

Commission¹ and served on: Robert J. Cooney, Norfolk Southern Corporation, 3 Commercial Place, Norfolk, VA 23510-2191.

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).

Dated: December 29, 1995.

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

Vernon A. Williams,
Secretary.

[FR Doc. 96-153 Filed 1-4-96; 8:45 am]

BILLING CODE 7035-01-P

[Finance Docket No. 32747]

Raymond L. Ortman—Continuance in Control Exemption—Winamac Southern Railway Company, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission under 49 U.S.C. 10505 exempts from the prior approval requirements of 49 U.S.C. 11343-44 the continuance in control by Raymond L. Ortman of the Winamac Southern Railway Company, Inc. (WSR), subject to standard labor protective conditions. The petition for exemption was filed because of the Ortman family interests in Kokomo Grain Company and Central Properties, Incorporated, which controls Central Railroad Company of Indianapolis and Central Railroad Company of Indiana. In order to insulate himself from unauthorized control during the pendency of this proceeding, Mr. Ortman placed all of his shares of WSR stock into an independent voting trust.

DATES: This exemption will be effective on February 4, 1996. Petitions to stay must be filed by January 16, 1996. Petitions to reopen must be filed by January 25, 1996.

ADDRESSES: Send pleadings, referring to Finance Docket No. 32747 to: (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission,¹ 1201

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

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Constitution Avenue, N.W., Washington, DC 20423; and (2) Thomas F. McFarland, Jr., 20 North Wacker Drive, Suite 3118, Chicago, IL 60606-3101.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 927-5660. [TDD for the hearing impaired: (202) 927-5721.]

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: DC NEWS & DATA, INC., Room 2229, Interstate Commerce Commission Building, 1201 Constitution Avenue, N.W., Washington, DC 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services at (202) 927-5721.]

Decided: December 27, 1995.

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

Vernon A. Williams,
Secretary.

[FR Doc. 96-154 Filed 1-4-96; 8:45 am]

BILLING CODE 7035-01-P

[Finance Docket No. 32766]¹

Portland & Western Railroad, Inc.—Lease and Operation Exemption—Burlington Northern Railroad Company

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Under 49 U.S.C. 10505, the Commission exempts Portland & Western Railroad, Inc. (PNWR) from the prior approval requirements of 49 U.S.C. 11343-45 to lease from Burlington Northern Railroad Company (BN) and operate five branch lines totaling approximately 52.94 miles of railroad in Oregon,² specifically: (1) 1.96 miles between BN milepost 16.87 near Bowers Junction and BN milepost 18.83 near Bendemeer; (2) 10.77 miles between BN milepost 17.07 at Bowers Junction and BN milepost 27.84 near Banks; (3) 5.60 miles between BN milepost 4.68 near Hillsboro and BN milepost 10.28 near Forest Grove; (4) 1.19 miles between BN milepost 25.52 near St. Marys Junction and BN milepost 26.71 near St. Marys;

¹ This proceeding is related to *Portland & Western Railroad, Inc.—Trackage Rights Exemption—Burlington Northern Railroad Company*, Finance Docket No. 32765 (ICC served Oct. 13, 1995; 60 FR 53434).

² BN is also assigning to PNWR 4.2 miles of overhead trackage rights over a line of Port of Tillamook Bay Railroad between Banks and Schefflin that are necessary to connect the BN lines.

and (5) 33.42 miles between BN milepost 31.28 near Greton and BN milepost 64.70 near Hopmere, subject to the standard employee protective conditions.

DATES: The exemption is effective on February 4, 1996. Petitions to stay must be filed by January 22, 1996. Petitions to reopen must be filed by January 30, 1996.

ADDRESSES: Send pleadings referring to Finance Docket No. 32766 to: (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission,³ 1201 Constitution Avenue, N.W., Washington, DC 20423; and (2) Eric M. Hocky, P.O. Box 796, 213 West Miner St., West Chester, PA 19381-0796.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 927-5660. [TDD for the hearing impaired: (202) 927-5721.]

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: DC NEWS & DATA, INC., Room 2229, Interstate Commerce Commission Building, 1201 Constitution Avenue, N.W., Washington, DC 20423. Telephone: (202) 289-4357. [Assistance for the hearing impaired is available through TDD services (202) 927-5721.]

Decided: December 27, 1995.

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

Vernon A. Williams,
Secretary.

