

milepost 1650.2, in Wenatchee, WA, including over any and all tracks in BN's Wenatchee, WA, rail yard for the sole purpose of interchanging freight cars and equipment between CCRR and BN and no other party at the Wenatchee rail yard.

The transaction was expected to be consummated on or after the September 4, 1996 effective date of the exemption. This transaction is related to STB Finance Docket No. 33048, *RailAmerica, Inc.—Continuance in Control Exemption—Cascade and Columbia River Railroad Company*, wherein RailAmerica, Inc. has concurrently filed a verified notice to continue in control of CCRR, upon its becoming a Class III rail carrier.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to reopen the proceeding 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. 33047, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423. In addition, a copy of each pleading must be served on Edward D. Greenberg, Esq., Galland, Kharasch, Morse & Garfinkle, P.C., Canal Square, 1054 Thirty-First Street, N.W., Washington, DC 20007.

Decided: September 5, 1996.

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

[FR Doc. 96-23501 Filed 9-12-96; 8:45 am]

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[STB Finance Docket No. 33048]

RailAmerica, Inc.—Continuance in Control Exemption—Cascade and Columbia River Railroad Company

RailAmerica, Inc. (RailAmerica), a noncarrier, has filed a notice of exemption to continue in control of Cascade and Columbia River Railroad Company (CCRR), upon CCRR's becoming a Class III rail carrier.

¹ The ICC Termination Act of 1995, Pub. L. No. 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. 11323-24.

The transaction was expected to be consummated on or after the September 4, 1996 effective date of the exemption.

This transaction is related to STB Finance Docket No. 33047, *Cascade and Columbia River Railroad Company—Acquisition and Operation Exemption—Lines of Burlington Northern Railroad Company*, wherein CCRR seeks to acquire and operate certain rail lines from Burlington Northern Railroad Company.

RailAmerica owns and controls seven existing Class III common carrier railroads operating in six states: Evansville Terminal Company, Inc.; Huron & Eastern Railway Company, Inc.; Saginaw Valley Railway Company, Inc.; West Texas & Lubbock Railroad Company, Inc.; Plainview Terminal Company; the Dakota Rail, Inc.; and the South Central Tennessee Railroad Company.

RailAmerica states that: (i) the railroads will not connect with each other or any railroads 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 any railroad in their corporate family; and (iii) the transaction does not involve a Class I carrier. Therefore, the transaction 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 rail 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. 33048, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423. In addition, a copy of each pleading must be served on Edward D. Greenberg, Esq., Galland, Kharasch, Morse & Garfinkle, P.C., Canal Square, 1054 Thirty-First Street, N.W., Washington, DC 20007.

Decided: September 5, 1996.

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

Vernon A. Williams,
Secretary.

[FR Doc. 96-23502 Filed 9-12-96; 8:45 am]

BILLING CODE 4915-00-P

[Finance Docket No. 32760 (Sub-No. 18)]

Utah Railway Company—Trackage Rights Exemption—Union Pacific Railroad Company, Missouri Pacific Railroad Company, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., the Denver & Rio Grande Western Railroad Company; [Decision No. 54]

Union Pacific Railroad Company (UPRR), Missouri Pacific Railroad Company (MPRR),² Southern Pacific Transportation Company (SPT), St. Louis Southwestern Railway Company (SSW), SPCSL Corp. (SPCSL), The Denver & Rio Grande Western Railroad Company (DRGW),³ have agreed to grant overhead trackage rights, with certain local access rights, over a line of railroad of DRGW to Utah Railway Company (UTAH). These trackage rights are related to the recently approved UP/SP merger in *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*. See Finance Docket No. 32760 (STB served Aug. 12, 1996) (Decision No. 44). The overhead trackage rights extend from milepost 628.8, near Utah Railway Junction, UT, to milepost 450.0, near Grand Junction, CO, a total distance of approximately 178.8 miles, in Carbon, Emory and Grand Counties, UT, and Mesa County, CO. Utah will have the right to interchange at Utah Railway Junction and Grand Junction with UP/SP and the Burlington Northern Railroad Company and The Atchison, Topeka and Santa Fe Railway Company. The local rights are for Utah to have access to the coal loading facility of Savage Industries, Inc., Savage Coal

¹ The ICC Termination Act of 1995, Pub. L. No. 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. 11323-24.

² UPRR and MPRR are referred to collectively as UP.

³ SPT, SSW, SPCSL and DRGW are referred to collectively as SP.

