

DME states that the number of full-time UP employees on the Colony Line is 41 and anticipates that, following this transaction, the number of full-time employees on the Colony Line will rise to 50. Section 327 of the ICCTA, concerning Class II railroads receiving Federal assistance, provides that: "The Surface Transportation Board shall impose no labor protection conditions in approving an application under [49 U.S.C. § 10902], when the application involves a carrier which (1) is headquartered in a State, and operates in at least one State, with a population of less than 1,000,000 persons as determined by the 1990 census; and (2) has, as of January 1, 1996, been a recipient of repayable Federal Railroad Administration assistance in excess of \$5,000,000." DME claims that it meets the requirements of section 327 and that no labor protection conditions should be imposed.

DME seeks expedited review of this application due to various financial obligations it has entered into which take effect on May 1, 1996. DME has served copies of this application on State officials, officials of communities located on the Colony Line, the shippers and receivers that use the Colony Line, connecting railroads, representatives of affected employees, and newspapers serving the Colony Line area. In light of the extensive service on the parties likely to have an interest in this proceeding, and in light of DME's justification for expedited action, the Board is requesting that comments be filed by March 18, 1996.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Decided: March 5, 1996.

By the Board, Vernon A. Williams,  
Secretary.

Vernon A. Williams,  
Secretary.

[FR Doc. 96-5516 Filed 3-7-96; 8:45 am]

BILLING CODE 4915-00-P

**[Finance Docket No. 32826]**

**Huron and Eastern Railway Company, Inc.—Acquisition—CSX Transportation, Inc.**

**AGENCY:** Surface Transportation Board.

<sup>1</sup> The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (the Act), which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission (ICC) and transferred certain functions and proceedings to the Surface Transportation Board (Board). Section 204(b)(1) of the Act provides, in general, that proceedings pending

**ACTION:** Notice of exemption.

**SUMMARY:** The Board, under 49 U.S.C. 10505, exempts the Huron and Eastern Railway Company, Inc. from the prior approval requirements of 49 U.S.C. 11343-45, subject to standard labor protection, to acquire from CSX Transportation, Inc., 2.09 miles of rail line between milepost 2.0 and milepost 4.09 near Saginaw, MI.

**DATES:** This exemption is effective on April 7, 1996. Petitions to stay must be filed by March 25, 1996. Petitions to reopen must be filed by April 2, 1996.

**ADDRESSES:** Send pleadings referring to Finance Docket No. 32826 to: (1) Office of the Secretary, Surface Transportation Board, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423; and (2) Robert L. Calhoun, Sullivan & Worcester, Suite 1000, 1025 Connecticut Avenue, N.W., Washington, DC 20036.

**FOR FURTHER INFORMATION CONTACT:** Joseph H. Dettmar, (202) 927-5660. [TDD for the hearing impaired: (202) 927-5721].

**SUPPLEMENTARY INFORMATION:** Additional information is contained in the Board's decision. To purchase a copy of the full decision, write to, call or pick up in person from: D.C. News and Data, Inc., Room 2229, 1201 Constitution Avenue, N.W., Washington, DC 20423. Telephone: (202) 289-4357. [Assistance for the hearing impaired is available through TDD services (202) 927-5721.]

Decided: February 26, 1996.

By the Board, Chairman Morgan, Vice Chairman Simmons, and Commissioner Owen.

Vernon A. Williams,  
Secretary.

[FR Doc. 96-5514 Filed 3-7-96; 8:45 am]

BILLING CODE 4915-00-P

**[Finance Docket No. 32866]**

**Rail Link, Incorporated—Continuance in Control Exemption—Talleyrand Terminal Railroad Company, Inc.**

Rail Link, Incorporated (Rail Link), has filed a verified notice under 49 CFR

before the ICC on the effective date of that legislation shall be decided under the law in effect prior to January 1, 1996, insofar as they involve functions retained by the Act. This notice relates to a proceeding that was pending with the ICC prior to January 1, 1996, and to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 10502 and 10902. Therefore, this notice applies the law in effect prior to the Act, and citations are to the former sections of the statute, unless otherwise indicated.

<sup>1</sup> The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803, which was enacted on

1180.2(d)(2) to continue in control of the Talleyrand Terminal Railroad Company, Inc. (TTRC) upon TTRC becoming a Class III rail carrier. The transaction was to have been consummated on or after February 14, 1996.

TTRC, a noncarrier, has concurrently filed a notice of exemption in STB Finance Docket No. 32865, *Talleyrand Terminal Railroad Company, Inc.—Operation Exemption—Lines of Municipal Docks Railway*, in which TTRC seeks to operate approximately 10-miles of rail line owned by Municipal Docks Railway in Duval County, FL.

Rail Link also controls two nonconnecting Class III rail carriers: (1) the Commonwealth Railway, Incorporated and the Carolina Coastal Railway, Inc. (CCR).<sup>2</sup>

The transaction is exempt from the prior approval requirements of 49 U.S.C. 11323 because Rail Link states that: (1) the railroads will not connect with each other or with any railroad in their corporate family; (2) the continuance in control is not part of a series of anticipated transactions that would connect the railroads with each other or with any railroad in their corporate family; and (3) the transaction does not involve a Class I carrier.

As a condition to this exemption, any employees adversely affected by the transaction will be protected under *New York Doc. Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979).

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 stay the exemption's effectiveness. An original and 10 copies of all pleadings, referring to STB Finance Docket No. 32866, must be filed with the Office of the Secretary, Case Control Branch, Surface Transportation Board, 1201 Constitution Avenue, N.W., Washington, DC 20423. In addition, a copy of each pleading must be served on Robert A. Wimbish, Rea, Cross & Auchincloss, Suite 420, 1920 N Street, N.W., Washington, DC 20036.

