

miles of rail lines of Chicago & Illinois Midland Railway Company (CIMR), in the State of Illinois. IMR also seeks to acquire the interest of CIMR in 25.4 miles of overhead trackage rights in the State of Illinois. The transaction was to have been consummated on or about February 8, 1996.

GWI also controls through stock ownership 9 other nonconnecting class III rail carriers: Genesee & Wyoming Railroad Company; Dansville and Mount Morris Railroad Company; Rochester & Southern Railroad, Inc.; Louisiana & Delta Railroad, Inc.; Buffalo & Pittsburgh Railroad, Inc.; Bradford Industrial Rail, Inc.; Allegheny & Eastern Railroad, Inc.; Willamette & Pacific Railroad, Inc.; and GWI Switching Services.²

The transaction is exempt from the prior approval requirements of 49 U.S.C. 11323 [formerly section 11343] because: (1) The railroads will not connect with each other or with any railroad in their corporate family; (2) the continuance in control is not part of a series of anticipated transactions that would connect the railroads with each other or with any railroad in their corporate family; and (3) the transaction does not involve a class I carrier.

As a condition to this exemption, any employees adversely affected by the transaction will be protected under *New York Doc Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979).

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to reopen the proceeding to revoke the exemption under 49 U.S.C. 10502(d) [formerly section 10505(d)] may be filed at any time. The filing of a petition to reopen will not automatically stay the transaction. An original and 10 copies of all pleadings, referring to STB Finance Docket No. 32863, must be filed with the Office of the Secretary, Case Control Branch, Surface Transportation Board, 1201 Constitution Ave., N.W., Washington, DC 20423. In addition, a copy of each pleading must be served on Eric M. Hocky, Esq., Gollatz, Griffin & Ewing, P.O. Box 796, 213 West Miner St., West Chester, PA 19381-0796.

Decided: February 22, 1996.

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

Vernon A. Williams,

Secretary.

[FR Doc. 96-4794 Filed 2-29-96; 8:45 am]

BILLING CODE 4915-00-P

[STB Finance Docket No. 32862]

**Illinois & Midland Railroad, Inc.;
Acquisition and Operation Exemption;
Chicago & Illinois Midland Railway
Company**

Illinois & Midland Railroad, Inc. (IMR), a noncarrier, has filed a notice of exemption to acquire and operate 98 miles of rail lines of Chicago & Illinois Midland Railway Company (CIMR) extending from milepost 10 at Pekin to milepost 87 at Springfield, and extending from milepost 100 at Cimic to milepost 121 at Taylorville, in the State of Illinois. IMR will also acquire the interest of CIMR in 25.4 miles of overhead trackage rights over: (1) The line of railroad of Peoria & Pekin Union Railway Company extending from milepost 0.0 at Peoria to milepost 10 at Pekin; and (2) the line of railroad of Illinois Central Railroad Company extending from milepost 191.9 at Springfield to milepost 207.3 at Cimic, in the State of Illinois. The transaction was to have been consummated on or about February 8, 1996.

This proceeding is related to *Genesee & Wyoming, Inc.—Continuance in Control Exemption—Illinois & Midland Railroad, Inc.*, STB Finance Docket No. 32863, wherein Genesee & Wyoming, Inc., has concurrently filed a notice of exemption to continue to control IMR upon its becoming a rail carrier.

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 reopen the proceeding to revoke the exemption under 49 U.S.C. 10502(d) [formerly section 10505(d)] may be filed at any time. The filing of a petition to reopen will not automatically stay the transaction. An original and 10 copies of all pleadings, referring to STB Finance Docket No. 32862, must be filed with the Office of the Secretary, Case Control Branch, Surface Transportation Board, 1201 Constitution Ave., N.W., Washington, DC 20423. In addition, a copy of each pleading must be served on

¹ The ICC Termination Act of 1995, Pub. L. 104-88, 109 Stat. 803 (the Act), which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission (ICC) and transferred certain functions to the Surface Transportation Board (Board). This notice relates to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 10901.

Eric M. Hocky, Esq., Gollatz, Griffin & Ewing, P.O. Box 796, 213 West Miner St., West Chester, PA 19381-0796.

Decided: February 22, 1996.

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

Vernon A. Williams,

Secretary.

