

By the Commission, David M. Konschnik,
Director, Office of Proceedings.
Vernon A. Williams,
Secretary.
[FR Doc. 95-31319 Filed 12-26-95; 8:45 am]
BILLING CODE 7035-01-P

[Finance Docket No. 32795]

**Plainview Terminal Company;
Purchase and Operation Exemption;
Floydada and Plainview Railroad
Company**

The Plainview Terminal Company (PTC) has filed a notice of exemption to acquire the operating rights of Floydada and Plainview Railroad Company to provide local switching service on an approximately 4.6-mile line of railroad owned by The Atchison, Topeka and Santa Fe Railway Company (ATSF) between Plainview Subdivision milepost 627 plus 1791.7 feet at Plainview, TX (Santa Fe Railway Connection), and Floydada Subdivision milepost 4 plus 3160 feet at Plainview, TX. The proposed transaction was expected to be consummated on October 25, 1995. PTC certified that its projected revenues do not exceed those that would qualify it as a class III carrier.

PTC owns no railroad lines and conducts no rail operations subject to the Commission's jurisdiction. RailAmerica, Inc. (RAI) owns 100% of PTC's stock. RAI owns or controls six other class III shortline railroads.

This transaction is related to a notice of exemption filed in *RailAmerica, Inc.—Continuance in Control Exemption—West Texas and Lubbock Railroad Company, Inc. and Plainview Terminal Company*, Finance Docket No. 32797, for RAI to continue in control of PTC and West Texas and Lubbock Railroad Company (WTLR) and five other class III railroads upon PTC and WTLR becoming class III rail carriers.

Any comments must be filed with the Commission¹ and served on: Robert A. Wimbish, Rea, Cross and Auchinclass, 1920 N. Street, NW, Suite 420, Washington, DC 20036.

This notice is filed under 49 CFR 1150.31. 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.

Decided: December 19, 1995.

¹ Legislation to sunset the Commission on December 31, 1995, and transfer remaining functions is now under consideration in Congress. Until further notice, parties submitting pleadings should continue to use the current name and address.

By the Commission, David M. Konschnik,
Director, Office of Proceedings.
Vernon A. Williams, Secretary.
[FR Doc. 95-31321 Filed 12-26-95; 8:45 am]
BILLING CODE 7035-01-P

[Finance Docket No. 32797]

**RailAmerica, Inc.; Continuance in
Control Exemption; West Texas and
Lubbock Railroad Company, Inc. and
Plainview Terminal Company**

RailAmerica has filed a notice of exemption to continue in control of the West Texas and Lubbock Railroad Company, Inc. (WTLR) and the Plainview Terminal Company (PTC) upon WTLR and PTC becoming active class III shortline rail carriers.

WTLR has filed a notice of exemption in *West Texas and Lubbock Railroad Company, Inc.—Purchase and Operation Exemption—Seagraves, Whiteface and Lubbock Railroad Company*, Finance Docket No. 32796, to acquire and operate 113.0 route miles of interconnected rail lines from the Seagraves, Whiteface and Lubbock Railroad Company (SWGR). WTLR will also obtain ancillary overhead trackage rights held by SWGR over certain lines and yard tracks of The Atchison, Topeka and Santa Fe Railway Company (ATSF) at Lubbock Subdivision and in ATSF's Lubbock yards.

PTC has filed a notice of exemption in *Plainview Terminal Company—Purchase and Operation Exemption—Floydada and Plainview Railroad Company*, Finance Docket No. 32795, to acquire operating rights over a 4.6 mile line of railroad at Plainview, TX.

RAI controls five other carriers: The Delaware Valley Railway Company, Inc. (DVRV), the Huron and Eastern Railway Company, Inc. (HESR), the Saginaw Valley Railway Company, Inc. (SGVR), the South Central Tennessee Railroad Company (SCTR), and Dakota Rail, Inc. (DRI).

RAI certifies that: (1) The WTLR and PTC do not interconnect, nor do they interconnect with any other rail carrier it controls; (2) the continuance in control is not part of a series of anticipated transactions that would connect the railroads with each other or any railroad in their corporate family; and (3) the transaction does not involve a class I carrier. The transaction, therefore, is exempt from the prior approval requirements of 49 U.S.C. 11343. See 49 CFR 1180.2(d)(2).

As a condition to use of this exemption, any employees affected by the transaction will be protected by the conditions set forth in *New York Dock*

Ry.—Control—Brooklyn Eastern Dist., 360 I.C.C. 60 (1979).

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 Commission¹ and served on: Robert A. Wimbish, Rea, Cross & Auchinclass, 1920 N Street, NW, Suite 420, Washington, D.C. 20036.

Decided: December 19, 1995.

By the Commission, David M. Konschnik,
Director, Office of Proceedings.
Vernon A. Williams,
Secretary.
[FR Doc. 95-31320 Filed 12-26-95; 8:45 am]
BILLING CODE 7035-01-P

[Finance Docket No. 32760]

**Union Pacific Corporation, Union
Pacific Railroad Company, and
Missouri Pacific Railroad Company—
Control and Merger—Southern Pacific
Rail Corporation, Southern Pacific
Transportation Company, St. Louis
Southwestern Railway Company,
SPCSL Corp., and the Denver and Rio
Grande Western Railroad Company**

AGENCY: Interstate Commerce
Commission.

ACTION: Decision No. 9; Notice of
Acceptance of Application.¹

¹ Legislation to sunset the Commission on December 31, 1995, and transfer remaining functions is now under consideration in Congress. Until further notice, parties submitting pleadings should continue to use the current name and address.

