

CFR 1152.29³ must be filed by September 28, 1995. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by October 10, 1995, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any pleading filed with the Commission should be sent to applicant's representative: James R. Paschall, Three Commercial Place, Norfolk, VA 23510.

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

NS has filed an environmental report which addresses the abandonment's effects, if any, on the environmental and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by September 22, 1995. Interested persons may obtain a copy of the EA by writing to SEA (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEA, at (202) 927-6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA is available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: September 11, 1995.

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

Vernon A. Williams,
Secretary.

[FR Doc. 95-23105 Filed 9-15-95; 8:45 am]

BILLING CODE 7035-01-P

MERIT SYSTEMS PROTECTION BOARD

Opportunity to File Amicus Briefs in Cases Involving Possible Furlough of Administrative Law Judges

AGENCY: Merit Systems Protection Board.

ACTION: The Merit Systems Protection Board is providing an opportunity for interested parties to submit amicus briefs in a number of pending cases filed pursuant to 5 U.S.C. § 7521 and 5 CFR 1201.131.

SUMMARY: The Merit Systems Protection Board currently has seven pending complaints filed by separate agencies pursuant to 5 U.S.C. § 7521 and 5 CFR 1201.131. The basic premise of each

complaint is that there is a possibility that Congress may not enact an appropriation or continuing resolution for fiscal year 1996 on or before October 1, 1995, and that the resulting lapse in funding would necessitate the furlough of all agency employees, including administrative law judges. Therefore, the agencies are requesting that the Board make a finding that there is good cause for the imposition of a furlough action against each agency's administrative law judges.

The Board also has a complaint filed by the National Labor Relations Board seeking permission to furlough its administrative law judges. The NLRB states in its filing that it anticipates its fiscal year 1996 budget will be insufficient to cover its present rate of spending, and that the furlough of its administrative law judges will thus be necessary to avoid deficit spending.

The Board has issued orders in each of the eight cases noting that there is a question whether the procedure provided for by 5 U.S.C. § 7521 is intended to cover the situations described in the agencies' complaints. Specifically, the Board has determined that there is a question whether a furlough which seven agencies allege would be necessitated by a lapse in funding caused by the failure of Congress to enact an appropriation or continuing resolution is the type of personnel action to which the protections of 5 U.S.C. § 7521 need be applied. In the case of the NLRB, the Board has determined that there is a question whether a furlough allegedly necessitated by a cut by Congress in the agency's appropriation is an action to which the protections of 5 U.S.C. § 7521 may be applied. In *Horner v. Andrzejewski*, 811 F.2d 571 (Fed. Cir. 1987), which involved furloughs under a similar statute, 5 U.S.C. § 7513, the court recognized that not all furloughs are within the Board's jurisdiction. The court stated that where a furlough action is taken "because an agency has no choice * * * it can reasonably be said that an agency did not 'take an action' covered by Chapter 75." *Id.* at 576.

In considering these questions, the Board is concerned with the possibility that the provisions of the Antideficiency Act (31 U.S.C. §§ 1341, 1350) may be violated by any action the Board might take in declining to authorize an agency the right to furlough administrative law judges due to a lapse in funding caused by the failure to enact appropriation bills or a continuing resolution, or by Congress' failure to fund an agency at current budget levels. The Board is inviting any interested party to submit

amicus briefs addressing these jurisdictional issues.

DATES: All briefs submitted in response to this notice shall be filed with the Clerk of the Board on or before September 22, 1995.

ADDRESSES: All briefs shall be captioned "Administrative Law Judge Furlough Appeals" and entitled "Amicus Brief." Only one copy of the brief need be submitted. Briefs should be filed with the Office of the Clerk, Merit Systems Protection Board, 1120 Vermont Avenue NW., Washington, DC 20419.

FOR FURTHER INFORMATION CONTACT: Shannon McCarthy, Deputy Clerk of the Board, or Matthew Shannon, Counsel to the Clerk, (202) 653-7200.

Dated: September 13, 1995.

Robert E. Taylor,

Clerk of the Board.

[FR Doc. 95-23067 Filed 9-15-95; 8:45 am]

BILLING CODE 7400-1-M

NATIONAL SCIENCE FOUNDATION

Notice of Conference

The National Science Foundation's (NSF) Directorate for Education and Human Resources (EHR) will host its Fourth National Conference, September 21-September 23, 1995 at the Washington Hilton and Towers Hotel, 1919 Connecticut Avenue, NW., Washington, DC 20009. The hours of the Conference are: September 21, from 6:00 p.m. until 7:30 p.m.; September 22 from 8:00 a.m. until 5:30 p.m. and September 23, from 8:30 a.m. until 6:00 p.m.

This event represents a continuation of last year's conference which focused on major issues related to minority education, along with an update on efforts implemented in the last year and results to date. Planned activities include workshops to exhibit EHR's accomplishments in broadening diversity in science and technology fields through its human resource development programs, as well as discussions by national leaders of strategies to disseminate successful efforts nationwide. There also will be presentations of research by NSF-supported students, and presentations by the NSF research directorates.

The conference will not operate as an advisory committee. It will be open to the public. Participants will include persons representing the heads of national associations, education, science, mathematics and engineering practitioners, and Federal and state government officials.

For additional information, contact Dr. Elmira C. Johnson, Staff Associate,

³The Commission will accept a late-filed trail use request as long as it retains jurisdiction to do so.