

applications shall be permitted to minor transactions.

\* \* \* \* \*

(iv) Any petitions for waiver, clarification, extension of time, or for leave to file an incomplete application, or to rebut the presumption of a significant transaction, must be filed at least 30 days in advance of the filing of the responsive application.

\* \* \* \* \*

(e) \* \* \*

(2) The evidentiary proceeding will be completed in 125 days after the primary application is accepted for a major or a significant transaction and in 105 days for a minor transaction.

(3) A final decision on the primary application and all consolidated cases will be issued in 40 days after the conclusion of the evidentiary record.

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**Note:** This appendix will not be published in the CFR.

**Appendix A—Proposed Schedule for Major Rail Acquisition, Merger and Consolidation Applications Under the Interstate Commission Act**

Discovery begins immediately.

D	Date Application filed.
D+15	Notice of the application published in the <b>Federal Register</b> .
D+20	Discovery conference on application held.
D+45	Comments and protests due on the application; requested conditions due; description of anticipated inconsistent and responsive applications due.
D+50	Discovery conference on comments, protests and conditions held.
D+75	Inconsistent and responsive applications due. Response to comments, protests, conditions and rebuttal in support of primary application due.
D+80	Discovery conference on inconsistent applications held.
D+90	Notice of acceptance (if required) of inconsistent and responsive applications published in the <b>Federal Register</b> .
D+105	Response to inconsistent and responsive applications due. Rebuttal in support of comments, protests, and conditions to the primary application due.

D+115	Rebuttal in support of inconsistent and responsive applications due.
D+125	Briefs due, all parties.
D+140	Oral Argument (at Commission's discretion).
D+150	Voting Conference (at Commission's discretion).
D+180	Date for service of decision.

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**DEPARTMENT OF INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 17**

**Endangered and Threatened Wildlife and Plants; Public Hearing and Extension of Comment Period on Proposed Determination of Critical Habitat for Lost River Sucker and Shortnose Sucker**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule; notice of public hearing and extension of comment period.

**SUMMARY:** The Fish and Wildlife Service (Service) provides notice that a public hearing will be held on the proposed determination of critical habitat for Lost River sucker (*Deltistes luxatus*) and shortnose sucker (*Chasmistes brevirostris*). In addition, the Service has extended the comment period. All parties are invited to submit comments on this proposal.

**DATES:** The public hearing will be held from 2 to 4 p.m. and 6 to 8 p.m. on March 7, 1995, in Klamath Falls, Oregon. The comment period, which originally was to close on January 30, 1995, now closes on March 17, 1995. Any comments received by the closing date will be considered in the final decision on this proposal.

**ADDRESSES:** The public hearing will be held at the Oregon Institute of Technology, College Union Auditorium, 3201 Campus Drive, Klamath Falls, Oregon. Comments and materials should be submitted to the U.S. Fish and Wildlife Service, Portland Field Office, 2600 S.E. 98th Avenue, Suite 100, Portland, Oregon 97266. Comments

and materials received will be available for public inspection during normal business hours, by appointment, at the above address.

**FOR FURTHER INFORMATION CONTACT:**

Rollie White (See ADDRESSES section) at (503) 231-6179.

**SUPPLEMENTARY INFORMATION:**

**Background**

The Lost River sucker (*Deltistes luxatus*) and shortnose sucker (*Chasmistes brevirostris*) are large, long-lived fishes endemic to the Upper Klamath River Basin of Oregon and California. Listed as endangered pursuant to the Endangered Species Act of 1973 (Act) on July 18, 1988 (52 FR 32145), the Service proposed to designate a total of approximately 182,400 hectares (456,000 acres) of stream, river, lake, and shoreline areas as critical habitat for the shortnose sucker, and approximately 170,000 hectares (424,000 acres) of stream, river, lake, and shoreline areas as critical habitat for the Lost River Sucker on December 1, 1994 (59 FR 61744).

Section 4(b)(5)(E) of the Act (16 U.S.C. 1531 et seq.) requires that a public hearing be held if it is requested within 45 days of the publication of the proposed rule. Public hearing requests were received from a number of requesters. As a result, the Service has scheduled a public hearing on March 7, 1995, at the Oregon Institute of Technology, College Union Auditorium in Klamath Falls, Oregon. Anyone wishing to make statements for the record should bring a written copy of their statements to the hearing. Oral statements may be limited in length if the number of parties present at the hearing necessitates such a limitation. Oral and written comments receive equal consideration. The Service places on limits on the length of written comments or materials presented at the hearing or mailed to the Service.

The comment period on the proposal was to close on January 30, 1995. To accommodate the hearing, the Service extends the public comment period. Written comments may now be submitted until March 17, 1995, to the Service in the ADDRESSES section.

**Authority**

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*)

Dated: January 25, 1995.

**Thomas J. Dwyer,**

*Acting Regional Director, Region 1, U.S. Fish and Wildlife Service.*

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