

(5) Whether AWHMT's application raises issues concerning the applicability of the Hazardous Materials Regulations, 49 CFR parts 171-180, that should be considered by RSPA (in addition to or instead of action on AWHMT's application) in the rulemaking under Docket No. HM-223, "Applicability of the Hazardous Materials Regulations to Loading, Unloading and Storage." See Advance Notice of Proposed Rulemaking, 61 FR 39522 (July 29, 1996), and Notices of Meeting, 61 FR 49723 (Sept. 23, 1996), 61 FR 53483 (Oct. 11, 1996).

Persons intending to comment should review the standards and procedures governing applications for preemption determinations, set forth at 49 CFR 107.201-107.211.

Issued in Washington, DC, on April 3, 1997.

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 97-9038 Filed 4-8-97; 8:45 am]

BILLING CODE 4910-60-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33384]

Consolidated Rail Corporation; Trackage Rights Exemption; Burlington Northern and Santa Fe Railway Company

The Burlington Northern and Santa Fe Railway Company (BNSF) will agree to grant local trackage rights to Consolidated Rail Corporation (Conrail) between a connection near Panhandle Crossing (Ash Street) located in Chicago, IL, BNSF's milepost 4.51 and a connection near McCook, IL, at BNSF's milepost 12.9, to the town of Willow Springs, IL, BNSF's milepost 17.72, a distance of approximately 13.21 miles.

The transaction is scheduled to be consummated on or about April 7, 1997. The purpose of the trackage rights is to allow Conrail to operate intermodal trains into BNSF's intermodal terminal at Willow Springs, IL.

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).

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. 33384, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on John K. Enright, Esq., Conrail Law Department, 16-A, 2001 Market Street, Philadelphia, PA 19101-1416.

Decided: April 2, 1997.

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

Vernon A. Williams,
Secretary.

[FR Doc. 97-9098 Filed 4-8-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33326]

I&M Rail Link, LLC; Acquisition and Operation Exemption; Certain Lines of Soo Line Railroad Company d/b/a Canadian Pacific Railway

I&M Rail Link, LLC (I&M), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 and 1150.35 to acquire from Soo Line Railroad Company, d/b/a Canadian Pacific Railway (CPR), and operate approximately 1,109 miles of rail line and 262 miles of trackage rights in Iowa, Illinois, Minnesota, Missouri, Wisconsin, and Kansas. I&M will become a Class II rail carrier.¹

The system to be acquired consists of: (1) CPR's "KC Mainline" between Kansas City, MO, and Pingree Grove, IL, including trackage rights between Pingree Grove and Chicago, IL; and (2) CPR's "Corn Lines" between Sabula and Sheldon, IA, including branch lines and trackage rights in southern Minnesota.²

The KC Mainline. The KC Mainline runs from Kansas City, MO (MP 499.2),³ northeasterly through Missouri and Iowa to a junction near Sabula, IA (MP

141.6), at the Iowa-Illinois border,⁴ including branch lines from Davenport, IA (MP 0.0), to Eldridge, IA (MP 9.7) (the Eldridge Branch), and from Davenport, IA (MP 0.0) to Albany, IL (MP 35.0) (the Nitrin Branch);⁵ and then from the junction near Sabula, IA (MP 141.6), easterly across northern Illinois to Pingree Grove, IL (MP 41.9), including a branch line from Davis Jct., IL (MP 0.0), to Rockford, IL (MP 12.9), and then beyond to Janesville, WI (MP 45.8) (the Janesville Branch).⁶

The Corn Lines. The Corn Lines run from the junction near Sabula, IA (MP 141.6), north-northwesterly, approximately following Iowa's eastern border, to a junction near Marquette, IA (MP 98.0),⁷ and then northerly into Minnesota to La Crescent, MN (MP 160.1); from the junction near Marquette (MP 0.0), westerly across northern Iowa to a junction at Mason City, IA (MP 116.7),⁸ and continuing westerly to Sheldon, IA (MP 253.4); from the junction near Mason City northerly into Minnesota to a junction near Comus, MN (MP 123.8); and from a junction near Ramsey, MN (MP 43.0), westerly across southern Minnesota to Jackson, MN (MP 149.4),⁹ including a branch line from Wells, MN (MP 0.0), to Minnesota Lake, MN (MP 9.0).

