

required to collect PFC's: The carriage in air commerce of persons for compensation or hire as a commercial operator, but not an air carrier, of aircraft having a maximum seating capacity of less than twenty passengers or a maximum payload capacity of less than twenty passengers or a maximum payload capacity of less than 6,000 pounds. "Air Taxi/Commercial Operator" shall also include, without regard to number of passengers or payload capacity, revenue passengers transported for student instruction, nonstop sightseeing flights that begin and end at the same airport and are conducted within a 25 statute mile radius of the Airport, ferry or training flights, aerial photography or survey charters, and fire fighting charters.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA Regional Airports Office located at: Federal Aviation Administration, Northwest Mountain Region, Airports Division, ANM-600, 1601 Lind Avenue S.W., Suite 540, Renton, WA 98055-4056.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Portland International Airport.

Issued in Renton, Washington on July 26, 1996.

David A. Field,  
Manager, Planning, Programming and  
Capacity Branch—Northwest Mountain  
Region.

[FR Doc. 96-19677 Filed 8-1-96; 8:45 am]

BILLING CODE 4910-13-M

## Federal Highway Administration

### Environmental Impact Statement: Stearns County, Minnesota

**AGENCY:** Federal Highway  
Administration (FHWA), DOT.

**ACTION:** Notice of intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that an environmental impact statement (EIS) will be prepared for the proposed reconstruction of Trunk Highway 23 (TH 23) in Stearns County, Minnesota.

**FOR FURTHER INFORMATION CONTACT:** Cheryl Martin, Federal Highway Administration, Suite 490 Metro Square Building, 121 East Seventh Place, St. Paul, Minnesota, 55101, Telephone (612) 290-3240; or Tony Hughes, Project Manager, Minnesota Department of Transportation—District 3, P.O. Box

370, 3725 12th Street North, St. Cloud, MN 56303, Telephone (612) 255-2909.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the Minnesota Department of Transportation, will prepare an EIS on a proposal to improve TH 23 in Stearns County, Minnesota. The EIS will consider alternatives and impacts of reconstructing existing TH 23 between Richmond and I-94 for a distance of approximately 21 kilometers (13 miles). Improvements to the corridor are considered necessary to provide for existing and projected traffic demands. The alternatives to be studied in the Draft EIS as identified in the "Draft Scoping Decision Document" include:

- No Build.
- Utilize the existing TH 23 Corridor from the west end of Richmond, utilize an unused railroad corridor between County Road 163 in Richmond and County Road 158 near Cold Spring, utilize the existing TH 23 Corridor to the connection near I-94.
- Same as previously described alternative except this alternative includes the construction of a four-lane rural expressway on new alignment south and east of the City of Rockville. This segment of expressway would connect to existing TH 23 midway between Rockville and Cold Spring on the west and approximately midway between Rockville and I-94 on the east.
- Same as previously described alternative except the four-lane expressway on new alignment is shifted further south and east of the City of Rockville.

The "TH 23 Scoping Document and Draft Scoping Decision Document" was published July 12, 1996. Copies of the document are being distributed to agencies, interested persons, elected and appointed officials and libraries for review to aid in identifying issues and analyses to be contained in the EIS. The comment period for the "TH 23 Scoping Document and Draft Scoping Decision Document" extends through August 14, 1996. To afford an opportunity for all interested persons, agencies and groups to comment on the proposed action, a public scoping meeting will be held on August 8, 1996 to receive comments. A press release was published to inform citizens of the documents' availability.

Coordination has been initiated and will continue with appropriate Federal, State and local agencies, and private organizations and citizens who have previously expressed or are known to have an interest in this project. A series of public meetings will be held. Public notice will be given for the time and place of the meetings.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistant Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Issued on: July 25, 1996.

Alan J. Friesen,  
Engineering and Operations Engineer, Federal  
Highway Administration.

[FR Doc. 96-19621 Filed 8-1-96; 8:45 am]

BILLING CODE 4910-22-M

## Surface Transportation Board <sup>1</sup>

[STB Finance Docket No. 32951]

### Cen-Tex Rail Link, Ltd.—Merger Exemption—South Orient Railroad Company, Ltd.

Cen-Tex Rail Link, Ltd. (Cen-Tex) has filed a notice of exemption to merge with South Orient Railroad Company, Ltd. (SORC). Cen-Tex and SORC are commonly controlled Class III rail carriers that own and operate rail property in Texas.<sup>2</sup> Under the Agreement and Plan of Merger, SORC will be merged with and into Cen-Tex, which will be the successor partnership. The name of the surviving partnership would be changed from Cen-Tex Rail Link, Ltd. to South Orient Railroad Company Ltd.<sup>3</sup> The transaction was to be consummated on or after July 18, 1996.

Because the parties are members of the same corporate family, and the merger will not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers operating outside the corporate family, the transaction qualifies for the class

<sup>1</sup> The ICC Termination Act of 1995, Pub. L. 104-88, 109 Stat. 803, which was enacted on 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 Board jurisdiction pursuant to 49 U.S.C. 11323.

<sup>2</sup> See Joel T. Williams, III, Roy C. Coffee, Jr., Rafael Fernandez-MacGregor, and Bristol Investment Co., Inc.—Cen-Tex Rail Link, Ltd. and South Orient Railroad Company, Ltd., Finance Docket No. 32478 (ICC served Aug. 16, 1994).

<sup>3</sup> Counsel has confirmed that Cen-Tex Rail Link, Ltd. has changed its name to South Orient Railroad Company, Ltd.

exemption at 49 CFR 1180.2(d)(3). The purpose of the transaction is to streamline corporate functions and improve the efficiency of the surviving entity.