¹ This designation embraces the following: (1) Finance Docket No. 32760 (Sub-No. 1), *Union Pacific Railroad Company, Missouri Pacific Railroad Company, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., and The Denver and Rio Grande Western Railroad Company—Trackage Rights Exemption—Burlington Northern Railroad Company and The Atchison, Topeka and Santa Fe Railway Company*; (2) Finance Docket No. 32760 (Sub-No. 2), *Burlington Northern Railroad Company and The Atchison, Topeka and Santa Fe Railway Company—Petition for Exemption—Acquisition and Operation of Trackage in California, Texas, and Louisiana*; (3) Finance Docket No. 32760 (Sub-No. 3), *Union Pacific Corporation, Union Pacific Railroad Company, Missouri Pacific Railroad Company, Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., and The Denver and Rio Grande Western Railroad Company—Control Exemption—The Alton & Southern Railway Company*; (4) Finance Docket No. 32760 (Sub-No. 4), *Union Pacific Corporation, Union Pacific Railroad Company, Missouri Pacific Railroad Company, Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., and The Denver and Rio Grande Western Railroad Company—Control Exemption—Central California Traction Company*; (5) Finance Docket No. 32760 (Sub-No. 5), *Union Pacific Corporation,*

Union Pacific Railroad Company, Missouri Pacific Railroad Company, Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., and The Denver and Rio Grande Western Railroad Company—Control Exemption—The Ogden Union Railway & Depot Company; (6) Finance Docket No. 32760 (Sub-No. 6), Union Pacific Corporation, Union Pacific Railroad Company, Missouri Pacific Railroad Company, Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., and The Denver and Rio Grande Western Railroad Company—Control Exemption—Portland Terminal Railroad Company; (7) Finance Docket No. 32760 (Sub-No. 7), *Union Pacific Corporation, Union Pacific Railroad Company, Missouri Pacific Railroad Company, Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., and The Denver and Rio Grande Western Railroad Company—Control Exemption—Portland Traction Company;* (8) Finance Docket No. 32760 (Sub-No. 8), *Union Pacific Corporation, Union Pacific Railroad Company, Missouri Pacific Railroad Company, Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., and The Denver and Rio Grande Western Railroad Company—Control Exemption—Overnite Transportation Company, Southern Pacific Motor Trucking Company, and Pacific Motor Transport Company;* (9) Finance Docket No. 32760 (Sub-No. 9), *Burlington Northern Railroad Company and The Atchison, Topeka and Santa Fe Railway Company—Terminal Trackage Rights—Kansas City Southern Railway Company;* (10) Docket No. AB-3 (Sub-No. 129X), *Missouri Pacific Railroad Company—Abandonment Exemption—Gurdon-Camden Line In Clark, Nevada, and Ouachita Counties, AR;* (11) Docket No. AB-3 (Sub-No. 130), *Missouri Pacific Railroad Company—Abandonment—Towner-NA Junction Line In Kiowa, Crowley, and Pueblo Counties, CO, and Docket No. AB-8 (Sub-No. 38), The Denver and Rio Grande Western Railroad Company—Discontinuance of Trackage Rights—Towner-NA Junction Line In Kiowa, Crowley, and Pueblo Counties, CO;* (12) Docket No. AB-3 (Sub-No. 131), *Missouri Pacific Railroad Company—Abandonment—Hope-Bridgeport Line In Dickinson and Saline Counties, KS, and Docket No. AB-8 (Sub-No. 37), The Denver and Rio Grande Western Railroad Company—Discontinuance of Trackage Rights—Hope-Bridgeport Line In Dickinson and Saline Counties, KS;* (13) Docket No. AB-3 (Sub-No. 132X), *Missouri Pacific Railroad Company—Abandonment Exemption—Whitewater-Newton Line In Butler and Harvey Counties, KS;* (14) Docket No. AB-3 (Sub-No. 133X), *Missouri Pacific Railroad Company—Abandonment Exemption—Iowa Junction-Manchester Line In Jefferson Davis and Calcasieu Parishes, LA;* (15) Docket No. AB-3 (Sub-No. 134X), *Missouri Pacific Railroad Company—Abandonment Exemption—Troup-Whitehouse Line In Smith County, TX;* (16) Docket No. AB-8 (Sub-No. 36X), *The Denver and Rio Grande Western Railroad Company—Discontinuance Exemption—Sage-Leadville Line In Eagle and Lake Counties, CO, and Docket No. AB-12 (Sub-No. 189X), Southern Pacific Transportation Company—Abandonment Exemption—Sage-Leadville Line In Eagle and Lake Counties, CO;* (17) Docket No. AB-8 (Sub-No. 39), *The Denver and Rio Grande Western Railroad Company—Discontinuance—Malta-Cañon City Line In Lake, Chaffee and Fremont Counties, CO, and Docket No. AB-12 (Sub-No. 188), Southern Pacific Transportation Company—Abandonment—Malta-Cañon City Line In Lake, Chafee, and Fremont Counties, CO;* (18) Docket No. AB-12 (Sub-No. 184X), *Southern Pacific Transportation Company—Abandonment Exemption—Wendel-Alturas Line In*

SUMMARY: The Commission is accepting for consideration the application filed November 30, 1995,² by Union Pacific Corporation (UPC), Union Pacific Railroad Company (UPRR), Missouri Pacific Railroad Company (MPRR), Southern Pacific Rail Corporation (SPR), Southern Pacific Transportation Company (SPT), St. Louis Southwestern Railway Company (SSW), SPCSL Corp. (SPCSL), and The Denver and Rio Grande Western Railroad Company (DRGW)³ (collectively applicants), seeking Commission approval and authorization under 49 U.S.C. 11343-45 for: (1) The acquisition of control of SPR by UP Acquisition Corporation (Acquisition), an indirect wholly owned subsidiary of UPC; (2) the merger of SPR into UPRR; and (3) the resulting common control of UP and SP by UPC.⁴ Applicants are directed to provide certain additional information. **DATES:** The effective date of this decision is December 27, 1995. Parties must file notification of intent to participate in this proceeding by January 16, 1996. Descriptions of inconsistent and responsive applications, and petitions for waiver or clarification regarding those applications, must be filed by January 29, 1996. Inconsistent and responsive applications, written comments, including comments of the United

Modoc and Lassen Counties, CA; (19) Docket No. AB-12 (Sub-No. 185X), *Southern Pacific Transportation Company—Abandonment Exemption—Suman-Bryan Line In Brazos and Robertson Counties, TX;* (20) Docket No. AB-12 (Sub-No. 187X), *Southern Pacific Transportation Company—Abandonment Exemption—Seabrook-San Leon Line In Galveston and Harris Counties, TX;* (21) Docket No. AB-33 (Sub-No. 93X), *Union Pacific Railroad Company—Abandonment Exemption—Whittier Junction-Colima Junction Line In Los Angeles County, CA;* (22) Docket No. AB-33 (Sub-No. 94X), *Union Pacific Railroad Company—Abandonment Exemption—Magnolia Tower-Melrose Line In Alameda County, CA;* (23) Docket No. AB-33 (Sub-No. 96), *Union Pacific Railroad Company—Abandonment—Barr-Girard Line In Menard, Sangamon, and Macoupin Counties, IL;* (24) Docket No. AB-33 (Sub-No. 97X), *Union Pacific Railroad Company—Abandonment Exemption—DeCamp-Edwardsville Line In Madison County, IL;* (25) Docket No. AB-33 (Sub-No. 98X), *Union Pacific Railroad Company—Abandonment Exemption—Edwardsville-Madison Line In Madison County, IL;* (26) Docket No. AB-33 (Sub-No. 99X), *Union Pacific Railroad Company—Abandonment Exemption—Little Mountain Jct.-Little Mountain Line In Box Elder and Weber Counties, UT.*

²We are also accepting for consideration applicants' supplement to the primary application, filed on or about December 21, 1995.

