

MN (MP 288.0), to St. Paul, MN (MP 407.4), and for overhead traffic from Comus, MN (MP 123.8), to Rosemount, MN (MP 150.7); and (iii) over 78.2 miles of rail line owned by the Kansas City Terminal Railroad (KCT).<sup>10</sup>

Pursuant to a decision of the Board served April 2, 1997, the proposed transaction may be consummated on or after April 4, 1997. I&M intends to consummate the transaction as soon as practicable.

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. 33326, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Mark H. Sidman, Esq., Weiner, Brodsky, Sidman & Kider, P.C., 1350 New York Avenue, N.W., Suite 800, Washington, DC 20005-4797.

Decided: April 3, 1997.

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

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 97-9095 Filed 4-8-97; 8:45 am]

BILLING CODE 4915-00-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 33378]

#### Sierra Pacific Industries; Acquisition and Operation Exemption; Amador Central Railroad Company

Sierra Pacific Industries (SPI), a Class III rail carrier, has filed a notice of exemption under 49 CFR 1150.41 to acquire and operate approximately 12 miles of rail line currently owned and operated by the Amador Central Railroad Company (ACRC), between milepost 0.0 at Lone and milepost 12.0

<sup>10</sup> I&M also will acquire CPR's minority interest (8.33%) in the common stock of KCT, and will thereby acquire certain rights and obligations attendant thereto, including the right to operate on the 78.2 miles of rail line owned by KCT. I&M also will acquire all of the rights, privileges, benefits, and obligations of CPR in that certain contract between KCS and predecessors of CPR, dated May 1, 1942, including any real estate owned by CPR in Kansas or in the metropolitan area of Kansas City, MO, together with any appurtenances and fixtures of CPR located thereon and affixed thereto, other than certain excluded assets.

at Martell, in Amador County, CA. Included in the acquisition are a rail yard and associated tracks.

This transaction was scheduled to be consummated on March 31, 1997.

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 does not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33378, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington DC 20423-0001. A copy of all pleadings must be served on applicant's representative: James F. Flint, Grove, Jaskiewicz and Cobert, 1730 M Street, NW., Suite 400, Washington, DC 20036.

Decided: April 3, 1997.

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

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 97-9097 Filed 4-8-97; 8:45 am]

BILLING CODE 4915-00-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 33327]

#### Dennis Washington, et al.; Continuance in Control Exemption; I&M Rail Link, LLC

Dennis Washington, William H. Brodsky, Mort Lowenthal, Dorn Parkinson, J. Fred Simpson, and Thomas J. Walsh, noncarrier individuals (applicants), have filed a verified notice of exemption to continue in control, through ownership and management, of I&M Rail Link, LLC (I&M) upon I&M's becoming a rail carrier. Applicants control, through ownership and management, one other rail carrier, Montana Rail Link, Inc. (MRL), a Class II railroad operating in Montana, Idaho, and Washington.

This proceeding is related to STB Finance Docket No. 33326, wherein I&M, a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 and 1150.35 to acquire from Soo Line Railroad Company, d/b/a/ Canadian Pacific Railway (CPR), and operate approximately 1,109 miles of rail line and 262 miles of trackage rights in Iowa, Illinois, Minnesota, Missouri, Wisconsin, and Kansas. The system to be acquired by I&M, which is more fully described in the STB Finance Docket

No. 33326 notice published concurrently herewith, consists generally of: (1) CPR's "KC Mainline" between Kansas City, MO, and Pingree Grove, IL, including trackage rights between Pingree Grove and Chicago, IL; and (2) CPR's "Corn Lines" between Sabula and Sheldon, IA, including branch lines and trackage rights in southern Minnesota. Upon acquiring such lines and trackage rights, I&M will become a Class II rail carrier.

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

Pursuant to a decision of the Board served April 2, 1997, I&M may consummate its proposed acquisition on or after April 4, 1997. I&M intends to consummate that acquisition as soon as practicable. The control transaction in the instant docket will be consummated simultaneously therewith.

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. Although applicants do not expect any employees to be adversely affected by this control transaction, they have agreed to apply employee protective conditions pursuant to 49 U.S.C. 11326(a). Therefore, any employees adversely affected by the control transaction will be protected by the conditions set forth in *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979).

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. 33327, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Mark H. Sidman, Esq., Weiner, Brodsky, Sidman & Kider, P.C., 1350 New York Avenue, N.W., Suite 800, Washington, DC 20005-4797.

Decided: April 3, 1997.