[FR Doc. 96-4793 Filed 2-29-96; 8:45 am]

BILLING CODE 4915-00-P

[STB Finance Docket No. 32858]

**Illinois Central Corporation and Illinois
Central Railroad Company; Control;
CCP Holdings, Inc., Chicago, Central &
Pacific Railroad Company and Cedar
River Railroad Company**

AGENCY: Surface Transportation Board.

ACTION: Notice of acceptance of application.

SUMMARY: The Board accepts for consideration the application filed January 31, 1996, by Illinois Central Corporation (IC Corp.), Illinois Central Railroad Company (ICR), CCP Holdings, Inc. (Holdings), Chicago, Central and Pacific Railroad Company (CCPR), and Cedar River Railroad Company (CRRC) (collectively referred to as applicants) for approval and authorization of IC Corp.'s acquisition of control of CCPR and CRRC through ownership of the stock of Holdings, CCPR/CRRC's parent. IC Corp. already controls ICR through ownership of all of ICR's stock.² In accordance with 49 CFR 1180.4(b)(2)(iv), the Board finds that this is a minor transaction as described in 49 CFR 1180.2(c).

DATES: This decision is effective on March 1, 1996. Written comments, including comments from the Secretary of Transportation and the Attorney General of the United States, must be filed with the Board no later than April 1, 1996, and concurrently served on applicants' representatives. The Board will issue a service list shortly thereafter. Comments must be served on all parties of record within 5 days after the Board issues the service list and confirmed by certificate of service filed with the Board indicating that all designated individuals and

¹ The ICC Termination Act of 1995, Pub. L. 104-88, 109 Stat. 803 (the Act), which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission (ICC) and transferred certain functions to the Surface Transportation Board (Board). This notice relates to a railroad acquisition of control transaction that is subject to Board jurisdiction pursuant to 49 U.S.C. 11323-25.

² Where appropriate, IC Corp. and ICR are collectively referred to as IC, and CCPR and CRRC are collectively referred to as CC&P.

² Also, GWI has in *Genesee & Wyoming Industries, Inc.—Continuance in Control Exemption—Portland & Western Railroad*, Finance Docket No. 32759, a pending petition for exemption to continue in control of a connecting Class III railroad.

organizations on the service list have been properly served. Applicants' reply is due April 22, 1996.³

ADDRESSES: Send an original and 10 copies of pleadings referring to STB Finance Docket No. 32858 to: Office of the Secretary, Surface Transportation Board, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423. In addition, send one copy of all documents to applicants' representatives: (1) William C. Sippel, Two Prudential Plaza, 45th Floor, 180 North Stetson Avenue, Chicago, IL 60601; (2) Myles L. Tobin, 455 North Cityfront Plaza Drive, Chicago, IL 60611-5504; and (3) Byron D. Olsen, 4200 First Bank Place, 601 2nd Avenue South, Minneapolis, MN 55402.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 927-5610. [TDD for the hearing impaired: (202) 927-5721.]

SUPPLEMENTARY INFORMATION: By application filed January 31, 1996, Board approval is being sought under 49 U.S.C. 11323-25 (formerly 49 U.S.C. 11343-45) for IC Corp.'s acquisition of control of CCPR and CRRC through ownership of the stock of Holdings.

The applicants recite that their transaction is a "minor transaction" subject to the provisions of 49 CFR 1180.2, the regulations that implemented former sections 11343-45. The transaction here specifically is subject to the standards of new section 11324(d), because it does not involve the merger or control of two Class I railroads. Also, as discussed below, because we have determined that the transaction is not of regional or national significance, the procedures set out at new section 11325(d) apply. Section 204(a) of the Act provides that all ICC rules in effect on the date of the enactment of the Act "shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Board . . . or operation of law." While the standards and procedures of former sections 11343-45 and new sections 11323-25 are substantially similar insofar as minor transactions are concerned, the procedures of new section 11325(d) differ slightly from those contained in the regulations at 49 CFR 1180.4 and, therefore, shall govern. Otherwise, the use of the regulations at 49 CFR Part 1180 for this proceeding appears proper.

Applicant ICR is a Class I railroad operating approximately 2,624 route

miles of rail lines in six Midwestern and South Central States. ICR is a wholly owned subsidiary of IC Corp., a noncarrier holding company. ICR controls and operates the Kensington & Eastern Railroad Company and Waterloo Railway Company, applicant carriers that own rail property in the States of Illinois and Mississippi. ICR also owns non-controlling stock interests in several switching and terminal railroads.⁴

Applicant CCPR is a Class II rail carrier that owns and operates approximately 724 miles of rail line between Chicago, IL, on the east and Sioux City, IA, and Council Bluffs, IA/Omaha, NE, on the west. The Chicago-Sioux City/Omaha line was formerly the Iowa Division of IC; CCPR purchased the line from IC and began operations in 1985.

