

Dated: November 26, 2013.

**Jeanne Hulit,**

*Acting Administrator.*

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## DEPARTMENT OF STATE

### [Public Notice 8544]

#### Presidential Permit for Kinder Morgan Cochin, LLC

November 27, 2013.

**AGENCY:** Department of State.

**ACTION:** Notice of Issuance of a Presidential Permit for Kinder Morgan Cochin, LLC.

**SUMMARY:** The Department of State issued a Presidential Permit to Kinder Morgan Cochin, LLC (“KM Cochin”) on November 19, 2013, authorizing KM Cochin to connect, operate, and maintain existing pipeline facilities it acquired at the border of the United States and Canada at a point in Renville County, North Dakota, as a common carrier, for the transport of light liquid hydrocarbons between the United States and Canada. The Department of State determined that issuance of this permit would serve the national interest. In making this determination and issuing the permit, the Department of State followed the procedures established under Executive Order 13337, and provided public notice and opportunity for comment.

#### FOR FURTHER INFORMATION CONTACT:

Office of Europe, Western Hemisphere and Africa, Bureau of Energy Resources, U.S. Department of State (ENR/EDP/EWA). 2201 C St. NW., Ste. 4843, Washington DC 20520. Attn: Michael Brennan. Tel: 202–647–7553.

#### SUPPLEMENTARY INFORMATION:

Additional information concerning the KM Cochin pipeline and documents related to the Department of State’s review of the application for a Presidential Permit can be found at <http://www.state.gov/e/enr/applicant/applicants/c54799.htm>. Following is the text of the issued permit:

#### PRESIDENTIAL PERMIT

AUTHORIZING KINDER MORGAN COCHIN, LLC TO CONNECT, OPERATE, AND MAINTAIN PIPELINE FACILITIES AT THE INTERNATIONAL BOUNDARY BETWEEN THE UNITED STATES AND CANADA

By virtue of the authority vested in me as Deputy Secretary of State, including those authorities under Executive Order 13337, 69 Fed. Reg. 25299 (2004), and Department of State Delegation of Authority 245–1 of February 13, 2009; having requested and received the views of members of the public

and various federal agencies; I hereby grant permission, subject to the conditions herein set forth, to Kinder Morgan Cochin, LLC (hereinafter referred to as the “permittee”), a Delaware limited liability company, to connect, operate, and maintain pipeline facilities at the border of the United States and Canada at a point in Renville County, North Dakota, as a common carrier for the transport of light liquid hydrocarbons between the United States and Canada.

The term “facilities” as used in this permit means the relevant portion of the pipeline and any land, structures, installations or equipment appurtenant thereto.

The term “United States facilities” as used in this permit means those parts of the facilities located in the United States. The United States facilities consist of a 12.75 inch diameter pipeline extending from the international border between the United States and Canada at a point near Sherwood in Renville County, North Dakota, to the first block valve in the United States, located at milepost 636 of the pipeline, approximately 14.5 miles south of the international boundary. The United States facilities also include certain appurtenant facilities.

This permit is subject to the following conditions:

*Article 1.* (1) The United States facilities herein described, and all aspects of their operation, shall be subject to all the conditions, provisions, and requirements of this permit and any amendment thereof. This permit may be terminated or amended at any time at the discretion of the Secretary of State or the Secretary’s delegate or upon proper application therefor. The permittee shall make no substantial change in the United States facilities, the location of the United States facilities, or in the operation authorized by this permit until such changes have been approved by the Secretary of State or the Secretary’s delegate.

(2) The connection, operation and maintenance of the United States facilities shall be in all material respects as described in the permittee’s November 14, 2012 application for a Presidential Permit (the “Application”).

*Article 2.* The standards for, and the manner of, the operation and maintenance of the United States facilities shall be subject to inspection and approval by the representatives of appropriate federal, state and local agencies. The permittee shall allow duly authorized officers and employees of such agencies free and unrestricted access to said facilities in the performance of their official duties.

*Article 3.* The permittee shall comply with all applicable federal, state, and local laws and regulations regarding the connection, operation, and maintenance of the United States facilities and with all applicable industrial codes. The permittee shall obtain all requisite permits from state and local government entities and relevant federal agencies.

