

rail operating in three states: Chicago SouthShore & South Bend Railroad Co., operating in Northern Illinois and Northern Indiana; and Louisville & Indiana Railroad Company, operating in Southern Indiana and Northern Kentucky.

Applicants state that: (i) the railroads will not connect with each other or any railroad in their corporate family; (ii) the continuance in control is not part of a series of anticipated transactions that would connect the railroads with each other or any railroad in their corporate family; and (iii) the transaction does not involve a Class I carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. See 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

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 automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33301, 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 Paul C. Oakley, Esq., Weiner, Brodsky, Sidman & Kider, P.C., Suite 800, 1350 New York Avenue, N.W., Washington, DC 20005-4797.

Decided: January 7, 1997.

By the Board, David M. Konschnik,
Director, Office of Proceedings.
Vernon A. Williams,
Secretary.

[FR Doc. 97-626 Filed 1-9-97; 8:45 am]

BILLING CODE 4915-00-P

[STB Finance Docket No. 33300]

New York & Atlantic Railway Company; Operation Exemption; The Long Island Rail Road Company

New York & Atlantic Railway Company (NYAR), a noncarrier, has filed a verified notice of exemption

under 49 CFR 1150.31 to acquire the freight operations of The Long Island Rail Road Company (LIRR), a New York State public benefit corporation, including the right to operate the freight business on an exclusive basis, and conduct other freight operations on approximately 268.6 route miles in the State of New York, as follows: (1) The Bay Ridge Branch (MP 4.0 to MP 16.0), the Central Extension (MP 19.1 to MP 21.2), and the Bushwick Branch (MP 4.0 to MP 6.0) (collectively, the Freight Line); and (2) the Main Line (MP 9.3 to MP 94.3), the Montauk Branch (MP 0.0 to MP 115.8), the Port Jefferson Branch (MP 24.9 to MP 58.0), the Central Branch (MP 28.7 to MP 35.9), the Central Extension (MP 18.7 to MP 19.1), the Hempstead Branch (MP 13.3 to MP 18.7), the West Hempstead Branch (MP 15.5 to MP 20.1), and the Montauk Cut-off (MP 0.3 to MP 1.3) (collectively the Joint Use Line, and, together with the Freight Line, the Subject Line). LIRR will continue to provide passenger operations on the Joint Use Line. NYAR will conduct exclusive freight operations on the Subject Line for an initial term of 20 years, with an extension option, under certain circumstances, for an additional 10 years.

The exemption was to become effective on December 12, 1996, and the parties expect to consummate the transaction in the first quarter of 1997.

This transaction is related to a concurrently filed verified notice to continue in control of NYAR, upon its becoming a Class III rail carrier in STB Finance Docket No. 33301, *Peter A. Gilbertson, H. Terry Hearst, Bruce A. Lieberman, R. Lawrence McCaffrey, Jr., and Harold F. Parmly—Continuance in Control Exemption—New York & Atlantic Railway Company*.¹

In addition to the filings mentioned in footnote 1, the Board received a number of letters from local governments, officials, and community leaders concerned with the movement of municipal solid waste (MSW) through their communities. LIRR submitted to the Board's Section of Environmental Analysis (SEA) an Environmental

Assessment (EA), which was prepared under the New York State Environmental Quality Review Act by ICF Kaiser Consulting Group, and summary information drawn from its EA. The information provided by LIRR states that MSW carloads are projected to increase regardless of whether LIRR continues to conduct freight operations or the operations are transferred to NYAR.

SEA has carefully reviewed the EA and summary information submitted by LIRR. SEA has determined that the information satisfies the Board's obligations under the National Environmental Policy Act and provides the sufficient analysis which would normally be prepared by SEA in railroad operations that exceed the Board's thresholds at 49 CFR 1105.7(e)(4)(5). Therefore, the EA and summary information will be adopted as the Board's own with a finding that there will be no significant environmental impacts associated with the proposed transaction.

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. 33300, 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 Paul C. Oakley, Esq., Weiner, Brodsky, Sidman & Kider, P.C., Suite 800, 1350 New York Avenue, N.W., Washington, DC 20005-4797.

Decided: January 7, 1997.

By the Board, David M. Konschnik,
Director, Office of Proceedings.
Vernon A. Williams,
Secretary.

