

from the U.S. Department of Transportation; (2) ESL and EBC maintain sufficient liability insurance; (3) none of the involved carriers is domiciled in Mexico nor owned or controlled by persons of that country; and (4) approval of the transaction will not significantly affect either the quality of the human environment or the conservation of energy resources.

Under 49 U.S.C. 14303(b), the Board must approve and authorize transactions it finds consistent with the public interest, taking into account at least: (1) The effect of the transactions on the adequacy of transportation to the public; (2) the total fixed charges that result; and (3) the interest of affected carrier employees.

On the basis of the application, we find that the proposed acquisition of control is consistent with the public interest and should be authorized. If any opposing comments are timely filed, this finding will be deemed vacated and, unless a final decision can be made on the record as developed, a procedural schedule will be adopted to reconsider the application.<sup>5</sup> If no opposing comments are filed by the expiration of the comment period, this decision will take effect automatically and will be the final Board action.

In their interim approval request, applicants state that, because the current owners of ESL and EBC are not prepared to make necessary long term investments in them, it is necessary that Northwest be allowed to assume their temporary control on or immediately after October 18, 1999, or the carriers could lose their market position to competitors, thereby causing severe injury to the ESL and EBC properties. Applicants have explained that the failure to grant such interim approval may result in injury to the motor carrier properties or substantially interfere with their future usefulness in providing adequate and continuous service to the public. Accordingly, the interim approval will be granted.<sup>6</sup>

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

*It is ordered:*

<sup>5</sup> Under 49 CFR 1182.6(c), a procedural schedule will not be issued if we are able to dispose of opposition to the application on the basis of comments and the reply.

<sup>6</sup> The Board will entertain petitions to reconsider a grant of interim approval. Such petitions may be filed only by a person who has filed a comment in opposition to the application. See 49 U.S.C. 1182.7(e) for further details.

1. Northwest's control of ESL and EBC is approved and authorized, subject to the filing of opposing comments.

2. Northwest is granted interim approval to operate the properties of ESL and EBC for a period of not more than 180 days pending determination of the application.

3. If timely opposing comments are filed, the findings made in this decision will be deemed vacated.

4. This decision will be effective on December 6, 1999, unless timely opposing comments are filed.

5. A copy of this notice will be served on: (1) The U.S. Department of Transportation, Office of Motor Carriers-HIA 30, 400 Virginia Avenue, SW, Suite 600, Washington, DC 20024; (2) the U.S. Department of Transportation, Office of the General Counsel, 400 7th Street, SW, Washington, DC 20590; and (3) the U.S. Department of Justice, Antitrust Division, 10th Street and Pennsylvania Avenue, NW, Washington, DC 20530.

By the Board, Chairman Morgan, Vice Chairman Clyburn, and Commissioner Burkes.

Decided: October 14, 1999.

**Vernon A. Williams,**  
Secretary.

[FR Doc. 99-27412 Filed 10-19-99; 8:45 am]

BILLING CODE 4915-00-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 33802]

#### Delta Southern Railroad, Inc.— Acquisition and Operation Exemption—Delta Southern Railroad Company

Delta Southern Railroad, Inc. (Delta), a noncarrier, newly created to become a Class III railroad, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire (by purchase or lease) and operate approximately 132.78 miles of rail line from Delta Southern Railroad Company (DSRR). The lines or rights intended to be acquired are as follows: (1) From milepost 408.9 in or near McGehee, AR, to milepost 489.44 in or near Tallulah, LA; (2) a rail spur from milepost 445.53 (where it connects with the Warren Line described in (3)(a)) for 3 miles;<sup>1</sup> and (3) DSRR's leasehold interest in a rail line owned by Union Pacific Railroad Company (UP) and currently operated by DSRR (a) from milepost 422.32 at Dermott, AR, to

<sup>1</sup> Delta indicated in its notice that it takes no position on whether this line is a spur for the purpose of the spur exemption under 49 U.S.C. 10906.

milepost 461.74 at Warren, AR (The Warren Line), and (b) from milepost 566 at Monroe, LA, to milepost 556.18 at Sterlington, LA (The Sterlington Line). In addition, Delta will acquire approximately 11.76 miles of operating rights over other rail lines: (1) DSRR's operating rights over certain other rail assets located at milepost 491 in Tallulah, LA, and owned by the Madison Parish Port Commission (The Madison Line); (2) certain overhead trackage rights over UP's line (a) between milepost 415.26 at Dermott, AR, and milepost 409.7 at McGehee, AR, and (b) and yard facilities from milepost 566 and milepost 500.3 to milepost 504 at Monroe, LA; and (3) certain operating rights at milepost 472.8 at Lake Providence, LA, owned by the Lake Providence Port Commission.<sup>2</sup>

On August 4, 1999, William and Linda Wainwright, sole owners of Delta signed a letter of intent with Lawrence Beal for the parties to negotiate and execute a purchase and sale agreement for the acquisition and operation of DSRR.<sup>3</sup> The verified notice states that William Wainwright has managed DSRR for the past 10 years since DSRR was established as a short line railroad in 1989. The parties had not yet signed an agreement as of the October 1, 1999 filing of the verified notice of exemption.

