

protected from discovery) in a depository open to all parties, and will make its witnesses available for discovery depositions. Access to documents subject to protective order will be appropriately restricted. Parties seeking discovery depositions may proceed by agreement. Relevant excerpts of transcripts will be received in lieu of cross-examination, unless cross-examination is needed to resolve material issues of disputed fact. Discovery on responsive and inconsistent applications will begin immediately upon their filing. The Administrative Law Judge assigned to this proceeding will have the authority initially to resolve any discovery disputes.

[FR Doc. 95-5799 Filed 3-8-95; 8:45 am]

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**[Finance Docket No. 32624]**

**Northern Nevada Railroad Corporation—Modified Rail Certificate—Between Cobre and McGill Junction, NV**

On December 2, 1994, Northern Nevada Railroad Corporation (NNRC), filed a notice for a modified certificate of public convenience and necessity under 49 CFR part 1150, subpart C—*Modified Certificate of Public Convenience and Necessity*, to operate over a line of railroad owned by the Department of Water and Power of the City of Los Angeles (Los Angeles) between Cobre, Elko County NV (milepost 0.0) and McGill Junction, White Pine County, NV (milepost 128.0), a total distance of 128.0 miles.

Prior to Los Angeles acquiring the line, the line was formerly owned and operated by Nevada Northern Railway Company. Department of Water and Power of the City of Los Angeles—Acquisition and Operation Exemption—The Nevada Northern Railway Company, Finance Docket No. 31030 (ICC served June 8, 1987). Subsequently, in Los Angeles Department of Water and Power D/B/A Nevada Northern Railway Company—Abandonment Exemption—Line in Nevada, Docket No. AB-285 (Sub-No. 1X) (ICC served Oct. 3, 1988), the line was authorized to be abandoned.

NNRC's notice indicates that the line will connect with the Southern Pacific Transportation Company at Cobre (milepost 0.0); with the Union Pacific Railroad Company at Shafter, NV (milepost 18.8); and with NNRC at McGill Junction (milepost 128.0). Los Angeles has entered into an operating agreement with NNRC which planned to begin operation during January 1995. Operations consist of moving about one train per week over the line in each direction. Operations will increase to

daily service once NNRC's connecting line is constructed.<sup>1</sup>

The Commission's Section of Environmental Analysis (SEA), reviewed the proposed start up operations that are the subject of the modified certificate. Specifically, by letter dated January 13, 1995, NNRC sought clarification under 49 CFR 1105.6(d) that the start up operations under the modified certificate do not require environmental review. NNRC provided supporting data concerning commodities and the nature of the proposed operations. By letter dated January 27, 1995, based on the information available at that time, SEA notified NNRC that the modified certificate operations had independent utility and that no environmental review would be required to transport the commodities NNRC had identified. Accordingly, this modified certificate is issued only as to those identified commodities and, under the certificate, NNRC may conduct those operations prior to completion of the construction exemption proceedings in Finance Docket No. 32476.

The Commission will serve a copy of this notice on the Association of American Railroads (Car Service Division), as agent of all railroads subscribing to the car-service and car-hire agreement, 50 F Street NW., Washington, DC 20001, and on the American Short Line Railroad Association, 1120 G Street NW., Suite 520, Washington, DC 20005.

Decided: March 1, 1995.

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

**Vernon A. Williams,**  
*Secretary.*

[FR Doc. 95-5797 Filed 3-8-95; 8:45 am]

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**[Finance Docket No. 32623]**

**Northern Nevada Railroad Corporation—Modified Rail Certificate—Between McGill Junction and Keystone, NV**

On December 2, 1994, Northern Nevada Railroad Corporation (NNRC), filed a notice for a modified certificate of public convenience and necessity under 49 CFR part 1150, subpart C—*Modified Certificate of Public Convenience and Necessity*, to operate a line of railroad owned by the City of Ely between McGill Junction, NV, (milepost 128.0) and Keystone, NV, (milepost

146.152), a total distance of 18.152 miles. The line will connect at each end with another line operated by NNRC. NNRC planned to begin operation during January 1995. Operations consist of moving about one train per week over the line in each direction. Operations will increase to daily service once NNRC's connecting line is constructed.<sup>1</sup>

Prior to the City of Ely acquiring the line, the line was owned and operated by Nevada Northern Railway Company, a subsidiary of Kennecott Copper Corporation. In Nevada Northern Railway Company—Abandonment Exemption in White (Pine) County, NV, Docket No. AB-285X (ICC served July 6, 1987), the Commission authorized Nevada Northern Railway Company to abandon the line. Since that time, the line has been operated for the City of Ely by the White Pine Historical Railroad Foundation (WPHRR). WPHRR has entered into an operating agreement with NNRC.

The Commission's Section of Environmental Analysis (SEA), reviewed the proposed start up operations that are the subject of this modified certificate. Specifically, by letter dated January 13, 1995, NNRC sought clarification under 49 CFR 1105.6(d) that the start up operations under the modified certificate do not require environmental review. NNRC provided supporting data concerning commodities and the nature of the proposed operations. By letter dated January 27, 1995, based on the information available at that time, SEA notified NNRC that the modified certificate operations had independent utility and that no environmental review would be required to transport the commodities NNRC had identified. Accordingly, this modified certificate is issued only as to those identified commodities, and, under the certificate, NNRC may conduct those operations prior to completion of the construction exemption proceedings in Finance Docket No. 32476.

The Commission will serve a copy of this notice on the Association of American Railroads (Car Service Division), as agent of all railroads subscribing to the car-service and car-hire agreement, 50 F Street NW., Washington, DC 20001, and on the American Short Line Railroad Association, 1120 G Street NW., Suite 520, Washington, DC 20005.

Decided: March 1, 1995.

<sup>1</sup> Northern Nevada Railroad Corporation—Construction and Operation Exemption—White Pine County, NV, Finance Docket No. 32476 (ICC served Feb. 24, 1995).

<sup>1</sup> Northern Nevada Railroad Corporation—Construction and Operation Exemption—White Pine County, NV, Finance Docket No. 32476 (ICC served Feb. 24, 1995).