³UPC, UPRR, and MPRR are referred to collectively as Union Pacific. UPRR and MPRR are referred to collectively as UP. SPR, SPT, SSW, SPCSL, and DRGW are referred to collectively as Southern Pacific. SPT, SSW, SPCSL, and DRGW are referred to collectively as SP.

⁴SPT is a wholly owned subsidiary of SPR. SPCSL and DRGW are wholly owned subsidiaries of SPT. SPT owns 99.9% of SSW.

States Department of Justice (DOJ) and the United States Department of Transportation (USDOT), protests, requests for conditions, and any other opposition evidence and argument must be filed by March 29, 1996. For further information, see the attached procedural schedule.⁵

ADDRESSES: An original and 20 copies of all documents must refer to Finance Docket No. 32760 and be sent to the Office of the Secretary, Case Control Branch, Attn: Finance Docket No. 32760, Interstate Commerce Commission, 1201 Constitution Avenue, N.W., Washington, DC 20423.⁶

In addition, one copy of all documents in this proceeding must be sent to each of applicants' representatives: (1) Arvid E. Roach II, Esq., Covington & Burling, 1201 Pennsylvania Avenue, N.W., P.O. Box 7566, Washington, DC 20044; and (2) Paul A. Cunningham, Esq., Harkins Cunningham, 1300 Nineteenth Street, N.W., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Julia Farr, (202) 927-5352. [TDD for the hearing impaired: (202) 927-5721.]

SUPPLEMENTARY INFORMATION: On November 30, 1995, pursuant to 49 U.S.C. 11343-45 and our rules at 49 CFR 1180.4, applicants filed an application for approval of: (1) The acquisition of control of SPR by Acquisition; (2) the merger of SPR into UPRR; and (3) the resulting common control of UP and SP by UPC. Applicants also filed several related applications, petitions for exemption, and notices of exemption.⁷

Applicants filed a notice of exemption for settlement-related trackage rights pursuant to an agreement they reached with Burlington Northern Railroad Company and The Atchison, Topeka, and Santa Fe Railway Company (collectively, BN/Santa Fe) [Finance Docket No. 32760 (Sub-No. 1)].⁸ The trackage rights are to be effective when and if applicants receive and exercise

⁵WWe adopted the procedural schedule set forth below in Decision No. 6, served October 19, 1995. There have been minor adjustments to dates falling on Saturdays, Sundays, or legal holidays.

⁶Legislation to sunset the Commission on December 31, 1995, and to transfer remaining functions is now under consideration in Congress. Until further notice, parties submitting pleadings should continue to use the current name and address.

⁷Under 49 CFR 1180.4(c)(2)(vi), all directly related applications, petitions, and notices of exemption must be filed concurrently with the primary control and merger application.

⁸Applicants originally reached an agreement with BN/Santa Fe on September 25, 1995. They reached a supplemental agreement on November 18, 1995, which governs the grants of trackage rights.

the control authority requested in Finance Docket No. 32760.

Applicants and BN/Santa Fe filed a petition for exemption from regulation under 49 U.S.C. 10505 for the acquisition and operation of trackage in the states of California, Texas, and Louisiana [Finance Docket No. 32760 (Sub-No. 2)]. This petition is also filed pursuant to the settlement agreements applicants reached with BN/Santa Fe.

Applicants seek exemption from regulation under 49 U.S.C. 10505 for the merged entity to control the Alton & Southern Railway Company [Finance Docket No. 32760 (Sub-No. 3)], Central California Traction Company [Finance Docket No. 32760 (Sub-No. 4)], The Ogden Union Railway & Depot Company [Finance Docket No. 32760 (Sub-No. 5)], Portland Terminal Railroad Company [Finance Docket No. 32760 (Sub-No. 6)], and Portland Traction Company [Finance Docket No. 32760 (Sub-No. 7)]. Applicants also seek exemption from regulation under section 10505 for the merged entity to control the following motor carriers: Overnite Transportation Company, Southern Pacific Motor Trucking Company, and Pacific Motor Transport Company [Finance Docket No. 32760 (Sub-No. 8)].

Applicants and BN/Santa Fe also filed an application for terminal rights requesting that we enter an order under 49 U.S.C. 11103 permitting BN/Santa Fe to use two segments of Kansas City Southern Railway Company terminal trackage in Shreveport, LA, and Beaumont, TX [Finance Docket No. 32760 (Sub-No. 9)]. Applicants and BN/Santa Fe allege that BN/Santa Fe's use of these tracks is necessary for BN/Santa Fe to promote stronger rail competition to a merged UP/SP system in the Houston-Memphis and Houston-New Orleans corridors, pursuant to the settlement agreements.

Various applicants seek exemption from regulation under 49 U.S.C. 10505 for abandonments related to the primary application. MPRR seeks exemption for two related abandonments [Docket No. AB-3 (Sub-Nos. 129X and 133X)]; SPT for two related abandonments [Docket No. AB-12 (Sub-Nos. 184X and 185X)], and UPRR for one related abandonment [Docket No. AB-33 (Sub-No. 98X)]. DRGW and SPT filed a merger-related petition for exemption from regulation under section 10505 to abandon and discontinue service on another line [Docket No. AB-8 (Sub-No. 36X) and Docket No. AB-12 (Sub-No. 189X)].

