

NE (milepost 0.2), and St. Francis, KS (milepost 133.9); a distance of approximately 133.7 miles; (4) between Holdrege, NE (milepost 0.8), and east of Sterling, CO (milepost 225.9),¹ a distance of approximately 225.1 miles; and (5) Norton, KS area trackage between milepost 315.1 and milepost 319.2, a distance of approximately 4.1 miles.

In addition, to the above-described line acquisitions, NKCR will also acquire, by assignment from BN, certain overhead trackage rights currently exercised by BN between Almena Junction, KS (milepost 29.6), and Oronoque Junction, KS (milepost 47.3), a distance of approximately 17.7 miles. The overhead trackage rights run over a line of railroad owned by the Kyle Railroad and currently dispatched by BN. The trackage rights effectively link the lines to be acquired by NKCR between Flynn, NE, and Almena Junction, KS, and between Oronoque Junction, KS, and Oberlin, KS. The trackage rights will also enable NKCR to access and serve customers located on the Norton, KS area trackage.

The subject trackage, including the overhead trackage rights, is approximately 437.6 route miles in length.²

The transaction was expected to be consummated on or about December 16, 1996.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to reopen the proceeding 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 transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33314, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423. In addition, a copy of each pleading must be served on Robert A. Wimbish, Esq., Rea, Cross & Auchincloss, Suite 420, 1920 N Street, N.W., Washington, DC 20036.

Decided: December 17, 1996.

¹ BN will retain overhead trackage rights to provide rail freight service between milepost 225.9, east of Sterling, CO, and a connection with the current or any future industry track at or near Wallace, NE, at or about milepost 114.0, for the sole purpose of serving the Gentleman Power Plant, or any successor.

² NKCR will serve as the operator of the lines, except that BN shall have the right to operate over the retained BN overhead trackage rights.

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

Vernon A. Williams,

Secretary.

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[STB Finance Docket No. 33306]

Wabash & Western Railway Co.; Lease and Operation Exemption; Morris Leasing Co., Ltd., and Michigan Southern Railroad, Inc.

Wabash & Western Railway Co., Ltd. (WAB), a Class III shortline rail carrier, has filed a notice of exemption under 49 CFR 1150.41 to lease and operate approximately 49.6 route miles of rail lines (the Lines) owned and/or operated by Morris Leasing Co., Ltd. (MLSC) and Michigan Southern Railroad, Inc. (MSR), Class III rail carriers, as follows: (1) Between milepost 119.0 and milepost 120.1, at or near Kendallville, Noble County, IN, (a portion of the GR&I Industrial Track); (2) between milepost 0.0 and milepost 9.8, at or near Elkhart, Elkhart and St. Joseph Counties, IN, (a portion of the E&W Secondary Track); and (3) between milepost 382.5, at or near Coldwater, MI, and milepost 421.2, at or near White Pigeon, MI, (the Quincy Secondary Track). Michigan Southern will be the operator of the lines.¹

The transaction was expected to be consummated on or after December 4, 1996.

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 transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33306, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423. In addition, a copy of each pleading must be served on Robert A. Wimbish, Esq., Rea, Cross & Auchincloss, Suite 420, 1920 N Street, N.W., Washington, DC 20036.

Decided: December 17, 1996.

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

Vernon A. Williams,

Secretary.

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¹ For purposes of this lease transaction, WAB will enter into an agreement with MLSC and MSR whereby WAB will be permitted to do business under the trade name "Michigan Southern Railroad."

DEPARTMENT OF THE TREASURY

Customs Service

Public Meeting on the Meaning of "Customs Business"

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

ACTION: Notice of meeting.

SUMMARY: This notice announces that a public meeting will be held in Hearing Room B of the Interstate Commerce Commission Building in Washington, D.C., commencing at 10:00 a.m. on Tuesday, January 28, 1997. The purpose of this meeting is to (1) provide the public with a briefing on Customs interpretation of the meaning of "customs business" as provided in section 641(a)(2) of the Tariff Act of 1930 (19 U.S.C. 1641 (a)(2)), as amended by Title VI of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182); (2) surface and discuss differing public interpretations of this definition and related issues; and, (3) explore options for clarifying the differing interpretations. Due to limitations on available seating, those planning to attend are requested to notify Customs in advance.

DATES: January 28, 1997, from 10:00 a.m. to 2:00 p.m.

ADDRESSES: Interstate Commerce Commission Building, Hearing Room B, 12th Street & Constitution Avenue, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Dale Snell, "Mod Act" Task Force, U.S. Customs Service, Franklin Court, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. Phone: (202) 482-6987; FAX: (202) 482-6994.

SUPPLEMENTARY INFORMATION: On December 8, 1993, the President signed the "North American Free Trade Agreement Implementation Act." The Customs modernization portion of this Act (Title VI of Public Law 103-182), popularly known as the Customs Modernization Act or "Mod Act," amended the definition of "customs business" as contained in 19 U.S.C. 1641(a)(2) to provide, among other things, that such business includes the preparation of documents but does not include the mere transmission of data received for transmission to Customs. The amended definition in 19 U.S.C. 1641 (a)(2) now reads:

The term "customs business" means those activities involving transactions with the Customs Service concerning the entry and admissibility of merchandise, its classification and valuation, the payment of duties, taxes, or other charges, assessed or collected by the Customs Service upon

merchandise by reason of its importation, or the refund, rebate, or drawback thereof. It also includes the preparation of documents or forms in any format and the electronic transmission of documents, invoices, bills, or parts thereof, intended to be filed with the Customs Service in furtherance of such activities, whether or not signed or filed by the preparer, or activities relating to such preparation, but does not include the mere electronic transmission of data received for transmission to Customs.

