

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)² 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.³

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.

¹ 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.

² 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.

³ 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.

¹The 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.

FOR FURTHER INFORMATION CONTACT:
Mary Beth McLoughlin, Tariff
Classification and Appeals Division,
(202) 482-7030.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to section 516, Tariff Act of 1930, as amended (19 U.S.C. 1516), and Part 175, Customs Regulations (19 CFR Part 175), Customs has received a petition submitted on behalf of a domestic interested party concerning the tariff classification of ceramic sanitary ware made in Mexico. Chapter 69, HTSUS, provides for ceramic products. Heading 6910, HTSUS, of Chapter 69, provides:

6910 Ceramic sinks, washbasins, washbasin pedestals, baths, bidets, water closet bowls, flush tanks, urinals and similar sanitary fixtures:

6910.10.00 Of porcelain or china—6.9%,
5.7% (MX)

05 Water closet bowls, flushometer type

10 Water closet bowls with tanks, in one piece.

15 Flush tanks

20 Other water closet bowls

30 Sinks and lavatories

50 Other

6910.90.00 Other—6.9% Free (MX)

The subject sanitary ware is classifiable under heading 6910. 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.

According to petitioner, prior to the January 1994 implementation of the North American Free Trade Agreement (NAFTA), Mexican produced vitreous china sanitary ware was classified under subheading 6910.10 with a 7.2% rate of duty. Under NAFTA, duty rates for subheading 6910.10 are incrementally reduced to free over a 10-year period. Petitioner asserts that early in 1994, Customs reclassified Mexican produced vitreous china sanitary ware as sanitary ware made of material other than porcelain or china under subheading 6910.90. Under NAFTA, duty rates for subheading 6910.90 were reduced to free at NAFTA's implementation. Petitioner challenges Customs reclassification of Mexican ceramic sanitary ware, claiming significant

amounts of ceramic sanitary ware, in particular water closet bowls, are made of china.

Customs Position

The classification of merchandise under the HTSUS is governed by the General Rules of Interpretation (GRIs). GRI 1, HTSUS, states, in pertinent part, that for legal purposes, classification shall be determined according to the terms of the headings and any relative section or chapter notes. Additional U.S. Note 5(a) to Chapter 69 states: For the purposes of headings 6909 through 6914:

(a) The terms "porcelain" "china" and "chinaware" embrace ceramic ware (other than stoneware), whether or not glazed or decorated, having a fired white body (unless artificially colored) which will not absorb more than 0.5 percent of its weight of water and is translucent in thicknesses of several millimeters.

The tariff definition of porcelain, china and chinaware provides physical characteristics which, under certain circumstances, indicate that an article is porcelain, china and chinaware. Those characteristics include the article's degree of whiteness (unless the article is artificially colored) and degree of vitrification. An article's vitrification is manifested by both the water absorption and translucency specifications stated in the tariff definition for porcelain, china and chinaware.

Porcelain consists essentially of kaolinic clays and smaller amounts of quartz and/or feldspar. Because the clay and additives are extremely pure, the finished porcelain body is close to a true white color, unless colored. Whiteness, as a porcelain, china and chinaware characteristic, was addressed in *U.S. vs. Twin Wintons*, 535 F.2d 636 (CCPA 1976) rev'd. 395 F.Supp 1397 (1975) [*Twin Wintons*]. The court found, based on the evidence presented, that whiteness is principally a subjective function of the potter's intent manifested through ingredient control, and therefore not a determinative characteristic in and of itself of an article's porcelain, china and chinaware nature. However, subsequent to the decision in *Twin Wintons*, Customs has used the Munsell Color System scientific method to measure the "whiteness" of ceramic ware when determining whether an article is made of porcelain, china and chinaware.

The Munsell Color System is a universally accepted system used to characterize color in terms of hue, chroma and value (lightness) using a combination number/lettering system. The Munsell system is illustrated by a collection of 1500 color chips in the

Munsell Book of Color. It requires that an object be viewed under a Macbeth lamp which produces an artificial light of known wave length simulating northern sky daylight. The color viewed is then compared with standardized color chips produced and sold by Munsell. The chips are of varying degrees of whiteness. Customs understands that ceramic sanitary ware having a Munsell color of N 8.5 or lighter (in a neutral color shade having a chroma of 0 to 0.5) will be, for the purpose of testing sanitary ware, considered white.

The amount of water a particular article absorbs is a manifestation of its vitrification. As the degree of vitrification increases during the firing process, the amount of water the finished product will be able to absorb will decrease by the same degree and vice versa. The method for the measurement of water absorption as provided for in Chapter 69, Additional U.S. Note 5(d), is the American Standard Testing Method designated C373 (except that test specimens may have a minimum weight of 10 g, and may have one large surface glazed). Samples absorbing 0.5% and less of their weight in water are sufficiently vitrified to meet both the tariff and industry definitions of porcelain, china and chinaware.

Translucency is the final specification provided by the tariff. Translucency, as in the case of water absorption, is a specification which manifests the characteristic "vitrification". As the degree of vitrification increases, the subject article's translucency increases. With respect to Chapter 69, Customs believes translucency is present as a specification to define the degree of vitrification and not as a porcelain, china and chinaware characteristic in and of itself. Therefore, Customs believes that bodies, whatever their form (e.g.: sanitary ware, vase, etc.), composed of the same base materials and vitrified during firing for the same amount of time will exhibit essentially the same amount of translucency.

