or physiological byproducts which can sometimes be present during post-mortem decomposition; repetitive analyses of a specimen to determine if the alcohol concentration is increasing; and determining the identity of any microorganisms present to assess whether they have alcohol-producing capability.

Authority: 49 U.S.C. 20103, 20107, 20111, 20112, 20113, 20140, 21301, 21304, and 49 CFR 1.49(m).

Issued in Washington, D.C. on November 27, 1996.

Grady C. Cothen,

Deputy Associate Administrator for Safety.

[FR Doc. 96–30759 Filed 12–2–96; 8:45 am]

BILLING CODE 4910–06–P

Notice of Safety Bulletin

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of safety bulletin.

SUMMARY: The FRA is issuing a Safety Bulletin addressing recommended safety practices for Direct Train Control (DTC) operations.

FOR FURTHER INFORMATION CONTACT: Doug Taylor, Staff Director, Operating Practices Division, Office of Safety Assurance and Compliance, FRA, 400 Seventh Street, S.W., Washington, D.C. 20590 (telephone 202–632–3346).

SUPPLEMENTARY INFORMATION: Preliminary investigatory findings following the head-on collision of two CSX freight trains at Smithfield, West Virginia, on August 20, 1996, indicate that existing carrier Direct Train Control [1] rules and procedures should be enhanced in order to reduce the risk of similar collisions. Therefore, the following three safety practices are recommended in DTC territory:

In non-signalled DTC territory—when a train holds an ''after arrival of'' block authority:

1. After the train to be met has been visually identified by engine number and the rear end marker has passed the point of restriction, the train being restricted shall establish positive radio contact with the train to be met in order to confirm the identity of the passing train. If radio contact cannot be established, the train dispatcher shall be contacted to provide the required confirmation. The train identification information received from the train to be met or from the dispatcher shall be recorded in writing by both the conductor and engineer, i.e., Engine *(number)* has passed *(location)* at *(time).*

In all DTC territory:

2. Once a movement authority is in effect, no alterations may be made other than those specifically prescribed by carrier operating rules.

3. Conductors and engineers should retain for seven days copies of all en route movement authorities transmitted by radio. These records should be periodically inspected by carrier officials.

In addition to these recommended safety practices, FRA emphasizes that strict adherence to existing FRA safety regulations will enhance safety of these rail operations. Railroad officials and employees should be particularly aware of the following regulations and their effect on the safety of DTC operations:

FRA regulations at 49 CFR 220.61(b)(5) require that both the conductor and engineer shall have a copy of all movement authorities transmitted by radio. FRA has traditionally interpreted this to mean that the conductor and the engineer shall *each* have a copy. Both crewmembers having their own copy of all movement authorities will, in accordance with the purpose of the rule, provide needed safety checks on unauthorized train movements.

FRA regulations at 49 CFR 217.9(b)(1) require that a carrier's program of operational tests and inspections provide for operational testing and inspection under the various operating conditions on the railroad. Consequently, operational tests and inspections conducted in accordance therewith must include a representative number of tests and inspections specifically covering operations in DTC territory.

Issued in Washington, D.C. on November 25, 1996.

Bruce Fine,

Associate Administrator for Safety.

[FR Doc. 96–30737 Filed 12–2–96; 8:45 am]

BILLING CODE 4910–06–P

[1] This is an umbrella term and refers to methods of operation known variously as Direct Traffic Control (DTC), Track Warrant Control (TWC), Track Permit Control Systems (TPCS), Form D control system (DCS), and similar methods of authorizing train movements.

Surface Transportation Board

[STB Finance Docket No. 33298]

Pioneer Railcorp—Acquisition of Control Exemption—Shawnee Terminal Railway Company, Inc.

Pioneer Railcorp. (Pioneer), a noncarrier holding company, has filed a notice of exemption to acquire, through stock purchase, Shawnee Terminal Railway Company, Inc., a Class III shortline railroad, operating in the State of Illinois.[1]

The earliest the transaction could be consummated was November 21, 1996, the effective date of the exemption (7 days after the exemption was filed).

Pioneer owns and controls eleven existing Class III shortline rail carriers: West Michigan Railroad Co., operating in Michigan; Fort Smith Railroad Co., operating in Arkansas; Alabama Railroad Co., operating in Alabama; Mississippi Central Railroad Co., operating in Mississippi and Tennessee; Alabama & Florida Railway Co., operating in Alabama; Decatur Junction Railway Co., operating in Illinois; Vandalia Railroad Company, operating in Illinois; Minnesota Central Railroad Co., operating in Minnesota; KNRECO, Inc., d/b/a/ Keokuk Junction Railway, operating in Iowa and Illinois; Columbia & Northern Railway Co., which has a right to operate in Mississipi; and Rochelle Railroad Co., which operates in Illinois.

Pioneer states that: (i) The railroads will not connect with each other or any railroad in their corporate family; (ii) the acquisition of control is not part of a series of anticipated transactions that would connect the eleven railroads with each other or any railroad in their corporate family; and (iii) the transaction does not involve a Class I carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. *See* 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

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

[1] *See Shawnee Terminal Railway Company, Inc.—Acquisition and Operation Exemption—Cairo Terminal Railroad Company,* Finance Docket No. 33127 (STB served Oct. 11, 1996).

Docket No. 33298, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, NW., Washington, DC 20423. In addition, a copy of each pleading must be served on Daniel A. LaKemper, Esq., Pioneer Railcorp, 1318 S. Johanson Road, Peoria, IL 61607.

