

Issued in Washington, D.C. on September 7, 1996.

Kendall L. Ball,

*Acting Manager, Passenger Facility Charge Branch.*

[FR Doc. 96-23096 Filed 9-9-96; 8:45 am]

BILLING CODE 4910-13-M

## Surface Transportation Board <sup>1</sup>

[STB Finance Docket No. 32986]

### Missouri Pacific Railroad Company— Trackage Rights Exemption—Elgin, Joliet and Eastern Railway Company

Elgin, Joliet and Eastern Railway Company (EJ&E) has agreed to grant overhead trackage rights to Missouri Pacific Railroad Company (MP) over approximately 130 miles of rail lines extending from milepost 0 in South Chicago, IL, through Gary, IN (milepost 12 and milepost 45, including Kirk Yard), including EJ&E's City Track Line between Gary and Goff, IN, and EJ&E's Whiting Line from Cavanaugh, IN, to Calumet Tower, IN, through milepost 25 at Chicago Heights, IL, milepost 0 at Joliet, IL, and milepost 29 at West Chicago, IL, to Waukegan, IL, to the end of EJ&E's ownership near milepost 74.<sup>2</sup> The trackage rights were scheduled to become effective on the date of final agreement of the parties but not sooner than August 28, 1996, the effective date of the exemption.<sup>3</sup>

This notice is filed under 49 CFR 1180.2(d)(7). 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 will not stay the transaction.

<sup>1</sup> The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803, which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission and transferred certain functions to the Surface Transportation Board (Board). This notice relates to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 11323-24.

<sup>2</sup> In addition to describing the proposed trackage rights, MP has recited that operation of those rights may require construction of some connecting track between the EJ&E and either the MP or another railroad. MP states that the construction would not require Board authorization and "none is sought by this notice." Publication of this notice should not be deemed to be acquiescence by the Board in MP's characterization of the Board's jurisdiction over any such construction.

<sup>3</sup> A Petition to Reject, to Revoke, And/Or to Stay was filed in this proceeding (and also relates to STB Finance Docket No. 32985) on August 27, 1996, by Joseph C. Szabo, for and on behalf of United Transportation Union-Illinois Legislative Board (UTU-IL). The City of West Chicago and the Brotherhood of Locomotive Engineers join with UTU-IL in separate petitions filed on August 27, 1996, and August 29, 1996, respectively. The petitions will be addressed in a separate decision or decisions.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 32986, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423 and served on: Joseph D. Anthofer, General Attorney, 1416 Dodge Street, #830, Omaha, NE 68179.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Decided: September 4, 1996.

By the Board, David M. Konschnik,  
Director, Office of Proceedings.

Vernon A. Williams,

*Secretary.*

[FR Doc. 96-23118 Filed 9-9-96; 8:45 am]

BILLING CODE 4915-00-P

[STB Finance Docket No. 32985]

### Union Pacific Railroad Company— Trackage Rights Exemption—Elgin, Joliet and Eastern Railway Company

Elgin, Joliet and Eastern Railway Company (EJ&E) has agreed to grant overhead trackage rights to Union Pacific Railroad Company (UP) over approximately 130 miles of rail lines extending from Waukegan, IL, on the north at the beginning of EJ&E's ownership near milepost 74, through milepost 29 at West Chicago, milepost 0 at Joliet, and milepost 25 at Chicago Heights, IL, and Gary, IN (milepost 12 and milepost 45, including Kirk Yard), to milepost 0 at South Chicago, IL, including EJ&E's City Track Line between Gary and Goff, IN, and EJ&E's Whiting Line from Cavanaugh, IN, to Calumet Tower, IN.<sup>2</sup> The trackage rights were scheduled to become effective on the date of final agreement of the parties

<sup>1</sup> The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803, which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission and transferred certain functions to the Surface Transportation Board (Board). This notice relates to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 11323-24.

<sup>2</sup> In addition to describing the proposed trackage rights, UP has recited that operation of those rights may require construction of some connecting track between the EJ&E and either the UP or another railroad. UP states that the construction would not require Board authorization and "none is sought by this notice." Publication of this notice should not be deemed to be acquiescence by the Board in UP's characterization of the Board's jurisdiction over any such construction.

but not sooner than August 28, 1996, the effective date of the exemption.<sup>3</sup>

This notice is filed under 49 CFR 1180.2(d)(7). 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 will not stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 32985, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423 and served on: Joseph D. Anthofer, General Attorney, 1416 Dodge Street, #830, Omaha, NE 68179.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Decided: September 4, 1996.

By the Board, David M. Konschnik,  
Director, Office of Proceedings.

Vernon A. Williams,

*Secretary.*

[FR Doc. 96-23119 Filed 9-9-96; 8:45 am]

BILLING CODE 4915-00-P

[STB Docket No. AB-290 (Sub-No. 185X)]

### Norfolk Southern Railway Company— Abandonment Exemption—in Des Moines, Polk County, IA

Norfolk Southern Railway Company (NS) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon 1.1 mile of its line of railroad between milepost SD-339.7 and SD-340.8 in Des Moines, Polk County, IA.

