

stated above. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment during the proceedings. All such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 C.F.R. 201.6. Documents for which confidential treatment is granted by the Commission will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and sections 210.53, 210.56, and 210.58 of the Commission's Interim Rules of Practice and Procedure (19 C.F.R. 210.53, 210.56, and 210.58).

Copies of the nonconfidential version of the ID and all other nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone 202-205-2000. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

By order of the Commission.

Issued: September 22, 1995.

Donna R. Koehnke,
Secretary.

[FR Doc. 95-24071 Filed 9-27-95; 8:45 am]

BILLING CODE 7020-02-P

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 32775]

Burlington Northern Railroad Company; Trackage Rights Exemption; Keokuk Junction Railway

Keokuk Junction Railway (KJ) has agreed to grant overhead trackage rights to Burlington Northern Railroad Company (BN) as follows: (1) Between milepost 176.63 and milepost 176.91, (2) between milepost 177.13 and milepost 177.22, and (3) between milepost 177.31 and milepost 177.58, at Keokuk, IA, a distance of approximately .64 miles. The proposed transaction will allow for improved operating efficiencies by the carriers. The trackage

rights were scheduled to become effective on September 15, 1995.

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction. Pleadings must be filed with the Commission and served on: Michael E. Roper, 3800 Continental Plaza, 777 Main St., Fort Worth, TX 76102-5384.

As a condition to the use of this exemption, any employees adversely affected by the trackage rights will be protected under *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Decided: September 19, 1995.

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

Vernon A. Williams,
Secretary.

[FR Doc. 95-24098 Filed 9-27-95; 8:45 am]

BILLING CODE 7035-01-P

[Finance Docket No. 32778]

Marietta Industrial Enterprises, Inc.—Merger Exemption—Little Kanawha River Rail, Inc.

Marietta Industrial Enterprises, Inc. (MIE), filed a notice of exemption to merge Little Kanawha River Rail, Inc. (LKRR), into the operations of MIE, the parent company of LKRR. Under the plan of merger, MIE will assume LKRR's 3.1-mile right-of-way and associated property between Ohio River Junction, WV (Valuation Station 2+90, Valuation Section 61.1, Map 65a) to South Parkersburg, WV (end of tract 44+65, Valuation Section 58.1, Map 51). The transaction was consummated on July 31, 1995.¹

Because the parties are members of the same corporate family, and the merger will not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers operating outside the corporate family, the transaction qualifies for the class exemption at 49 CFR 1180.2(d)(3). The purpose of the transaction is to allow for

¹ Under the Commission's rules governing rail class exemptions, the exemption becomes effective 7 days after the verified notice is filed. 49 CFR 1150.32(b). The parties may consummate the underlying transaction on or after the exemption's effective date. 49 CFR 1180.4(g)(1). This notice was filed on May 18, 1995, but publication was delayed due to an administrative error.

better operating economies and improved financial viability for MIE.

As a condition to the use of this exemption, any employees adversely 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 stay the transaction. Pleadings must be filed with the Commission and served on: John L. Alden, One East Livingston Avenue, Columbus, OH 43215-5700.

Decided: September 22, 1995.

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

Vernon A. Williams,
Secretary.

[FR Doc. 95-24101 Filed 9-27-95; 8:45 am]

BILLING CODE 7035-01-P

[Finance Docket No. 32774]

Southern Pacific Transportation Company; Trackage Rights Exemption; Union Pacific Railroad Company

Union Pacific Railroad Company (UP) has granted trackage rights to Southern Pacific Transportation Company (SP) over approximately 13,000 feet of UP connecting and access trackage in Oakland, CA, to connect SP's existing trackage at Oakland with an industrial property on UP known as "Schnitzer Steel."¹ The trackage rights were

¹ On August 4, 1995, Union Pacific Corporation, Union Pacific Railroad Company, Missouri Pacific Railroad Company, Southern Pacific Railroad Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., and The Denver and Rio Grande Western Railroad Company filed a notice of intent to file a control and merger application in Finance Docket No. 32760. Under 49 CFR 1180.4(c)(2)(vi), any proceeding directly related to an application in a major transaction must be filed concurrently with the primary application. It does not appear that this notice is directly related to the intended application. SP, UP, and other interested persons are invited to comment on the relationship, if any, between this notice and the merger application to be filed in Finance Docket No. 32760.

Additionally, within 10 days after publication of this notice of exemption, SP must file a copy of the trackage rights agreement. 49 CFR 1180.4(g)(1)(i) and 1180.6(a)(7)(ii). If SP wishes to protect any commercially or competitively sensitive information in the agreement, as it suggests in its verified notice, it may file another, redacted version of the agreement for the public docket along with a request to keep the confidential copy under seal and outside of the public docket and to refrain from otherwise disclosing its contents to the public. The redacted version should adhere to the pagination scheme of the confidential version but should redact those details that warrant confidential treatment.

scheduled to become effective on September 15, 1995.

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction. Pleadings must be filed with the Commission and served on: Gary A. Laakso, Southern Pacific Transportation Company, One Market Plaza, Room 846, San Francisco, CA 94105.

As a condition to the use of this exemption, any employees adversely affected by the trackage rights will be protected under *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Decided: September 18, 1995.

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

Vernon A. Williams,
Secretary.

[FR Doc. 95-24100 Filed 9-27-95; 8:45 am]

BILLING CODE 7035-01-P

[Finance Docket No. 32770]

**Union Pacific Railroad Company—
Trackage Rights Exemption—The
Atchison, Topeka and Santa Fe
Railway Company and Burlington
Northern Railroad Company**

The Atchison, Topeka and Santa Fe Railway Company (Santa Fe) has agreed to grant overhead trackage rights to the Union Pacific Railroad Company (UP) over a rail line between milepost 59+550 near Abilene, KS, and milepost 154+1980, near Superior, NE.¹ Also, the Burlington Northern Railroad Company (BN) has agreed to grant local trackage rights over a rail line between milepost 169.7 and milepost 171.0, near Superior, NE. The total distance is approximately 97 miles.² The trackage rights transaction is located in Dickinson, Clay, Ottawa, Cloud, Republic and Jewell Counties, KS, and Nucholls County, NE. The trackage rights will allow UP overhead trackage rights operation over the Santa Fe line between Abilene, KS, and Superior, NE, and permit UP's local service to

¹ The parties have agreed that 97 miles is the average distance between Abilene and all locations in Superior. Accordingly, a subtraction of the mileposts may provide a slightly different figure.

² UP has the option to use Kyle Railroad Company (Kyle) as its operating agent. Kyle has the right of ingress and egress at Concordia, KS, in order to move both UP and its own traffic to and from points on former UP trackage which is now part of Kyle.

facilities in Superior that are served by BN and Santa Fe. The trackage rights were to become effective on or after September 22, 1995.³

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction. Pleadings must be filed with the Commission and served on: Louise A. Rinn, General Attorney, 1416 Dodge Street, #830, Omaha, NE 68179.

As a condition to the use of this exemption, any employees adversely affected by the trackage rights will be protected under *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Decided: September 22, 1995.

By the Commission, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 95-24102 Filed 9-27-95; 8:45 am]

BILLING CODE 7035-01-P

[Docket No. AB-55 (Sub-No. 512X)]

**CSX Transportation, Inc.;
Abandonment Exemption; in Ohio
County, KY**

CSX Transportation, Inc. (CSXT) has filed a verified notice under 49 CFR part 1152 subpart F—Exempt Abandonments to abandon 5.38-miles of rail line between milepost LHE-114.22 at Kronos and milepost LHE-108.84 at Centertown, in Ohio County, KY.

CSXT has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (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

³ This date coincides with the effective date of the merger in *Burlington Northern, Inc. and Burlington Northern Railroad Company—Control and Merger—Santa Fe Pacific Corporation and The Atchison, Topeka and Santa Fe Railway Company*, Finance Docket No. 32549 (ICC served Aug. 23, 1995). The trackage have been granted pursuant to a settlement agreement dated March 27, 1995, entered into in connection with the merger proceeding.

CFR 1105.8 (historic report), 49 CFR 1105.11 (transmittal letter), 1152.50(d)(1) (notice to government agencies), and 49 CFR 1105.12 (newspaper publication) 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 employees are adequately protected, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

This exemption will be effective on October 25, 1995, unless stayed or a statement of intent to file an offer of financial assistance (OFA) is filed. Petitions to stay that do not involve environmental issues,¹ statements 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 October 5, 1995. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by October 16, 1995. 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. In addition, one copy must be served on Charles M. Rosenberger, 500 Water Street J150, Jacksonville, FL 32202.

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

CSXT has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Commission's Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by August 29, 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 within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking

¹ The Commission will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Commission in its independent investigation) 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.

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

³ 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.