

filed by April 29, 1996, and petitions to reopen must be filed by May 16, 1996.

**ADDRESSES:** Send pleadings, referring to STB Finance Docket No. 32885 (Sub-No. 1) to: (1) Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423; and (2) Donald T. Cheatham, 150 Fourth Avenue, North, Suite 1210, Nashville, TN 37219.

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

**SUPPLEMENTARY INFORMATION:** Additional information is contained in the Board's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: DC Data & News, Inc., Room 2229, 1201 Constitution Avenue, N.W., Washington, DC 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services, (202) 927-5721.]

Decided: April 16, 1996.

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

Vernon A. Williams,  
Secretary.

[FR Doc. 96-9964 Filed 4-22-96; 8:45 am]

BILLING CODE 4915-00-P

## Surface Transportation Board<sup>1</sup>

[STB Docket No. AB-6 (Sub-No. 377X)]

### Burlington Northern Railroad Company—Abandonment Exemption—in Thayer County, NE

Burlington Northern Railroad Company (BN) filed a notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments* to abandon 12.15 miles of its line of railroad between milepost 24.00 near Bruning and milepost 32.20 near Hebron, including the station of Hebron at milepost 26.2, in Thayer County, NE.<sup>2</sup>

<sup>1</sup> The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803, which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission and transferred certain functions to the Surface Transportation Board (Board). This notice relates to functions that are subject to the Board's jurisdiction pursuant to 49 U.S.C. 10903.

<sup>2</sup> BN has proposed a consummation date for the abandonment that is four months from the date of filing of its verified notice. This proposed consummation date is based on BN's reading of 49 U.S.C. 10904. The first sentence of 10904(c) provides, "Within 4 months after an application is filed under section 10903, any person may offer to subsidize or purchase the railroad line that is the subject of such application."

The Board recently addressed this provision in proposing revised abandonment regulations to implement 49 U.S.C. 10903-04, as established by the ICC Termination Act. In *Abandonment and*

BN has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic to be rerouted from 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 Board or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) 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 this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on May 23, 1996, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>3</sup> formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>4</sup> and trail use/rail banking requests under 49 CFR 1152.29<sup>5</sup> must

*Discontinuance of Rail Lines and Rail Transportation Under 49 U.S.C. 10903*, STB Ex Parte No. 537 (STB served Mar. 15, 1996) slip op. at 10 [61 FR 11174, 11176 (Mar. 19, 1996)], the Board said, "We see the 4-month statutory deadline as an outer limit, which does not require us to delay resolution of proceedings where the entire time is not needed."

Based on the Board's statement, the exemption in this proceeding will be scheduled to become effective on May 23, 1996, or 50 days after BN's filing of its verified notice of exemption. This is consistent with the existing rules at 49 CFR 1152.50. Offers of financial assistance will be due according to deadlines established in this notice. Potential offerors will *not* have until 4 months after the notice was filed by BN with the Board to make an offer of financial assistance.

While the exemption is scheduled to take effect on May 23, 1996, BN may of course delay consummation until a later date.

<sup>3</sup> The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis 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 Board may take appropriate action before the exemption's effective date.

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

<sup>5</sup> The Board will accept late-filed trail use requests so long as the abandonment has not been

be filed by May 3, 1996. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by May 13, 1996, with: Office of the Secretary, Case Control Branch, Surface Transportation Board, 1201 Constitution Avenue, N.W., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicant's representative: Sarah J. Whitley, General Attorney, Burlington Northern Railroad Company, 3800 Continental Plaza, 777 Main Street, Fort Worth, TX 76102-5384.

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

BN has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by April 26, 1996. Interested persons may obtain a copy of the EA by writing to SEA (Room 3219, Surface Transportation Board, 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 becomes available to the public.

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

Decided: April 12, 1996.

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

Vernon A. Williams,  
Secretary.

[FR Doc. 96-9964 Filed 4-22-96; 8:45 am]

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## Surface Transportation Board<sup>1</sup>

[STB Docket No. AB-469]

### Jacksonville Port Authority; Adverse Discontinuance; In Duval County, FL

**AGENCY:** Surface Transportation Board.  
**ACTION:** Exemption from statutory provisions concerning giving of notice of an application and filing of a system diagram map.

**SUMMARY:** Under 49 U.S.C. 10502, the Board is exempting the Jacksonville Port

consummated and the abandoning railroad is willing to negotiate an agreement.

<sup>1</sup> 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 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. 10903.