

services on the line from milepost 415.0 to milepost 403.2, pursuant to the agreement of the parties. The portion of the line between milepost 431.593 and milepost 415.0, was approved for discontinuance of service by the Commission in *Southern Pacific Transportation Company—Discontinuance of Service Exemption—In Ventura County, CA*, Docket No. AB-12 (Sub-No. 143X), (ICC served Nov. 30, 1992). The proposed acquisition was expected to be consummated on or about October 31, 1995.

Any comments must be filed with the Commission and served on: Mary Redus Gayle, Esq., Burke, Williams & Sorensen, 2310 E. Ponderosa Drive, Suite 1, Camarillo, CA 93010.

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: December 21, 1995.

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

Vernon A. Williams,  
*Secretary.*

[FR Doc. 95-31405 Filed 12-28-95; 8:45 am]

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**[Docket No. AB-33 (Sub-No. 70)]**

**Union Pacific Railroad Company—  
Abandonment—Wallace Branch, ID**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Request for comments.

**SUMMARY:** The Rails to Trails Conservancy (RTC) seeks the immediate issuance of a certificate of interim trail use (CITU) under section 8(d) of the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act), for a 71.5-mile rail line of Union Pacific Railroad Company (UP) between milepost 16.5, near Plummer, and milepost 7.6, near Mullan, via milepost 80.4/0.0, near Wallace, in Benewah, Kootenai, and Shoshone Counties, ID. This notice is to request comments from all interested parties, agencies, and members of the public as to whether there is any impediment to the issuance of Trails Act authority in the unusual circumstances of this case.

In *Union Pacific RR. Co.—Aband.—Wallace Branch, ID*, 9 I.C.C.2d 325 (1992), 9 I.C.C.2d 377 (1992), and 9 I.C.C.2d 446 (1993), the Commission granted UP's application to abandon this line, subject to various conditions.

Specifically, the Commission allowed UP to discontinue service on the line, but provided that the carrier could not fully abandon the line (i.e., salvage the line and give up the right-of-way) until the environmental impacts of those actions are fully addressed and resolved. A request for a CITU was filed in 1992, but it was not acted on because an offer of financial assistance (OFA) under 49 U.S.C. 10905 was filed to acquire the line for continued rail service. The OFA process, however, terminated without a sale agreement or a request to the agency to set terms.

On judicial review of the abandonment decision, the United States Court of Appeals for the District of Columbia Circuit affirmed in part and reversed in part. *State of Idaho et al. v. ICC*, 35 F.3d 585 (D.C. Cir. 1994). As pertinent here, the court affirmed the Commission's decision to permit UP to discontinue rail operations on the line. But the court concluded that the Commission had attempted to delegate away too much of its responsibility to look at the potential environmental impacts of salvage activity and accordingly remanded the conditional salvage authorization.

By decision served December 2, 1994, the Commission reopened the abandonment proceeding. The Commission's decision vacated the conditional authorization of salvage activity here, except for the portion of the line within a "Superfund" site, where section 121(e)(1), 42 U.S.C. 962(e)(1), relieves UP of the requirement to obtain permission from the Commission if it does so in compliance with the Comprehensive Environmental Response Compensation and Liability Act. The decision also clarified that UP may not engage in any other salvage activity on this line until it has complied with the six environmental conditions previously imposed by the agency (under Commission supervision) and appropriate environmental documentation is prepared taking a final look at the environmental impacts of salvage followed by a determination as to whether the economic benefits of salvage outweigh the potential environmental harm.

Following the issuance of that decision, RTC, in August 1995, requested the immediate issuance of a CITU to permit trail use under section 8(d) on the entire 71.5-mile right-of-way, including the portion of the line within the Superfund site. RTC submitted the statement of willingness to assume financial responsibility and liability for the right-of-way required by the Commission's Trails Act rules and agreed to rail banking. UP stated that it

is willing to negotiate with RTC. In addition, the railroad, in view of the outstanding environmental conditions imposed in this case, stated that if there is an agreement in principle between UP and RTC or any other group for trail use or other use of this right-of-way, it would request Commission approval of that use prior to execution of any written agreement between the parties.

Given the unusual circumstances of this case, we request comments from all interested parties, agencies, and members of the public as to whether there are any impediments to the issuance of Trails Act authority here.

**DATES:** Comments are due by January 29, 1996.

**ADDRESSES:** An original and 10 copies of all comments, referring to Docket No. AB-33 (Sub-No. 70), should be filed with the Office of the Secretary, Case Control Branch, Interstate Commerce Commission, 1201 Constitution Avenue NW, Washington, DC 20423.<sup>1</sup> In addition, a copy of all comments must be served on all parties of record.

**FOR FURTHER INFORMATION CONTACT:** Joseph H. Dettmar, (202) 927-5660. [Assistance for the hearing-impaired is available through TDD at (202) 927-5721.]

Decided: December 22, 1995.

