

Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

**EFFECTIVE DATE:** September 8, 1995.

**FOR FURTHER INFORMATION CONTACT:** Debra Baker (202-205-3180), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. Information can also be obtained by calling the Office of Investigations' remote bulletin board system for personal computers at 202-205-1895 (N,8,1).

**SUPPLEMENTARY INFORMATION:**

**Background**

This investigation is being instituted in response to a petition filed on September 8, 1995, by Marley Mouldings, Inc., Marion, VA.

**Participation in the Investigation and Public Service List**

Persons (other than petitioners) wishing to participate in the investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission's rules, not later than seven (7) days after publication of this notice in the Federal Register. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance.

**Limited Disclosure of Business Proprietary Information (BPI) Under an Administrative Protective Order (APO) and BPI Service List**

Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in this preliminary investigation available to authorized applicants under the APO issued in the investigation, provided that the application is made not later than seven (7) days after the publication of this notice in the Federal Register. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

**Conference**

The Commission's Director of Operations has scheduled a conference in connection with this investigation for 9:30 a.m. on September 29, 1995, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Parties wishing to participate in the conference should contact Debra Baker (202-205-3180) not later than September 26, 1995, to arrange for their appearance. Parties in support of the imposition of antidumping duties in this investigation and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

**Written Submissions**

As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before October 4, 1995, a written brief containing information and arguments pertinent to the subject matter of the investigation. Parties may file written testimony in connection with their presentation at the conference no later than three (3) days before the conference. If briefs or written testimony contain BPI, they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

**Authority:** This investigation is being conducted under authority of the Tariff Act of 1930, title VII, as amended by the URAA. This notice is published pursuant to section 207.12 of the Commission's rules.

**Issued:** September 13, 1995.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 95-23091 Filed 9-15-95; 8:45 am]

**BILLING CODE 7020-02-P**

**INTERSTATE COMMERCE COMMISSION**

[Docket No. AB-290 (Sub-No. 171X)]

**Norfolk Southern Railway Company—Abandonment Exemption—Between Jacksonville and Fort McClellan, AL**

Norfolk Southern Railway Company (NS) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon its line of railroad between milepost 48.0-N at Jacksonville and milepost 55.3-N at Fort McClellan, in Calhoun County, AL, a total distance of 7.3 miles.

NS has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; (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 (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. 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 October 18, 1995, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>1</sup> 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

<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 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).

CFR 1152.29<sup>3</sup> must be filed by September 28, 1995. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by October 10, 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, Three Commercial Place, Norfolk, VA 23510.

If the notice of exemption 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 environmental and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by September 22, 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 is 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 11, 1995.

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

Vernon A. Williams,  
Secretary.

[FR Doc. 95-23105 Filed 9-15-95; 8:45 am]

BILLING CODE 7035-01-P

---

## MERIT SYSTEMS PROTECTION BOARD

### Opportunity to File Amicus Briefs in Cases Involving Possible Furlough of Administrative Law Judges

**AGENCY:** Merit Systems Protection Board.

**ACTION:** The Merit Systems Protection Board is providing an opportunity for interested parties to submit amicus briefs in a number of pending cases filed pursuant to 5 U.S.C. § 7521 and 5 CFR 1201.131.

**SUMMARY:** The Merit Systems Protection Board currently has seven pending complaints filed by separate agencies pursuant to 5 U.S.C. § 7521 and 5 CFR 1201.131. The basic premise of each

complaint is that there is a possibility that Congress may not enact an appropriation or continuing resolution for fiscal year 1996 on or before October 1, 1995, and that the resulting lapse in funding would necessitate the furlough of all agency employees, including administrative law judges. Therefore, the agencies are requesting that the Board make a finding that there is good cause for the imposition of a furlough action against each agency's administrative law judges.

The Board also has a complaint filed by the National Labor Relations Board seeking permission to furlough its administrative law judges. The NLRB states in its filing that it anticipates its fiscal year 1996 budget will be insufficient to cover its present rate of spending, and that the furlough of its administrative law judges will thus be necessary to avoid deficit spending.

The Board has issued orders in each of the eight cases noting that there is a question whether the procedure provided for by 5 U.S.C. § 7521 is intended to cover the situations described in the agencies' complaints. Specifically, the Board has determined that there is a question whether a furlough which seven agencies allege would be necessitated by a lapse in funding caused by the failure of Congress to enact an appropriation or continuing resolution is the type of personnel action to which the protections of 5 U.S.C. § 7521 need be applied. In the case of the NLRB, the Board has determined that there is a question whether a furlough allegedly necessitated by a cut by Congress in the agency's appropriation is an action to which the protections of 5 U.S.C. § 7521 may be applied. In *Horner v. Andrzejewski*, 811 F.2d 571 (Fed. Cir. 1987), which involved furloughs under a similar statute, 5 U.S.C. § 7513, the court recognized that not all furloughs are within the Board's jurisdiction. The court stated that where a furlough action is taken "because an agency has no choice \* \* \* it can reasonably be said that an agency did not 'take an action' covered by Chapter 75." *Id.* at 576.

In considering these questions, the Board is concerned with the possibility that the provisions of the Antideficiency Act (31 U.S.C. §§ 1341, 1350) may be violated by any action the Board might take in declining to authorize an agency the right to furlough administrative law judges due to a lapse in funding caused by the failure to enact appropriation bills or a continuing resolution, or by Congress' failure to fund an agency at current budget levels. The Board is inviting any interested party to submit

amicus briefs addressing these jurisdictional issues.

**DATES:** All briefs submitted in response to this notice shall be filed with the Clerk of the Board on or before September 22, 1995.

**ADDRESSES:** All briefs shall be captioned "Administrative Law Judge Furlough Appeals" and entitled "Amicus Brief." Only one copy of the brief need be submitted. Briefs should be filed with the Office of the Clerk, Merit Systems Protection Board, 1120 Vermont Avenue NW., Washington, DC 20419.

**FOR FURTHER INFORMATION CONTACT:** Shannon McCarthy, Deputy Clerk of the Board, or Matthew Shannon, Counsel to the Clerk, (202) 653-7200.

Dated: September 13, 1995.

Robert E. Taylor,

Clerk of the Board.

[FR Doc. 95-23067 Filed 9-15-95; 8:45 am]

BILLING CODE 7400-1-M

---

## NATIONAL SCIENCE FOUNDATION

### Notice of Conference

The National Science Foundation's (NSF) Directorate for Education and Human Resources (EHR) will host its Fourth National Conference, September 21-September 23, 1995 at the Washington Hilton and Towers Hotel, 1919 Connecticut Avenue, NW., Washington, DC 20009. The hours of the Conference are: September 21, from 6:00 p.m. until 7:30 p.m.; September 22 from 8:00 a.m. until 5:30 p.m. and September 23, from 8:30 a.m. until 6:00 p.m.

This event represents a continuation of last year's conference which focused on major issues related to minority education, along with an update on efforts implemented in the last year and results to date. Planned activities include workshops to exhibit EHR's accomplishments in broadening diversity in science and technology fields through its human resource development programs, as well as discussions by national leaders of strategies to disseminate successful efforts nationwide. There also will be presentations of research by NSF-supported students, and presentations by the NSF research directorates.

The conference will not operate as an advisory committee. It will be open to the public. Participants will include persons representing the heads of national associations, education, science, mathematics and engineering practitioners, and Federal and state government officials.

For additional information, contact Dr. Elmira C. Johnson, Staff Associate,

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