

production operator to a transportation operator.

**Purpose:** We remind all operators of natural gas and hazardous liquid pipelines located on the Outer Continental Shelf of the September 15, 1998, deadline to durably mark the specific points at which operating responsibility transfers from a producing operator to a transporting operator, or, if it is not practicable to durably mark this transfer point, to depict the transfer point on a schematic maintained near the transfer point.

Operators must meet all of the following criteria to be affected by this rule:

- (1) Operating responsibility must transfer from a producer to a transporter;
- (2) The transfer must take place on the Outer Continental Shelf; and
- (3) The producer must be upstream from the transporter.

Pipelines that do not meet these criteria continue to be subject to the provisions of 49 CFR Parts 192.1(b)(1) and 195.1(b)(5) that state these Parts do not apply upstream from the outlet flange of each facility where hydrocarbons are produced or where produced hydrocarbons are first separated, dehydrated, or otherwise processed, whichever facility is farther downstream. Any proposed amendments to these regulations will be initially announced through publication of the Department of Transportation Semi-Annual Regulatory Agenda in the **Federal Register** and afforded full public participation through subsequent publication in the **Federal Register** of a notice of proposed rulemaking and request for comments.

Issued in Washington, D.C. on November 24, 1998.

**Richard B. Felder,**

*Associate Administrator for Pipeline Safety.*  
[FR Doc. 98-31780 Filed 11-27-98; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

[Docket RSPA-98-4799]

#### Pipeline Safety User Fees

**AGENCY:** Research and Special Programs Administration (RSPA), DOT.

**ACTION:** Notice.

**SUMMARY:** This notice announces the fiscal year 1999 user fee assessments for pipeline facilities. The assessments will be mailed to pipeline operators on or about December 15, 1997.

**FOR FURTHER INFORMATION CONTACT:** Lisa Kokoszka, OPS, (202) 366-4554, regarding the subject matter of this notice.

**SUPPLEMENTARY INFORMATION:** The fees to be assessed for natural gas transmission, hazardous liquid and liquefied natural gas (LNG) are as indicated below:

Natural gas transmission pipelines: \$70.47 per mile (based on 288,205 miles of pipeline).

Hazardous liquid pipelines: \$57.88 per mile (based on 156,828 miles of pipeline).

LNG is based on the number of plants and total storage capacity:

Total Storage Capacity BBLS	Assessment/ Plant
<10,000 .....	\$1,250
10,000-100,000 .....	2,500
100,000-250,000 .....	3,750
250,000-500,000 .....	5,000
>500,000 .....	7,500

Section 60301 of Title 49, United States Code, authorizes the assessment and collection of pipeline user fees to fund the pipeline safety activities conducted under 49 U.S.C. 60101 *et seq.* RSPA assesses each operator of regulated interstate and intrastate natural gas transmission pipelines (as defined in 49 CFR part 192), and hazardous liquid pipelines carrying petroleum, petroleum products, anhydrous ammonia and carbon dioxide (as defined in 49 CFR part 195) a share of the total Federal pipeline safety program costs in proportion to the number of miles of pipeline each operator has. Onshore pipelines excluded from regulation by 49 CFR part 195, are not included. Operators of LNG facilities are assessed based on total storage capacity (as defined in 49 CFR part 193).

In accordance with the provisions of 49 U.S.C. 60301, Departmental resources were taken into consideration for determining total program costs. The apportionment ratio between gas and liquid, as shown below, increased in recent years with our environmental protection activities in the hazardous liquid program area:

Year(s)	General program costs (gas)	General program costs (liquid)
1986-1990 (percent)	80	20
1991-1992 (percent)	75	25
1993 (percent) .....	175	125
Do .....	260	240
1994 (percent) .....	60	40
1995 (percent) .....	75	25
1996 (percent) .....	65	35

Year(s)	General program costs (gas)	General program costs (liquid)
1997-1999 (percent)	55	45
1 3/4 yr.      2 1/4 yr.		

In accordance with the regulations of the Department of the Treasury, user fees will be due 30 days after the date of the assessment. Interest, penalties, and administrative charges will be assessed on delinquent debts in accordance with 31 U.S.C. 3717.

**Authority:** 49 U.S.C. 60301.

Issued in Washington, DC, on November 24, 1998.

