

Advisory Board Liaison, Saint Lawrence Seaway Development Corporation, 400 Seventh Street, S.W., Washington, D.C. 20590; 202-366-6823.

Any member of the public may present a written statement to the Advisory Board at any time.

Issued at Washington, D.C. on June 11, 1998.

**Marc C. Owen,**

*Advisory Board Liaison.*

[FR Doc. 98-15944 Filed 6-15-98; 8:45 am]

BILLING CODE 4910-61-M

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 33602]

#### **Bethlehem Steel Corporation—Control Exemption—Brandywine Valley Railroad Corporation and Upper Merion and Plymouth Railroad Company**

Bethlehem Steel Corporation (BSC), a noncarrier, has filed a notice of exemption to indirectly control two Class III railroads, Brandywine Valley Railroad Corporation (BVRV) and L I Acquisition Corp. (doing business as Upper Merion and Plymouth Railroad Company) (UMP),<sup>1</sup> operating in Pennsylvania, that are currently indirectly controlled by Lukens, Inc. (Lukens), upon the acquisition by BSC of the stock of Lukens.

BSC currently owns all of the outstanding stock of six Class III railroads: Philadelphia, Bethlehem and New England Railroad Company; Steelton & Highspire Railroad Company; Cambria & Indiana Railroad Company; and Conemaugh & Black Lick Railroad Company, operating in Pennsylvania; South Buffalo Railway Company, operating in New York; and, Patapsco & Back Rivers Railroad Company, operating in Maryland. BSC will control BVRV and UMP in common with its other subsidiary railroads through its acquisition of control of BVRV's and UMP's corporate parent Lukens.

BSC intended to acquire control of Lukens on or about May 29, 1998.

BSC states that: (1) these railroads do not connect with each other; (2) the acquisition of control is not part of a series of anticipated transactions that would connect the railroads with each other or any railroad in its corporate family; and (3) the transaction does not involve a Class I rail carrier. The

transaction therefore 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 railroad 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 Docket No. 33602, 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: Eric M. Hocky, Gollatz, Griffin & Ewing, P.C., 213 West Miner Street, P. O. Box 796, West Chester, PA 19381-0796.

Decided: June 9, 1998.

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

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 98-15854 Filed 6-15-98; 8:45 am]

BILLING CODE 4915-00-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 33599]

#### **Consolidated Rail Corporation—Trackage Rights Exemption—Delaware and Hudson Railway Company, Inc.**

Delaware and Hudson Railway Company, Inc. (DHC) has agreed to grant overhead trackage rights to Consolidated Rail Corporation (Conrail) over certain railroad trackage, being a portion of the Taylor Secondary, Keyser Valley Industrial Track, and Wye Track, in Lackawanna County, PA, as follows: (1) the railroad tracks and appurtenant devices and facilities on the Taylor Secondary in Taylor Yard between Railroad Valuation Station Nos. 7762 + 04.5 and 7807 + 97, and on the Keyser Valley Industrial Track between Railroad Valuation Station Nos. 7767 + 46.2, 7786 + 32.2 and 7789 + 48, identified as a portion of Track No. 248

and Track Nos. 249, 696, 697, 698, and 699; and (2) the trackage rights also include any additional operating rights needed to make a continuous railroad route to connect the Taylor Secondary at Minooka Jct., which runs from Minooka Jct. to Pittston, with the Keyser Valley Industrial Track and existing trackage rights over DHC running between Taylor Yard and Bridge 60 in Scranton.<sup>1</sup>

While the exemption in STB Finance Docket No. 33599 became effective on June 3, 1998 (7 days after the notice was filed with the Board), the trackage rights transaction will not be able to be consummated until DHC receives Board approval for the exemption sought in STB Finance Docket No. 33595 to acquire the lines over which DHC would grant trackage rights in this proceeding.<sup>2</sup>

The purpose of the trackage rights is to allow Conrail, or its successor, to continue to access its customers on the Keyser Valley Industrial Track, and its customers and connections reached via Bridge 60 in Scranton.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it 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. 33599, must be filed with

<sup>1</sup> On June 8, 1998, DHC filed a petition for exemption in STB Finance Docket No. 33595, *Delaware and Hudson Railway Company, Inc.—Acquisition and Operation Exemption—Consolidated Rail Corporation*, to acquire from Conrail the trackage over which DHC would then grant back to Conrail the trackage rights that are the subject of this notice. That petition will be addressed by the Board in a separate decision.

<sup>2</sup> Conrail previously conveyed to the Reading, Blue Mountain & Northern Railroad (RBMN) all of its property and operating rights in the vicinity of Taylor Yard, including the Taylor Secondary, Keyser Valley Industrial Track, and the trackage rights to Bridge 60 in Scranton, and has leased to RBMN all of its rights to the tracks in Taylor Yard which DHC is acquiring in STB Finance Docket No. 33595. See *Reading Blue Mountain & Northern Railroad Company—Acquisition and Operation Exemption—Consolidated Rail Corporation*, STB Finance Docket No. 33004 (STB served Aug. 30, 1996). The parties intend that, once DHC receives Board approval of its exemption in STB Finance Docket No. 33595 and the trackage rights in this proceeding become effective, the lease of Conrail's rights in Taylor Yard will terminate, and these trackage rights will be assigned to RBMN.

<sup>1</sup> See *Lukens, Inc. and Sponsor's Plan Asset Management, Inc.—Continuance in Control Exemption—L I Acquisition Corp.*, Finance Docket No. 31587, (ICC served Jan. 22, 1990).

the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on John J. Paylor, Esq., Consolidated Rail Corporation, 2001 Market Street, 16A, Philadelphia, PA 19101-1416.

Decided: June 10, 1998.