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

**Vernon A. Williams,**  
Secretary.

[FR Doc. 97-9096 Filed 4-8-97; 8:45 am]

BILLING CODE 4915-00-P

## DEPARTMENT OF THE TREASURY

### Customs Service

[T.D. 97-21]

#### Recordation of Trade Name: "Phase II"

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

**SUMMARY:** On Tuesday, January 28, 1997, a notice of application for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name "PHASE II," used by Phase II Machine and Tool, Inc., a corporation organized under the laws of the State of New Jersey, located at 14 Caesar Place, Moonachie, New Jersey 07074, was published in the **Federal Register** (62 FR 4094). The notice advised that before final action was taken on the application, consideration would be given to any relevant data, views, or arguments submitted in writing by any person in opposition to the recordation and received not later than March 31, 1997. No responses were received in opposition to the notice.

Accordingly, as provided in § 133.14, Customs Regulations (19 CFR 133.14), the name "PHASE II," is recorded as the trade name used by Phase II Machine and Tool Inc., located at 14 Caesar Place, Moonachie, New Jersey 07074.

The trade name is used in connection with advertising, business cards, stationery. The merchandise is manufactured all over the world, but primarily Asia.

**EFFECTIVE DATE:** April 9, 1997.

**FOR FURTHER INFORMATION CONTACT:** Delois P. Johnson, Intellectual Property Rights Branch, 1301 Constitution Avenue, NW., (Franklin Court), Washington, D.C. 20229 (202-482-6960).

Dated: April 3, 1997.

**John F. Atwood,**  
Chief, Intellectual Property Rights Branch.  
[FR Doc. 97-8977 Filed 4-8-97; 8:45 am]

BILLING CODE 4820-02-P

## DEPARTMENT OF VETERANS AFFAIRS

### Privacy Act of 1974, Amendment of Routine Use

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Notice of amendment of routine use.

**SUMMARY:** As required by the Privacy Act of 1974 notice is hereby given that the Department of Veterans Affairs (VA) is amending a routine use statement that appears in the system of records, 77VA11, Health Care Provider Credentialing and Privileging Records—VA.

**DATES:** Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendment to the routine uses. All relevant materials received before May 9, 1997, will be considered. All written comments received will be available for public inspection at the Office of Regulations Management, Room 1158, at the address given below, between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays). If no public comment is received during the 30-day review period allowed for public comment or unless otherwise published in the **Federal Register** by VA, the routine use amendment is effective May 9, 1997.

**ADDRESSES:** Written comments concerning the routine use amendment may be mailed to the Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420.

**FOR FURTHER INFORMATION CONTACT:** Ruth-Ann Phelps, Ph.D., Health Systems Specialist, Office of the Under Secretary For Health, Patient Care Services, (202) 273-8473.

#### SUPPLEMENTARY INFORMATION:

##### Background

On July 27, 1990, the Department published original notice of the system of records (77VA11) at 55 FR 30790. This system of records was re-published in its entirety on June 13, 1991 at 56 FR 27292. Routine use number 19, and the retention and disposal statement were amended on July 30, 1993 at 58 FR 40852. This proposal intends to amend routine use number 6 in order to adhere to a change in VA policy as set forth below. The proposed amendment is not within the purview of subsection (r) of the Privacy Act (5 U.S.C. 552a), as amended, which would require the submission of a new or altered system report.

##### Policy

The Department of Veterans Affairs (VA) is amending its policy regarding initiating reporting to State Licensing Boards to include current VA employees who are licensed health care

professionals. Therefore, VA proposes to add the words "currently employed" by amendment to routine use number 6 of the System of Records, 77VA11, Health Care Provider Credentialing and Privileging Records, where the existing release authority is contained. VA has long had a policy of initiating communications with other Federal Agencies, appropriate State Licensing Boards, and appropriate non-governmental entities about the professional performance history of former licensed health care professionals. This includes those who have been terminated for any reason, or who have resigned or retired and whose behavior or clinical practice so substantially failed to meet generally accepted standards of clinical practice as to raise reasonable concern for the safety of patients. This policy is contained in 58 FR 48455, September 16, 1993, further explained at 38 CFR part 47, and is recognized by Congress in Section 204 of Pub. L. 99-166.

While VA has responded to inquiries from appropriate State Licensing Boards about the professional practice of its current employees, it has generally restricted its initiation of communications to State Licensing Boards regarding professional practice standards to former licensed health care employees. Generally, concerns about clinical practice standards or behavior of current VA licensed health care professionals are addressed under traditional management methods such as mentorships, proctorships, co-reviews and other controls designed to insure patient safety. The scope of these procedures, however, is limited to VA supervised or controlled provision of health care services and does not consider those licensed health care professionals who, in addition to their VA employment, either full-time or part-time, may be providing health care services outside of VA in a jurisdiction where they are licensed. This is the basis for making current VA licensed health care professionals subject to the same VA initiated reporting requirements that have long existed for former VA licensed health care employees. Further, extending this reporting practice is consistent with VA's commitment to promote patient safety in the health care community at large and is consistent with reporting practices in private sector health care facilities.

##### Authority

VA has broad authority to report both employed or separated health care professionals. VA has long-standing statutory authority, contained in 38