

3. Alternative project designs,
4. Alternate location, and
5. Wait for issuance of a regional Section 10(a)(1)(B) permit.

Determination

Based upon information contained in the Environmental Assessment/Habitat Conservation Plans, the Service has determined that this action is not a major Federal action which would significantly affect the quality of the human environment with the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969. Accordingly, the preparation of Environmental Impact Statements on the proposed action is not warranted.

It is my decision to issue the Section 10(a)(1)(B) permit for the construction of multi-family housing in Travis County, Texas.

Nancy M. Kaufman,

Regional Director, Region 2, Albuquerque, New Mexico.

[FR Doc. 95-15297 Filed 6-21-95; 8:45 am]

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INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 32715]

Cen-Tex Rail Link, Ltd.¹—Trackage Rights Exemption—Burlington Northern Railroad Company and The Atchison, Topeka and Santa Fe Railway Company²

Burlington Northern Railroad Company (BN) and The Atchison, Topeka and Santa Fe Railway Company (ATSF) have agreed to grant non-

¹ Cen-Tex is under common control and management with South Orient Railroad Company, Ltd. (SORC). A continuance in control transaction was exempted by the Commission in *Joel T. Williams, III, Roy C. Coffee, Jr., Rafael Fernandez-MacGregor, and Bristol Investment Co., Inc.—Continuance in Control Exemption—Cen-Tex Rail Link, Ltd. and South Orient Railroad Company, Ltd.*, Finance Docket No. 32478 (ICC served Aug. 16, 1994).

² Cen-Tex was a previous participant in a pending proceeding in *Burlington Northern Inc. and Burlington Northern Railroad Company—Control and Merger—Santa Fe Pacific Corporation and The Atchison, Topeka and Santa Fe Railway Company*, Finance Docket No. 32549. On April 10, 1995, Cen-Tex and SORC filed a petition pursuant to 49 CFR 1180.4(f), seeking a waiver or clarification of certain railroad consolidation procedures to facilitate the preparation of a responsive application that Cen-Tex and SORC intended to file. The petition was granted by decision served April 18, 1995, but Cen-Tex and SORC did not file a responsive application. In its notice of exemption, Cen-Tex states that, by not filing any responsive application, the class exemption procedure at 49 CFR 1180.2(d)(7) is available for the proposed trackage rights. Cen-Tex also states that copies of the trackage rights agreements in this proceeding will be submitted to the Commission in the above pending proceeding.

exclusive overhead trackage rights to Cen-Tex Rail Link, Ltd. (Cen-Tex), as follows: (1) over BN's line of railroad from milepost 0.0 on BN's Wichita Falls Subdivision near Tower 55 in Fort Worth, TX to milepost 5.1 on BN's Wichita Falls Subdivision near Tower 60 in Fort Worth, a distance of approximately 5.1 miles (including BN's Race Track from 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 (2) over ATSF's line of railroad from approximately milepost 1.29 on ATSF's Dublin Subdivision near Belt Junction in Fort Worth, to approximately milepost 349.97 on ATSF's Fort Worth Subdivision near Tower 60 in Fort Worth, a distance of approximately 9.0 miles. The total distance of the trackage involved is approximately 14.3 miles. The proposed transaction will allow Cen-Tex to reach and directly interchange traffic with other railroads in the Fort Worth area (including Dallas Area Rapid Transit, Fort Worth & Western Railroad Company, The Kansas City Southern Railway Company, Southern Pacific Transportation Company/St. Louis Southwestern Railway Company, and Missouri Pacific Railroad Company). The trackage rights were scheduled to become effective on or after June 9, 1995.

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction. Pleadings must be filed with the Commission and served on: Thomas W. Rissman, 6 West Hubbard St., Suite 500, Chicago, IL 60610.

As a condition to the use of this exemption, any employees adversely affected by the trackage rights will be protected under *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).

Decided: June 16, 1995.

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

Vernon A. Williams,
Secretary.

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[Ex Parte No. 55 (Sub-No. 92)]

Compliance Procedures

AGENCY: Interstate Commerce Commission.

ACTION: Notice.

SUMMARY: The Commission is implementing, with modification, its previously-announced compliance policy (57 FR 58824, December 11, 1992) regarding any application for new motor, water, broker, and freight forwarder operating authority that was granted prior to December 10, 1992, and that is still pending because applicant has not yet complied with applicable insurance or surety bond, tariff, and process agent requirements. With respect to those still-pending applications, applicants must satisfy compliance requirements currently in effect within 60 days of the effective date of this notice or the application will be dismissed for want of prosecution. Implementation of the Commission's compliance policy through this Notice and Notice in the *Interstate Commerce Commission Register* is necessitated because of the large number of still-pending applications (approximately 15,000) that accumulated during the years when Commission policy did not require compliance within a specified period. This action is intended to alleviate the burden on Commission resources associated with maintaining these still-pending application files.

EFFECTIVE DATE: This Notice is effective July 22, 1995.

FOR FURTHER INFORMATION CONTACT: The Office of Public Assistance, 202-927-7597. [TDD for the hearing impaired: 202-927-5721.]

SUPPLEMENTARY INFORMATION: In *Compliance Procedures*, 9 I.C.C. 2d 207 (1992), served December 10, 1992, the Commission reinstated its policy of imposing a compliance deadline on applicants seeking new operating authority. As a result of that policy statement, applicants were required to file with the Commission applicable insurance or surety bond, tariff, and process agent documents within 180 days of a grant of authority, or the application would be dismissed.

That policy statement also established procedures for disposing of the thousands of applications that were granted but still pending on December 10, 1992, due to non-compliance. As to those applicants that were granted authority but that did not effect compliance within 180 days of their grant of authority, the Commission would issue a decision effective in 60