

cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or are likely to do so. For background, see the Commission Opinion, *In the Matter of Certain Devices for Connecting Computers via Telephone Lines*, Inv. No. 337-TA-360.

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider include the effect that an exclusion order and/or cease and desist orders would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the President has 60 days to approve or disapprove the Commission's action. During this period, the subject articles would be entitled to enter the United States under a bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed.

#### Written Submissions

The parties to the investigation are requested to file written submissions on the issues under review. The submissions should be concise and thoroughly referenced to the record in this investigation, including references to specific exhibits and testimony. Additionally, the parties to the investigation, interested government agencies, and any other interested persons are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Complainants and the Commission investigative attorneys are also requested to submit proposed remedial

orders for the Commission's consideration. The written submissions and proposed remedial orders must be filed no later than the close of business on April 13, 1995. Reply submissions must be filed no later than the close of business on April 20, 1995. No further submissions will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file with the Office of the Secretary the original document and 14 true copies thereof on or before the deadlines stated above. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment during the proceedings. All such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 C.F.R. 201.6. Documents for which confidential treatment is granted by the Commission will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary.

This action is taken under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and sections 210.54-.55 of the Commission's Interim Rules of Practice and Procedure (19 CFR 210.54-.55).

Copies of the public version of the ID and all other nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone 202-205-2000. Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

Issued: March 30, 1995.

By order of the Commission.

**Donna R. Koehnke,**  
Secretary.

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#### INTERSTATE COMMERCE COMMISSION

[Docket No. AB-290 (Sub-No. 169X)]

#### Norfolk and Western Railway Company—Abandonment Exemption— Between Ferguson Junction and Glen Echo, MO

Norfolk and Western Railway Company (NW) has filed a notice of exemption under 49 CFR Part 1152 subpart F—Exempt Abandonments to abandon its 2.56-mile line of railroad between milepost UD-9.94 at Glen Echo and milepost UD-12.50 at Ferguson Junction in St. Louis County, MO.

NW 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 Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (service of environmental report on agencies), 49 CFR 1105.8 (service of historic report on State Historic Preservation Officer), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (service of verified notice on 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. 10505(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 May 5, 1995, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>1</sup>

<sup>1</sup> A stay will be issued routinely by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Commission's Section of Environmental Analysis in its independent investigation) cannot be made prior to the effective date of the notice of exemption. See Exemption of Out-of-Service Rail Lines, 5 I.C.C.2d 377 (1989). Any entity seeking a stay on environmental concerns is encouraged to file its request as soon as possible in order to permit the

formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>2</sup> and trail use/rail banking requests under 49 CFR 1152.29<sup>3</sup> must be filed by April 17, 1995. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by April 25, 1995, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

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

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

Applicant 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 April 10, 1995. Interested persons may obtain a copy of the EA by writing to SEA (Room 3219, Interstate Commerce Commission, 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<sup>4</sup> will be imposed, where appropriate, in a subsequent decision.

Decided: March 29, 1995.

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

**Vernon A. Williams,**

*Secretary.*

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[Docket No. AB-443X]

**Danbury Terminal Railroad Company—Discontinuance Exemption—Westchester, Putnam, and Dutchess Counties, NY**

Danbury Terminal Railroad Company (DTRR) has filed a notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments and Discontinuances of Service and Trackage Rights* to discontinue trackage rights over two segments of the rail line known as the Harlem Line. The first line segment is located between milepost 55.2, in Dykemans, and milepost 81.6, in Wassaic, a distance of approximately 26.4 miles in Dutchess and Putnam Counties, NY. The second line segment is located between milepost 22.0, in White Plains, and milepost 43.4, in Golden's Bridge, a distance of approximately 21.4 miles in Westchester County, NY.

The Harlem Line, except between mileposts 77.0 and 81.1, is owned by American Premier Underwriters, Inc., a noncarrier, and leased by the Metropolitan Transportation Authority (MTA). MTA's subsidiary, Metro North Commuter Railroad Company (MNCR) provides commuter passenger rail service over the entire Harlem Line, except between milepost 77.0 and milepost 81.1. That portion is owned by the New York and Harlem Railroad Company and is the subject of acquisition negotiations with MNCR, which, when completed, will enable MNCR to extend its commuter passenger service to Wassaic. In addition, Consolidated Rail Corporation (Conrail) provides freight service over the line under an unspecified operating arrangement with the owners and lessee. DTRR acquired the rights at issue here from Conrail.<sup>1</sup> Thus, freight and passenger service will still be provided after the discontinuance.

DTRR has certified that: (1) No local traffic has moved pursuant to the trackage rights operation 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

<sup>1</sup>In *Danbury Terminal Railroad Company and Maybrook Properties, Inc.—Acquisition and Operation Exemption—Consolidated Rail Corporation*, Finance Docket No. 32180 (Sub-No. 1) (ICC served Dec. 29, 1992), DTRR obtained operating and freight rights over the Harlem Line, between milepost 22.0, in White Plains and milepost 81.6, in Wassaic. Following the proposed discontinuance, DTRR will continue to operate between mileposts 43.4 and 55.2.

Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental report), 49 CFR 1105.8 (historic report), 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 discontinuance 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. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) to subsidize continued operations has been received, this exemption will be effective on May 5, 1995, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues<sup>2</sup> and formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2)<sup>3</sup> must be filed by April 17, 1995. Petitions to reopen must be filed by April 25, 1995, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Robert A. Wimbish, Suite 420, 1920 N Street, N.W., Washington, D.C. 20036.

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

Decided: March 31, 1995.

By the Commission, Joseph H. Dettmar, Acting Director, Office of Proceedings.

**Vernon A. Williams,**

*Secretary.*

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Commission to review and act on the request before the effective date of this exemption.

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

<sup>3</sup>The Commission will accept a late-filed trail use request as long as it retains jurisdiction to do so.

<sup>4</sup>The Gateway Trailnet, Inc. seeks issuance of a notice of interim trail use/railbanking (NITU) under 16 U.S.C. 1247(d) and a 180-day public use condition under 49 U.S.C. 10906. A copy of the request does not appear to have been served on NW as required at 49 CFR 1104.12(a). Gateway is directed to serve a copy of the request on NW. Accordingly, the requests will be handled in a subsequent decision.

<sup>2</sup>The Commission's Section of Environmental Analysis will not conduct an independent investigation because no environmental effects are expected in cases where service on the line will continue. A stay will be issued routinely by the Commission if an informed decision on environmental issues raised by a party cannot be made before the effective date of the notice of exemption. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any entity seeking a stay on environmental concerns is encouraged to file its request as soon as possible in order to permit this Commission to review and act on the request before the effective date of this exemption.

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