

K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Stephen L. Day, Esq., Betts, Patterson & Mines, P.S., 1215 Fourth Avenue, Suite 800, Seattle, WA 98161-1090.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: October 1, 1998.

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

**Vernon A. Williams,**

Secretary.

[FR Doc. 98-27048 Filed 10-7-98; 8:45 am]

BILLING CODE 4915-00-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 33644]

#### **Tongue River Railroad Company, Inc.—Acquisition and Operation Exemption—Tongue River Railroad Company**

Tongue River Railroad Company, Inc. (TRRC Inc.), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 and 49 CFR 1150.35 to acquire from Tongue River Railroad Company (Partnership),<sup>1</sup> Partnership's existing transportation assets, including the previously issued Interstate Commerce Commission and the Board permits to construct and operate lines of railroad between Miles City and Decker/Spring Creek, MT (line). Once constructed, TRRC Inc. will operate approximately 120 route miles from milepost 0.0 at Miles City, to Spring Creek, which will be milepost 114.8, if constructed over the Western Alignment,<sup>2</sup> or milepost 126.9, if constructed over the Four Mile Creek

Alternative.<sup>3</sup> The line will also include the Otter Creek Spur, running from milepost 68.3, at Ashland, MT, to Terminus Point #2, approximately 7.7 miles southeast of Ashland in the Otter Creek Drainage. TRRC Inc. will become a Class II rail carrier upon commencement of operations.<sup>4</sup>

Pursuant to 49 CFR 1150.35(a), TRRC Inc. must comply with the notice requirement of 49 CFR 1150.32(e). TRRC Inc. certified to the Board, on September 18, 1998, that it had complied with the notice requirements of section 1150.32(e) on September 4, 1998. This notice must be provided at least 60 days before the exemption becomes effective. Therefore, the earliest the transaction can be consummated is November 17, 1998, the effective date of the exemption (60 days after TRRC Inc.'s September 18, 1998 certification to the Board).<sup>5</sup>

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.<sup>6</sup>

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33644, must be filed with 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 Mike T. Gustafson, Esq., 550 North 31st Street, Suite 250, Billings, MT 59101.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: October 2, 1998.

<sup>3</sup> The Board granted Partnership authority to construct over the Four Mile Creek Alternative in the 1996 decision.

<sup>4</sup> TRRC Inc. represents that The Burlington Northern and Santa Fe Railway Company may be the operator of the property if an agreement can be reached between the parties.

<sup>5</sup> While TRRC Inc. and Partnership maintain that there are no employees currently employed by either company and that 49 CFR 1150.32(e) and 1150.35(c)(3) have no applicability to the transaction, they have not specifically requested a waiver of the compliance requirements for those sections in their verified notice of exemption.

<sup>6</sup> The City of Forsyth, MT, the United Transportation Union-Montana State Legislative Board and the United Transportation Union-General Committee of Adjustment (GO-386), two subordinate units of the United Transportation Union (Forsyth/UTU), and the Northern Plains Resource Council Inc., have filed petitions to stay the operation of the notice of exemption. Forsyth/UTU has also filed a petition to reject the notice of exemption and/or to revoke the exemption. These petitions are pending before the Board and will be addressed in a subsequent decision.

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

**Vernon A. Williams,**

Secretary.

[FR Doc. 98-27047 Filed 10-7-98; 8:45 am]

BILLING CODE 4915-00-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-33 (Sub-No. 126X)]

#### **Union Pacific Railroad Company—Abandonment Exemption—in Jefferson County, WI**

Union Pacific Railroad Company (UP) has filed a notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments and Discontinuances of Service and Trackage Rights* to abandon and discontinue service over a 2.0-mile line of railroad on the Clyman Branch from the end of the line at milepost 110.0 to milepost 112.0 near Fort Atkinson, in Jefferson County, WI. The line traverses United States Postal Service ZIP Code 53538.<sup>1</sup>

UP has certified that: (1) no local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; (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 Surface Transportation Board (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

<sup>1</sup> UP previously received abandonment authority for the 2.0-mile line segment in *Union Pacific Railroad Company—Abandonment Exemption—in Jefferson County, WI*, STB Docket No. AB-33 (Sub-No. 111X), (STB served June 26, 1997). The June 26 notice stated that "If consummation has not been effected by UP's filing of a notice of consummation by June 26, 1998, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire." Also, by decision served July 24, 1997, the abandonment was made subject to environmental conditions that UP shall: (a) consult with the National Geodetic Survey (NGS) and provide NGS with 90 days' notice prior to disturbing or destroying the three geodetic markers identified by NGS that might be affected by the abandonment; and (b) comply with the State of Wisconsin Abandoned Railroad Line Salvage and Clean-up Procedures and consult with the Wisconsin Department of Transportation concerning permits for salvage operations at state highway-railroad at-grade crossings. Because UP did not consummate the abandonment prior to June 26, 1998, the authority to abandon expired. Hence, UP has filed this new notice of exemption to cover the same 2-mile line.