**Richard B. Felder,**

*Associate Administrator for Pipeline Safety.*

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 33681]

#### Fort Worth & Western Railroad Company—Acquisition Exemption—South Orient Railroad Company, Ltd.

Fort Worth & Western Railroad Company (FWWR), a Class III rail carrier, has filed a notice of exemption under 49 CFR 1150.41 to acquire by lease and to operate approximately 176 miles of rail line of the South Orient Railroad Company, Ltd. (SORC).<sup>1</sup>

The lines to be leased are: (1) Centex Rural Rail Transportation District's (a) Fort Worth-Ricker Line, between approximately milepost 1 + 1,541 feet near Fort Worth, TX, and approximately milepost 134 + 2,171 feet near Ricker, TX, and (b) Cresson-Cleburne Line, between approximately milepost 18 + 133 feet near Cresson, TX, and approximately milepost 0 + 1,167.1 feet near Cleburne, TX; and (2) Texas Central Railroad Company's line of railroad between approximately milepost 104.6 at Dublin, TX, and approximately milepost 129.5 at Gorman, TX.<sup>2</sup> In addition, FWWR will acquire from SORC by assignment incidental overhead trackage rights over the following lines: (1) The Burlington

<sup>1</sup> See *Cen-Tex Rail Link, Ltd.—Merger Exemption—South Orient Railroad Company, Ltd.*, STB Finance Docket No. 32951 (STB served Aug. 2, 1996).

<sup>2</sup> See *Cen-Tex Rail Link, Ltd.—Trackage Rights Exemption—Texas Central Railroad Company*, Finance Docket No. 32521 (ICC served Aug. 18, 1994) and *Cen-Tex Rail Link, Ltd.—Lease and Operation Exemption—Texas Central Railroad Company*, Finance Docket No. 32596 (ICC served June 18, 1995).

Northern and Santa Fe Railway Company (BNSF) line between Ricker (approximately milepost 134 + 2,171 feet on the former Atchison, Topeka and Santa Fe Railway Company (ATSF) Dublin Subdivision) and San Angelo Junction (approximately milepost 0 + 330 feet on the former ATSF San Angelo Subdivision), (2) the line segment formerly part of the ATSF Dublin Subdivision between approximately milepost 1 + 1,541 feet near Fort Worth and approximately milepost 0 + 4,752 feet near Belt Junction, and (3) the BNSF line between approximately milepost 1 + 1,541 feet (former ATSF Dublin Subdivision) and approximately milepost 368.5 (former ATSF Fort Worth Subdivision) for certain intermodal produce shipments.<sup>3</sup>

Finally, FWWR will acquire overhead trackage rights on BNSF's former BN Wichita Falls Subdivision between approximately milepost 0.0 near Tower 55 in Fort Worth and approximately milepost 5.1 near Tower 60 in Fort Worth (including BNSF's Race Track from approximately milepost 2.2 on the preceding segment to the end of track at the connection point with the Missouri Pacific Railroad Company, a further distance of approximately 0.2 miles) and on BNSF's line between approximately milepost 1.29 on the former ATSF Dublin Subdivision and approximately milepost 349.97 on the former ATSF Fort Worth Subdivision near Tower 60 in Fort Worth.<sup>4</sup>

The earliest the transaction could be consummated was November 13, 1998, the effective date of the exemption (7 days after the exemption was filed).

If the verified 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. 33681, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Kevin M. Sheys, 1350 Eye Street, NW, Suite 200, Washington, DC 20005-3324.

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

Decided: November 20, 1998.

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

**Vernon A. Williams,**

Secretary.

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-6 (Sub-No. 381X)]

#### The Burlington Northern and Santa Fe Railway Company—Abandonment Exemption—in Hennepin and Ramsey Counties, MN

The Burlington Northern and Santa Fe Railway Company (BNSF) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon 2.43 miles of rail line between milepost 0.00 near East Minneapolis and milepost 2.43 near Rollins Oil, in Hennepin and Ramsey Counties, MN. The line traverses United States Postal Service Zip Codes 55113, 55413, 55414, and 55418.

BNSF has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic to be rerouted; (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 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 December 30, 1998, 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 must be filed by December 10, 1998. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by December 21, 1998, with: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicant's representative: Sarah Whitley Bailiff, Senior General Attorney, The Burlington Northern and Santa Fe Railway Company, 3017 Lou Menk Drive, Fort Worth, TX 76131-02830.

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

BNSF 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 December 4, 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), BNSF 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

<sup>1</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>2</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).

<sup>3</sup> See *Cen-Tex Rail Link, Ltd.—Acquisition and Operation Exemption—Certain Lines of The Atchison, Topeka and Santa Fe Railway Company*, Finance Docket No. 32507 (ICC served June 10, 1994), *Centex Rural Rail Transportation District—Acquisition Exemption—Certain Assets of Cen-Tex Rail Link, Ltd.*, Finance Docket No. 32496 (ICC served Aug. 1, 1994), and *Fort Worth and Western Railroad Company—Acquisition Exemption—Line of The Atchison, Topeka and Santa Fe Railway Company*, STB Finance Docket No. 33001 (STB served Aug. 13, 1996).

<sup>4</sup> See *Fort Worth & Western Railroad Company—Trackage Rights Exemption—The Atchison, Topeka and Santa Fe Railway Company*, Finance Docket No. 32524 (ICC served June 24, 1994), and *Cen-Tex Rail Link, Ltd.—Trackage Rights Exemption—Burlington Northern Railroad Company and The Atchison, Topeka and Santa Fe Railway Company*, Finance Docket No. 32715 (ICC served June 22, 1995).