

FOR FURTHER INFORMATION CONTACT:
Joseph H. Dettmar, (202) 927-5660.
[TDD for the hearing impaired: (202)
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SUPPLEMENTARY INFORMATION:

Additional information is contained in the Board's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: DC News & Data, Inc., Room 2229, 1201 Constitution Avenue NW., Washington, D.C. 20423. Telephone (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927-5721.]

Decided: April 9, 1996.

By the Board, Chairman Morgan, Vice Chairman Simmons, and Commissioner Owen.

Vernon A. Williams,
Secretary.

[FR Doc. 96-9271 Filed 4-12-96; 8:45 am]

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[Finance Docket No. 32760]

Union Pacific Corporation, Union Pacific Railroad Company and Missouri Pacific Railroad Company—Control and Merger—Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp. and the Denver and Rio Grande Western Railroad Company

The Surface Transportation Board (Board)¹ announces its release of an Environmental Assessment (EA) that addresses potential environmental impacts associated with the merger proposal filed by the Union Pacific Railroad Corporation and its subsidiaries (collectively, "UP") and the Southern Pacific Rail Corporation and its subsidiaries (collectively, "SP") in Finance Docket No. 32760.

The EA was prepared by the Board's Section of Environmental Analysis (SEA). In conducting its environmental review, SEA assessed the potential environmental impacts which could result from three types of merger-related actions:

- Traffic changes on rail line segments, at rail yards and at intermodal facilities.
- Rail line segment abandonments.

¹ The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (the Act), enacted December 29, 1995, and effective January 1, 1996 abolished the Interstate Commerce Commission and transferred certain rail proceedings to the Surface Transportation Board (Board) if they involve functions retained by the Act. This proceeding concerns a function, authorization of rail construction under 49 U.S.C. 10901, that has been transferred to the Board.

- Rail line construction on new rights-of-way.

Environmental impacts associated with these actions include safety, transportation, air quality, noise, historic resources, biological resources, water resources, and hazardous materials. Specifically, the EA examined 72 rail line segments in 19 states, 26 rail yards in 10 states, 16 intermodal facilities in 8 states, 17 rail abandonments in 8 states, and 25 new rail line construction projects in 8 states. Appropriate mitigation measures were developed to address particular areas of environmental concern.

Based on its independent analysis, available information, and the recommended mitigation, SEA concludes that the proposed merger and related abandonments and construction activities would not result in significant environmental impacts. Therefore, the environmental impact statement process is not necessary.

The public has until May 3, 1996 to submit comments on the EA to SEA. SEA invites the public to include in its comments specific and reasonable mitigation measures to address areas of environmental concern. These written comments (an original and 10 copies) should be addressed to: Elaine K. Kaiser, Chief, Section of Environmental Analysis, Room 3219, Surface Transportation Board, 1201 Constitution Avenue, NW, Washington, DC 20423-0001, Attn: FD-32760.

Copies of the EA have been served on all parties of record and appropriate federal, state, and local agencies. To obtain copies of the EA, please contact Harold McNulty at SEA's toll-free Environmental Hotline: 1-800-448-7246. Assistance for the hearing impaired is available through TDD services (202) 927-5721.

Date made available to the public: April 12, 1996.

By the Surface Transportation Board,
Elaine K. Kaiser, Chief, Section of
Environmental Analysis, Office of Economic
and Environmental Analysis.

Vernon A. Williams,
Secretary.

[FR Doc. 96-9175 Filed 4-12-96; 8:45 am]

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[STB Docket No. AB-55 (Sub-No. 525X)]

**CSX Transportation, Inc.—
Abandonment Exemption—in Fayette
County, WV**

CSX Transportation, Inc. (CSXT)¹
filed a notice of exemption under 49

¹ The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803, which was enacted on

CFR 1152 Subpart F—*Exempt Abandonments* to abandon approximately 2.6 miles of its line of railroad between milepost CAW-2.0 at Siltex 1 (near Mount Hope) and milepost CAW-4.6 at the end of the track near Siltex 2, in Fayette County, WV.

CSXT has certified that: (1) no local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (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 Board or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to 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. 10502(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 May 15, 1996, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,² formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),³ and trail use/rail banking requests under 49 CFR 1152.29⁴ must be filed by April 25, 1996. Petitions to reopen or requests for public use conditions under 49 CFR

December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission and transferred certain functions to the Surface Transportation Board (Board). This notice relates to functions that are subject to the Board's jurisdiction pursuant to 49 U.S.C. 10903.

² The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

³ See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

⁴ The Board will accept late-filed trail use requests so long as the abandonment has not been consummated and the abandoning railroad is willing to negotiate an agreement.