

quarter of 1996, and this growth is attributed to the increased customer awareness of the BNSF competitive option to the new UP/SP franchise, as well as its transition, begun in the fourth quarter of 1996 but accelerating in the first quarter of 1997, from haulage to trackage rights operations as volumes in key lanes continue to grow. BNSF states that it expects to see these volumes continue to grow through the second quarter of 1997 and beyond, and that, in a number of its UP/SP lanes, it has seen volumes grow to permit daily train service in each direction, which is an important milestone to providing effective competitive rail service.

BNSF notes that capital improvements have already been made to support these new operations and other improvements are planned as part of the 1997 capital budget, and that BNSF has continued its significant efforts to inform existing and potential customers of the available BNSF services, including marketing efforts to attract new customers over its new routes and offers of competitive service to or from customers at two-to-one points. BNSF further adds that, in spite of its continued vigorous efforts to implement operations and market services to shippers to which BNSF has gained access pursuant to Decision No. 44, there are still challenges to the prompt accomplishment of the Board's intention to preserve vigorous competition.

#### Oversight Proceeding

The oversight effort is intended to allow us to determine whether any problems have developed, with respect to implementation of the merger conditions addressing competitive harms, that require us to take further action. Our oversight effort will not exclude, related to those conditions, any aspect of the transaction or the existence of any type of anticompetitive effect. In the progress report filed on April 1, 1997, applicants state that they propose to submit with their next quarterly progress report on July 1, 1997, a more in-depth analysis of the effects of the merger and condition implementation. Therefore, we fully expect that the information presented by applicants in their July 1 progress report will be more extensive, including specific details of how each condition has been met, and we will hold them to that commitment. Regarding BNSF's July 1 progress report, we expect that BNSF will provide more detailed information regarding its efforts to be an effective competitor to the applicants. Parties may submit comments on any effects of the merger on competition and implementation of

the conditions imposed to address competitive harms by August 1, 1997. Replies are due on August 20, 1997. We will review the comments and replies, and will then determine what further action is appropriate.

#### Protective Order

Parties may submit filings, as appropriate, under seal marked Confidential or Highly Confidential pursuant to the Protective Order granted in UP/SP, Decision No. 2 (ICC served Sept. 1, 1995). Parties will be required to file redacted versions to be placed in the public docket.

#### Service List

Any person who intends to participate actively in the oversight proceeding as a "party of record" (POR) must notify us of this intent by May 27, 1997. In order to be designated a POR, a person must satisfy the filing requirements discussed above in the ADDRESSES section. We will then compile and issue a final service list for this oversight proceeding as soon as practicable. Copies of decisions, orders, and notices will be served only on those persons who are designated as POR, MOC (Members of the United States Congress), and GOV (Governors), on the official service list. Copies of filings must be served on all persons who are designated as POR. We note that Members of the United States Congress and Governors, who are designated MOC and GOV, are not parties of record and they need not be served with copies of filings; however, those who are designated as a POR must be served with copies of filings. All other interested persons are encouraged to make advance arrangements with the Board's copy contractor, DC News & Data, Inc. (DC News), to receive copies of Board decisions, orders, and notices served in this proceeding. DC News will handle the collection of charges and the mailing and/or faxing of decisions to persons who request this service. The telephone number for DC News is: (202) 289-4357.

A copy of this decision is being served on all persons designated as POR, MOC, or GOV on the service list in Finance Docket No. 32760. This decision will serve as notice that persons who were parties of record in Finance Docket No. 32760 will not automatically be placed on the service list as parties of record for this oversight proceeding unless they notify us of their intent to participate further. Applicants and BNSF will be required to serve their July 1, 1997 Progress Report on all PORs on the new service list, and any other

interested person who submits a written request to applicants and/or BNSF.

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

Decided: May 1, 1997.

By the Board, Chairman Morgan and Vice Chairman Owen. Chairman Morgan commented with a separate expression.

**Vernon A. Williams,**  
Secretary.

[FR Doc. 97-11876 Filed 5-6-97; 8:45 am]

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## DEPARTMENT OF THE TREASURY

### Customs Service

[T.D. 97-36]

#### Revocation of Sanson Marine, Inc.'s; Customs Gauger Approval

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

**ACTION:** Notice of Revocation of Customs  
Gauger Approval.

**SUMMARY:** Sanson Marine, Inc., of Roselle, New Jersey, a Customs approved gauger, under Section 151.13 of the Customs Regulations (19 CFR 151.13), was found not operating in compliance with Customs laws and regulations. Accordingly, pursuant to 151.13(f) of the Customs Regulations, notice is hereby given that the Customs commercial gauger approval of Sanson Marine, Inc. has been revoked with prejudice.

**EFFECTIVE DATE:** April 18, 1997.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ira S. Reese, Senior Science Officer, Laboratories and Scientific Services, U.S. Customs Service, 1301 Constitution Ave., NW., Washington, DC 20229 at (202) 927-1060.

Dated: April 22, 1997.

**George D. Heavey,**  
Director, Laboratories and Scientific Services.

[FR Doc. 97-11781 Filed 5-6-97; 8:45 am]

BILLING CODE 4820-02-P

## DEPARTMENT OF THE TREASURY

### Customs Service

[T.D. 97-37]

#### Revocation of Gauger Approval and Revocation of Laboratory Accreditations of ComSource American, Inc.

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