

order to assist in the requirement of the intra-Service consultation. This notice also advises the public that the Service has made a preliminary determination that issuing the incidental take permit is not a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969, as amended. The Finding of No Significant Impact is based on information contained in the EA and HCP. The final determination will be made no sooner than 30 days from the date of this notice. This notice is provided pursuant to Section 10(c) of the Act and National Environmental Policy Act Regulations (40 CFR 1506.6).

**DATES:** Written comments on the permit application, EA and HCP should be received on or before February 8, 1995.

**ADDRESSES:** Persons wishing to review the application may obtain a copy by writing the Service's Southeast Regional Office, Atlanta, Georgia. Persons wishing to review the EA or HCP may obtain a copy by writing the Regional Office or the Jackson, Mississippi, Field Office. Documents will also be available for public inspection, by appointment, during normal business hours at the Regional Office, or the Field Office. Written data or comments concerning the application, EA, or HCP should be submitted to the Regional Office. Please reference permit under PRT-797979 in such comments.

Regional Permit Coordinator (TE), U.S. Fish and Wildlife Service, 1875 Century Boulevard, suite 210, Atlanta, Georgia 30345, (telephone 404/679-7110, FAX 404/679-7081).

Field Supervisor, U.S. Fish and Wildlife Service, 6578 Dogwood View Parkway, suite A, Jackson, Mississippi 39213 (telephone 601/965-4900, FAX 601/965-4340).

**FOR FURTHER INFORMATION CONTACT:** Will McDearman at the above Jackson, Mississippi, Field Office.

**SUPPLEMENTARY INFORMATION:** The Alabama beach mouse (ABM), *Peromyscus polionotus ammobates*, is a subspecies of the common old-field mouse *Peromyscus polionotus* and is restricted to the dune systems of the Gulf Coast of Alabama. The known current range of ABM extends from Fort Morgan eastward to the western terminus of Alabama Highway 182, including the Perdue Unit on the Bon Secour National Wildlife Refuge. The sand dune systems inhabited by this species are not uniform; several habitat types are distinguishable. The species inhabits primary dunes, interdune areas, secondary dunes, and scrub dunes. The

depth and area of these habitats from the beach inland varies. Population surveys indicate that this subspecies is usually more abundant in primary dunes than in secondary dunes, and usually more abundant in secondary dunes than in scrub dunes. Optimal habitat consists of dune systems with all dune types. Though fewer ABM inhabit scrub dunes, these high dunes can serve as refugia during devastating hurricanes that overwash, flood, and destroy or alter secondary and frontal dunes. ABM surveys have not been conducted on the Applicant's property. The ABM occupied adjacent and nearby dunes of the Bon Secour National Wildlife Refuge. Suitable habitat in the form of secondary and scrub dunes exist on the Applicant's property. These habitats are likely to be occupied by ABM. None of the Applicant's property resides in designated critical habitat for the ABM. Construction of the single family residence on about 0.1-0.2 acres of the Applicant's property may result in the death of, or injury to, ABM. Habitat alterations due to house placement and its subsequent use may reduce available habitat for food, shelter, and reproduction.

The EA considers the environmental consequences of three alternatives. The proposed action alternative is the issuance of the incidental take permit. This provided for restrictions that include house placement landward of the frontal crest of the scrub dune line, establishment of a walkover structure across that scrub dune, a prohibition against housing or keeping pet cats, scavenger-proof garbage containers, no landscaping, and the minimization and control of outdoor lighting. The HCP provides a funding source for these mitigation measures.

Dated: December 30, 1994.

**John T. Brown,**

*Acting Regional Director.*

[FR Doc. 95-422 Filed 1-6-95; 8:45 am]

BILLING CODE 4310-55-P

## INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 32419]

### Consolidated Rail Corporation— Acquisition of Control and Merger— Pittsburgh, Chartiers & Youghiogheny Railway Company

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of exemption.

**SUMMARY:** The Commission, under 49 U.S.C. 10505, exempts from the prior

approval requirements of 49 U.S.C. 11343, *et seq.*, the acquisition by Consolidated Rail Corporation (Conrail), of control of the Pittsburgh, Chartiers & Youghiogheny Railway Company (PC&Y) and PC&Y's merger into Conrail, subject to standard employee protective conditions.

**DATES:** This exemption is effective on February 8, 1995. Petitions to stay must be filed by January 24, 1995 and petitions to reopen must be filed by February 3, 1995.

**ADDRESSES:** Send pleadings referring to Finance Docket No. 32419 to: (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, 1201 Constitution Avenue, N.W., Washington, DC 20423; and (2) Anne E. Treadway, 2001 Market Street, 16-A, Two Commerce Square, Philadelphia, PA 19101-1416.

**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 Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, 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: December 21, 1994.

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

**Vernon A. Williams,**

*Secretary.*

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[Finance Docket No. 32651]

### Eastern Maine Railway Company, J.D. Irving, Limited and New Brunswick Railway Company—Petition for Disclaimer of Jurisdiction or, Alternatively, for an Exemption From 49 U.S.C. 11343(a)(5)

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of Exemption.

**SUMMARY:** The Commission, finds jurisdiction and, under 49 U.S.C. 10505, exempts from the prior approval requirements of 49 U.S.C. 11343-11345, the continuance in control by petitioners of Eastern Maine Railway Company (Eastern Maine) upon Eastern Maine becoming a rail common carrier.