filing, the filing party shall place all relevant documents in the depository.

The new schedule is designed to provide a timely decision on whether a proposed acquisition, merger, or consolidation comports with sections 11343 and 11344. The Commission will also decide directly related applications, e.g., grants of trackage rights, leases, and similar transactions. We admonish applicants to structure their transactions so as to permit efficient processing of the application. If protests or other factors require that such applications or petitions be given more extensive consideration, they will be addressed in separate decisions that may be issued after the decision on the acquisition, merger, or consolidation.

The only pending major consolidation proceeding where the record has not yet been developed is the *BN-Santa Fe* case. Because it is currently pending, we will serve a copy of this notice on all the parties on the service list in Finance Docket No. 32549. By this notice, we seek comments as to whether that case should be governed by the schedule originally adopted or the schedule proposed herein.⁴

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

This action will have no significant effect on a substantial number of small entities. The revised rules should result in fewer required filings by parties in each of these proceedings and to that extent our action should benefit small entities.

List of Subjects

49 CFR Part 1105

Environmental impact statements, Reporting and recordkeeping requirements.

49 CFR Part 1180

Administrative practice and procedure, Bankruptcy, Railroads, Reporting and recordkeeping requirements.

Decided: January 25, 1995.

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

Vernon A. Williams,

Secretary.

For the reasons set forth in the preamble, title 49, chapter X, parts 1105 and 1180 are proposed to be amended as set forth below:

PART 1105—PROCEDURES FOR IMPLEMENTATION OF ENVIRONMENTAL LAWS

1. The authority citation for part 1105 continues to read as follows:

Authority: 49 U.S.C. 10321, 10505, 10901, 10903–10906, and 11343; 16 U.S.C. 470f, 1451, and 1531; 42 U.S.C. 4332 and 6362(b); and 5 U.S.C. 553 and 559.

2. Section 1105.7 is proposed to be amended by adding a sentence to the end of paragraph (a) to read as follows:

§1105.7 Environmental reports.

(a) * * * An applicant for a rail acquisition, merger, or consolidation submitted under 49 CFR 1180.4 must consult with the Section of Environmental Analysis at the time of, or prior to, filing its notice, and must submit with, or prior to, its application a Preliminary Draft Environmental Assessment as described in § 1105.13.

§1105.10 [Amended]

- 3. Section 1105.10, paragraph (b), is proposed to be amended by adding to the end of the first sentence after "1105.8" the words "and a Preliminary Draft Environmental Assessment submitted by an applicant pursuant to § 1105.13".
- 4. A new § 1105.13 is added to read as follows:

§ 1105.13 Preliminary Draft Environmental Assessment.

An applicant for a rail acquisition, merger, or consolidation submitted under 49 CFR 1180.4 must submit at the time of, or prior to, its application, a Preliminary Draft Environmental Assessment (PDEA) for transactions requiring an Environmental Assessment under § 1105.6(b)(4). The PDEA must contain the information required in § 1105.7 and § 1105.8 and must be served on the parties designated in § 1105.7(b). The PDEA must be based on consultations with the Section of Environmental Analysis (SEA) and the agencies specified in § 1105.7(b). We encourage the use of third-party consultants in preparing the PDEA. SEA will use the PDEA in preparing a draft Environmental Assessment.

PART 1180—RAILROAD ACQUISITION, CONTROL, MERGER, CONSOLIDATION PROJECT, TRACKAGE RIGHTS, AND LEASE PROCEDURES

5. The authority citation for part 1180 continues to read as follows:

Authority: 49 U.S.C. 10321, 10505, 11341, 11343–11346; 5 U.S.C. 553 and 559; and 11 U.S.C. 1172.

- 6. Section 1180.4 is amended as follows:
 - a. Paragraph (a)(4) is revised.
- b. Paragraph (b)(1)introductory text, the first sentence is revised and a new sentence is added after the first sentence.
- c. Paragraph (b)(2) introductory text, the words "30 days" are revised to read "15 days".
- d. Paragraphs (c)(2)(v) through (c)(2)(vii) are redesignated as paragraphs (c)(2)(vi) through (c)(2)(viii) and a new paragraph (c)(2)(v) is added.
- e. Paragraphs (c)(7)(i) and (c)(7)(ii), the words "30 days" are revised to read "15 days".
 - f. Paragraph (d)(1)(i) is revised.
- g. In paragraphs (d)(1)(iii)(H) and (d)(1)(iii)(I)(3), the first two words "An initial" are removed and the word "A" is added in their place.
 - h. Paragraph (d)(2) is removed.
 - i. Paragraph (d)(3) is removed.
- j. Paragraph (d)(4) is redesignated as paragraph (d)(2) and redesignated paragraphs (d)(2)(i) and (d)(2)(iv) are revised.
 - k. Paragraph (e)(2) is revised.
 - l. Paragraph (e)(3) is revised.
- 7. The additions and revisions read as follows:

§1180.4 Procedures.

- (a) * * *
- (4) The Commission shall issue a list of all parties to the proceeding within 40 days of the application's acceptance.
 - b) * * *
- (1) Between 2 to 4 months prior to the proposed filing of an application in a major or significant transaction, applicants shall file a notice with the Commission. The applicant shall initiate consultations with the Section of Environmental Analysis upon, or prior to, the filing of this notice. * * *
 - (c) * * *
 - (2) * * *
- (v) For transactions requiring an environmental assessment (EA) under 49 CFR 1105.6(b)(4), the applicant shall submit to the Commission a Preliminary Draft Environmental Assessment

(PDEA) as described in 49 CFR 1105.13.

* * * * * * (d) * * *

- (d) * * * (1) * * *
- (i) Time to file. Written comments and proposed conditions must be filed no later than 30 days after an application's acceptance.
- * * * * *
 - (2) * * *
- (i) All responsive applications shall be filed 60 days after acceptance of the primary application. No responsive

⁴The procedural schedule adopted in Finance Docket No. 32549 was suspended pending the outcome of the Santa Fe Pacific Corporation's shareholders' vote, which is scheduled to occur on February 7, 1995.