In *Twin Wintons*, the examination of the subject article, a decanter, consisted of the judges darkening a room, placing a 7 watt penlight into the decanter and then visually examining the decanter to determine whether light shone through. The court tested the product for translucency without adjustment to a specific thickness. In addition, the court stated that there was no evidence that any part of the decanter was "very thin". Customs believes that this statement indicates the court's belief that the thickness of the decanter was within or above the "thickness of

several millimeters" requirement of the tariff porcelain, china and chinaware definition.

The measurable translucency of an article is directly affected by its thickness. Because translucent objects only partially transmit light, translucent materials become opaque at certain thicknesses. While the various articles of headings 6909 through 6914 may have virtually identical bodies, their thickness varies. Therefore, Customs believes the direction of Additional U.S. Note 5(a), "translucent at thicknesses of several millimeters", requires all ceramic articles it encompasses to be tested at a universal thickness. This thickness may or may not be the actual thickness of the product.

In the absence of a quantitative thickness, the Customs Laboratory performed an exhaustive search of industry standards. That search produced what Customs understands to be the only available industry standard indicating a thickness for testing translucency: the British Standard 5416 for porcelain chinaware. The standard requires an average water absorption of less than 0.2% by weight; however, depending on sample size (number samples tested), a small number of samples may show a water absorption rate of greater than 0.4%. If water absorption is met, translucency is tested by taking a 2 mm thick piece of the article and determining if 75% of the light directed incident upon it from a light source capable of emitting white light of color temperature of 3400 K (a special photometric lamp) is viewable. As the water absorption specification is provided in the porcelain, china and chinaware tariff definition, Customs believes that the sample thickness requirement of the test should be applied to determine whether a piece of ceramic sanitary ware will meet the translucency requirement of the porcelain, china and chinaware tariff definition.

Petitioner's Position

In contrast, petitioner states that while Additional U.S. Note 5(a) may accurately determine whether ceramic dinnerware or decorative articles are made of porcelain, china and chinaware, the specifications provided in the note are troublesome when applied to ceramic sanitary ware. Instead, petitioner suggests that the specifications for sanitary ware provided by the American National Standards Institute (ANSI) code should be applied to determine whether a ceramic sanitary ware article is made of china.

The ANSI has been adopted by the plumbing industry. It provides standards which govern the material composition and characteristics of ceramic sanitary ware. The ANSI code divides ceramic sanitary ware into 2 categories: "Vitreous China Plumbing Fixtures" and "Non-Vitreous Ceramic Plumbing Fixtures". Under the ANSI code, the difference between vitreous and non-vitreous ceramic products is determined by the water absorption value of the products. Vitreous china fixtures have an absorption value of .5% or less, while non-vitreous ceramics have an absorption value of .6% and above. According to petitioner, water closet bowls, as a condition for use and sale in the U.S., must meet the ANSI vitreous china standard.

Petitioner believes that ceramic sanitary ware meeting the ANSI vitreous china standard ought to be classified under subheading 6910.10 and ceramic sanitary ware which meets the non-vitreous china standard ought to be classified under subheading 6910.90.00, HTSUS.

Comments

Pursuant to section 175.21(a), Customs Regulations (19 CFR 175.21(a)), before making a determination on this matter, Customs invites written comments from interested parties on this issue. The petition of the domestic interested party, as well as all comments received in response to this notice, will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), section 1.4, Treasury Department Regulations (31 CFR 1.4), and section 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Branch, U.S. Customs Service, Office of Regulations and Rulings, Franklin Court, 1099 14th Street, N.W., Suite 4000, Washington, D.C.

Authority

This notice is published in accordance with section 175.21(a), Customs Regulations [19 CFR 175.21(a)].
George J. Weise,
Commissioner of Customs.

Approved: February 7, 1996.
Dennis M. O'Connell,
Acting Deputy Assistant Secretary of the Treasury.
[FR Doc. 96-5682 Filed 3-6-96; 8:45 am]
BILLING CODE 4820-02-P

Office of Foreign Assets Control

List of Specially Designated Narcotics Traffickers; Additional Designations

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice of blocking.

SUMMARY: The Treasury Department is adding the names of 138 additional individuals and 60 entities and revising information for 8 individuals on the list of blocked persons contained in the notices published on November 29, 1995, and October 24, 1995, who have been determined to play a significant role in international narcotics trafficking centered in Colombia or have been determined to be owned or controlled by, or to act for or on behalf of, other blocked persons on the list.

EFFECTIVE DATE: March 5, 1996, or upon prior actual notice.

FOR FURTHER INFORMATION: Office of Foreign Assets Control, Department of the Treasury, 1500 Pennsylvania Ave., N.W., Washington, DC 20220; Tel.: (202) 622-2420.

SUPPLEMENTARY INFORMATION:

Electronic Availability

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Background

On October 21, 1995, President Clinton signed Executive Order 12978, "Blocking Assets and Prohibiting Transactions with Significant Narcotics Traffickers" (the "Order").

The Order blocks all property subject to U.S. jurisdiction in which there is any interest of four principal figures in the Cali drug cartel who are listed in the annex to the Order. In addition, the Order blocks the property and interests in property of foreign persons