Decided: March 1, 1996.

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.

<sup>2</sup> See *Rail Link Incorporated—Continuance in Control Exemption—Commonwealth Railway Incorporated*, Finance Docket No. 31531 (ICC served Sept. 15, 1989).

By the Board, David M. Konschnik,  
Director, Office of Proceedings.  
Vernon A. Williams,  
Secretary.  
[FR Doc. 96-5518 Filed 3-7-96; 8:45 am]  
BILLING CODE 4915-00-P

By the Board, David M. Konschnik,  
Director, Office of Proceedings.  
Vernon A. Williams,  
Secretary.  
[FR Doc. 96-5512 Filed 3-7-96; 8:45 am]  
BILLING CODE 4915-00-P

By the Board, Chairman Morgan, Vice  
Chairman Simmons, and Commissioner  
Owen.  
Vernon A. Williams,  
Secretary.  
[FR Doc. 96-5517 Filed 3-7-96; 8:45 am]  
BILLING CODE 4915-00-P

[STB Finance Docket No. 32865]

**Talleyrand Terminal Railroad  
Company, Inc.—Operation  
Exemption—Lines of Municipal Docks  
Railway**

Talleyrand Terminal Railroad Company, Inc. (TTRC) has filed a notice of exemption to operate approximately 10-miles of rail line owned by Municipal Docks Railway (MDR)<sup>2</sup> from F&J Junction (between Norfolk Southern Railway milepost 5-C and CSX Transportation milepost 632.08) in an easterly direction to MDR milepost 10.33, within the Talleyrand Marine Terminal in Duval County, FL. The transaction was to have been consummated on or after February 14, 1996.

This proceeding is related to *Rail Link, Incorporated—Continuance in Control Exemption—Talleyrand Terminal Railroad Company, Inc.*, STB Finance Docket No. 32866, wherein Rail Link, Incorporated (Rail Link) has concurrently filed a verified notice to continue to control TTRC.<sup>3</sup>

This notice is filed under 49 CFR 1150.31. 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) [formerly section 10505(d)] may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Any comments must be filed with: Surface Transportation Board, 1201 Constitution Avenue, NW., Washington, DC 20423. In addition, a copy of any pleading must be served on applicant's representative: Robert A. Wimbish, Rea, Cross & Auchincloss, Suite 420, 1920 N Street, NW., Washington, DC 20036.

Decided: March 1, 1996.

<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. 10901.

<sup>2</sup> TTRC entered into an agreement with Jacksonville Port Authority (JPA) for the operation of certain rail lines located in and near the Port of Jacksonville, FL. JPA owns the subject trackage through the MDR, a common carrier division of JPA.

<sup>3</sup> Rail Link also controls two class III railroads: (1) the Commonwealth Railway, Incorporated; and (2) the Carolina Coastal Railway, Inc.

[Docket No. AB-167 (Sub-No. 1154)]

**Consolidated Rail Corporation—  
Abandonment—in Berrien County, MI**

The Board has issued a decision authorizing Consolidated Rail Corporation to abandon two connecting sections of rail line—the 2.1-mile Niles Industrial Track and the 0.9-mile French Paper Lead Track, a total distance of approximately 3.0 miles, in Niles, Berrien County, MI, subject to environmental and labor protective conditions. The Board will issue an abandonment certificate within 15 days after this publication, to become effective no later than 45 days after this publication, unless the Board finds that: (1) a financially responsible person has offered financial assistance (through subsidy or purchase) to enable rail service to continue; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Board and the applicant no later than 10 days from the publication of this Notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Office of Proceedings, AB-OFA". Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

Decided: March 4, 1996.

<sup>1</sup>The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (the Act), which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission (ICC) and transferred certain functions and proceedings to the Surface Transportation Board (Board). Section 204(b)(1) of the Act provides, in general, that proceedings pending before the ICC on the effective date of that legislation shall be decided under the law in effect prior to January 1, 1996, insofar as they involve functions retained by the Act. This notice relates to a proceeding that was pending with the ICC prior to January 1, 1996, and to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 10903. Therefore, this notice applies the law in effect prior to the Act, and citations are to the former sections of the statute, unless otherwise indicated.

DEPARTMENT OF THE TREASURY

Customs Service

**Receipt of Domestic Interested Party  
Petition Concerning Tariff  
Classification of Sanitary Ware**

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

**ACTION:** Notice of receipt of domestic interested party petition; solicitation of comments.

**SUMMARY:** Customs has received a petition submitted on behalf of a domestic interested party concerning the tariff classification of ceramic sanitary ware made in Mexico. The subject sanitary ware is provided for under heading 6910, Harmonized Tariff Schedule of the United States (HTSUS), as ceramic sinks, washbasins, washbasin pedestals, baths, bidets, water closet bowls, flush tanks, urinals and similar sanitary fixtures. Petitioner believes sanitary ware is classifiable under subheading 6910.10, HTSUS, which provides for such articles of porcelain or china, and challenges Customs classification under subheading 6910.90, which provides for sanitary ware, other than that of porcelain, china or china ware. Petitioner claims that tariff enumerated methodologies for determining whether a particular ceramic is porcelain, china or china ware are flawed. In addition, Petitioner claims that Customs implementation of the methodologies is flawed. The document invites comments regarding the correctness of Customs classification as well as the methodologies used. Before taking any action on the petition, consideration will be given to any written comments received in response to this notice.

**DATES:** Comments must be received on or before May 7, 1996.

**ADDRESSES:** Comments (preferably in triplicate) may be submitted to the U.S. Customs Service, Office of Regulations and Rulings, Regulations Branch, Franklin Court, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. Comments may be viewed at the Office of Regulations and Rulings, Franklin Court, 1099 14th Street, N.W., Suite 4000, Washington, D.C.