Applicant CRRC is a Class III rail carrier that owns or operates approximately 102 miles of rail lines between Waterloo, IA, and Glenville, MN. CRRC was formed in 1991 as a wholly owned subsidiary of CCPR⁵ to acquire the Waterloo-Albert Lea, MN line from the defunct Cedar Valley Railroad Company.

Applicant Holdings is a noncarrier holding company which directly controls CCPR and CRRC. Holdings also controls Iron Horse Properties, Inc. and the Missouri River Bridge Company, both noncarriers. Holdings is controlled by Donald R. Wood, Jr.

IC Corp. proposes to acquire control of CCPR and CRRC through purchase of all of the issued and outstanding common stock of Holdings. Although CCPR and CRRC will be marketed as part of the IC rail system and CCPR's operations will be coordinated with those of ICR, they will remain separate legal entities. IC Corp. has no present plans to merge CCPR or CRRC into IC.

IC proposes to consummate control of CC&P (through IC Corp.'s acquisition of Holdings' stock) as soon as a Board decision approving this application and authorizing the proposed control transaction has become effective.

Applicants state that common control of IC and CC&P will position both rail systems to more effectively serve their customers and compete in the increasingly concentrated rail marketplace which surrounds them. The proposed transaction assertedly will

⁴IC owns non-controlling stock interests in The Belt Railway Company of Chicago, the Mississippi Export Railroad Company, the Paducah & Illinois Railroad Company, the Peoria & Pekin Union Railway Company and the Terminal Railroad Association of St. Louis.

⁵CRRC is now a wholly owned subsidiary of Holdings and a sister company to CCPR.

provide shippers and receivers on IC and CC&P with new routing options and more efficient and competitive single-line service. For example, according to applicants, CC&P grain shippers will gain direct, single-line access to long-haul destination markets in the South-Central United States and to export markets through the Gulf ports of New Orleans and Mobile, AL. At the same time, grain receivers on IC will be assured reliable, independent and long-term access to grain from Iowa origins. Coal shippers and receivers on IC's lines will likewise gain access to additional markets via CC&P's lines. Applicants state that all customers will benefit from the improved transit times, better equipment utilization and other operating efficiencies made possible by common control.

Applicants maintain that, in addition to generating benefits for the shipping public, the proposed transaction will strengthen the combined IC/CC&P system and improve both its operating and financial performance. Applicants estimate that common control will attract approximately 11,500 new carloads of traffic annually to the IC/CC&P system and will present significant opportunities to reduce expenses and rationalize operations. Applicants maintain that the proposed transaction will help position IC to remain a competitive, independent and viable carrier amid consolidation and market aggregation in the rail industry.⁶

Applicants submit that the proposed end-to-end combination of IC and CC&P under common control will have no adverse impact on competition. To the contrary, they state that common control of IC and CC&P will enhance competition and provide improved service and routing options for shippers on ICR and CC&P lines. According to applicants, grain shippers on CC&P in particular will benefit from new single-line routes to major grain processing plants on ICR and from competitive single-line rail access to export grain markets via ICR's lines to the ports of New Orleans and Mobile. These shippers will also benefit by having

⁶In *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*, Finance Docket No. 32760, applicants in that proceeding have submitted a settlement agreement entered into with IC that, among other things, calls for developing traffic through joint marketing efforts after consummation of the UP/SP merger if it is approved. See applicants' submission of settlement agreements with Utah Railway and Illinois Central, UP/SP-74, filed February 2, 1996, in Finance Docket No. 32760.

³This procedural schedule comports with the schedule proposed by applicants in their petition for establishment of a procedural schedule, filed concurrently with the application.

access to ICR's fleet of over 4,000 covered hopper cars. Applicants also state that grain receivers on ICR, including grain processors in Illinois, Tennessee, Mississippi, Louisiana and Alabama will benefit from reliable, long-term, independent access to Iowa grain.

In addition to grain shippers and receivers, applicants submit that the combination of CC&P and IC into a single system will open new single-line routes for shippers of Illinois Basin coal from ICR origins in Illinois to destinations on CC&P's lines and new marketing opportunities for intermodal shippers.

