participate in a public hearing in the event a hearing is requested.

DATES: Effective Date: The 10 percent ad valorem duties on imports of softwood lumber products from the provinces of Ontario, Quebec, Manitoba, and Saskatchewan shall be effective with respect to products that are entered for consumption or withdrawn from warehouse for consumption on or after April 15, 2009.

ADDRESSES: Non-confidential comments (as explained below) should be submitted electronically via the Internet at http://www.regulations.gov, docket number USTR–2009–0011. 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. If (as explained below), the comment contains confidential information, then persons wishing to submit such comments should contact Sandy McKinzy at (202) 395–9483.

FOR FURTHER INFORMATION CONTACT: John Melle, Deputy Assistant USTR for the Americas, (202) 395–9448, or Daniel Stirk, Assistant General Counsel, (202) 395–9617, for questions concerning the enforcement of U.S. rights under the SLA; William Busis, Associate General Counsel and Chair of the Section 301 Committee, (202) 395–3150, for questions concerning procedures under Section 301; or Gwendolyn Diggs, Staff Assistant to the Section 301 Committee, (202) 395–5830, for questions concerning procedures for filing submissions in response to this notice.

SUPPLEMENTARY INFORMATION:

A. Enforcement of U.S. Rights Under the SLA

Under the SLA, Canada agreed to impose export measures on Canadian exports of softwood lumber products to the United States. When the prevailing monthly price of lumber, determined per the Agreement, is above US$355 per thousand board feet (MBF), Canadian lumber exports are unrestricted. When prices are at or below US$355 per MBF, each Canadian exporting region has chosen to be subject to either an export tax with a soft volume cap or a lower export tax with a hard volume cap. The export measures are to be adjusted in accordance with the market price of lumber, and the SLA includes an adjustment mechanism to ensure that the export volume caps are calculated.
appropriately under rapidly changing market conditions. The SLA provides that disputes under the agreement may be submitted to an arbitral tribunal operating under the auspices of the LCIA (formerly the London Court of International Arbitration). In order to enforce U.S. rights under the SLA, in August 2007 the United States requested that an arbitral tribunal examine a U.S. claim that Canada was not complying with its SLA obligations to impose export measures. In a March 2008 award on liability, the tribunal agreed with the United States that Canada failed properly to calculate export quotas for the Eastern provinces during the first six months of 2007.1 In a February 26, 2009 award on remedy, the tribunal found that Canada’s failure to make the downward adjustments provided for under the SLA resulted in greater levels of shipments from Canada than were allowed under the SLA, a failure which exacerbated already difficult market conditions.2 In its February 2009 award on remedy, the tribunal (i) rejected Canada’s argument that Canada had already cured the breach simply by starting to apply the adjustment and thus that no further remedy was required, and (ii) determined that appropriate adjustments to the export measures in light of Canada’s breach would consist of collecting an additional 10 percent export charge until Canada had collected CDN $68.26 million. (Based on the exchange rate at the time of the award, the U.S. dollar equivalent is $54.8 million.) The tribunal ordered Canada to cure its breach within 30 days, the maximum period permitted under the SLA. The tribunal determined that if Canada failed to cure the breach within 30 days, the SLA required Canada to impose the compensatory export measures as determined by the tribunal. The tribunal did not opine upon what an adequate cure would be. During the 30-day period, the United States and Canada discussed Canada’s intended course of action to cure the breach. Canada took no action during the 30-day period, which expired on March 28, 2009. On March 27, 2009, Canada informed the United States that it did not intend to adopt any export measure, and instead its only action would be to make an offer of a monetary payment to the Government of the United States. A monetary payment, however, would do nothing to cure Canada’s breach resulting from excess shipments of softwood lumber in 2007. The SLA provides that in the event the complaining party finds that the defending party has failed to cure the breach or impose the compensatory adjustments determined by the Tribunal within 30 days of an award, the complaining party is entitled to impose the compensatory measures itself. Accordingly, with regard to Canada’s 2007 breach of the SLA, the SLA authorizes the United States to impose duties in an amount not to exceed the additional export charges that the tribunal has specified as compensation for the breach. The SLA contemplates the use of Section 301 as a mechanism for imposing such duties. B. Initiation of Section 302 Investigation and Determinations Therein Section 302(b) of the Trade Act authorizes the Trade Representative to initiate an investigation of any matter covered under Section 301, including whether the rights of the United States under a trade agreement are being denied. In accordance with the recommendation of the interagency Section 301 Committee, the Trade Representative has initiated an investigation of whether Canada has denied U.S. rights under the SLA. Section 303 of the Trade Act requires that the Trade Representative request consultations on the date of initiation of the investigation with the country subject to the investigation. Accordingly, the United States has issued a consultation request to the Government of Canada concerning Canada’s compliance with its SLA obligations. Section 304(b) of the Trade Act requires that the Trade Representative engage in certain consultations before making determinations in a Section 301 investigation. However, if expeditious action is required, the Trade Representative may first make determinations in the investigation, and then engage in Section 304 consultations. In accordance with the recommendation of the Section 301 Committee, the Trade Representative has found that expeditious action is required to secure U.S. rights under the SLA. Under Section 304(a)(1) of the Trade Act, the Trade Representative shall determine whether the rights of the United States under a trade agreement are being denied. If the determination is affirmative, the Trade Representative shall further determine what action to take under Section 301.