Additional Incidental Trackage Rights. I&M will also acquire from CPR additional incidental trackage rights: (i) For certain traffic over 34.9 miles of rail line from the end of CPR's line at Pingree Grove, IL, over certain lines owned by the Commuter Rail Division of the Regional Transportation Authority (METRA), to a connection with the Belt Railway Company of Chicago at Cragin Jct. (MP 7.0) in the Chicago Terminal; (ii) for overhead traffic over 125.8 miles of rail line owned by CPR, part of which is owned in common with BNSF, from River Jct.,

⁴ Operation on the mainline at Clinton, IA, will require assumption of CPR's trackage rights through the UP interlocking at approximately MP 158.4.

⁵ Over the Nitrin Branch, which is owned by The Burlington Northern and Santa Fe Railway Company (BNSF), I&M will acquire incidental trackage rights through an assignment of rights from CPR.

⁶ Over the segment of the Janesville Branch that lies between Davis Jct. and Rockford (the Rockford Segment), which segment is owned by BNSF, I&M will acquire incidental trackage rights through an assignment of rights from CPR.

⁷ Operation on the "Dubuque Segment" through Dubuque, IA, will involve the assumption by I&M of CPR's rights to operate on 1.7 miles of the former Chicago, Central & Pacific Railroad Company.

⁸ I&M will assume CPR's trackage rights agreement for operation on the Iowa Northern Railway Company (IANR) from Plymouth Jct., IA (IANR MP 219.5), to Nora Springs, IA (IANR MP 210.7) (the Nora Springs Segment).

⁹ Operation from Fairmont, MN (MP 182.97), to Welcome, MN (MP 190.28) will be by assumption of CPR's trackage rights on UP (the Welcome Segment).

¹ This proceeding is related to STB Finance Docket No. 33327, wherein Dennis Washington, William H. Brodsky, Mort Lowenthal, Dorn Parkinson, J. Fred Simpson, and Thomas J. Walsh have filed a notice of exemption to continue in control of I&M upon I&M's becoming a Class II rail carrier.

² I&M indicates that, to the extent the assumption by I&M of any of these trackage rights requires the consent of third parties, I&M will take appropriate steps to obtain such consent.

³ Operations into and out of Kansas City are via: a paired track agreement with the Union Pacific Railroad Company (UP) from Polo, MO (MP 456.7) to Birmingham, MO (MP 494.5); a joint track agreement with UP from Birmingham, MO (MP 494.5) to Airline Jct., MO (MP 499.2); and beyond for approximately 0.13 miles to Sheffield, MO, on a segment owned jointly by CPR and the Kansas City Southern Railway Company (KCS).

MN (MP 288.0), to St. Paul, MN (MP 407.4), and for overhead traffic from Comus, MN (MP 123.8), to Rosemount, MN (MP 150.7); and (iii) over 78.2 miles of rail line owned by the Kansas City Terminal Railroad (KCT).¹⁰

Pursuant to a decision of the Board served April 2, 1997, the proposed transaction may be consummated on or after April 4, 1997. I&M intends to consummate the transaction as soon as practicable.

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 automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33326, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Mark H. Sidman, Esq., Weiner, Brodsky, Sidman & Kider, P.C., 1350 New York Avenue, N.W., Suite 800, Washington, DC 20005-4797.

Decided: April 3, 1997.

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

Vernon A. Williams,

Secretary.