<sup>1</sup> All of the common stock of TRRC Inc. will be owned by Partnership, which is a Montana limited partnership. The sole stated purpose of the transaction is to convert the entity that will construct and operate the Tongue River Railroad Company from a partnership to a corporation in order to facilitate certain transactions that will need to be undertaken in order to exercise the construction and operation authority previously granted in *Tongue River Railroad Company—Rail Construction and Operation—in Custer, Powder River and Rosebud Counties, MT*, Finance Docket No. 30186, et al. (ICC served May 9, 1986) and *Tongue River Railroad Co.—Rail Construction and Operation—Ashland to Decker, Montana*, Finance Docket No. 30186 (Sub-No. 2) (ICC served Nov. 8, 1996) (the 1996 decision).

<sup>2</sup> Authority to construct over the Western Alignment is the subject of the pending application in *Tongue River Railroad Company—Construction and Operation—Western Alignment*, STB Finance Docket No. 30186 (Sub-No. 3).

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 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 November 7, 1998, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>2</sup> formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>3</sup> and trail use/rail banking requests under 49 CFR 1152.29 must be filed by October 19, 1998. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by October 28, 1998, with: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicant's representative: Joseph D. Anthofer, General Attorney, Union Pacific Railroad Company, 1416 Dodge Street, Room 830, Omaha, NE 68179.

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

UP has filed an environmental report which addresses the effects of the abandonment, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by October 13, 1998. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423) or by calling SEA, at (202) 565-1545. 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.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), UP shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by UP's filing of a notice of consummation by October 8, 1999, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: October 1, 1998.

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

**Vernon A. Williams,**  
Secretary.

[FR Doc. 98-26776 Filed 10-7-98; 8:45 am]

BILLING CODE 4915-00-P

## DEPARTMENT OF THE TREASURY

### Debt Management Advisory Committee; Meeting

Notice is hereby given, pursuant to 5 U.S.C. App. § 10(a)(2), that a meeting will be held at the U.S. Treasury Department, 15th and Pennsylvania Avenue, NW, Washington, DC, on October 27, 1998, of the following debt management advisory committee: The Bond Market Association, Treasury Borrowing Advisory Committee.

The agenda for the meeting provides for a technical background briefing by Treasury staff, followed by a charge by the Secretary of the Treasury or his designate that the committee discuss particular issues, and a working session. Following the working session, the committee will present a written report of its recommendations.

The background briefing by Treasury staff will be held at 9:00 a.m. Eastern time and will be open to the public. The remaining sessions and the committee's reporting session will be closed to the public, pursuant to 5 U.S.C. App. Section 10(d).

This notice shall constitute my determination, pursuant to the authority placed in heads of departments by 5 U.S.C. App. Section 10(d) and vested in me by Treasury Department Order No. 101-05, that the closed portions of the meeting are concerned with information that is exempt from disclosure under 5 U.S.C. 552b(c)(9)(A). The public interest requires that such meetings be closed to the public because the Treasury Department requires, frank and full advice from representatives of the financial community prior to making its final decision on major financing

operations. Historically, this advice has been offered by debt management advisory committees established by the several major segments of the financial community. When so utilized, such a committee is recognized to be an advisory committee under 5 U.S.C. App. Section 3.

Although the Treasury's final announcement of financing plans may not reflect the recommendations provided in reports of the advisory committee, premature disclosure of the committee's deliberations and reports would be likely to lead to significant financial speculation in the securities market. Thus, these meetings fall within the exemption covered by 5 U.S.C. 552b(c)(9)(A).

The Office of the Assistant Secretary for Financial Markets is responsible for maintaining records of debt management advisory committee meetings and for providing annual reports setting forth a summary of committee activities and such other matters as may be informative to the public consistent with the policy of 5 U.S.C. 552b.

Dated: October 5, 1998.

**Gary Gensler,**

Assistant Secretary (Financial Markets).

[FR Doc. 98-27016 Filed 10-7-98; 8:45 am]

BILLING CODE 4810-25-M

## DEPARTMENT OF THE TREASURY

### Performance Review Board

**AGENCY:** Department of the Treasury.

**ACTION:** Notice.

**SUMMARY:** This notice lists the membership to the Departmental Offices' Performance Review Board (PRB) and supersedes the list published in **Federal Register** 41132, Vol. 62, No. 147, dated July 31, 1997, in accordance with 5 U.S.C. 4314(c)(4). The purpose of the PRB is to review the performance of members of the Senior Executive Service and make recommendations regarding performance ratings, performance awards, and other personnel actions.

The names and titles of the PRB members are as follows:

Joan Affleck-Smith

Director, Office of Financial Institutions Policy

Steven O. App

Deputy Chief Financial Officer

John H. Auten

Director, Office of Financial Analysis

Robert A. Bean

Deputy Assistant Secretary

(Appropriations and Management)

<sup>2</sup> 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.

<sup>3</sup> Each offer of financial assistance must be accompanied by the filing fee, which currently is set at \$1000. See 49 CFR 1002.2(f)(25).