

201.39 (19 CFR 201.39) that, in her opinion, a portion of the Commission's hearing in Manganese Metal from the People's Republic of China, Inv. No. 731-TA-724 (Final) may be closed to the public to prevent the disclosure of BPI.

By order of the Commission.

Issued: October 30, 1995.

Donna R. Koehnke,

Secretary.

[FR Doc. 95-27235 Filed 10-31-95; 8:45 am]

BILLING CODE 7020-02-P

## INTERSTATE COMMERCE COMMISSION

[Ex Parte No. MC-5 (Sub-No. 12)]

### Procedural Change in Authority Revocation Process

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice; suspension of effective date.

**SUMMARY:** The purpose of this Notice is to address the written comments filed in this proceeding, and to suspend the effective date for implementation of the changes in the Commission's internal procedures for revocation of operating authority based upon noncompliance with the financial security provisions of 49 U.S.C. 10927 and 49 CFR 1043.

**EFFECTIVE DATE:** The revised internal procedures announced here will apply to insurance, surety bond and trust fund notices of cancellation filed on or after November 1, 1995. The earlier-announced effective date of October 15, 1995, has been suspended until November 1, 1995.

**FOR FURTHER INFORMATION CONTACT:** Dixie E. Horton, (202) 927-5520 or Patricia A. Burke, (202) 927-5520. [TDD for the hearing impaired: (202) 927-5721.]

**SUPPLEMENTARY INFORMATION:** In a Notice served September 29, 1995, and published in the Federal Register at 60 FR 50645, we announced revised internal procedures for revocation of operating authority based upon noncompliance with the financial security provisions of 49 U.S.C. 10927 and 49 CFR 1043. Under the new procedures, as soon as the Commission receives notice that a carrier's insurance is to be canceled, the Commission will serve an order giving the carrier 30 days in which to obtain insurance, or its authority will be revoked. The public was invited to comment, and the effective date of the change was to be October 15, 1995.

Comments were filed by four parties: the American Insurance Association, the

American Movers Conference, the American Trucking Associations and the Regular Common Carrier Conference (RCCC). In general, the commenters support our changes and recognize the need for a shorter revocation period. Some commenters, however, have raised certain reservations about our revised procedures, which we will address.

In particular, some commenters express concern about a carrier's ability to achieve compliance within the 30-day period after it is notified that its insurance is about to lapse, or the Commission's ability to process filings in a timely manner. We recognize that our new procedure increases the responsibility of the authority holder and its security holder to comply in a timely manner, and that it also heightens the responsibility of the Commission to process all filings efficiently. The 30-day period, however, does not begin to run until the agency has received an insurer's notice of cancellation, has entered it into the computer system, and has served the order notifying the carrier of its impending noncompliance. Thus, the carrier will in fact have more than 30 days in which to achieve compliance prior to any actual revocation of authority. Given the public interest in keeping uninsured carriers off the roads, we believe that the revised procedures provide sufficient time for carriers to achieve compliance. We note that carriers may expedite their compliance by having their insurance companies use the new option of filing evidence of insurance and other financial security electronically.

The RCCC recommends that we modify the current 30-day notice period of 49 CFR 1043.7(d), to require insurance carriers to give 60-days notice of cancellation to the agency, in order to provide more time in which motor carriers can perfect their new insurance filings. We see no need to put the burden of carrier noncompliance on the insurance industry. As we have noted, carriers should be able to remain in compliance with the law, even with the current 30-day notification requirement. We will, however, monitor the new procedures and will be open to requests for further modification should it be warranted. An efficient and fair revocation process, which will require due diligence on the part of all involved, will be beneficial to the motor carrier industry and the public.

Because the replacement of the 4-document, 120-day process with the 2-document, 30-day process requires modification to the Commission's computer system, which has not yet

been completed, we will suspend the effective date of the new changes until November 1, 1995.

### Environmental Statement

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

Authority: 49 U.S.C. 10925 and 10927; 49 CFR 1043 and 1084.

Decided: October 26, 1995.

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

Vernon A. Williams,

Secretary.

[FR Doc. 95-27136 Filed 10-31-95; 8:45 am]

BILLING CODE 7035-01-P

[Finance Docket No. 32791]

### Rio Valley Railroad, Inc. and Rio Valley Switching Company—Trackage Rights Exemption—Missouri Pacific Railroad Company

Missouri Pacific Railroad Company (MP) has agreed to grant overhead trackage rights to Rio Valley Railroad, Inc. (RVRI), over 8.11-miles of rail line between milepost 27.50 near Harlingen and milepost 19.39 near San Benito, in Cameron County, TX. RVRI currently leases 49.12 miles of rail line from MP, between Harlingen and Mission, TX, and between Mission and Hidalgo, TX.<sup>1</sup> Rio Valley Switching Company (RVSC) operates that line pursuant to an agreement with RVRI.<sup>2</sup> By decision served September 20, 1995, the Commission exempted under 49 U.S.C. 10505 RVRI's acquisition and RVSC's operation of 9.124 miles of MP's rail line between Rio Hondo and San Benito, also in Cameron County, from the prior approval requirements of 49 U.S.C. 11343-45.<sup>3</sup> The trackage rights were to become effective on or after October 20, 1995, the expected consummation date for RVRI's acquisition of the Rio Hondo to San Benito line.