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

**Vernon A. Williams,**  
Secretary.

[FR Doc. 98-15974 Filed 6-15-98; 8:45 am]

BILLING CODE 4915-00-P

## DEPARTMENT OF THE TREASURY

### [General Counsel Designation No. 237]

#### Appointment of Members to the Legal Division Performance Review Board

Under the authority granted to me as General Counsel of the Department of the Treasury by 31 U.S.C. 301 and 26 U.S.C. 7801, Treasury Department Order No. 101-5 (Revised), and pursuant to the Civil Service Reform Act, I hereby appoint the following persons to the Legal Division Performance Review Board:

(1) For the General Counsel Panel—  
Neal S. Wolin, Deputy General Counsel, who shall serve as Chairperson;  
Roberta K. McNerney, Assistant General Counsel (Banking & Finance);  
Stephen J. McHale, Chief Counsel, Bureau of Alcohol, Tobacco & Firearms;  
Kenneth R. Schmalzbach, Assistant General Counsel (General Law and Ethics);  
Debra N. Diener, Acting Assistant General Counsel (Enforcement); and  
Elizabeth B. Anderson, Chief Counsel, United States Customs Service.

(2) For the Internal Revenue Service Panel—Chairperson, Deputy Chief Counsel, IRS; Deputy General Counsel; Two Associate Chief Counsel, IRS; and Two Regional Counsel, IRS.

I hereby delegate to the Chief Counsel of the Internal Revenue Service the authority to make the appointments to the IRS Panel specified in this Designation and to make the publication of the IRS Panel as required by 5 U.S.C. 4314(c)(4).

Dated: June 10, 1998.

**Edward S. Knight,**  
General Counsel.

[FR Doc. 98-15941 Filed 6-15-98; 8:45 am]

BILLING CODE 4810-25-M

## DEPARTMENT OF THE TREASURY

### Customs Service

#### Procedures if the Generalized System of Preferences Program Expires

**AGENCY:** Customs Service, Treasury.

**ACTION:** General notice.

**SUMMARY:** The Generalized System of Preferences (GSP) is a renewable preferential trade program that allows the eligible products of designated developing countries to directly enter the United States free of duty. The GSP is currently scheduled to expire at midnight on June 30, 1998, unless its provisions are extended by Congress. This document provides notice to importers that claims for duty-free treatment under the GSP may not be made for merchandise entered or withdrawn from a warehouse on or after July 1, 1998, if the program is not extended before that date. This document also sets forth mechanisms to facilitate refunds, should the GSP be renewed with retroactive effect.

**DATES:** The plan set forth in this document will become effective as of July 1, 1998, if Congress does not extend the GSP program before that date.

**FOR FURTHER INFORMATION CONTACT:** For specific questions relating to the Automated Commercial System: Arthur Versich, Office of Automated Commercial System, 703-921-7117.

For general operational questions:

Formal entries—John Pierce, 202-927-1249;

Informal entries—Thomas Wygant, 202-927-1167;

Mail entries—Robert Woods, 202-927-1236;

Passenger claims—Michael Perron, 202-927-1325.

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 501 of the Trade Act of 1974 (the Act), as amended (19 U.S.C. 2461), authorizes the President to establish a Generalized System of Preferences (GSP) to provide duty-free treatment for eligible articles imported directly from designated beneficiary countries. Beneficiary developing countries and articles eligible for duty-free treatment under the GSP are designated by the President by Presidential Proclamation in accordance with sections 502(a) and 503(a) of the Act (19 U.S.C. 2462(a) and 2463(a)). Pursuant to 19 U.S.C. 2465(a), as amended by section 981 of Public Law 105-34, 111 Stat. 902, duty-free treatment under the GSP is presently scheduled to expire on June 30, 1998.

Congress is currently considering whether to extend the GSP program. If Congress does not pass legislation renewing the GSP before midnight, June 30, 1998, no claims for duty-free treatment under the program will be allowed on entries made after that time. If legislation is enacted but does not become effective before the GSP expires, language may be included that could renew the GSP with retroactive effect back to the date of its present expiration.

Recognizing the effect that renewing GSP duty treatment with retroactive effect has on both importers, who must request refunds of duties deposited, and Customs, which must liquidate or reliquidate eligible entries, Customs developed a mechanism to facilitate certain refunds. Set forth below is Customs plan that will be implemented on July 1, 1998, if the GSP has not been extended by that date.

#### Formal Entries

##### *Claims—Duties must be deposited*

No claims for duty-free treatment under the GSP may be made for merchandise entered, or withdrawn from warehouse for consumption on or after July 1, 1998. Duties at the most-favored-nation rate must be deposited, or a claim may be made under another preferential program for which the merchandise may qualify (for example, the Andean Trade Preference Act or the Caribbean Basin Economic Recovery Act).

When the GSP expires, Customs will employ an electronic mechanism that will allow the timely processing of refunds of duties deposited on eligible entries without requiring further action by the electronic filer. Entry summaries filed after June 30, 1998, with the Special Program Indicator (SPI) for the GSP (the letter "A") used as a prefix to the tariff number for all merchandise that would qualify for the GSP were the GSP still in effect will be accepted with deposited duties, and should the GSP be renewed with retroactive effect, the duties deposited with these entries will be refunded without further action by the filer. In effect, use of the SPI "A" will constitute an importer's request for a refund of duties paid for GSP line items should the GSP be renewed with retroactive effect.

Although the Customs Automated Commercial System (ACS) will be reprogrammed to accept the use of the SPI "A" with the payment of duty, the Automated Broker Interface (ABI) with the ACS will not be so reprogrammed. Accordingly, those filers that utilize the ABI who wish to continue utilizing the