As Customs has focussed on the development of regulations to implement the Customs broker provisions of the "Mod Act," it has become clear that there are different opinions on how the definition of "customs business" in 19 U.S.C. 1641, should be interpreted. Based on the language of the statute, discussion in the legislative history of the "Mod Act," and input received from the trade community, Customs set forth its understanding of the term in a draft proposed regulatory document that was posted on the Customs Electronic Bulletin Board (CEBB) on October 7, 1996, and subsequently, on the Customs Web site.

To share its understanding of "customs business" with interested parties and give those parties an opportunity to ask questions and express their reactions and interpretations in an environment conducive to meaningful dialogue, Customs has decided to hold a public meeting. It is anticipated that different trade interests (including, but not limited to brokers, consultants, attorneys, accountants, carriers, drawback preparers, and foreign trade zone operators) will come prepared to discuss perceived rights and obligations of licensed Customs brokerage businesses and individual brokers and perceived limitations on activities that unlicensed individuals can perform on behalf of clients. Because seating is limited, reservations will be required. Persons planning to attend are requested to notify Mr. Dale Snell by FAX at (202) 482-6994 or by phone at (202) 482-6987.

Dated: December 17, 1996.

John Durant,

Director, "Mod Act" Task Force.

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Review of Interim List of Records Required to be Maintained and Produced Under 19 U.S.C. 1509(a)(1)(A)

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

ACTION: General Notice of plan to review Interim "(a)(1)(A) list".

SUMMARY: An interim list of entry records or entry information required to be maintained and produced under section 509(a)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1509(a)(1)(A)), as amended by title VI of the North American Free Trade Agreement Implementation Act, was published in the Customs Bulletin on January 3, 1996, and subsequently reproduced in the Federal Register on July 15, 1996. Since publication of the list, the Customs Service has received numerous comments suggesting that the content of its Interim (a)(1)(A) list is excessive. In response to these comments, Customs has initiated a project intended to remove from the list any and all entry records and information requirements that are clearly unnecessary in today's environment. To assist it in achieving this objective, Customs is soliciting input from businesses impacted by the (a)(1)(A) list, trade associations, and other agencies.

DATES: Comments must be received on or before January 23, 1997.

ADDRESSES: Comments in triplicate should be addressed to the Office of Regulations and Rulings, U.S. Customs Service, 1301 Constitution Avenue NW (Franklin Court), Washington, D.C. 20229, Attention: (a)(1)(A) List Review Project. Comments may be inspected at the Office of Regulations and Rulings, Suite 4000W, 1099 14th Street NW, Washington, DC 20005. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), § 1.4, Treasury Department Regulations (31 CFR 1.4), and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), during regular business days between the hours of 9:00 a.m. and 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: Stuart Seidel, Assistant Commissioner, Office of Regulations and Rulings at (202) 482-6920 or Jerry Laderberg, Chief, Entry Procedures & Carriers Branch, Office of Regulations and Rulings at (202) 482-6940.

SUPPLEMENTARY INFORMATION:

Background

Section 509(a)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1509(a)(1)(A)) as amended by section 615 of title VI of the North American Free Trade Agreement Implementation Act (generally referred to as the "Customs Modernization Act") requires the maintenance and production of a record if "such record is required by law or regulation for the

entry of merchandise (whether or not the Customs Service required its presentation at the time of entry)." Section 509 contains a new subsection (e) which requires the Customs Service to identify and publish a list of records or entry information that is required to be maintained and produced under section 509(a)(1)(A)—commonly referred to as "the (a)(1)(A) list." On September 12, 1994, Customs invited comments on a "proposed" (a)(1)(A) list that it posted on the Customs Electronic Bulletin Board. Subsequently, on September 21, 1994, Customs published a Customs Bulletin containing this same list and invitation for comments. Eleven comments were received. After reviewing these comments and modifying its "proposed" (a)(1)(A) list, the Customs Service published an Interim (a)(1)(A) list in the Customs Bulletin on January 3, 1996. This same list was posted on the Customs Electronic Bulletin Board on January 4, 1996, and it was reproduced in the Federal Register on July 15, 1996.

Recognizing that almost one year has passed since publication of its Interim (a)(1)(A) list and in response to a significant number of comments suggesting that the list contains too many records, Customs is undertaking a complete review of the list and the underlying regulations. Customs objective is to remove from the list any and all records and information requirements that are clearly unnecessary in today's environment. To assist it in achieving this objective, Customs is soliciting input from businesses impacted by the (a)(1)(A) list, trade associations, and other agencies.

Customs interest is not in receiving general comments recommending that particular record or information requirements be eliminated from the list. Customs interest is in receiving comments that specifically identify why a particular record or information requirement can be eliminated from the (a)(1)(A) list without modification of existing statutes. In the conduct of its review, the Customs Service intends to reconsider comments previously submitted. Accordingly, resubmission of such comments will be unnecessary.

Dated: December 18, 1996.

Stuart P. Seidel,

Assistant Commissioner, Office of Regulations and Rulings.

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