1 The Award on Liability can be viewed on USTR’s Web site: http://www.ustr.gov.
2 The Award on Remedy can be viewed on USTR’s Web site: http://www.ustr.gov.
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 “Send a Comment or Submission.” (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 “General Comments” field, or by attaching a document. Given the detailed nature of the comments sought by the Section 301 Committee, all comments should be provided in an attached document. Submissions must state clearly the position taken and describe with specificity the supporting rationale and must be written in English. After attaching the document, it is sufficient to type “See attached” in the “General Comments” field.

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 may be viewed on the http://www.regulations.gov Web site by entering docket number USTR–2009–0011 in the search field on the home page.

Persons wishing to submit business confidential information must certify in writing that such information is confidential in accordance with 15 CFR 2006.15(b), and such information must be clearly marked “BUSINESS CONFIDENTIAL” at the top and bottom of the cover page and each succeeding page. Any comment containing business confidential information must be accompanied by a non-confidential summary of the confidential information. The non-confidential summary will be placed in the docket and open to public inspection. Comments containing business confidential information should not be submitted via the http://www.regulations.gov Web site. Instead, persons wishing to submit such comments should contact Sandy McKinzy at (202) 395–9483.

William L. Busis,
Chair, Section 301 Committee.

DEPARTMENT OF TRANSPORTATION
Surface Transportation Board

[STB Finance Docket No. 35231]

**Indian Pacific Railroad Company—Acquisition and Operation Exemption—Pigeon River Railroad Company**

**Indian Northeastern Railroad Company (INRC), a Class III rail carrier,** has filed a verified notice of exemption under 49 CFR 1150.41 to acquire from Pigeon River Railroad Company (PGRV) and to operate, approximately 9.27 miles of rail line extending from milepost 122.53, near the Town of Ashley, in Steuben County, IN, to milepost 131.8, near the unincorporated community of South Milford, in LaGrange County, IN.

The transaction is scheduled to be consummated on April 25, 2009, the effective date of the exemption (30 days after the exemption is filed).

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

According to INRC, there is no provision or agreement that may limit future interchange with a third-party connecting carrier.

Pursuant to the Consolidated Appropriations Act, 2008, Public Law 110–161, section 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 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 does not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than April 17, 2009 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35231, 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 Gordon P. MacDougall, Esq., 1025 Connecticut Avenue, NW., Room 919, Washington, DC 20036–5444.

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


By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Jeffrey Herzig,
Clearance Clerk.

[FR Doc. E9–8232 Filed 4–9–09; 8:45 am]

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DEPARTMENT OF TRANSPORTATION
Surface Transportation Board

[STB Finance Docket No. 35225]

**San Benito Railroad LLC—Acquisition Exemption—Certain Assets of Union Pacific Railroad Company**

San Benito Railroad, LLC (San Benito), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from Union Pacific Railroad Company (UP) certain railroad assets, including approximately 12.43 miles of rail line extending between approximately milepost 0.07 and approximately milepost 12.50 in the county of San Benito, CA.1 According to

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1 In the transaction, UP does not transfer to San Benito the right or obligation to conduct common carrier freight operations. UP currently conducts and will continue to conduct common carrier freight operations over the rail line, retaining an exclusive and perpetual freight operating easement.