Terminal, which is located at the so-called CV Spur at milepost 615.8 near Price, UT, and for access to East Carbon Development Company Environmental L.C. at the CV Spur in a transload operation of non-hazardous waste materials.

The transaction is scheduled to be consummated on, or as soon as possible after, September 11, 1996.

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 Finance Docket No. 32760 (Sub-No. 18), must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423. In addition, a copy of each pleading must be served on: (1) Charles H. White, Jr., Galland, Kharasch, Morse & Garfinkle, 1054 31st Street, N.W., Washington, DC 20007; (2) Paul A. Conley, Jr., Assistant Vice President-Law, 1416 Dodge Street, #830, Omaha, NE 68179; and (3) Louis P. Warchot, Associate General Counsel, One Market Plaza, San Francisco, CA 94105.

Decided: September 9, 1996.

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

[FR Doc. 96-23505 Filed 9-12-96; 8:45 am]

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[STB Docket No. AB-57 (Sub-No. 42X)]

**Soo Line Railroad Company—
Discontinuance of Trackage Rights
Exemption—in Lake, Newton, Benton
and Warren Counties, IN and Vermillion
County, IL**

Soo Line Railroad Company (Soo) has filed a notice of exemption under 49

¹ 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 the Board's jurisdiction pursuant to 49 U.S.C. 10903.

CFR Part 1152 Subpart F—*Exempt Abandonments and Discontinuances* to discontinue a portion of its trackage rights over approximately 104.9 miles of Consolidated Rail Corporation's (Conrail) ² line of railroad known as the Danville Secondary between Conrail milepost 4.3+/- at Gibson, IN, and Conrail milepost 109.2+/- at Danville, IL, in Lake, Newton, Benton and Warren Counties, IN, and Vermillion County, IL.³

Soo has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) all overhead traffic has been rerouted over alternative trackage rights;⁴ (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 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to 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

² Soo is the successor in interest to the Chicago, Milwaukee, St. Paul, and Pacific Railroad Company, which acquired the trackage rights over the Indiana Harbor Belt Railroad Co. and Conrail pursuant to authority granted in ICC Finance Docket No. 29186 (Sub-No. 1), *Richard B. Ogilvie, Trustee of the Property of Chicago, Milwaukee, St. Paul, and Pacific Railroad Company—Trackage Rights—Over Indiana Harbor Belt Railroad Company Between North Harvey IL, and Gibson, IN and Consolidated Rail Corporation Between Gibbons, IN and Terre Haute, IN* (ICC served Apr. 16, 1980), as supplemented by decisions served May 8, 1980, and Aug. 6, 1980.

³ Under 49 CFR 1152.50(d)(2), the railroad must file a verified notice with the Board at least 50 days before the abandonment or discontinuance is to be consummated. Soo, in its verified notice tendered for filing on July 31, 1996, indicated a proposed consummation date of September 21, 1996. However, applicant failed to publish notice in the newspaper as required, and a new filing date of August 26, 1996, was entered when proof of publication was received. Because the verified notice was not complete until August 26, 1996, and hence was not deemed filed until then, the earliest possible consummation date is October 15, 1996. Applicant's representative has confirmed that the correct consummation date is on or after October 15, 1996.

⁴ Soo acquired and activated parallel trackage rights on CSXT's line from Blue Island Junction/Woodland Junction/Dolton, IL, to Spring Hill Interlocking/Terre Haute, IN. See *Soo Line Railroad Company—Trackage Rights Exemption—CSX Transportation, Inc.*, ICC Finance Docket No. 31383 (ICC served Jan. 10, 1989).

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 October 15, 1996,⁵ unless stayed pending reconsideration. Petitions to stay and formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),⁶ must be filed by September 23, 1996. Petitions to reopen must be filed by October 3, 1996, with: Office of the Secretary, Case Control Branch, Surface Transportation Board, 1201 Constitution Avenue, N.W., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicant's representative: Larry D. Starns, Esq., General Attorney, CP Legal Services, Office of the U.S. Regional Counsel, 100 Soo Line Building, 105 South 5th Street, Minneapolis, MN 55402.

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

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

Decided: August 30, 1996.

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

[FR Doc. 96-23503 Filed 9-12-96; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF THE TREASURY

**Submission for OMB Review;
Comment Request**

August 26, 1996.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Special Request: In order to implement the information collection

⁵ Because this is a discontinuance proceeding and not an abandonment, trail use/rail banking and public use conditions are not appropriate. Likewise, no environmental or historical documentation is required here under 49 CFR 1105.6(b)(3).

⁶ See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).