The transaction is scheduled to be consummated on or shortly after October 18, 1999.

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) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33802, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423-0001. In addition, a copy of each pleading must be served on John D. Heffner, Esq., Rea, Cross, & Auchincloss, 1707 L Street, NW, Suite 570, Washington, DC 20036.

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Decided: October 12, 1999.

<sup>2</sup> Delta states that its projected revenues will not exceed those that would qualify it as a Class III rail carrier and that its revenues are not projected to exceed \$5 million.

<sup>3</sup> Lawrence Beal owns 100% of DSRR.

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

**Vernon A. Williams,**  
Secretary.

[FR Doc. 99-27131 Filed 10-19-99; 8:45 am]

BILLING CODE 4915-00-P

## DEPARTMENT OF THE TREASURY

### Customs Service

#### Proposed Collection; Comment Request; Lien Notice (Customs Form 3485)

**ACTION:** Notice and request for comments.

**SUMMARY:** As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the U.S. Customs Declaration. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104-13; 44 U.S.C. 3505(c)(2)).

**DATES:** Written comments should be received on or before December 20, 1999, to be assured of consideration.

**ADDRESSES:** Direct all written comments to U.S. Customs Service, Information Services Group, Attn.: J. Edgar Nichols, 1300 Pennsylvania Avenue, NW, Room 3.2C, Washington, D.C. 20229.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be directed to U.S. Customs Service, Attn.: J. Edgar Nichols, 1300 Pennsylvania Avenue NW, Room 3.2C, Washington, D.C. 20229, Tel. (202) 927-1426.

**SUPPLEMENTARY INFORMATION:** Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104-13; 44 U.S.C. 3505(c)(2)). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide

information. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting information collection:

*Title:* Lien Notice.

*OMB Number:* 1515-0046.

*Form Number:* Customs Form 3485.

*Abstract:* The Lien Notice, Customs Form 3485, enable the carriers, cartmen, and similar businesses to notify Customs that a lien exists against an individual/business for non-payment of freight charges, etc., so that Customs will not permit delivery of the merchandise from public stores or a bonded warehouse until the lien is satisfied or discharged.

*Current Actions:* There are no changes to the information collection. This submission is being submitted to extend the expiration date.

*Type of Review:* Extension (without change).

*Affected Public:* Individuals, businesses.

*Estimated Number of Respondents:* 2,000.

*Estimated Time Per Respondent:* 5 minutes.

*Estimated Total Annual Burden Hours:* 8,497.

*Estimated Total Annualized Cost on the Public:* N/A.

Dated: October 14, 1999.

**J. Edgar Nichols,**

Agency Clearance Officer, Information Services Group.

[FR Doc. 99-27345 Filed 10-19-99; 8:45 am]

BILLING CODE 4820-02-P

## DEPARTMENT OF THE TREASURY

### Customs Service

#### Proposed Collection; Comment Request; Importers of Merchandise Subject to Actual Use Provisions

**ACTION:** Notice and request for comments.

**SUMMARY:** As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the U.S. Customs Declaration. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104-13; 44 U.S.C. 3505(c)(2)).

**DATES:** Written comments should be received on or before December 20, 1999, to be assured of consideration.

**ADDRESSES:** Direct all written comments to U.S. Customs Service, Information Services Group, Attn.: J. Edgar Nichols, 1300 Pennsylvania Avenue, NW, Room 3.2C, Washington, D.C. 20229.

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*Title:* Importers of Merchandise Subject to Actual Use Provisions.

*OMB Number:* 1515-0091.

*Form Number:* None.

*Abstract:* The Importers of Merchandise Subject to Actual Use Provision is part of the regulation which provides that certain items may be admitted duty-free such as farming implements, seed, potatoes etc., providing the importer can prove these items were actually used as contemplated by law. The importer must maintain detailed records and furnish a statement of use.

*Current Actions:* There are no changes to the information collection. This submission is being submitted to extend the expiration date.

*Type of Review:* Extension (without change).

*Affected Public:* Individuals, Businesses.