

services on the line from milepost 415.0 to milepost 403.2, pursuant to the agreement of the parties. The portion of the line between milepost 431.593 and milepost 415.0, was approved for discontinuance of service by the Commission in *Southern Pacific Transportation Company—Discontinuance of Service Exemption—In Ventura County, CA*, Docket No. AB-12 (Sub-No. 143X), (ICC served Nov. 30, 1992). The proposed acquisition was expected to be consummated on or about October 31, 1995.

Any comments must be filed with the Commission and served on: Mary Redus Gayle, Esq., Burke, Williams & Sorensen, 2310 E. Ponderosa Drive, Suite 1, Camarillo, CA 93010.

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 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.

Decided: December 21, 1995.

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

Vernon A. Williams,
Secretary.

[FR Doc. 95-31405 Filed 12-28-95; 8:45 am]

BILLING CODE 7035-01-P

[Docket No. AB-33 (Sub-No. 70)]

**Union Pacific Railroad Company—
Abandonment—Wallace Branch, ID**

AGENCY: Interstate Commerce Commission.

ACTION: Request for comments.

SUMMARY: The Rails to Trails Conservancy (RTC) seeks the immediate issuance of a certificate of interim trail use (CITU) under section 8(d) of the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act), for a 71.5-mile rail line of Union Pacific Railroad Company (UP) between milepost 16.5, near Plummer, and milepost 7.6, near Mullan, via milepost 80.4/0.0, near Wallace, in Benewah, Kootenai, and Shoshone Counties, ID. This notice is to request comments from all interested parties, agencies, and members of the public as to whether there is any impediment to the issuance of Trails Act authority in the unusual circumstances of this case.

In *Union Pacific RR. Co.—Aband.—Wallace Branch, ID*, 9 I.C.C.2d 325 (1992), 9 I.C.C.2d 377 (1992), and 9 I.C.C.2d 446 (1993), the Commission granted UP's application to abandon this line, subject to various conditions.

Specifically, the Commission allowed UP to discontinue service on the line, but provided that the carrier could not fully abandon the line (i.e., salvage the line and give up the right-of-way) until the environmental impacts of those actions are fully addressed and resolved. A request for a CITU was filed in 1992, but it was not acted on because an offer of financial assistance (OFA) under 49 U.S.C. 10905 was filed to acquire the line for continued rail service. The OFA process, however, terminated without a sale agreement or a request to the agency to set terms.

On judicial review of the abandonment decision, the United States Court of Appeals for the District of Columbia Circuit affirmed in part and reversed in part. *State of Idaho et al. v. ICC*, 35 F.3d 585 (D.C. Cir. 1994). As pertinent here, the court affirmed the Commission's decision to permit UP to discontinue rail operations on the line. But the court concluded that the Commission had attempted to delegate away too much of its responsibility to look at the potential environmental impacts of salvage activity and accordingly remanded the conditional salvage authorization.

By decision served December 2, 1994, the Commission reopened the abandonment proceeding. The Commission's decision vacated the conditional authorization of salvage activity here, except for the portion of the line within a "Superfund" site, where section 121(e)(1), 42 U.S.C. 962(e)(1), relieves UP of the requirement to obtain permission from the Commission if it does so in compliance with the Comprehensive Environmental Response Compensation and Liability Act. The decision also clarified that UP may not engage in any other salvage activity on this line until it has complied with the six environmental conditions previously imposed by the agency (under Commission supervision) and appropriate environmental documentation is prepared taking a final look at the environmental impacts of salvage followed by a determination as to whether the economic benefits of salvage outweigh the potential environmental harm.

Following the issuance of that decision, RTC, in August 1995, requested the immediate issuance of a CITU to permit trail use under section 8(d) on the entire 71.5-mile right-of-way, including the portion of the line within the Superfund site. RTC submitted the statement of willingness to assume financial responsibility and liability for the right-of-way required by the Commission's Trails Act rules and agreed to rail banking. UP stated that it

is willing to negotiate with RTC. In addition, the railroad, in view of the outstanding environmental conditions imposed in this case, stated that if there is an agreement in principle between UP and RTC or any other group for trail use or other use of this right-of-way, it would request Commission approval of that use prior to execution of any written agreement between the parties.

Given the unusual circumstances of this case, we request comments from all interested parties, agencies, and members of the public as to whether there are any impediments to the issuance of Trails Act authority here.

DATES: Comments are due by January 29, 1996.

ADDRESSES: An original and 10 copies of all comments, referring to Docket No. AB-33 (Sub-No. 70), should be filed with the Office of the Secretary, Case Control Branch, Interstate Commerce Commission, 1201 Constitution Avenue NW, Washington, DC 20423.¹ In addition, a copy of all comments must be served on all parties of record.

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

Decided: December 22, 1995.

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

Vernon A. Williams,
Secretary.

[FR Doc. 95-31404 Filed 12-28-95; 8:45 am]

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[Docket Nos. AB-464X and AB-290 (Sub-No. 174X)]

Piedmont and Atlantic Railroad Co., Inc., d/b/a Yadkin Valley Railroad Company; Discontinuance of Service Exemption and Norfolk Southern Railway Company—Abandonment Exemption

Piedmont and Atlantic Railroad Co., Inc., d/b/a Yadkin Valley Railroad Company (YVRR), and Norfolk Southern Railway Company (NS) have filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments and Discontinuances* for YVRR to discontinue service over and NS to abandon 8.7 miles of rail line between milepost CF-29.8 at Rural Hall and milepost CF-38.5 at Brook Cove, in

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