NS has certified that: (1) no local traffic has moved over the line for at least 2 years; (2) any overhead traffic on

<sup>3</sup> A Petition to Reject, to Revoke, And/Or to Stay was filed in this proceeding (and also relates to STB Finance Docket No. 32986) on August 27, 1996, by Joseph C. Szabo, for and on behalf of United Transportation Union-Illinois Legislative Board (UTU-IL). The City of West Chicago and the Brotherhood of Locomotive Engineers join with UTU-IL in separate petitions filed on August 27, 1996, and August 29, 1996, respectively. The petitions will be addressed in a separate decision or decisions.

<sup>1</sup> The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803, which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission and transferred certain functions to the Surface Transportation Board (Board). This notice relates to functions that are subject to the Board's jurisdiction pursuant to 49 U.S.C. 10903.

the line has been rerouted; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Board or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to use of this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on October 10, 1996, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>2</sup> formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>3</sup> and trail use/rail banking requests under 49 CFR 1152.29<sup>4</sup> must be filed by September 20, 1996. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by September 30, 1996, with: Office of the Secretary, Case Control Branch, Surface Transportation Board, 1201 Constitution Avenue, N.W., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicant's representative: James R. Paschall, General Attorney, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

NS has filed an environmental report which addresses the abandonment's

effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by September 13, 1996. Interested persons may obtain a copy of the EA by writing to SEA (Room 3219, Surface Transportation Board, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEA, at (202) 927-6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: September 4, 1996.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 96-23073 Filed 9-9-96; 8:45 am]

BILLING CODE 4915-00-P

## DEPARTMENT OF THE TREASURY

### Customs Service

#### Announcement of National Customs Automation Program Test Regarding Presentation of Electronic Cargo Declarations

**AGENCY:** U.S. Customs Service, Department of the Treasury.

**ACTION:** General notice.

**SUMMARY:** This notice announces a Customs plan to conduct a test program to allow the electronic submission of certain inward vessel manifest information. This notice invites public comments concerning any aspect of the test, informs interested members of the public of the eligibility requirements for voluntary participation in the test, and describes the requirements required to be met in order to participate in the test.

**EFFECTIVE DATE:** The test will commence no sooner than December 9, 1996, and will run for approximately one year. Comments concerning the eligibility standards, selection criteria, or information submission requirements must be received on or before October 10, 1996. To participate in the test, the necessary information as outlined in this notice must be filed with Customs on or before October 10, 1996.

**ADDRESSES:** Written comments regarding this notice and letters requesting participation in the test program should be addressed to Cargo Control and Entry, U.S. Customs Service, 1301 Constitution Avenue,

NW., Room 1328, Washington, DC 20229.

#### FOR FURTHER INFORMATION CONTACT:

For operational or policy matters: William Scopa (202) 927-3112.

For systems or automation matters: Kim Santos (202) 927-0651.

For legal matters: Larry L. Burton (202) 482-7040.

#### SUPPLEMENTARY INFORMATION:

##### Background

Title VI of the North American Free Trade Agreement Implementation Act (the Act), Public Law 103-182, 107 Stat. 2057 (December 8, 1993), contains provisions which pertain to Customs Modernization (107 Stat. 2170). Subtitle B of title VI establishes the National Customs Automation Program (NCAP), an automated and electronic system for the processing of commercial importations. Section 631 of the Act created sections 411 through 414 of the Tariff Act of 1930 (19 U.S.C. 1411 through 1414), which define and list the existing and planned components of the NCAP (section 411), promulgate program goals (section 412), provide for the implementation and evaluation of the program (section 413), and provide for the remote location filing of entries (section 414). Actual testing procedures for both existing and planned components were established by the publication of Treasury Decision 95-21 in the Federal Register of March 16, 1995 (60 FR 14211), which appear as section 101.9, Customs Regulations (19 CFR 101.9).

##### I. Description of Proposed Test

##### *The Concept of Electronically Filing the Cargo Declaration*

The filing of the Customs Form 1302 Cargo Declaration electronically allows an importing carrier to transmit one cargo declaration to all Customs ports for review and for enforcement purposes. It also allows for the electronic release of cargo to carriers and other participating parties, as well as facilitating the process of many other Customs regulatory requirements related to the control and processing of cargo. For many years now, Customs has been accepting electronic cargo data from importing carriers, while simultaneously requiring the same information to be submitted on the Customs Form 1302 (Cargo Declaration). This test program will eliminate the requirement for participating Automated Manifest System (AMS) vessel carriers who qualify for the test to submit a Customs Form 1302 Cargo Declaration to Customs, so long as they

<sup>2</sup> The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

<sup>3</sup> See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

<sup>4</sup> The Board will accept late-filed trail use requests so long as the abandonment has not been consummated and the abandoning railroad is willing to negotiate an agreement.