

application must therefore, except as modified by advance waiver, conform to the 49 CFR part 1180 requirements applicable to major transactions.

Impact Analysis Base Year

Applicants have indicated that they will use the year 1998 as the base year for purposes of the impact analysis to be filed in their application.

Application Filing Date

Applicants have indicated that they anticipate filing their application on or after the 90 days after December 20, 1999. See 49 CFR 1180.4(b)(1) (this provision provides, in essence, that an application respecting a major transaction must be filed between 3 and 6 months after the filing of the prefiling notification).

Administrative Law Judge

As in past proceedings, an Administrative Law Judge will be assigned to entertain and rule upon all disputes concerning discovery in this proceeding.

Protective Order; Procedural Schedule

As in past proceedings, applicants will be expected to submit: a draft version of a protective order to govern the production of material regarded as either "confidential" or "highly confidential" (as those terms have been used in past proceedings); and a proposed procedural schedule to govern the processing of the BNSF/CN application.

Electronic Submissions

In addition to submitting an original and 25 copies of all paper documents filed with the Board, parties must also submit, on diskettes (3.5-inch IBM-compatible floppies) or compact discs, one electronic copy of each such document (e.g., textual materials, electronic workpapers, data bases and spreadsheets used to develop quantitative evidence).¹¹ Textual materials must be in, or convertible by and into, WordPerfect 7.0. Spreadsheets must be in some version of Lotus, Excel, or Quattro Pro. Each diskette or compact disc should be clearly labeled with the identification acronym and number of the corresponding paper document, see 49 CFR 1180.4(a)(2), and a copy of such

diskette or compact disc should be provided to any other party upon request. The data contained on the diskettes or compact discs submitted to the Board may be submitted under seal (to the extent that the corresponding paper copies can be submitted under seal pursuant to the protective order that will be entered in this proceeding), and will be for the exclusive use of the Board employees reviewing substantive and/or procedural matters in this proceeding. The flexibility provided by such computer data is necessary for efficient review of these materials by the Board and its staff.¹²

Downstream Effects and Service Issues

In the past several years, the leading North American railroads have undertaken a series of major transactions that, when taken together, have dramatically reconfigured the entire North American railroad industry. This process has proved not to be an easy one, as evidenced by the significant and ongoing adjustments required by railroads, shippers, and rail employees as the implementation process for those transactions continues.

The BNSF/CN transaction, if approved and implemented, may trigger yet another full round of major transactions, as other railroads seek to position themselves and their customers to meet the competitive effects of a unified BNSF/CN.¹³ The "one case at a time" rule, 49 CFR 1180.1(g), provides that in a major transaction proceeding, "consideration will be limited to the impacts of transactions which have already been approved and are, therefore, reasonably certain to occur." However, given the competitive responses that can be expected of other railroads, we will waive, on our own motion, the rule set out in 49 CFR 1180.1(g), so that applicants and other interested persons can submit, and the Board can consider, evidence respecting the "cumulative impacts and crossover effects," that are likely to occur in the wake of a BNSF/CN transaction. Similarly, parties should address the effect of the proposed transaction and any likely subsequent transactions, that would produce further significant consolidation in the industry, upon the statutory goals embodied in 49 U.S.C. 10101, with particular attention to those aimed at fostering sound and

competitive economic conditions in the U.S. railroad industry.¹⁴

Furthermore, as noted, North American railroads, together with their customers and employees, have not yet fully adjusted to the recent wave of major rail transactions. Given our recent experience with post-merger rail service disruptions, we expect applicants and other interested persons to submit evidence respecting the likely effects on rail service of any action we may take, considering again the statutory goals cited above.

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

Decided: December 27, 1999.

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

Vernon A. Williams,

Secretary.

[FR Doc. 00-105 Filed 1-3-00; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33388 (Sub-No. 90)]¹

CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company—Control and Operating Leases/Agreements—Conrail Inc. and Consolidated Rail Corporation (Buffalo Rate Study)

ACTION: Decision No. 2; Extension of Deadlines Applicable to the First Phase of the Buffalo Rate Study.

SUMMARY: In Decision No. 1, which was served December 15, 1999, and published in the **Federal Register** on December 20, 1999 (at 64 FR 71188), the Board initiated a 3-year study (the Buffalo Rate Study) to examine linehaul and switching rates for rail movements into and out of the State of New York's Buffalo area. By petition filed December 23, 1999, CSX Corporation and CSX Transportation, Inc. (collectively, CSX) and Norfolk Southern Corporation and Norfolk Southern Railway Company (collectively, NS) have requested that each of the respective due dates for the first phase (also referred to as the initial

¹¹ The results derived from electronic workpapers must be reproducible, i.e., all underlying data bases, computer programs (FORTRAN, COBOL, C++, etc.) and electronic spreadsheets must be submitted in evidence. Program flows and logic trails must also be included. Computer programs must be submitted in both source code and executable modules. Electronic spreadsheets must be executable and all cell inputs must be documented.