Applicants maintain that shippers on both railroads will benefit from improved car supply from access to the larger car fleet of the combined system, and from faster transit times and improved operating efficiency. They state that no customer will lose rail service as a result of the transaction. Indeed, they claim that a combined IC/CC&P system will be stronger, financially and operationally, than either carrier could be separately, and thus will be better able to compete with other railroads, motor carriers and barges in providing effective and efficient service to the shipping public.

According to applicants, common control will have no adverse impact on the continuation of essential transportation services by IC, CC&P or any other carrier. Diversions of traffic from other rail carriers will be minimal. Furthermore, they state that the transaction will assure the preservation and continued viability of CC&P's lines.

Applicants do not anticipate that any existing ICR employees will be adversely affected by the proposed control transaction. All of CC&P's non-management employees and CRRC's maintenance-of-way employees are represented by national unions and covered under existing collective bargaining agreements. According to applicants, these agreements will remain in force, modified as necessary to achieve the efficiency benefits of the proposed transaction, after consummation of control. Some work currently performed by CC&P employees will be transferred to IC locations.

As a result of the proposed transaction, applicants anticipate that a total of 57 positions subject to collective bargaining will be eliminated in the first year of common control. No labor impacts are anticipated in the second and third years after consummation.

In addition, five CC&P dispatchers currently located in Waterloo will be transferred to IC's dispatching center in Homewood, IL, as a result of the

consolidation of dispatching functions at the latter facility. Some CC&P maintenance-of-way positions will be eliminated by introduction of modern mechanized track maintenance procedures on CC&P's lines. However, all maintenance work on CC&P lines will continue to be performed by CC&P employees.

The applicable level of labor protection for the control transaction proposed herein is that set forth in *New York Dock Ry.—Control—Brooklyn Eastern Term. Dist.*, 360 I.C.C. 60 (1979). No employee protection agreements have been reached as of the date of the application. IC anticipates offering transfer or a severance package to employees whose positions are eliminated as a result of IC's acquisition of control of CC&P.

Under 49 CFR 1180, we must determine whether a proposed transaction is a major, significant, or minor transaction. The proposed transaction, which does not involve the merger or control of two or more Class I railroads and which will reunite under common control rail lines that were previously operated by IC as a single system, has no regional or national significance and will not have any anticompetitive effects. Accordingly, we find the proposal to be a minor transaction under 49 CFR 1180.2(c), consistent with the categories of transactions now defined at 49 U.S.C. 11325(a). Because the application substantially complies with the regulations governing minor transactions, we are accepting it for consideration.

The application and exhibits are available for inspection in the Public Docket Room at the Offices of the Surface Transportation Board in Washington, DC. In addition, they may be obtained upon request from applicants' representatives named above.

Interested persons, including government entities, may participate in this proceeding by submitting written comments. Any person who files timely comments will be considered a party of record if the person so requests. No petition for leave to intervene need be filed.

Consistent with 49 CFR 1180.4(d)(1)(iii), written comments must contain:

(a) The docket number and title of the proceeding;

(b) The name, address, and telephone number of the commenting party and its representative upon whom service shall be made;

(c) The commenting party's position, i.e., whether it supports or opposes the proposed transaction;

(d) A statement whether the commenting party intends to participate formally in the proceeding, or merely comment on the proposal;

(e) If desired, a request for an oral hearing with reasons supporting this request; the request must indicate the disputed material facts that can be resolved only at a hearing; and

(f) A list of all information sought to be discovered from applicant carriers.

Because we have determined that this proposal is a minor transaction, no responsive applications will be permitted. Except as noted above, the time limits for processing a minor transaction, set forth at 49 U.S.C. 11325(d), govern.

Discovery may begin immediately. We admonish the parties to resolve all discovery matters expeditiously and amicably.

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

It is ordered:

1. This application is accepted for consideration under 49 U.S.C. 11323-25 as a minor transaction under 49 CFR 1180.2(c).

2. The parties shall comply with all provisions stated above.

3. This decision is effective on March 1, 1996.

Decided: February 23, 1996.

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

Vernon A. Williams,
Secretary.

[FR Doc. 96-4795 Filed 2-29-96; 8:45 am]

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UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and Delegation Order No. 85-5 of June 27, 1985 (50 FR 27393, July 2, 1985), I hereby determine that the objects to be included in the exhibit, "Agayuliyarput (Our Way of Making Prayer): The Living Tradition of Yup'ik