MPRR filed notices of exemption pursuant to 49 CFR 1152, Subpart F, for two abandonments related to the primary application [Docket No. AB-3

(Sub-Nos. 132X and 134X)]; SPT filed a notice for one related abandonment [Docket No. AB-12 (Sub-No. 187X)]; and UPRR filed notices for four related abandonments [Docket No. AB-33 (Sub-Nos. 93X, 94X, 97X, and 99X)].

MPRR and DRGW filed two applications for abandonment and discontinuance of trackage rights pursuant to 49 CFR 1152.22 [Docket No. AB-3 (Sub-No. 130) and Docket No. AB-8 (Sub-No. 38)], [Docket No. AB-3 (Sub-No. 131) and Docket No. AB-8 (Sub-No. 37)].

DRGW and SPT filed an application pursuant to 49 CFR 1152.22 to permit discontinuance of operations on and abandonment of a portion of railroad [Docket No. AB-8 (Sub-No. 39) and Docket No. AB-12 (Sub-No. 188)]. UPRR filed an application pursuant to 49 CFR 1152.22 to permit abandonment of and discontinuance of service on a railroad line [Docket No. AB-33 (Sub-No. 96)].

According to applicants, the proposed transaction involves the acquisition and exercise of control of SPR and its subsidiaries, including those which are carriers by rail, by UPC and its wholly owned subsidiaries, UPRR and MPRR.⁹ Applicants submitted an operating plan detailing how they will consolidate UP and SP rail operations upon consummation of the transaction. UPC, Acquisition, UPRR, and SPR are parties to an Agreement and Plan of Merger dated August 3, 1995 (the Merger Agreement).¹⁰ Applicants state that the Merger Agreement calls for Acquisition to acquire all of the common stock of SPR, and for SPR to be merged with and into UPRR. The separate corporate existence of SPR will cease and UPRR will be the surviving corporation.¹¹

⁹ SPT, and its majority owned railroad subsidiaries—SPCSL, DRGW, and SSW—are an integrated, single system railroad. As such, the acquisition of control of SPR by UPRR involves the control of a single carrier within the meaning of 49 U.S.C. 11343. See *Robert W. Bethge & Raymond K. Wilson—Control Exemption—Canal Cartage Co.*, Finance Docket No. MC-F-19525 (ICC served Nov. 29, 1989); *Burlington Northern, Inc.—Control and Merger—St. Louis-San Francisco Ry.*, 366 I.C.C. 862, *aff'd sub nom. Brotherhood of Ry. & Airline Clerks v. Burlington Northern Inc.*, 722 F.2d 380 (8th Cir. 1983); *Katy Indus., Inc.—Control—Missouri-Kansas-Texas R.R.*, 331 I.C.C. 405, 410-411 (1967); *Kansas City Southern Indus. Inc.—Control—Kansas City S. Ry.*, 317 I.C.C. 1, 4 (1962); *Woods Indus., Inc.—Control—United Transports, Inc.*, 85 M.C.C. 672, 675 (1960); *Louisville & Jeffersonville B. & R. Co. Merger*, 295 I.C.C. 11, 17-18 (1955), *aff'd sub nom. Alleghany Corp. v. Breswick & Co.*, 353 U.S. 151 (1957).

¹⁰ Applicants state that, at a special meeting of stockholders expected to be held in December 1995, SPR stockholders will consider the merger pursuant to the Merger Agreement.

¹¹ As noted, applicants intend to consolidate the railroad operations of UP and SP through the merger of SPR into UPRR. However, they state that, depending upon tax, financial and other

Pursuant to the Merger Agreement, Acquisition made a tender offer on August 9, 1995, for up to 25% of SPR common stock at \$25.00 per share in cash. On September 7, 1995, the tender offer was completed for 39,034,471 shares. On September 15, 1995, Acquisition purchased the shares accepted for payment under the tender offer for approximately \$976 million.¹² These shares are being held in a voting trust pending approval of the merger.

According to applicants, upon satisfaction of all conditions to the merger, SPR's stockholders will have the right to submit a request specifying the number of shares that they desire to have converted into (a) .4065 shares of the common stock of UPC per share, and (b) the right to receive \$25.00 per share in cash, without interest. The aggregate number of shares to be converted into cash consideration at the time of the merger, together with shares tendered in the tender offer, will be equal as nearly as possible to 40% of all shares outstanding as of the date immediately prior to the date on which the merger becomes effective, applicants state. To the extent that SPR stockholders elect in the aggregate to receive either cash consideration or stock consideration in excess of such proportions, the Merger Agreement requires the cash or stock component to be prorated in order to achieve the specified proportions. Applicants request that, pursuant to *Schwabacher v. United States*, 334 U.S. 192 (1948), we determine that the agreed-upon terms for the purchase of the common stock of SPR by Acquisition are fair to both the stockholders of UPC and the stockholders of SPR.¹³

circumstances, they may effect the consolidation by other means, including, for example, the merger of SPR into MPRR or the lease of all of SP's properties to UPRR and/or MPRR. Applicants also maintain that they intend to merge SPT, SSW, SPCSL and DRGW into UPRR, although these SPR subsidiaries may retain their separate existence for some time. Further, applicants state that it is possible that, instead of the expected mergers, some or all of the entities will be merged into, or their assets leased to, MPRR, or applicants may use other means to accomplish their consolidation into the merged system.

¹² In *Union Pacific Corp.—Securities Exemption (Tender Offer)*, Finance Docket No. 32761 (ICC served Aug. 21, 1995), we granted an exemption for the issuance of debt securities to finance the purchase price of these shares.

¹³ According to applicants, SSW has a small number of minority equity holders, and the Federal Railroad Administration also holds certain SSW redeemable preference shares. At this time, applicants state, they are not requesting a fairness determination pursuant to *Schwabacher* with respect to the compensation that might be paid to SSW security holders in connection with a merger of SSW into UPRR or MPRR because tax and other considerations need to be resolved before applicants can determine whether such a merger

Applicants allege that borrowings in connection with the purchase by Acquisition of the remaining common stock of SPR will add "modestly" to UPC's fixed charges, and state that UPC will be able to absorb these additional charges.

According to applicants, UPC will pay approximately \$600 million in additional cash consideration to complete the Merger. UPC intends initially to finance such amount through (a) the issuance of public or private long-term or short-term borrowings, which may be evidenced by securities (the Debt Securities), (b) the issuance of preferred stock or UPC common stock (the Equity Securities) or, (c) the issuance of a combination of Debt Securities and Equity Securities. Applicants state that these security issuances may require authorization under 49 U.S.C. 11301. Alternatively, UPC may initially finance the additional cash consideration under the Merger with borrowings under one or more new credit or other facilities to be established with various banks or other parties and/or certain existing credit facilities (the Credit Facilities) under which the indebtedness borrowed will not be evidenced by notes or other securities subject to 49 U.S.C. 11301. If the Credit Facilities are used initially to finance such amount, borrowings thereunder will be refinanced through the issuance of Debt Securities or Equity Securities or a combination thereof, applicants state. The proceeds from the Debt Securities and/or Equity Securities may also be used to finance interest accrued on the Credit Facilities or the Debt Securities. In applicants' view, based on the amount of SPR common stock outstanding on September 30, 1995, UPC will also be required to issue approximately 38 million shares of UPC common stock¹⁴ in order to pay the stock consideration required to complete the Merger (together with the Debt Securities and Equity Securities, the Securities).

Applicants state that, in the event of the merger of SPR, SPT, SSW, SPCSL, or DRGW into UPRR or MPRR, UPRR or MPRR will assume obligations associated with certain debt securities or obligations related to securities then outstanding of the entities, to the extent

will occur, and if so, on what terms. Applicants state that, if they determine to carry out such a merger, they will request a finding from us regarding the fairness of the terms or a declaratory order that no such finding is required.

¹⁴ In the Merger Agreement, SPR agrees that no more than 158,316,398 shares of SPR common stock will be outstanding at the time of the Merger. If the maximum were outstanding, this would result in the issuance of approximately 39 million shares of UPC common stock.

permitted or required by applicable agreements and instruments and provided such obligations are not redeemed or retired at that time.

Applicants note that, although not a carrier, UPC must "file applications under 49 U.S.C. 11301 and 11302 for those issuances of securities and assumptions of obligations which may relate to or affect the activities of carrier subsidiaries."¹⁵ UPRR, as a carrier, is also subject to such provisions with respect to the issuance of securities and assumption of debt obligations, applicants state. To the extent Commission authorization may be required under 49 U.S.C. 11301, applicants request an exemption from such requirements for the issuance of the Securities in order to complete the merger and for the assumption of or succession to any assumed obligations pursuant to subsidiary mergers or similar transactions, pursuant to 49 U.S.C. 10505. Alternatively, applicants request that we approve such issuance of the Securities and assumption of or succession to any assumed obligations pursuant to 49 U.S.C. 11301.

According to applicants, UPRR operates approximately 13,646 miles of railroad in the Western United States, consisting of approximately 9,820 miles of main line and approximately 3,826 miles of branch line. The main lines run from the Pacific Coast ports and terminals of Seattle, WA, Portland, OR, and Oakland and Los Angeles, CA, to Chicago, IL, and Missouri River gateways including Kansas City and Omaha/Council Bluffs. Routes over main lines extend from the Pacific Northwest through the States of Washington, Oregon, Idaho, and Utah to Ogden/Salt Lake City, UT, from Northern California through Nevada and Utah to Ogden/Salt Lake City, and from Southern California through Nevada and Utah to Ogden/Salt Lake City. UPRR's double-track main line connects Omaha/Council Bluffs at the East with Ogden/Salt Lake City at the West, and runs through Nebraska, Colorado, Wyoming, and Utah.

With the recent merger of Chicago and North Western Railway Company (CNW) into UPRR, state applicants, UPRR's lines also run from Chicago, IL, to Milwaukee, WI, and then to Winona, MN, and (via trackage rights over Wisconsin Central Ltd.) Duluth/Superior, and from Duluth/Superior to Minneapolis/St. Paul (via trackage rights over BN) and then to Des Moines, IA,

¹⁵ *Union Pacific—Control—Missouri Pacific; Western Pacific*, 366 I.C.C. 459, 640 (1982), *aff'd in part & remanded in part sub nom. Southern Pacific Transportation Co. v. ICC*, 736 F.2d 708 (D.C. Cir. 1984), *cert. denied*, 469 U.S. 1208 (1985).

and Kansas City. In addition, applicants note, UPRR transports low-sulfur coal from the Southern Powder River Basin in Wyoming in unit trains. These are principally destined for electric generating plants, the majority of which are located in the Southwest and Midwest. UPRR also provides commuter service in the Chicago area under a purchase-of-service contract with Metra. A UPRR line extends from a point near Green Bay, WI, to Ishpeming and Escanaba, MI, while UPRR's Milwaukee-to-St. Louis line passes through Chicago. UPRR has a network of branch lines in Iowa and Southern Minnesota, and a line extending from Northwestern Nebraska into South Dakota and Wyoming.

MPRR operates approximately 8,361 miles of railroad in the Midwestern and the Southwestern United States, consisting of approximately 7,508 miles of main line and approximately 853 miles of branch line. MPRR's lines connect the major midwest gateways of Chicago, Omaha, St. Louis, Memphis, and Kansas City with the principal ports and the terminals of New Orleans and Lake Charles, LA, and Galveston, Houston, Beaumont, Corpus Christi, Brownsville, and Laredo, TX. MPRR also serves interior Texas points including Dallas, Fort Worth, San Antonio, Austin, Midland/Odessa, and El Paso. Its lines extend into the grain producing regions of Kansas and Nebraska and as far west as Pueblo, CO.

SPT operates approximately 11,000 miles of railroad in the Western United States, consisting of approximately 8,700 miles of main line and approximately 2,300 miles of branch line in eight states. The main lines run from Portland, to Oakland, to Los Angeles, and thence to San Antonio, Houston and New Orleans, including physical interchanges at five principal gateways to Mexico. SPT lines extend from San Antonio and Houston to Fort Worth, with operations over trackage rights from Fort Worth to Pueblo and Kansas City. The Fort Worth-Pueblo line connects with SSW at Stratford and Dalhart, TX, and to DRGW at Pueblo. The Fort Worth-Kansas City line connects with SSW at Kansas City and Hutchinson, KS. SPT's Central Corridor main line runs from Northern California to Ogden, UT, where it connects with DRGW. SPT's principal facilities are located at Eugene, OR, Roseville, Oakland, Los Angeles, Long Beach and West Colton, CA, Tucson, AZ, and El Paso, San Antonio and Houston, TX.

SSW operates approximately 2,200 miles of railroad in the Central United States, consisting of approximately 1,700 miles of main line and

approximately 500 miles of branch line in nine states. SSW's main line runs from Santa Rosa, NM, to Kansas City and St. Louis, MO. Operations between Topeka and St. Louis are over trackage rights on UP. SSW main lines extend from St. Louis south to Shreveport, LA, and Corsicana, TX. SSW's lines connect with SPT in Corsicana, Dalhart and Stratford, TX, Hutchinson and Kansas City, KS, Shreveport, LA, and Santa Rosa, NM, with DRGW at Herington, KS, and with SPCSL at Kansas City, MO and East St. Louis, IL. At East St. Louis, IL, Memphis, TN, and Kansas City, KS, SSW connects with major eastern rail carriers. SSW's principal facilities are located in Kansas City, KS, and Pine Bluff, AR.

SPCSL operates approximately 1,200 miles of main line railroad in the states of Illinois, Iowa, and Missouri, between St. Louis, Chicago, and Kansas City, KS. This mileage includes trackage rights between Kansas City and Chicago on BN/Santa Fe. SPCSL is the link to the Chicago gateway for the SP system.

DRGW operates approximately 2,300 miles of railroad in the states of Colorado, Utah, and Kansas, consisting of approximately 1,900 miles of main line and approximately 400 miles of branch line. The main line runs from Ogden, UT, in the West, where it connects with SPT, through Denver, CO, to Herington, KS, where it connects with SSW. DRGW has rights to operate from Herington to Kansas City over SSW and UP. Operations between Pueblo and Herington are over trackage rights on UP. DRGW also connects with SPT at Pueblo. DRGW's principal facilities are located at Salt Lake City, UT, and Denver, Pueblo, and Grand Junction, CO.

Applicants assert that the proposed transaction is clearly in the public interest, and that quantified public benefits will be in excess of \$750 million per year. The rail mode will become more competitive against truck and water carriers, applicants state, and rail customers will penetrate new markets, economic activity will increase, and resources will be used more efficiently. The public benefits will include new and improved routes, reductions in terminal delay, more reliable service, improved equipment utilization and availability, savings from facility consolidations and lower overheads, and increased capital investments. It is applicants' position that the UP/SP merger, together with the settlement agreement with BN/Santa Fe, will intensify rail competition in the West, and will increase source competition.

We are accepting the application for consideration because it complies with the applicable regulations, waivers, and requirements. See 49 U.S.C. 11343-45; 49 CFR Part 1180. We reserve the right to require the filing of supplemental information from applicants or any other party or individual, as necessary to complete the record in this matter. We are also accepting all related applications. We note that we will process the abandonment applications in accordance with the overall merger procedural schedule, rather than applying the deadlines found at 49 U.S.C. 10904; it would be premature to process the abandonment applications without having ruled on the merits of the merger application, when applicants state that the abandonments are related to, and contingent upon, the proposed UP/SP consolidation.¹⁶ Similarly, we will not publish the notices of exemption in the 20-day period called for by our regulations at 49 CFR 1152.50(d)(3). Those abandonments are likewise contingent on approval of the overall merger transaction; we will not publish the notices and they will not become effective unless and until we approve the overall merger transaction.

We are requesting additional information regarding Docket No. AB-12 (Sub-No. 185X). The description of the line at issue (milepost 117.6 to milepost 101.4 of the Suman-Bryan Line in Brazos and Robertson Counties, TX) indicates that it is used primarily for through train service. The sole shipper on the line is located at milepost 104.5. If the line can be served from either end, and the 3.1-mile segment from milepost 101.4 to milepost 104.5 maintained, the shipper could still be served. It is possible that bifurcation of the line segment may be appropriate.

We request that, within 20 days from the effective date of this decision, applicants provide traffic data and pro forma operating results for the bifurcated section (milepost 101.4 to 104.5) for the most recent 12-month

¹⁶ Parties commenting on or protesting an abandonment may file their submissions on March 29, 1996. The applicants may respond to those comments and protests on April 29, 1996. We will not allow parties objecting to an abandonment to file rebuttal submissions; however, all parties may file briefs in support of their positions on June 3, 1996. In the past, we have deviated from the section 10904 deadlines when circumstances have justified doing so. See *Union Pacific Corporation, Union Pacific Railroad Company and Missouri Pacific Railroad Company—Control—Missouri-Kansas-Texas Railroad Company*, Finance Docket No. 30800 (ICC served Mar. 30, 1987). See, e.g., *Chelsea Property Owners—Abandonment—Portion of the Consolidated Rail Corporation's West 30th Street Secondary Track in New York, NY*, Docket No. AB-167 (Sub-No. 1094) (ICC served Nov. 24, 1989) at p.2, n.6.

period, preferably through November 1995. The data submitted should include the following: (1) Traffic (carloads) transported; (2) crew consist needed; (3) number of train trips required; (4) service time required per trip; (5) number of locomotives needed to move the traffic; and (6) the opportunity costs for the segment.

We also request that applicants submit a complete set of operating timetables for each applicant carrier's operations to facilitate our review of the operating plan submitted with the application.

In Decision No. 6, served October 19, 1995, we adopted an expedited procedural schedule, and we have attached it here to give notice to all interested persons. All of the filing deadlines are in accordance with the statute and governing regulations, as modified by that schedule.¹⁷ We advise applicants and all other parties to this proceeding that, for purposes of this proceeding, they must strictly comply with all requirements. If questions arise concerning an interpretation of a requirement, they may contact the Commission's Office of Proceedings at (202) 927-7513 for assistance. See 49 CFR 1180.4(c)(6)(iii).

The application and accompanying exhibits are available for inspection in the Public Docket Room, Room 1221, at the offices of the Interstate Commerce Commission in Washington, DC.