RVRI will acquire and hold the trackage rights. RVSC will operate over the line pursuant to an agreement with RVRI. The trackage rights will permit

<sup>1</sup> See *Rio Valley Railroad, Inc.—Lease and Operation Exemption—Missouri Pacific Railroad Company*, Finance Docket No. 32261 (ICC served Mar. 17, 1993).

<sup>2</sup> See *Rio Valley Switching Company—Operation Exemption—Rio Valley Railroad, Inc.*, Finance Docket No. 32554 (ICC served Sept. 22, 1994).

<sup>3</sup> See *Rio Valley Railroad Inc. and Rio Valley Switching Company—Acquisition and Operation Exemption—Certain Lines of Missouri Pacific Railroad Company in Cameron County, TX*, Finance Docket No. 32678 (ICC served Sept. 20, 1995).

connecting operations between the line RVRI leases from MP and the line RVRI is acquiring from MP.

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: Thomas F. McFarland, Jr., Belnap, Spencer, McFarland & Herman, 20 North Wacker Drive, Suite 3118, Chicago, IL 60606-3101.

As a condition to 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: October 25, 1995.

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

Vernon A. Williams

Secretary.

[FR Doc. 95-27139 Filed 10-31-95; 8:45 am]

BILLING CODE 7035-01-P

**[Docket No. AB-433 (Sub-No. 2X)]**

**Idaho Northern & Pacific Railroad Company—Abandonment Exemption—in Washington and Adams Counties, ID**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of exemption.

**SUMMARY:** Under 49 U.S.C. 10505, the Commission exempts Idaho Northern & Pacific Railroad Company from the prior approval requirements of 49 U.S.C. 10903-04 to: (1) Abandon approximately 83.1 miles of rail line between milepost 1.0 near Weiser and milepost 84.1 at Rubicon, in Washington and Adams Counties, ID; and (2) discontinue trackage rights over a line currently owned and operated by Union Pacific Railroad Company between milepost 0.0 and milepost 1.0 in Weiser, ID. The exemption will be subject to environmental, public use, and standard labor protective conditions.

**DATES:** The exemption will be effective on December 1, 1995. Formal expressions of intent to file an offer<sup>1</sup> of financial assistance under 49 CFR 1152.27(c)(2) and requests for NITU/rail banking under 49 CFR 1152.29 must be

<sup>1</sup> See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

filed by November 13, 1995. Petitions to stay must be filed by November 16, 1995. Requests for a public use condition must be filed by November 21, 1995. Petitions to reopen must be filed by November 27, 1995.

**ADDRESSES:** An original and 10 copies of all pleadings, referring to Docket No. AB-433 (Sub-No. 2X), must be filed with: (1) The Office of the Secretary, Case Control Branch, Interstate Commerce Commission, 1201 Constitution Avenue, NW., Washington, DC 20423; and (2) Petitioner's representative: Robert A. Wimbish, REA, CROSS & AUCHINCLOSS, 1920 N St., NW., Washington, DC 20036.

**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 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 at (202) 927-5721.]

Decided: October 23, 1995.

By the Commission, Chairman Morgan, Vice Chairman Owen, and Commissioners Simmons and McDonald. Commissioner McDonald did not participate in the disposition of this proceeding.

Vernon A. Williams,

Secretary.

[FR Doc. 95-27140 Filed 10-31-95; 8:45 am]

BILLING CODE 7035-01-P

**[Docket No. AB-310X]**

**Utah Railway Company—Abandonment Exemption—in Carbon County, UT**

Utah Railway Company (UTAH) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon approximately 3.6 miles of rail line between milepost 0.0 at Jacobs and milepost 3.6 at Spring Canyon, in Carbon County, UT.<sup>1</sup>

<sup>1</sup> Pursuant to 49 CFR 1152.50(d)(2), the railroad must file a verified notice with the Commission at least 50 days before the abandonment or discontinuance is to be consummated. The applicant, in its verified notice, indicated a proposed consummation date of November 30, 1995. Because the verified notice was not filed until October 12, 1995, consummation should not have been proposed to take place before December 1, 1995. Applicant's representative has corrected the notice to state that the proposed consummation date is December 1, 1995.

UTAH has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) no overhead traffic moves over the line; (3) no formal complaint filed by a user of rail service on the line (or 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 period; and (4) the requirements at 49 CFR 1105.7 (service of environmental report on agencies), 49 CFR 1105.8 (service of historic report on State Historic Preservation Officer), and 49 CFR 1152.50(d)(1) (service of verified notice on governmental agencies) have been met.

As a condition to use of this exemption, any employee 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 has been received, this exemption will be effective on December 1, 1995 (unless stayed pending reconsideration). Petitions to stay that do not involve environmental issues,<sup>2</sup> formal expressions of intent to file offers of financial assistance under 49 CFR 1152.27(c)(2),<sup>3</sup> and trail use/rail banking statements under 49 CFR 1152.29 must be filed by November 13, 1995.<sup>4</sup> Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by November 21, 1995, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: J. E. West, III, Utah Railway Company, 340 Hardscrabble Road, P. O. Box 261, Helper, UT 84526.

<sup>2</sup> A stay will be issued routinely 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 prior to 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 grounds is encouraged to file promptly so that the Commission may act on the request before the effective date.

<sup>3</sup> See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

<sup>4</sup> The Commission will accept late-filed trail use statements so long as it retains jurisdiction.