[FR Doc. 96-155 Filed 1-4-96; 8:45 am]

BILLING CODE 7035-01-P

[Docket No. AB-32 (Sub-No. 64X)]

Boston and Maine Corporation—Abandonment Exemption—Rensselaer County, NY¹

Boston and Maine Corporation (B&M) has filed a verified notice under 49 CFR Part 1152 Subpart F—*Exempt Abandonments* to abandon the 5.04-mile Bennington Branch line between

³ Legislation to sunset the Commission on December 31, 1995, and transfer remaining functions is currently under consideration. Until further notice, parties submitting pleadings should continue to use the current name and address.

¹ The notice of exemption published October 25, 1995 (60 FR 54706) did not provide adequate notice of the proposed abandonment (the abandoning railroad was inadvertently identified as CSX Transportation, Inc.). The defect in the notice prevented the exemption from taking effect as originally scheduled. This notice corrects the ministerial error.

mileposts 0.00 and 5.04, in Hoosick, Rensselaer County, NY.

B&M has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in complainant's favor within the last 2 years; and (4) the requirements at 49 CFR 1105.7 (environmental report), 49 CFR 1105.8 (historic report), 49 CFR 1105.11 and 1152.50(d)(1) (notice to government agencies), and 49 CFR 1105.12 (newspaper publication) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether employees are adequately protected, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

The exemption will be effective on February 4, 1996, unless stayed. The State of Vermont filed a statement of intent to file an offer of financial assistance (OFA) on November 17, 1995. Any OFAs, whether filed by the State of Vermont or another entity, must be filed by January 25, 1996.² Petitions to stay that do not involve environmental issues,³ any additional statements of intent to file an OFA under 49 CFR 1152.27(c)(2),⁴ and trail use/rail banking requests under 49 CFR 1152.29⁵ must be filed by January 16, 1996. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by January 25, 1996. An original and 10 copies of any such filing must be sent to the Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.⁶ In

² On December 21, 1995, the State of Vermont filed a petition seeking partial revocation to allow it time to file an OFA. In view of the republication provided here, the petition is moot.

³ The Commission will grant a stay if an informed decision on environmental issues raised by a party cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Commission may take appropriate action before the exemption's effective date.

⁴ See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

⁵ The Commission will accept late-filed trail use requests so long as the abandonment has not been consummated and the abandoning railroad is willing to negotiate an agreement.

⁶ Legislation to sunset the Commission on December 31, 1995, and transfer remaining

addition, one copy must be served on John R. Nadolny, Boston and Maine Corporation, Iron Horse Park, North Billerica, MA 01862.

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

B&M has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. An environmental assessment (EA) prepared by the Commission's Section of Environmental Analysis (SEA) was made available to the public on October 27, 1995. A copy of the EA may be obtained by writing to SEA (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser at (202) 927-6248. Comments on environmental and historic preservation matters must be filed by January 22, 1995.

Environmental, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.⁷

Decided: December 29, 1995.

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

Vernon A. Williams,

Secretary.

[FR Doc. 96-156 Filed 1-4-96; 8:45 am]

BILLING CODE 7035-01-P

[Docket No. AB-290 (Sub-No. 179X)]

Norfolk and Western Railway Company—Abandonment Exemption—in Lynchburg, VA

Norfolk and Western Railway Company (N&W), has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon approximately 0.4 miles of its line of railroad between milepost N-207.3 to milepost N-207.7 at Lynchburg, VA.

N&W has certified that: (1) No local or overhead traffic has moved over the line for at least 2 years; (2) all overhead traffic if there were any, could be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year

functions is currently under consideration. Until further notice, parties submitting pleadings should continue to use the current name and address.

⁷ A decision was served on December 12, 1995, imposing conditions addressing concerns expressed by the U.S. Fish and Wildlife Service about the abandonment's effects on wetlands.

period; and (4) the requirements at 49 CFR 1105.7 (environmental report), 49 CFR 1105.8 (historic report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to use of this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on February 5, 1996, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,¹ formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),² and trail use/rail banking requests under 49 CFR 1152.29³ must be filed by January 16, 1996. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by January 25, 1996, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, 1201 Constitution Ave., NW., Washington, DC 20423.⁴

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

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

N&W has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental

¹ A stay will be issued routinely by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Commission's Section of Environmental Analysis in its independent investigation) cannot be made before the effective date of the notice of exemption. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any entity seeking a stay on environmental concerns is encouraged to file its request as soon as possible in order to permit the Commission to review and act on the request before the effective date of this exemption.

² See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

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

⁴ Legislation to sunset the Commission on December 31, 1995, and transfer remaining functions is currently under consideration. Until further notice, parties submitting pleadings should continue to use the current name and address.