¹² The electronic submission requirements set forth in this decision supersede, for the purposes of this proceeding, the otherwise applicable electronic submission requirements set forth in our regulations. See 49 CFR 1104.3(a).

¹³ Indeed, the most recent round of major mergers began with the consolidation of the "Burlington Northern" and "Santa Fe" systems.

¹⁴ Of course, we also expect applicants to address the statutory criteria set forth in 49 U.S.C. 11324, including the effect on competition among rail carriers in the national rail system.

¹ A copy of this decision is being served on all persons designated as POR, MOC, or GOV on the service list in STB Finance Docket No. 33388.

6-month review) of the Buffalo Rate Study be extended for a period of four weeks. In this decision, the Board is extending the due dates applicable to the first phase of the Buffalo Rate Study.

DATES: For the initial 6-month review (also referred to as the first phase), the carriers' rail 100% waybill files for the period beginning June 1, 1997, and ending November 30, 1999, should be made available to all interested parties and to Board staff by January 27, 2000. CSX and NS comprehensive filings are due by February 11, 2000; comments from other parties are due by March 13, 2000; and CSX and NS replies to comments are due by March 28, 2000.

For the first full-year review, the carriers' rail 100% waybill files for the period ending May 31, 2000, should be made available to all interested parties and to Board staff by June 30, 2000. CSX and NS comprehensive filings are due by July 14, 2000; comments from all interested parties are due by August 14, 2000; and CSX and NS replies to comments are due by August 29, 2000. (The dates applicable to the first full-year review have not been changed; they are noted here simply for ease of reference.)

ADDRESSES: An original and 25 copies of all documents must refer to STB Finance Docket No. 33388 (Sub-No. 90) and must be sent to: Surface Transportation Board, Office of the Secretary, Case Control Unit, Attn: STB Finance Docket No. 33388 (Sub-No. 90), 1925 K Street, N.W., Washington, DC 20423-0001. In addition, one copy of all documents in this proceeding must be sent to each representative: (1) Dennis G. Lyons, Esq., Arnold & Porter, 555 12th Street, N.W., Washington, DC 20004-1202 (representing CSX); and (2) Richard A. Allen, Esq., Zuckert, Scoutt & Rasenberger, LLP, 888 17th Street, N.W., Washington, DC 20006-3939 (representing NS).

In addition to submitting an original and 25 copies of all paper documents filed with the Board, parties also must submit, on 3.5-inch IBM-compatible floppy diskettes (disks) or compact discs (CDs), copies of all pleadings and attachments (e.g., textual materials, electronic workpapers, data bases and spreadsheets used to develop quantitative evidence) and must clearly label pleadings and attachments and corresponding computer diskettes with an identification acronym and pleading number. Textual materials must be in, or convertible by and into, WordPerfect 7.0. Electronic spreadsheets must be in some version of Lotus, Excel, or Quattro Pro. Parties may individually seek a waiver from the disk-CD requirement.

FOR FURTHER INFORMATION, CONTACT: Michael A. Redisch, (202) 565-1544. [TDD for the hearing impaired: (202) 565-1695.]

SUPPLEMENTARY INFORMATION: In their petition (designated CSX/NS-220) filed December 23, 1999, CSX and NS have explained that extension of the first phase deadlines is necessary to assure the orderly and efficient production of the waybill data called for in Decision No. 1. CSX and NS contend, in essence, that, in view of other year-end tasks, and considering the substantial data processing required to produce the relevant waybill records, production of the required waybill data by December 30, 1999 (the date set in Decision No. 1) is simply not feasible.

The requested extension is justified, especially in light of the need for meaningful data for the Buffalo Rate Study. As noted by CSX and NS, because the study is a 3-year undertaking involving annual reviews, the 4-week extension will not affect the timely completion of the initial annual review or the overall study. The deadlines applicable to the first phase will therefore be extended in the manner requested.

Service List

As with Decision No. 1, a copy of this decision is being served on all persons designated as POR, MOC, or GOV on the service list in STB Finance Docket No. 33388. This decision (like Decision No. 1) will serve as a notice that persons who were parties of record in STB Finance Docket No. 33388 will not automatically be placed on the service list as parties of record for this Buffalo Rate Study proceeding. Any persons interested in being on the STB Finance Docket No. 33388 (Sub-No. 90) service list and receiving copies of CSX and NS filings relating to the Buffalo Rate Study must send us written notification with copies to the railroads' representatives.

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

Decided: December 28, 1999.

By the Board, Vernon A. Williams,
Secretary.

Vernon A. Williams,
Secretary.

[FR Doc. 00-106 Filed 1-3-00; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF THE TREASURY

Customs Service

Proposed Collection; Comment Request; Bonded Warehouse Proprietors's Submission

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

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 Bonded Warehouse Proprietors's Submission. 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 March 6, 2000, to be assured of consideration.

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

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to U.S. Customs Service, Attn.: J. Edgar Nichols, Room 3.2.C, 1300 Pennsylvania Avenue NW, 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) the annual costs burden to respondents or record keepers from the collection of information (a total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB)