

DENIALS—Continued

3121-X	Request by U.S. Department of Defense Falls Church, VA to renew exemption to authorize the transportation of certain poisonous material classed as Division 2.3, in DOT Specification MC 338 cargo tanks denied as incomplete March 12, 1999.
3128-X	Request by U.S. Department of Defense Falls Church, VA to renew exemption to authorize the use of a non-DOT specification cylinder for transportation of Division 1.4 explosive and Division 2.2 gas denied as incomplete March 12, 1999.
4242-X	Request by U.S. Department of Defense falls Church, VA to renew exemption to authorize the use of a non-DOT specification aluminum pressure vessel for transportation of pyroforic mixture denied as incomplete March 12, 1999.
6232-X	Request by U.S. Department of Defense Falls Church, VA to renew exemption to authorize the shipment of Division 1.1 and 1.2 gases and a Division 4.1 solid in the same outside package denied as incomplete March 12, 1999.
6250-X	Request by U.S. Department of Defense Falls Church, VA to renew exemption to authorize the transport of partially dis-assembled aircraft with Division 1 materials components (ejection seat and canopy related devices) remaining installed denied as incomplete March 12, 1999.
6250-X	Request by the U.S. Department of Defense, Falls Church, VA. to renew exemption to authorize the transport of partially dis-assembled aircraft with Division 1 materials components (ejection seat and canopy related devices) remaining installed denied as incomplete March 12, 1999.
6557-X	Request by U.S. Department of Defense Falls Church, VA to renew exemption to authorize deviation from the requirements of the inspector's report for DOT specification 3A, 3AA, and 4B cylinders of shipment of certain Division 2.2 materials denied as incomplete March 12, 1999.
6658-X	Request by U.S. Department of Defense Falls Church, VA to renew exemption to authorize the use of a non-DOT specification open-head steel drum for transportation of a certain Division 1.1 and 1.2 material denied as incomplete February 23, 1999.
7255-X	Request by U.S. Department of Defense Falls Church, VA to renew exemption to authorize simultaneous loading of two holds within the same hatch when handling military explosives denies as incomplete March 12, 1999.
7887-M	Request by Kosdon Enterprises Ventura, CA to modify the exemption to provide for rocket motors and reloadable kits which are classified as Division 1.3G that exceed the 25 gram limitation to be excepted from labeling requirements denied March 15, 1999.
11938-N	Request by Steel Shipping Container Institute Washington, DC to authorize the transportation in commerce of non-bulk container with alternative markings for use in transporting various classes of hazardous materials denied January 26, 1999.
12052-N	Request by Engineered Carbons, Inc. Borger, TX to authorized rail cars to remain connected during the preheating process of various hazardous materials without the physical presence of an unloader denied January 6, 1999.
12215-N	Request by Bio-Tek Industries Atlanta, GA to authorize rail cars to remain connected during the preheating process of various hazardous materials without the physical presence of an unloader denied April 6, 1999.
12218-N	Request by Air Liquide Electronics Dallas, TX to authorize rail cars to remain connected during the preheating process of various hazardous materials without the physical presence of an unloader denied March 31, 1999.

[FR Doc. 99-17400 Filed 7-7-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33768]

Grand Trunk Western Railroad Incorporated—Trackage Rights Exemption—Consolidated Rail Corporation¹

Consolidated Rail Corporation (Conrail) has agreed to grant limited,

¹ By decision served July 23, 1998, the Board approved, subject to certain conditions, the acquisition of control of Conrail, and the division of the assets thereof, by CSX Corporation and CSX Transportation, Inc. (referred to collectively as CSX) and Norfolk Southern Corporation and Norfolk Southern Railway Company (referred to collectively as NS). See CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company—Control and Operating Leases/Agreements—Conrail Inc. and Consolidated Rail Corporation, STB Finance Docket No. 33388, Decision No. 89 (STB served July 23, 1998). Acquisition of control of Conrail was effected by CSX and NS on August 22, 1998. The division of the assets of Conrail was effected by CSX and NS on June 1, 1999. See CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway

non-exclusive overhead trackage rights to Grand Trunk Western Railroad Incorporated (GTW), over segments of Conrail's lines as follows: (1) On Conrail's North Yard Branch between MP 6.7 (at Canadian National Railway Company's (CN) Milwaukee Junction, the proposed connection point between CN and Conrail) and MP 2.9 (the connection point between Conrail's North Yard Branch and Conrail's Detroit Line); and (2) on Conrail's Detroit Line between MP 2.9 and MP 18.9 (the proposed CN/Conrail connection near Gibraltar which is CN's Denby Station), for a total distance of approximately 20 miles.² The purpose of the trackage rights is to enable GTW to improve its service and expedite its trains through the congested Detroit, MI terminal area. The transaction was scheduled to be consummated on or after June 25, 1999,

Company—Control and Operating Leases/Agreements—Conrail Inc. and Consolidated Rail Corporation, STB Finance Docket No. 33388, Decision No. 127 (STB served May 20, 1999).