Any interested persons, including DOJ and USDOT, may file written comments, protests, requests for conditions, and inconsistent and responsive applications no later than March 29, 1996. This deadline applies to all replies, comments, and protests

¹⁷ On November 27, 1995, Mr. Scott Manatt filed a petition to reopen and reconsider the procedural schedule (Decision No. 6) and the protective order, which we entered in Decision No. 2, served September 1, 1995. Mr. Manatt also filed a "demand for notice" requesting that he receive notice of all hearings, communications, orders, and motions filed in this proceeding. He requests that copies of all pleadings filed with the Commission be delivered to his office in Corning, AR. He further seeks an opportunity to engage in meaningful discovery, and to appear live before the Commission to testify in opposition to the merger. He demands that he be placed on the mailing list of all parties opposing the merger and that he receive copies of their communications and filings. On December 1, 1995, applicants replied to Mr. Manatt's petition to reopen and reconsider the protective order and the procedural schedule, noting that he raises arguments that we have already considered and rejected. On December 14, 1995, Mr. Manatt filed a response to applicants' reply. We will not consider Mr. Manatt's reply; under our regulations, replies to replies are not permitted. 49 CFR 1104.13(c). We are denying Mr. Manatt's requests for relief, but will place his name on the service list in this proceeding, so that he will receive copies of all pleadings, Commission decisions, and decisions of the Administrative Law Judge (ALJ) governing discovery.

addressing all related petitions, notices, and applications filed with the primary application.¹⁸ An original and 20 copies must be filed with the Secretary, Interstate Commerce Commission, Washington, DC 20423.¹⁹

Written comments must be concurrently served by first class mail on the United States Secretary of Transportation (USDOT), the Attorney General of the United States (DOJ), and applicants' representatives. Written comments must also be served upon all parties of record within 10 days of service of the service list by the Commission. We plan to issue the service list shortly after parties file their notices of intent to participate.

Written comments shall include:

1. The docket number and title of the proceeding;
2. The name, address, and telephone number of the commenting party and its representative upon whom service shall be made;
3. The commenting party's position, i.e., whether it supports or opposes the proposed transaction;
4. A list of any specific protective conditions sought;
5. An analysis of the issues with particular attention to our general policy statement for the merger or control of at least two class I railroads, 49 CFR 1180.1, the statutory criteria, and antitrust policy.

Because we have determined that this proceeding constitutes a major transaction within the meaning of our rail consolidation rules, 49 CFR Part 1180, railroads intending to file inconsistent or responsive applications must submit descriptions of those applications on January 29, 1996. The description must state whether the commenting railroad intends to file an inconsistent or responsive application, petitions for inclusion, trackage rights, or any other affirmative relief requiring

¹⁸ On December 14, 1995, the International Brotherhood of Teamsters (IBT) filed a motion for an extension of time in which to file its reply to applicants' petition for exemption contained in Finance Docket No. 32760 (Sub-No. 8). Because we are allowing all parties until March 29, 1996, to file such replies, IBT's request is moot.

¹⁹ In addition to submitting an original and 20 copies of all documents filed with the Commission, the parties are encouraged to submit all pleadings and attachments as computer data contained on a 3.5-inch floppy diskette which is formatted for WordPerfect 5.1 (or formatted so that it can be converted by WordPerfect 5.1). The computer data contained on the computer diskettes submitted are subject to the protective order attached to the Commission's Decision No. 2 served September 1, 1995, and are for the exclusive use of Commission employees working directly with review of substantive matters in this proceeding. The flexibility provided by such computer file data will facilitate expedited review by the Commission and its staff.

an application to be filed with the Commission and a general statement of what that application is expected to include. THIS WILL BE CONSIDERED A PREFILING NOTICE WITHOUT WHICH THE COMMISSION WILL NOT ENTERTAIN APPLICATIONS FOR THIS TYPE OF RELIEF.

Petitions for waiver or clarification by responsive applicants shall be filed no later than January 29, 1996. Each responsive application filed and accepted will be consolidated with the primary application in this proceeding. Responsive applications include inconsistent applications, petitions for inclusion, or any other affirmative relief that requires an application to be filed with the Commission (such as trackage rights, purchase, purchase of a portion, acquisition, extension, construction, operation, pooling, terminal operations, abandonment, etc.). Parties should contact the Office of the Secretary at 927-7428 to obtain docket numbers for their responsive applications.

Parties wishing to engage in discovery are directed to consult with Administrative Law Judge Jerome Nelson.²⁰ For the purposes of the present proceeding, we think it appropriate to tighten the deadlines provided by 49 CFR 1115.1(c). Accordingly, the provisions of the second sentence of 49 CFR 1115.1(c) to the contrary notwithstanding, an appeal to a decision issued by ALJ Nelson must be filed within 3 working days of the date of his decision, and any response to any such appeal must be filed within 3 working days thereafter. Likewise, any reply to any procedural motion filed with the Commission itself in the first instance must also be filed within 3 working days.

In order for us to fulfill our responsibilities under the National Environmental Policy Act and other environmental laws, inconsistent applications and responsive applications must contain certain environmental information. Anyone desiring to file an inconsistent or a responsive application involving significant operational changes or an action such as a rail line abandonment or construction under 49 CFR 1105.6(b)(4) of our environmental rules must include, with its application, a preliminary draft environmental assessment (PDEA). Generally, these types of actions require an environmental report under 49 CFR

1105.6(b)(3) which would form the basis of a subsequent environmental assessment (or environmental impact statement, if warranted). Here, for purposes of this proceeding, a PDEA is necessary at the outset.

The preparation of a PDEA should not be burdensome. Although the information would be presented in a somewhat different format, the PDEA should address essentially the same environmental issues that would have been covered by an environmental report. The PDEA, like the environmental report, should be based on consultations with the Section of Environmental Analysis (SEA) and the various agencies set forth in 49 CFR 1105.7(b). SEA will be available to provide assistance as needed. Parties should contact Elaine K. Kaiser or Phillis Johnson-Ball of SEA at (202) 927-6248 if they have any questions regarding the environmental review process or preparation of a PDEA. SEA will use the PDEA to expedite the environmental review process. If a PDEA is not submitted or is insufficient, we will not process the inconsistent or responsive application.

If an inconsistent or responsive application does not involve significant operational changes or an action such as an abandonment or construction, it generally is exempt from environmental review. The applicant must certify, however, that the proposal meets the exemption criteria under 49 CFR 1105.6(c)(2). Anyone desiring to file an inconsistent application or responsive application should consult with SEA as early as possible regarding the appropriate environmental documentation. We further note that, for purposes of this proceeding, persons will have 20 days to comment on the Environmental Assessment, which SEA expects to issue in April.