[FR Doc. 97-9095 Filed 4-8-97; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33378]

Sierra Pacific Industries; Acquisition and Operation Exemption; Amador Central Railroad Company

Sierra Pacific Industries (SPI), a Class III rail carrier, has filed a notice of exemption under 49 CFR 1150.41 to acquire and operate approximately 12 miles of rail line currently owned and operated by the Amador Central Railroad Company (ACRC), between milepost 0.0 at Lone and milepost 12.0

¹⁰ I&M also will acquire CPR's minority interest (8.33%) in the common stock of KCT, and will thereby acquire certain rights and obligations attendant thereto, including the right to operate on the 78.2 miles of rail line owned by KCT. I&M also will acquire all of the rights, privileges, benefits, and obligations of CPR in that certain contract between KCS and predecessors of CPR, dated May 1, 1942, including any real estate owned by CPR in Kansas or in the metropolitan area of Kansas City, MO, together with any appurtenances and fixtures of CPR located thereon and affixed thereto, other than certain excluded assets.

at Martell, in Amador County, CA. Included in the acquisition are a rail yard and associated tracks.

This transaction was scheduled to be consummated on March 31, 1997.

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 does not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33378, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington DC 20423-0001. A copy of all pleadings must be served on applicant's representative: James F. Flint, Grove, Jaskiewicz and Cobert, 1730 M Street, NW., Suite 400, Washington, DC 20036.

Decided: April 3, 1997.

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

Vernon A. Williams,

Secretary.

[FR Doc. 97-9097 Filed 4-8-97; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33327]

Dennis Washington, et al.; Continuance in Control Exemption; I&M Rail Link, LLC

Dennis Washington, William H. Brodsky, Mort Lowenthal, Dorn Parkinson, J. Fred Simpson, and Thomas J. Walsh, noncarrier individuals (applicants), have filed a verified notice of exemption to continue in control, through ownership and management, of I&M Rail Link, LLC (I&M) upon I&M's becoming a rail carrier. Applicants control, through ownership and management, one other rail carrier, Montana Rail Link, Inc. (MRL), a Class II railroad operating in Montana, Idaho, and Washington.

This proceeding is related to STB Finance Docket No. 33326, wherein I&M, a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 and 1150.35 to acquire from Soo Line Railroad Company, d/b/a/ Canadian Pacific Railway (CPR), and operate approximately 1,109 miles of rail line and 262 miles of trackage rights in Iowa, Illinois, Minnesota, Missouri, Wisconsin, and Kansas. The system to be acquired by I&M, which is more fully described in the STB Finance Docket

No. 33326 notice published concurrently herewith, consists generally of: (1) CPR's "KC Mainline" between Kansas City, MO, and Pingree Grove, IL, including trackage rights between Pingree Grove and Chicago, IL; and (2) CPR's "Corn Lines" between Sabula and Sheldon, IA, including branch lines and trackage rights in southern Minnesota. Upon acquiring such lines and trackage rights, I&M will become a Class II rail carrier.

Applicants state that: (i) I&M and MRL will not connect with each other or with any railroad in their corporate family; (ii) the continuance in control is not part of a series of anticipated transactions that would connect the railroads with each other or with any railroad in their corporate family; and (iii) the transaction does not involve any Class I carriers. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. See 49 CFR 1180.2(d)(2).

Pursuant to a decision of the Board served April 2, 1997, I&M may consummate its proposed acquisition on or after April 4, 1997. I&M intends to consummate that acquisition as soon as practicable. The control transaction in the instant docket will be consummated simultaneously therewith.

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Although applicants do not expect any employees to be adversely affected by this control transaction, they have agreed to apply employee protective conditions pursuant to 49 U.S.C. 11326(a). Therefore, any employees adversely affected by the control transaction will be protected by the conditions set forth in *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979).

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 automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33327, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Mark H. Sidman, Esq., Weiner, Brodsky, Sidman & Kider, P.C., 1350 New York Avenue, N.W., Suite 800, Washington, DC 20005-4797.

Decided: April 3, 1997.