*Article 4.* Connection, operation, and maintenance of the United States facilities hereunder shall be subject to the limitations, terms, and conditions issued by any competent agency of the United States Government. The permittee shall continue

the operations hereby authorized and conduct maintenance in accordance with such limitations, terms, and conditions. Such limitations, terms, and conditions could address, for example, environmental protection and mitigation measures, safety requirements, export or import and customs regulations, measurement capabilities and procedures, requirements pertaining to the pipeline’s capacity, and other pipeline regulations.

*Article 5.* The permittee shall notify the Commissioner of Customs and Border Protection immediately if it plans to inject foreign merchandise into the United States facilities.

*Article 6.* Upon the termination, revocation, or surrender of this permit, and unless otherwise agreed by the Secretary of State or the Secretary’s delegate, the United States facilities in the immediate vicinity of the international boundary shall be removed by and at the expense of the permittee within such time as the Secretary of State or the Secretary’s delegate may specify, and upon failure of the permittee to remove, or to take such other action with respect to, this portion of the United States facilities as ordered, the Secretary of State or the Secretary’s delegate may direct that possession of such facilities be taken and that they be removed or other action taken, at the expense of the permittee; and the permittee shall have no claim for damages by reason of such possession, removal, or other action.

*Article 7.* When, in the opinion of the President of the United States, the national security of the United States demands it, due notice being given by the Secretary of State or the Secretary’s delegate, the United States shall have the right to enter upon and take possession of any of the United States facilities or parts thereof; to retain possession, management, or control thereof for such length of time as may appear to the President to be necessary; and thereafter to restore possession and control to the permittee. In the event that the United States shall exercise such right, it shall pay to the permittee just and fair compensation for the use of such United States facilities upon the basis of a reasonable profit in normal conditions, and the cost of restoring said facilities to as good condition as existed at the time of entering and taking over the same, less the reasonable value of any improvements that may have been made by the United States.

*Article 8.* Any transfer of ownership or control of the United States facilities or any part thereof shall be immediately notified in writing to the United States Department of State, including the submission of information identifying the transferee. This permit shall remain in force subject to all the conditions, permissions and requirements of this permit and any amendments thereto unless subsequently terminated or amended by the Secretary of State or the Secretary’s delegate.

*Article 9.* (1) The permittee is responsible for acquiring any right-of-way grants or easements, permits, and other authorizations as may become necessary and appropriate.

(2) The permittee shall save harmless and indemnify the United States from any

claimed or adjudged liability arising out of construction, connection, operation, or maintenance of the facilities, including but not limited to environmental contamination from the release or threatened release or discharge of hazardous substances and hazardous waste.

(3) The permittee shall maintain the United States facilities and every part thereof in a condition of good repair for their safe operation, and in compliance with prevailing environmental standards and regulations.

**Article 10.** The permittee shall take all necessary measures to prevent or mitigate adverse environmental impacts or disruption of archeological resources in connection with connection, operation and maintenance of the United States facilities. Such measures will include any mitigation and control plans that are already approved or that are approved in the future by the Department of State or other relevant federal agencies, and any other measures deemed prudent by the permittee.

**Article 11.** The permittee shall file with the appropriate agencies of the United States Government such statements or reports under oath with respect to the United States facilities, and/or permittee's activities and operations in connection therewith, as are now or may hereafter be required under any laws or regulations of the United States Government or its agencies. The permittee shall file electronic Export Information where required.

**Article 12.** The permittee shall provide information upon request to the Department of State with regard to the United States facilities. Such requests could include, for example, information concerning current conditions or anticipated changes in ownership or control, construction, connection, operation, or maintenance of the U.S. facilities.

**IN WITNESS WHEREOF, I,** the Deputy Secretary of State have hereunto set my hand this 19th day of November 2013 in the City of Washington, District of Columbia.

William J. Burns  
Deputy Secretary of State

Date: November 27, 2013.