Decided: November 25, 1996.

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

Vernon A. Williams,

Secretary.

[FR Doc. 96–30716 Filed 12–2–96; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 96–80]

Crystallinity of Ceramic Floor and Wall Tile

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

ACTION: Final notice on testing of floor and wall tile for percent of crystallinity necessary to satisfy Harmonized Tariff Schedule of the United States criteria that a ''ceramic article'' be a shaped product ''of crystalline or substantially crystalline structure.''

SUMMARY: Customs has completed a review of the responses received as a result of our request for comments on the testing for the percent of crystallinity of certain articles of imported floor and wall tiles. These articles are classified for Customs purposes under subheadings covered by U.S. Note 1 to Chapter 69 of the Harmonized Tariff Schedule of the United States (HTSUS). There are many products imported under Chapter 69 that have vastly different physical requirements than floor and wall tiles. For this reason this study has been limited to the physical parameter of crystallinity of floor and wall tiles.

EFFECTIVE DATE: Any changes in Customs laboratory testing procedures will be effective regarding merchandise received for testing on or after December 3, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. Robert L. Zimmerman, Jr., Office of Laboratories & Scientific Services, (504) 589–6311.

SUPPLEMENTARY INFORMATION:

Background

From time to time U.S. Customs Service employees take representative samples from importations for the purpose of verifying that the importation is properly being entered into the commerce of the United States under the correct subheading of the Harmonized Tariff Schedule of the United States (HTSUS) and other pertinent laws and regulations. Additional U.S. Note 1 to Chapter 69 of the HTSUS states:

> For the purposes of this chapter, a ''ceramic article is a shaped article having a glazed or unglazed body of *crystalline or substantially crystalline structure*, the body of which is composed essentially of inorganic nonmetallic substances and is formed and subsequently hardened by such heat treatment that the body, if reheated to pyrometric cone 020, would not become more dense, harder, or less porous, but does not include any glass articles''. [Emphasis added.]

As part of the Customs efforts to increase voluntary compliance with the law and regulations, inform the public, and involve the importing public in problem resolution, by a notice published in the Federal Register on September 6, 1995 (60 FR 46329), Customs stated that it wished to define the concept of ''substantially crystalline'' in scientific terms based on state-of-the-art ceramic technology. However, before making any changes, comments were invited on this issue.

Discussion of Comments

The following discussion and conclusion applies only to floor and wall tile described in Chapter 69, HTSUS. As a result of the notice, Customs received six responses. The respondents have offered several issues which are discussed individually.

Issue 1: The degree of crystallinity of a ceramic is not addressed in any of the major standards that govern the manufacture of ceramic articles.

Response: This comment was made by five of the six respondents. The American Society for Testing and Materials (over 30 ASTM standards including C373, most found in Volume 15.02), the International Standards Organization (ISO standards 13006 and 10454.1 through 10454.17), and the European Network (EN standards 87, 98–105, 121, 122, 155, 159, 163, 176–178, 186–188, and 202) each have either accepted standards or draft standards for the production of ceramic floor and wall tile. Each standard writing body has a definition for a ceramic floor and wall tile, but none address the issue of crystallinity in their definition. According to one respondent, crystallinity is not an important factor to the industry. From all of the information gathered on this subject, Customs acknowledges that the degree of crystallinity is not an issue to the tile industry. The fact that the issue is not as critical to the industry as the other criteria stated in U.S. Note 1, e.g., fired to pyrometric cone 020, porosity, etc. may lead Customs to lessen the weight of the crystallinity criteria for floor and wall tile. However, in the absence of legislative change to the wording of U.S. Note 1 to Chapter 69 the issue must be addressed for Customs purposes.

Issue 2: X-ray diffraction (XRD) is currently the technique of choice for determining the degree of crystallinity in these products.

Response: Four of the respondents noted this fact. Three went on to discuss the significant cost, skill and effort the method demands. One respondent notes that XRD should be viewed as a qualitative test for the purpose of determining crystallinity. Customs acknowledges that, with one exception, all of the facts presented by the respondents regarding XRD are true. The exception is that, if done properly, XRD can give quantitative results. It is possible that, due to the discussion of Issues 1 and 3, only a type of screening technique is required.

Issue 3: The purpose of the crystallinity criteria is to differentiate a ceramic tile from a glass article.

Response: While only one respondent made note of the U.S. Tariff Commission Tariff Classification Study (''Schedule 5–Nonmetallic Minerals and Products,'' Nov. 15, 1960, pg 77–78) discussion of crystallinity as it applies to ceramic articles, the study is very important in determining the intent of the language of U.S. Note 1 to Chapter 69. The respondent states that the use of the concept of crystallinity is to differentiate a ceramic product from a glass product. From a technical standpoint, this is reasonable since glass articles are nearly completely amorphous, while ceramic goods normally contain some degree of crystallinity. Depending on the raw materials used to make the product and the manufacturing process used to engineer the physical qualities into the product that are necessary for its intended use, the degree of crystallinity may vary significantly. Furthermore, the HTSUS describes a different process for the manufacture of ceramics compared to the process of glass-making. This may be used to differentiate a ceramic article from a glass article for Customs purposes.

Issue 4: Court ruling regarding ''substantially crystalline.''

Response: One respondent refers to the *Eastalco* decision. In *Eastalco Aluminum Co.* V. *United States,* 13 CIT