

issue an environmental assessment (EA) by October 24, 1995. Interested persons may obtain a copy of the EA by writing to SEA (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEA, at (202) 927-6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA is available to the public.

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

It is ordered:

1. The abandonment of the above described line between Hatches Crossing and Dumas Road in Suttons Bay Township, MI, is subject to the conditions: (1) That RLTD is prohibited from disposing of the corridor, other than the tracks, ties and signal equipment, unless for public use on reasonable terms; and (2) that RLTD keep intact the right-of-way underlying the track, including all of the trail related structures including bridges, trestles, culverts, and tunnels, for a period of 180 days from the effective date of this exemption, to enable any State or local government agency or other interested persons to negotiate the acquisition of the line for public use.

2. Subject to the conditions set forth above, RLTD may discontinue service, cancel tariffs for the line on not less than 10 days' notice to the Commission, and salvage track and material consistent with interim trail use/rail banking after the effective date of this notice of exemption and NITU. Tariff cancellations must refer to this notice by date and docket number.

3. If an interim trail use/rail banking agreement is reached, it must require the trail user to assume, for the term of the agreement, full responsibility for management of, for any liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify RLTD from any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way.

4. Interim trail use/rail banking is subject to the future restoration of rail service and to the user's continuing to meet the financial obligations for the right-of-way.

5. If interim trail use is implemented and subsequently the user intends to terminate trail use, it must send the Commission a copy of this notice of exemption and NITU and request that it be vacated on a specified date.

6. If an agreement for interim trail use/rail banking is reached by the 180th

day after service of this notice of exemption and NITU, interim trail use may be implemented. If no agreement is reached by that time, RLTD may fully abandon the line.

Decided: October 10, 1995.

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

Vernon A. Williams,

Secretary.

[FR Doc. 95-25940 Filed 10-18-95; 8:45 am]

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[Docket No. AB-452 (Sub-No. 1X)]

The Western Stock Show Association—Abandonment Exemption—in Denver, CO

[Docket No. AB-6 (Sub-No. 374)]

Burlington Northern Railroad Company—Adverse Discontinuance—in Denver, CO

[Docket No. AB-33 (Sub-No. 92)]

Union Pacific Railroad Company—Adverse Discontinuance—in Denver, CO

[Docket No. AB-446 (Sub-No. 2)]

Denver Terminal Railroad Company—Adverse Discontinuance—in Denver, CO

AGENCY: Interstate Commerce Commission.

ACTION: Exemption from statutory provisions concerning posting of notice of intent and filing of system diagram map.

SUMMARY: Under 49 U.S.C. 10505, the Commission is exempting The Western Stock Show Association from the requirements (1) that it post a notice of intent to discontinue service in terminals and stations on the subject line, and (2) that it file with the Commission a system diagram map (SDM) identifying and describing the subject line. The Commission is granting an exemption in light of the adverse nature of the involved applications for discontinuance of service.

DATES: The exemption will take effect on October 19, 1995. Petitions to reopen must be filed by November 8, 1995.

ADDRESSES: Send pleadings referring to Docket No. AB-452 (Sub-No. 1X), *et al.*, to: (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, 1201 Constitution Avenue, N.W., Washington, DC 20423; and (2) petitioner's representative: John Broadley, Jenner & Block, 12th Floor, 601 13th Street, N.W., Washington, DC 20005.

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

SUPPLEMENTARY INFORMATION: The Western Stock Show Association (WSSA) has concurrently filed three adverse discontinuance applications and an abandonment exemption petition. WSSA owns land and rail facilities that the Denver Terminal Railroad Company (DTRC) is leasing to provide service in Denver, CO. In addition to DTRC, Burlington Northern, Inc., and the Union Pacific Railroad Company may have trackage rights over the subject line. WSSA does not have access to any of the three carriers' facilities and is unable to cause them to file SDM's. Accordingly, WSSA seeks exemption from the provisions of 49 U.S.C. 10904(a)(3)(B), which requires posting in terminals and stations of a notice of intent to discontinue service, and 49 U.S.C. 10904(e)(3), which allows the Commission to grant an opposed discontinuance application only if the subject line has been identified in an SDM filed with the Commission at least 4 months before the application was filed. The Commission is granting the exemption, finding that a denial is not required to carry out the rail transportation policy of 49 U.S.C. 10101a, the matter is of limited scope, and strict adherence to the statutory requirements is not needed to protect shippers from the abuse of market power. In its decision granting exemption, the Commission also is granting WSSA a waiver of certain regulatory requirements relating to the submission of service and financial information and to the notice and SDM matters discussed above.

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., Interstate Commerce Commission Building, 1201 Constitution Avenue, N.W., Room 2229, Washington, DC 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927-5721.]

Decided: October 11, 1995.

By the Commission, Chairman Morgan, Vice Chairman Owen, and Commissioners Simmons and McDonald.

Vernon A. Williams,

Secretary.

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