We plan to conclude the evidentiary phase of this proceeding by May 14, 1996. Briefs are due on June 3, 1996, and will be limited to 50 pages. Briefs must be filed in accordance with the requirements of 49 CFR 1104.2. The initial decision will be waived, and the determination of the merits of the application(s) will be made in the first instance by the entire Commission under 49 U.S.C. 11345.

We advise protestants that, if they seek to have the primary application denied, or seek conditions if it is approved, because they contend their ability to provide essential service and/or competition will be harmed, they must present substantial evidence in support of their positions. See *Lamoille Valley R.R. Co. v. ICC*, 711 F.2d 295 (D.C. Cir. 1983).

²⁰ ALJ Nelson held a discovery conference in this proceeding on December 1, 1995. At that conference the ALJ adopted discovery guidelines, as reflected in his order served on December 7, 1995. Parties may contact the Office of the Secretary to obtain a copy of the discovery guidelines.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The applications, petitions, and notices in Finance Docket No. 32760, and in all related proceedings, are accepted for consideration.
2. The parties shall comply with all provisions as stated above.
3. Applicants shall submit additional information as set forth above regarding Docket No. AB-12 (Sub-No. 185X) within 20 days of the effective date of this decision.
4. Applicants are directed to provide the Commission with a current complete set of operating timetables for both UP and SP within 20 days of the effective date of this decision.
5. Any appeal to a decision issued by the ALJ in this proceeding must be filed within 3 working days of the date of the decision, and any response to such an appeal must be filed within 3 working days of the date of filing of the appeal.
6. Replies to any procedural motion filed with the Commission must be filed within 3 working days.
7. This decision is effective on the date of service.

Decided: December 21, 1995.

By the Commission, Chairman Morgan, Vice Chairman Owen, and Commissioner Simmons.

Vernon A. Williams,
Secretary.

Procedural Schedule

- November 30, 1995: Primary application filed
- December 29, 1995: Commission notice of acceptance of primary application and related applications published in the Federal Register on or before this date
- January 16, 1996: Notice of intent to participate in proceeding due
- January 29, 1996: Description of anticipated inconsistent and responsive applications due; petitions for waiver or clarification due
- March 29, 1996: Inconsistent and responsive applications due. All comments, protests, requests for conditions, and any other opposition evidence and argument due. DOJ and USDOT comments due
- April 12, 1996: Notice of acceptance (if required) of inconsistent and responsive applications published in the Federal Register
- April 29, 1996: Response to inconsistent and responsive applications due. Response to comments, protests, requested conditions, and other opposition due. Rebuttal in support of

primary application and related applications due.

- May 14, 1996: Rebuttal in support of inconsistent and responsive applications due
- June 3, 1996: Briefs due, all parties (not to exceed 50 pages)
- July 2, 1996: Oral argument (at Commission's discretion)
- July 3, 1996: Voting Conference (at Commission's discretion)
- August 12, 1996: Date of service of final decision

[FR Doc. 95-31333 Filed 12-26-95; 8:45 am]
BILLING CODE 7035-01-P

[Finance Docket No. 32796]

West Texas and Lubbock Railroad Company, Inc.; Purchase and Operation Exemption; Seagraves, Whiteface and Lubbock Railroad Company

The West Texas and Lubbock Railroad Company (WTLR) has filed a notice of exemption to acquire from Seagraves, Whiteface and Lubbock Railroad Company (SWGR)¹ and operate the approximately 113-mile SWGR rail system, consisting of three connecting branch lines as follows: (1) Between milepost 0.0 at Lubbock, TX (Burlington Northern and Santa Fe connection), and milepost 63.8 at Seagraves, TX; (2) between milepost 0.0 at Doud, TX (connection with SWGR Lubbock to Seagraves line), and milepost 39.2 at Whiteface, TX; and (3) The Pan American Spur from milepost 36.3 (at Coble, TX) to "end of track" (approximately 9.3 miles). WTLR will also obtain ancillary overhead trackage rights currently held by SWGR over certain lines and yard tracks of The Atchison, Topeka and Santa Fe Railway Company ("ATSF") as follows: Milepost 88 + 0748.6 feet and Lubbock Subdivision milepost 675 + 518.5 feet, including tracks numbers 40, 292, 93, 92, 25, 4, 3, 90, 58, 57, 56, 36 and 2 in ATSF's Lubbock Yard. These incidental trackage rights will enable WTLR to interchange cars with connecting class I carriers. The lines described in this paragraph are located in Gaines, Terry, Cochran and Hockley Counties, TX.

The proposed transaction was expected to be consummated on October 25, 1995. WTLR certified that its projected revenues do not exceed those that would qualify it as a class III carrier.

¹ Anderson Grain Corporation (Anderson), of Levelland, Texas, filed an "objection" to this notice. The Commission will issue a separate decision on Anderson's pleading.

WTLR owns no railroad lines and conducts no rail operations subject to the Commission's jurisdiction. Rail America, Inc. (RAI) owns 100% of WTLR's stock. RAI owns or controls six other class III shortline railroads.

This transaction is related to a notice of exemption filed in *RailAmerica, Inc.—Continuance in Control Exemption—West Texas and Lubbock Railroad Company, Inc. and Plainview Terminal Company*, Finance Docket No. 32797, for RAI to continue in control of WTLR and Plainview Terminal Company (PTC) and five other class III railroads upon PTC and WTLR becoming class III rail carriers.

Any comments must be filed with the Commission² and served on: Robert A. Wimbish, Rea, Cross and Auchincloss, 1920 N Street, N.W., Suite 420, Washington, D.C. 20036.

This notice is filed under 49 CFR 1150.31. 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.

Decided: December 19, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.
Vernon A. Williams,
Secretary.

[FR Doc. 95-31318 Filed 12-26-95; 8:45 am]
BILLING CODE 7035-01-P

NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting or Recordkeeping Requirements; Notice of Pending Submittal to the Office of Management and Budget (OMB) for Review

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of pending NRC action to submit an information collection request to OMB and solicitation of public comment.

SUMMARY: The NRC is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

² Legislation to sunset the commission on December 31, 1995, and transfer remaining functions is now under consideration in Congress. Until further notice, parties submitting pleadings should continue to use the current name and address.