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.

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. 32951, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423 and served on: Kevin M. Sheys, Oppenheimer Wolff & Donnelly, 1020 Nineteenth Street, N.W., Washington, DC 20036.

Decided: July 26, 1996.

By the Board, David M. Konschnik,  
Director, Office of Proceedings.  
Vernon A. Williams,  
Secretary.

[FR Doc. 96-19614 Filed 8-1-96; 8:45 am]

BILLING CODE 4915-00-P

#### [STB Finance Docket No. 32892]

#### **CSX Corporation and CSX Transportation, Inc.—Control—The Indiana Rail Road Company**

**AGENCY:** Surface Transportation Board.

**ACTION:** Notice of acceptance of application.

**SUMMARY:** The Board accepts for consideration the application filed July 3, 1996, by CSX Corporation (CSX), CSX Transportation, Inc. (CSXT), and The Indiana Rail Road Company (INRD) (collectively, applicants), for CSX and CSXT to acquire control of INRD. In accordance with 49 CFR 1180.4(b)(2)(iv), the Board finds that

this is a minor transaction as described in 49 CFR 1180.2(c).

**DATES:** This decision is effective on August 2, 1996. Written comments, including comments from the Secretary of Transportation and the Attorney General of the United States, must be filed with the Board no later than September 3, 1996. The Board will issue a service list shortly thereafter. Copies of the comments must be served on all parties of record within 10 days after the Board issues the service list and must be confirmed by certificate of service filed with the Board indicating that all designated individuals and organizations on the service list have been properly served. Applicants' reply is due September 23, 1996.

**ADDRESSES:** Send an original and 10 copies of pleadings referring to STB Finance Docket No. 32892 to: Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423. In addition, send one copy of all pleadings to applicants' representatives: (1) G. Paul Moates, Sidley & Austin, 1722 Eye Street, N.W., Washington, DC 20006; and (2) John H. Broadley, Jenner & Block, 601 Thirteenth Street, N.W., Twelfth Floor, Washington, DC 20005.

**FOR FURTHER INFORMATION CONTACT:** Beryl Gordon, (202) 927-5660. [TDD for the hearing impaired: (202) 927-5721.]

**SUPPLEMENTARY INFORMATION:** Applicants seek approval under 49 U.S.C. 11323-25 for CSX and CSXT to acquire control of INRD by acquiring a controlling interest in Midland United Corporation (Midland), the noncarrier holding company that owns INRD.

Applicants state that this is a minor transaction as defined in 49 CFR part 1180, the regulations that implemented former 49 U.S.C. 11343-45. The ICCTA revised those statutory provisions and reenacted them as 49 U.S.C. 11323-25. Because the proposed transaction does not involve the merger or control of two Class I railroads, it is subject to the standards of 49 U.S.C. 11324(d). Also, as discussed below, because we have determined that the transaction is not of regional or national significance, the procedures set out at 49 U.S.C. 11325(d) apply. Under section 204(a) of the ICCTA, all ICC rules in effect on the date of enactment of the ICCTA "shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Board \* \* \* or operation of law." While the standards and procedures of former sections 11343-45 and current sections 11323-25 are substantially similar,

insofar as minor transactions are concerned, the procedures of current section 11325(d) differ slightly from those at 49 CFR 1180.4 and shall govern. Otherwise, the use of the regulations at 49 CFR part 1180 for this proceeding appears proper.

CSXT is a Class I rail carrier wholly owned by CSX, a noncarrier, and operates approximately 19,000 miles of track in 20 states, the District of Columbia, and the province of Ontario, Canada. INRD is a Class III rail carrier that operates approximately 155 miles of track between Newton, IL, and Indianapolis, IN. CSXT's lines, relevant to this transaction, run essentially north and south, while INRD's line runs essentially east and west. INRD and CSXT have direct connections at Sullivan and Bloomington, IN, and an indirect connection at Indianapolis, IN, through which they interchange freight traffic.

The principal commodity handled by INRD is Indiana coal. In 1995, INRD transported approximately 34,000 carloads of Indiana coal, which is more than 60% of its total annual carloads of approximately 56,000. According to applicants, Indiana coal is currently available from a number of mine sources served by Soo Line Railroad Company (Soo), INRD, and Indiana Southern Railroad Company (ISRR). Applicants argue that the availability of coal from mine sources located in neighboring states as well as from western coal mines creates competition in coal transportation services for shippers and receivers served by INRD. Applicants submit that the wide variety of coal source and transportation options precludes any significant competitive harm as a result of the proposed transaction.

In support of its contention that the proposed transaction is unlikely to affect, much less diminish, competition for INRD's shippers and receivers, applicants provide the following traffic data. Approximately two-thirds of INRD's coal traffic consists of movements to electric power generating utility plants served directly by INRD. Nearly one-half of that traffic moved in all-local service from two active INRD-served mines at Switz City, IN. The remainder of INRD's terminating coal traffic consisted of interline movements originating at mines served by Soo and/or ISRR. With only one exception, generating fewer than 1,000 carloads of INRD traffic in 1995, those mines are not served by CSXT. All of INRD's interline-received coal traffic served utility plants that currently are served either exclusively by INRD or by two rail carriers other than CSXT. Only one

<sup>1</sup> The ICC Termination Act of 1995, Pub. L. 104-88, 109 Stat. 803 (ICCTA), which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission (ICC) and transferred certain functions to the Surface Transportation Board (Board). This notice relates to an acquisition of control of a rail carrier that is subject to Board jurisdiction pursuant to 49 U.S.C. 11323-25.