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

Vernon A. Williams,  
*Secretary.*

[FR Doc. 95-31404 Filed 12-28-95; 8:45 am]

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**[Docket Nos. AB-464X and AB-290 (Sub. No. 174X)]**

**Piedmont and Atlantic Railroad Co., Inc., d/b/a Yadkin Valley Railroad Company; Discontinuance of Service Exemption and Norfolk Southern Railway Company—Abandonment Exemption**

Piedmont and Atlantic Railroad Co., Inc., d/b/a Yadkin Valley Railroad Company (YVRR), and Norfolk Southern Railway Company (NS) have filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments and Discontinuances* for YVRR to discontinue service over and NS to abandon 8.7 miles of rail line between milepost CF-29.8 at Rural Hall and milepost CF-38.5 at Brook Cove, in

<sup>1</sup> Legislation to sunset the Commission on December 31, 1995, and transfer remaining functions is now under consideration in Congress. Until further notice, parties submitting pleadings should continue to use the current name and address.

Forsyth and Stokes Counties and the City of Rural Hall, NC.

YVRR and NS certify that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic can be rerouted over other lines or will be retained and interchanged between NS and YVRR on track now lying between MP CF-29.8 and MP CF-31.2, which will be reclassified as house or interchange track; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (service of environmental report on agencies), 49 CFR 1105.8 (service of historic report on State Historic Preservation Officer), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (service of verified notice on governmental agencies) have been met.

As a condition to use of this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on January 28, 1996, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>1</sup> formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>2</sup> and trail use/rail banking requests under 49 CFR 1152.29<sup>3</sup> must be filed by January 8, 1996. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by January 18,

<sup>1</sup> A stay will be issued routinely by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Commission's Section of Environmental Analysis in its independent investigation) cannot be made before the effective date of the notice of exemption. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any entity seeking a stay on environmental concerns is encouraged to file its request as soon as possible in order to permit the Commission to review and act on the request before the effective date of this exemption.

<sup>2</sup> See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

<sup>3</sup> The Commission will accept a late-filed trail use request as long as it retains jurisdiction to do so.

1996, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.<sup>4</sup>

A copy of any pleading filed with the Commission should be sent to applicant's representative: Jo A. DeRoche, Attorney for YVRR, Weiner, Brodsky, Sidman & Kider, 1350 New York Ave., N.W. Suite 800, Washington, DC 20005-4797; and James R. Paschall, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510.

If the notice of exemption contains false or misleading information, the exemption is void *ab initio*.

Applicant has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by January 3, 1996. Interested persons may obtain a copy of the EA by writing to SEA (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEA, at (202) 927-6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: December 21, 1995.

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

Vernon A. Williams,

Secretary.

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-395]

### South Carolina Electric & Gas Company and South Carolina Public Service Authority (Virgil C. Summer Nuclear Station Unit 1); Exemption

I

South Carolina Electric & Gas Company, et al. (the licensee) is the holder of Facility Operating License No. NPF-12, which authorizes operation of the Virgil C. Summer Nuclear Station, (VCSNS) Unit 1. The license provides, among other things, that the licensee is

<sup>4</sup> Legislation to sunset the Commission on December 31, 1995, and transfer remaining functions is now under consideration in Congress. Until further notice, parties submitting pleadings should continue to use the current name and address.

subject to all rules, regulations, and orders of the Commission now or hereinafter in effect. The facility consists of one pressurized water reactor located in Fairfield County, South Carolina.

II

It is stated in 10 CFR 73.55, "Requirements for physical protection of licensed activities in nuclear power reactors against radiological sabotage," paragraph (a), that "The licensee shall establish and maintain an onsite physical protection system and security organization which will have as its objective to provide high assurance that activities involving special nuclear material are not inimical to the common defense and security and do not constitute an unreasonable risk to the public health and safety."

It is specified in 10 CFR 73.55(d), "Access Requirements," paragraph (1), that "The licensee shall control all points of personnel and vehicle access into a protected area." It is specified in 10 CFR 73.55(d)(5) that "A numbered picture badge identification system shall be used for all individuals who are authorized access to protected areas without escort." It also states that an individual not employed by the licensee (i.e., contractors) may be authorized access to protected areas without escort provided the individual "receives a picture badge upon entrance into the protected area which must be returned upon exit from the protected area \* \* \*."

The licensee proposed to implement an alternative unescorted access control system which would eliminate the need to issue and retrieve badges at each entrance/exit location and would allow all individuals with unescorted access to keep their badges with them when departing the site.

An exemption from 10 CFR 73.55(d)(5) is required to allow contractors who have unescorted access to take their badges offsite instead of returning them when exiting the site. By letter dated June 28, 1995, the licensee requested an exemption from certain requirements of 10 CFR 73.55(d)(5) for this purpose.

III

Pursuant to 10 CFR 73.5, "Specific exemptions," the Commission may, upon application of any interested person or upon its own initiative, grant such exemptions in this part as it determines are authorized by law and will not endanger life or property or the common defense and security, and are otherwise in the public interest. Pursuant to 10 CFR 73.55, the