

lines CSXT owns and currently leases to NS, which extends from the western end of the Middlesboro Yard, in Middlesboro, KY, between milepost CV-215 and milepost CV-217, and includes two related branches, the Bennett's Fork Branch between milepost MR-216.1 near Queensbury, KY, and milepost MR-221 near Motch, KY, and the Stony Fork Branch between milepost MS-219 at Stony Fork Junction, KY, and milepost MS-221 near Pioneer, KY, including one mile of track leased to Bell County Coal Corporation.² The trackage rights were to become effective on or after September 5, 1996.

This notice is filed under 49 CFR 1180.2(d)(7). If the notice 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 stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33075, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423 and served on: John W. Humes, Jr., CSX Transportation, Inc., 500 Water Street, J-150, Jacksonville, FL 32202.

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

Decided: September 10, 1996.

By the Board, David M. Konschnik, Director, Office of Proceedings.
Vernon A. Williams,
Secretary.

[FR Doc. 96-23779 Filed 9-16-96; 8:45 am]

BILLING CODE 4915-00-P

[STB Finance Docket No. 32982; Finance Docket No. 32657]

Notice of Exemptions

In the Matter of: Iron Road Railways Incorporated, Benjamin F. Collins, John F.

² NS is granting trackage rights over the same rail lines CSXT leases to NS except for the trackage between milepost CV-217 and milepost CV-219.5 in the vicinity of the Middlesboro Yard, which CSXT does not require for its operations. See *Norfolk Southern Railway Company—Lease Exemption—CSX Transportation, Inc.*, STB Finance Docket No. 32923 (STB served Aug. 6, 1996).

¹ The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (ICCTA), which was enacted

DePodesta, Daniel Sabin, and Robert T. Schmidt—Control Exemption—Bangor and Aroostook Railroad Company, Canadian American Railroad Company, Iowa Northern Railway Company, and The Northern Vermont Railroad Company Incorporated and Iron Road Railways Incorporated and Bangor and Aroostook Acquisition Corporation—Control Exemption—Bangor and Aroostook Railroad Company and Canadian American Railroad Company.

AGENCY: Surface Transportation Board, DOT.

ACTION: Notice of exemptions.

SUMMARY: The Board: (1) reopens Finance Docket No. 32657 and grants an exemption allowing control by Benjamin F. Collins, John F. DePodesta, Daniel Sabin, and Robert T. Schmidt (Individual Petitioners) of the Bangor and Aroostook Railroad Company, Canadian American Railroad Company, and Iowa Northern Railway Company; and (2) grants an exemption in STB Finance Docket No. 32982 for the Individual Petitioners' and Iron Road Railways Incorporated's continuance in control of The Northern Vermont Railroad Company Incorporated (NV), upon NV's becoming a Class III rail carrier, subject to labor protective conditions. NV filed a notice of exemption in STB Finance Docket No. 32981 to acquire from Canadian Pacific Limited, doing business as CP Rail System, approximately 86.41 miles of rail line located in Franklin, Orleans, Caledonia, and Orange Counties, VT.² Consummation of that transaction is contingent upon our exemption of the continuance in control transaction.

DATES: These exemptions will be effective on September 27, 1996. Petitions to stay must be filed September 23, 1996. Petitions to reopen must be filed by October 7, 1996.

ADDRESSES: Send pleadings, referring to STB Finance Docket No. 32982 and/or Finance Docket No. 32657 to: (1) Office of the Secretary, Case Control Branch, Surface Transportation Board, 1201 Constitution Avenue, N.W., Washington, D.C. 20423; and (2) David A. Hirsh, Harkins Cunningham, Suite 600, 1300 19th Street, N.W., Washington, D.C. 20036.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 927-5660.

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. 10502 and 11323-27.

² The notice of exemption was filed on June 7, 1996, and was scheduled to become effective 7 days later.

[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 News & Data, Inc., Room 2229, Surface Transportation Board, 1201 Constitution Avenue, N.W., Washington, D.C. 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services at (202) 927-5721].

Decided: September 12, 1996.

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

Vernon A. Williams,
Secretary.

[FR Doc. 96-23856 Filed 9-16-96; 8:45 am]

BILLING CODE 4915-00-P

[STB Docket No. AB-167 (Sub-No. 1165X)]

Consolidated Rail Corporation— Abandonment Exemption— in St. Joseph County, IN

Consolidated Rail Corporation (Conrail) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a 2.0±-mile portion of its line of railroad known as the Plymouth Industrial Track between railroad milepost 179.00± and railroad milepost 181.00+ in St. Joseph, IN.

Conrail has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) no overhead traffic has moved over the line for at least 2 years; (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 this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.*—

¹ 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.

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 October 17, 1996, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,² formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),³ and trail use/rail banking requests under 49 CFR 1152.29⁴ must be filed by September 27, 1996. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by October 7, 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: John J. Paylor, Associate General Counsel, Consolidated Rail Corporation, 2001 Market Street—16A, Philadelphia, PA 19101-1416.

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

Conrail 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 September 20, 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

² 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.

³ See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

⁴ The Board will accept late-filed trail use requests so long as the abandonment has not been consummated and the abandoning railroad is willing to negotiate an agreement.

conditions will be imposed, where appropriate, in a subsequent decision.

Decided: September 9, 1996.

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

Secretary.

[FR Doc. 96-23777 Filed 9-16-96; 8:45 am]

BILLING CODE 4915-00-P

[STB Docket No. AB-167 (Sub-No. 1167X)]

**Consolidated Rail Corporation—
Abandonment Exemption—in Marion
County, IN**

Consolidated Rail Corporation (Conrail) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a 1.55-mile portion of its line of railroad known as the Arlington Avenue Industrial Track between railroad milepost -0.90± and railroad milepost 0.65± in Marion County, IN.

Conrail has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) no overhead traffic has moved over the line for at least 2 years; (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 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 October

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17, 1996, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,² formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),³ and trail use/rail banking requests under 49 CFR 1152.29⁴ must be filed by September 27, 1996. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by October 7, 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: John J. Paylor, Associate General Counsel, Consolidated Rail Corporation, 2001 Market Street - 16A, Philadelphia, PA 19101-1416.

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

Conrail 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 September 20, 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: September 9, 1996.

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

Secretary.

[FR Doc. 96-23778 Filed 9-16-96; 8:45 am]

BILLING CODE 4915-00-P

² 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.

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