

developed by the Bureau of Labor Statistics (BLS). This index will be used to deflate revenues for comparison with established revenue thresholds.

The base year for railroads is 1991. The inflation index factors are presented as follows:

#### RAILROAD FREIGHT INDEX

Year	Index	Deflator per cent
1991	409.50	<sup>1</sup> 100.00
1992	411.80	99.45
1993	415.50	98.55
1994	418.80	97.70
1995	418.17	97.85
1996	417.46	98.02
1997	419.67	97.50
1998	424.54	96.38
1999	423.01	96.72
2000	428.64	95.45

<sup>1</sup> Ex Parte No. 492, *Montana Rail Link, Inc., and Wisconsin Central Ltd., Joint Petition For Rulemaking With Respect To 49 CFR 1201, 8 I.C.C. 2d 625 (1992)*, raised the revenue classification level for Class I railroads from \$50 million to \$250 million (1991 dollars), effective for the reporting year beginning January 1, 1992. The Class II threshold was also revised to reflect a rebasing from \$10 million (1978 dollars) to \$20 million (1991 dollars).

**EFFECTIVE DATE:** January 1, 2000.

**FOR FURTHER INFORMATION CONTACT:** Scott Decker (202) 565-1531. (TDD for the hearing impaired: 1-800-877-8339)

By the Board.

**Vernon A. Williams,**  
Secretary.

[FR Doc. 01-15322 Filed 6-15-01; 8:45 am]

**BILLING CODE 4915-00-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34055]

#### Union Pacific Railroad Company— Trackage Rights Exemption—The Burlington Northern and Santa Fe Railway Company

The Burlington Northern and Santa Fe Railway Company (BNSF) has agreed to grant overhead trackage rights to Union Pacific Railroad Company (UP) over BNSF's rail lines as follows: (1) between Shawnee Jct., WY, BNSF milepost 117.1 and Bridger Jct., WY, BNSF milepost 127.3 (Orin Subdivision); (2) between Bridger Jct., BNSF milepost 133.2 and East Guernsey, WY, BNSF milepost 91.7 (Canyon Subdivision); (3) between East Guernsey, BNSF milepost 91.7 and Northport, NE, BNSF milepost 0.0 (Valley Subdivision); and (4) between Northport, BNSF milepost 33.8 and Sidney, NE, BNSF milepost 75.4

(Angora Subdivision), a distance of approximately 175 miles.<sup>1</sup>

The transaction is scheduled to be consummated on June 13, 2001.

The purpose of the trackage rights is to permit UP to use the BNSF trackage when UP's trackage is out of service for scheduled maintenance.

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 STB Finance Docket No. 34055 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 Robert T. Opal, 1416 Dodge Street, Room 830, Omaha, NE 68179.

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

Decided: June 11, 2001.

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

**Vernon A. Williams,**  
Secretary.

[FR Doc. 01-15321 Filed 6-15-01; 8:45 am]

**BILLING CODE 4915-00-P**

## UTAH RECLAMATION MITIGATION AND CONSERVATION COMMISSION

### Notice of Availability for the Pioneer Irrigation Diversion Final Environmental Assessment and Finding of No Significant Impact

**AGENCY:** Utah Reclamation Mitigation and Conservation Commission (Mitigation Commission).

**ACTION:** Notice of Availability.

<sup>1</sup> On June 6, 2001, UP and BNSF filed a petition for exemption in STB Finance Docket No. 34055 (Sub-No. 1), *Union Pacific Railroad Company—Trackage Rights Exemption—The Burlington Northern and Santa Fe Railway Company*, wherein UP and BNSF request that the Board permit the proposed overhead trackage rights arrangement described in the present proceeding to expire on June 22, 2001. That petition will be addressed by the Board in a separate decision.

**SUMMARY:** The Duchesne River in Duchesne County, Utah, provides both irrigation water and quality sport and native non-sport fisheries. However, some diversion structures impact fish habitat or inhibit fish passage and delivery of instream flows. The Mitigation Commission committed to work with Central Utah Water Conservancy District, Duchesne County Water Conservancy District and other local water users to modify or replace selected diversion structures on the Duchesne River above the confluence with Strawberry River that are causing the greatest problem for fish and wildlife resources.

Diversion structures were evaluated based on their potential adverse impacts on fish and wildlife resources. Diversions to be repaired or replaced were prioritized in an order most beneficial to fish and wildlife. The Mitigation Commission selected Pioneer Canal Diversion as one of the first diversions for modification or replacement.

Two alternatives were fully evaluated in the environmental assessment (EA): The "Proposed Action," which is to reconstruct the Pioneer Diversion, and "No Action." However, while only two alternatives were fully evaluated in the EA, other approaches were considered in developing the Proposed Action.

Proposed Action elements include: Realign about 1,000 feet of existing channel into a more stable pattern as it approaches and passes the diversion location; construct a new diversion, to include concrete wingwalls, fish passage notch, two flush bottom gates, and de-sanding structure; install rock weirs to increase downstream bed elevation for fish passage through the fish passage notch; remove and dispose of old diversion works; and, cooperate with U.S. Fish and Wildlife Service by contributing toward completion of an agency and public review draft status review report of the Ute ladies'-tresses orchid.

Two issues were raised regarding the proposed action during public and agency scoping for the EA: Potential for entrainment of fish into the Pioneer Canal and potential for effects on Ute ladies'-tresses (ULT) a threatened plant species.

The Mitigation Commission conducted field sampling in July 1999 to assess occurrence of fish in the Pioneer Canal. Based on sampling results, there does not appear to be a significant loss of fish into the canal system. Also, because the proposed action is designed to avoid most nearby ULT plants and suitable habitat, and because of the Mitigation Commission's

involvement in completing a draft status review report, the proposed action may affect, but is not likely to adversely affect, Ute ladies'-tresses orchid. The U.S. Fish and Wildlife Service concurred with this determination via letter dated May 24, 2001.

Based on information contained in the EA and supporting documentation, the proposed action will not significantly affect the quality of human environment, under the meaning of Section 102(2)(C) of the National Environmental Policy Act. The Mitigation Commission consulted the U.S. Fish and Wildlife Service and determined the proposed action will not

affect endangered species. No historic properties will be impacted by the project. And, based on consultation with the U.S. Corps of Engineers, reconstruction of Pioneer Diversion will be permitted under a General Permit issued to the State of Utah.

Therefore, after considering the EA analyses of environmental effects and public comments received during scoping and agency consultation, the proposed action has been selected for implementation.

**DATES:** Implementation of this decision may occur immediately upon signing of the Final Decision Notice and FONSI.

**ADDRESSES:** The final EA and FONSI is available at the Utah Reclamation Mitigation and Conservation Commission; 102 West 500 South, Suite #315, Salt Lake City, Utah 84101.

**FOR FURTHER INFORMATION CONTACT:** Joan Degiorgio, Planning Manager, 801-524-3146.

Dated: June 5, 2001.

**Michael C. Weland,**

*Utah Reclamation Mitigation and Conservation Commission Executive Director.*

[FR Doc. 01-15201 Filed 6-15-01; 8:45 am]

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