² A redacted version of the draft trackage rights agreement between Conrail and GTW was filed with the notice of exemption. The full version of the agreement, as required by 49 CFR 1180.6(a)(7)(ii), was concurrently filed under seal along with a motion for a protective order, which will be addressed in a separate decision.

the effective date of the exemption (7 days after the exemption was filed).

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

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33768, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Robert P. vom Eigen or Jamie P. Rennert, HOPKINS & SUTTER, 888 16th Street, NW, Washington, DC 20006.

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

Decided: July 1, 1999.

Vernon A. Williams,
Secretary.

[FR Doc. 99-17388 Filed 7-7-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33771]

Delaware and Hudson Railway Company, Inc.—Trackage Rights Exemption—CSX Transportation, Inc. and New York Central Lines LLC

CSX Transportation, Inc. (CSXT) and New York Central Lines LLC (NYC) have agreed to grant overhead trackage rights to Delaware and Hudson Railway Company, Inc. (D&H), over lines generally between Schenectady, NY, and Fresh Pond Junction, NY. The lines are owned by NYC and leased to CSXT.¹ The scope of these rights and their terms were established by the Board in *CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company—Control and Operating Leases/Agreements—Conrail Inc. and Consolidated Rail Corporation*, STB Finance Docket No. 33388, Decision Nos. 89, 109, and 123 (STB served July 23, 1998, December 18, 1998, and May 20, 1999, respectively).²

The transaction was scheduled to be consummated on or after June 25, 1999, the effective date of the exemption.

The purpose of the trackage rights is to enhance rail competition for movements of traffic on the east side of the Hudson River.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in

¹ CSXT, by letter filed June 21, 1999, and Samuel J. Nasca, for and on behalf of United Transportation Union-New York State Legislative Board, by comments filed June 24, 1999, express support for imposition of appropriate employee protective conditions. As indicated subsequently in this notice, the transaction is subject to employee protective conditions. The CSXT letter also makes reference to the requirement that D&H submit a final executed agreement within 10 days of the date the agreement is executed.

² The responsive application filed jointly by the State of New York, acting by and through its Department of Transportation, and the New York City Economic Development Corporation, acting on behalf of the City of New York, in connection with the railroad control application in STB Finance Docket No. 33388, was docketed as STB Finance Docket No. 33388 (Sub-No. 69).

Mendocino Coast Ry., Inc.—Lease and Operate, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33771, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Eric von Salzen, Hogan & Hartson L.L.P., 555 Thirteenth Street, NW, Washington, DC 20004-1109.

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

Decided: June 30, 1999.

Vernon A. Williams,
Secretary.

[FR Doc. 99-17215 Filed 7-7-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-33 (Sub-No. 137X)]

Union Pacific Railroad Company—Abandonment and Discontinuance of Trackage Rights Exemption—in Ada County, ID

Union Pacific Railroad Company (UP) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments and Discontinuances of Service and Trackage Rights* to abandon an 18.2-mile line of railroad on the Boise Subdivision, "Boise Cutoff" from milepost 424.80 near Orchard to milepost 443.0 near Hillcrest, in Ada County, ID. The line traverses United States Postal Service Zip Code 83707.

UP has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic can be rerouted over other lines; (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 Surface Transportation Board (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 this exemption, any employee adversely affected by the abandonment and discontinuance 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 August 7, 1999, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,¹ formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),² and trail use/rail banking requests under 49 CFR 1152.29 must be filed by July 19, 1999. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by July 28, 1999, with: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicant's representative: Joseph D. Anthofer, General Attorney, Union Pacific Railroad Company, 1416 Dodge Street, Room 830, Omaha, NE 68179.

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

UP has filed an environmental report which addresses the effects, if any, of the abandonment and discontinuance on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by July 13, 1999. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423) or by calling SEA, at (202) 565-1545. Comments on environmental and historic preservation matters must be

¹ 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.

² Each offer of financial assistance must be accompanied by the filing fee, which currently is set at \$1000. See 49 CFR 1002.2(f)(25).