**Michael F. Brennan,**

*Energy Officer, Office of Europe, Western Hemisphere and Africa, Bureau of Energy Resources, U.S. Department of State.*

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## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### Request for Comments Concerning Compliance With Telecommunications Trade Agreements

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

**ACTION:** Notice of request for public comment and reply comment.

**SUMMARY:** Pursuant to section 1377 of the Omnibus Trade and

Competitiveness Act of 1988 (19 U.S.C. 3106) ('Section 1377'), the Office of the United States Trade Representative ('USTR') is reviewing and requests comments on the operation, effectiveness, and implementation of, and compliance with the following agreements regarding telecommunications products and services of the United States: The World Trade Organization ('WTO') General Agreement on Trade in Services; The North American Free Trade Agreement ('NAFTA'); U.S. free trade agreements ('FTAs') with Australia, Bahrain, Chile, Colombia, Korea, Morocco, Oman, Panama, Peru, and Singapore; the Dominican Republic-Central America-United States Free Trade Agreement ('CAFTA-DR'); and any other telecommunications trade agreements, such as Mutual Recognition Agreements (MRAs) for Conformity Assessment of Telecommunications Equipment. The USTR will conclude the review by March 31, 2014.

**DATES:** Comments are due on January 3, 2014 and reply comments on January 24, 2014.

**ADDRESSES:** Submissions should be made via the Internet at [www.regulations.gov](http://www.regulations.gov) docket number USTR-2013-0039. For alternatives to on-line submissions please contact Yvonne Jamison (202-395-3475). The public is strongly encouraged to file submissions electronically rather than by facsimile or mail.

**FOR FURTHER INFORMATION CONTACT:** Jonathan McHale, Office of Services and Investment, (202) 395-9533; or Ashley Miller, Office of Market Access and Industrial Competitiveness, (202) 395-9476.

**SUPPLEMENTARY INFORMATION:** Section 1377 requires the USTR to review annually the operation and effectiveness of all U.S. trade agreements regarding telecommunications products and services that are in force with respect to the United States. The purpose of the review is to determine whether any act, policy, or practice of a country that has entered into a trade agreement or other telecommunications trade agreement with the United States is inconsistent with the terms of such agreement or otherwise denies U.S. firms, within the context of the terms of such agreements, mutually advantageous market opportunities for telecommunications products and services. For the current review, the USTR seeks comments on:

(1) Whether any WTO member is acting in a manner that is inconsistent with its obligations under WTO agreements affecting market opportunities for telecommunications

products or services, *e.g.*, the WTO General Agreement on Trade in Services ('GATS'), including the Agreement on Basic Telecommunications Services, the Annex on Telecommunications, and any scheduled commitments including the Reference Paper on Pro-Competitive Regulatory Principles; the WTO Agreement on Subsidies and Countervailing Measures; the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights; or the plurilateral WTO Agreement on Government Procurement.

(2) Whether Canada or Mexico has failed to comply with its telecommunications obligations under the NAFTA;

(3) Whether Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras or Nicaragua has failed to comply with its telecommunications obligations under the CAFTA-DR;

(4) Whether Australia, Bahrain, Chile, Colombia, Korea, Morocco, Oman, Panama, Peru, or Singapore has failed to comply with its telecommunications obligations under its FTA with the United States (see <http://www.ustr.gov/trade-agreements/free-trade-agreements> for links to U.S. FTAs);

(5) Whether any country has failed to comply with its obligations under telecommunications trade agreements with the United States other than FTAs, *e.g.*, Mutual Recognition Agreements (MRAs) for Conformity Assessment of Telecommunications Equipment (see <http://ts.nist.gov/standards/conformity/mra/mra.cfm> for links to certain U.S. telecommunications MRAs);

(6) Whether any act, policy, or practice of a country cited in a previous section 1377 review remains unresolved (see <http://www.ustr.gov/trade-topics/services-investment/telecom-e-commerce/section-1377-review> for recent reviews); and

(7) Whether any measures or practices of a country that is a WTO member or for which an FTA or telecommunications trade agreement has entered into force with respect to the United States impede access to its telecommunications markets or otherwise deny market opportunities to telecommunications products and services of United States firms. Measures or practices of interest include, for example, efforts by a foreign government or a telecommunications service provider to block services delivered over the Internet (including, but not limited to voice over Internet protocol services, social networking, and search services); requirements for access to or use of networks that limit the products or services U.S. suppliers