[FR Doc. 97-627 Filed 1-9-97; 8:45 am]

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[STB Finance Docket No. 33331]

Respondex Railroad Corporation; Acquisition and Operation Exemption; Evansville Terminal Company

Respondex Railroad Corporation (Respondex), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire and operate approximately 17.7 miles of line owned by the Evansville Terminal Company (Evansville): (1) Between milepost 227.5

¹ On December 31, 1996, International Brotherhood of Locomotive Engineers (IBLE) filed a petition to reject the notices of exemption filed in STB Finance Docket Nos. 33300 and 33301 or to revoke the exemptions. The petition also supports a statement by Claire Shulman, President of the Borough of Queens (Shulman), filed December 11, 1996, which IBLE characterizes as a petition for rejection or revocation. By decision served on December 20, 1996, NYAR was granted an extension until January 10, 1997, for its reply to Shulman. The Shulman and IBLE filings, as well as any replies, will be considered by the entire Board in a separate decision.

at Poseyville, IN, and milepost 244.7 at Evansville, IN; and (2) between milepost B-204.3 and milepost B-205 at Browns, IL.

The transaction was expected to be consummated on or after the December 30, 1996 effective date of the exemption.

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 reopen will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33331, must be filed with the Office of the Secretary, Surface Transportation Board, Case Control Branch, 1201 Constitution Avenue, NW., Washington, DC 20423. In addition, a copy of each pleading must be served on Andrew P. Goldstein, Esq., McCarthy, Sweeney & Harkaway, P.C., Suite 1105, 1750 Pennsylvania Avenue, NW., Washington, DC 20006.

Decided: January 3, 1997.

By the board, David M. Konschnik,
Director, Office of Proceedings.
Vernon A. Williams,
Secretary.

[FR Doc. 97-625 Filed 1-9-97; 8:45 am]

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[STB Docket No. AB-55 (Sub-No. 538X)]

**CSX Transportation, Inc.;
Abandonment Exemption; in Fayette
and Nicholas Counties, WV**

CSX Transportation, Inc. (CSXT) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon approximately 15.27 miles of its line of railroad between milepost CAF-43.7, Valuation Station 1240+00, at Russ Junction and milepost CAF-58.97, Valuation Station 436+00, at Peters Junction, in Fayette and Nicholas Counties, WV.

CSXT has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (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 Surface Transportation Board (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 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 February 9, 1997, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,¹ formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),² and trail use/rail banking requests under 49 CFR 1152.29³ must be filed by January 21, 1997. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by January 30, 1997, 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: Charles M. Rosenberger, Senior Counsel, 500 Water Street, J150, Jacksonville, FL 32202.

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

CSXT 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 January 15, 1997. 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

¹ 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.

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

³ The Board will accept late-filed trail use requests as long as the abandonment has not been consummated and the abandoning railroad is willing to negotiate an agreement.

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: January 6, 1997.

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

Vernon A. Williams,
Secretary.

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DEPARTMENT OF THE TREASURY

Financial Crimes Enforcement Network

Privacy Act of 1974, as Amended, System of Records

AGENCY: Departmental Offices, Treasury.

ACTION: Notice of altered Privacy Act system of records.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a, the Financial Crimes Enforcement Network (FinCEN), Department of the Treasury (Treasury), gives notice of a proposed alteration to an existing system of records entitled the "Bank Secrecy Act Reports File—Treasury/Customs .067" and its renaming and renumbering as a Treasury-wide system of records "Bank Secrecy Act Reports System—Treasury/DO .213." The system notice was last published in its entirety in the Federal Register, Volume 60, page 56776, November 9, 1995.

DATES: Comments must be received no later than February 10, 1997. The system of records will be effective as of February 19, 1997, unless comments are received that result in a contrary determination and notice is published to that effect.

ADDRESSES: Written comments should be sent to Office of Legal Counsel, FinCEN, 2070 Chain Bridge Road, Suite 200, Vienna, VA 22182-2536, Attention: BSA System of Records. Comments will be made available for inspection and copying by appointment. To make an appointment, please contact Eileen Dolan, Office of Legal Counsel, FinCEN, at 703-905-3590.

FOR FURTHER INFORMATION CONTACT: Cynthia A. Langwiser, Attorney Advisor, Office of Legal Counsel, FinCEN, 2070 Chain Bridge Road, Suite 200, Vienna, VA 22182-2536, (703) 905-3582.

SUPPLEMENTARY INFORMATION: The Department of the Treasury is amending