

SURFACE TRANSPORTATION BOARD**[Docket No. FD 36381]****Toledo Industrial Railroad LLC—
Operation Exemption—Line in Lucas
County, Ohio**

Toledo Industrial Railroad LLC (TIR), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to operate approximately 5,500 feet of existing railroad trackage inside an existing transloading facility (the Line). The transloading facility is operated by TIR's affiliate, Midwest Terminals of Toledo, Inc. (Midwest Terminals). The Line is located in Toledo, Lucas County, Ohio. TIR states that there are no mileposts on the Line.

The verified notice states that currently the Line is operated by Midwest Terminals as private track. TIR states that it will enter into an operating license that will give TIR control of the Line and the other tracks within the transloading facility. Under the proposed transaction, TIR will operate as a terminal switching common carrier, operating the Line as common carrier line and the other tracks in the facility as excepted yard tracks and side tracks.

TIR certifies that, as a result of the proposed transaction, its projected revenues will not exceed \$5 million annually and will not exceed those that would qualify it as a Class III carrier. TIR states that the proposed transaction would not impose any interchange commitment.

The proposed transaction may be consummated on or after March 5, 2020, the effective date of the exemption (30 days after the verified notice was filed).¹

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 27, 2020 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36381, 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 TIR's representative, Eric M. Hocky, Esq., Clark Hill PLC,

Two Commerce Square, 2001 Market St., Suite 2620, Philadelphia, PA 19103.

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

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

Decided: February 13, 2020.

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

Regena Smith-Bernard,
Clearance Clerk.

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**OFFICE OF THE UNITED STATES
TRADE REPRESENTATIVE****Notice of Product Exclusions: China's
Acts, Policies, and Practices Related to
Technology Transfer, Intellectual
Property, and Innovation**

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of product exclusions.

SUMMARY: In September of 2018, the U.S. Trade Representative imposed additional duties on goods of China with an annual trade value of approximately \$200 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 initiated a product exclusion process in June 2019, and interested persons have submitted requests for the exclusion of specific products. This notice announces the U.S. Trade Representative's determination to grant certain exclusion requests, as specified in the Annex to this notice, and makes amendments to certain notes in the Harmonized Tariff Schedule of the United States (HTSUS).

DATES: The product exclusions announced in this notice will apply as of September 24, 2018, the effective date of the \$200 billion action, to August 7, 2020. The amendments announced in this notice are retroactive to the date the original exclusions were published.

FOR FURTHER INFORMATION CONTACT: For general questions about this notice, contact Assistant General Counsels Philip Butler or Benjamin Allen, 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 the prior notices issued in the investigation, including 82 FR 40213 (August 23, 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 47974 (September 21, 2018), 83 FR 49153 (September 28, 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 38717 (August 7, 2019), 84 FR 46212 (September 3, 2019), 84 FR 49591 (September 20, 2019), 84 FR 57803 (October 28, 2019), 84 FR 61674 (November 13, 2019), 84 FR 65882 (November 29, 2019), 84 FR 69012 (December 17, 2019), 85 FR 549 (January 6, 2020), and 85 FR 6674 (February 5, 2020).

Effective September 24, 2018, the U.S. Trade Representative imposed additional 10 percent duties on goods of China classified in 5,757 full and partial subheadings of the Harmonized Tariff Schedule of the United States (HTSUS), with an approximate annual trade value of \$200 billion. *See* 83 FR 47974, as modified by 83 FR 49153. In May 2019, the U.S. Trade Representative increased the additional duty to 25 percent. *See* 84 FR 20459. On June 24, 2019, the Trade Representative established a process by which U.S. stakeholders may request exclusion of particular products classified within an 8-digit HTSUS subheading covered by the \$200 billion action from the additional duties. *See* 84 FR 29576 (the June 24 notice).

Under the June 24 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 8-digit subheading covered by the \$200 billion action. Requestors also had to provide the 10-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, requestors had to address the following factors:

- Whether the particular product is available only from China and specifically whether the particular

¹ TIR initially submitted the verified notice on January 22, 2020. On February 4, 2020, TIR filed a supplement to clarify the length of the Line. In light of that supplement, February 4, 2020 is deemed the filing date of the verified notice.