

material without first having it inspected/retested by a DOT-authorized retest facility. Filled cylinders (if filled with an atmospheric gas) described in this safety advisory should be vented or otherwise properly and safely evacuated and purged, and taken to a DOT-authorized cylinder retest facility for visual reinspection and retest to determine compliance with the HMR. Under no circumstances should a cylinder described in this safety advisory be filled, refilled or used for any purpose other than scrap, until it is reinspected and retested by DOT-authorized retest facility.

It is further recommended that persons finding or possessing cylinders described in this safety notice contact Mr. Chaney, for further information and instructions.

Issued in Washington, D.C. on October 9, 1997.

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 97-27476 Filed 10-15-97; 8:45 am]

BILLING CODE 4910-60-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33481]

Marksman Corporation; Lease and Operation Exemption; J.K. Line, Inc.

Marksman Corporation (Marksman), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to lease from J.K. Line, Inc., and to operate 17 miles of rail line in the State of Indiana from milepost 183, near Monterey, to milepost 199, near North Judson.

This transaction is related to the notice of exemption filed in STB Finance Docket No. 33483, *The Toledo, Peoria and Western Railroad Corporation-Continuance in Control Exemption-Marksman Corporation*, for The Toledo, Peoria and Western Railroad Corporation to continue in control of Marksman (once it becomes a carrier through consummation of the transaction in STB Finance Docket No. 33481), in addition to its indirect control of Toledo, Peoria & Western Railway Corporation (TPW Railway).¹ Because the exemption in STB Finance Docket No. 33483 is not scheduled to become effective until October 14, 1997, the earliest the transaction in STB

Finance Docket No. 33481 can be consummated is October 14, 1997.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to reopen the proceeding 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. 33481, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Eric M. Hocky, Esq., Gollatz, Griffin & Ewing, P.C., 213 West Miner Street, P.O. Box 796, West Chester, PA 19381-0796.

Decided: October 8, 1997.

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

Vernon A. Williams,

Secretary.

[FR Doc. 97-27485 Filed 10-15-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33482]

Toledo, Peoria & Western Railway Corporation; Lease and Operation Exemption; A & R Line, Inc.

Toledo, Peoria & Western Railway Corporation, a Class III rail common carrier, has filed a notice of exemption under 49 CFR 1150.41 to lease from A & R Line, Inc. and operate 27 miles of rail line in the State of Indiana from milepost 0.0, near Winimac, to milepost 74.5, near Logansport.

The earliest the transaction could be consummated was October 7, 1997, the effective date of the exemption (7 days after the exemption was filed).

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. 33482, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Eric M. Hocky, Esq., Gollatz, Griffin & Ewing, P.C., 213 West Miner Street, P.O. Box 796, West Chester, PA 19381-0796.

Decided: October 8, 1997.

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

Vernon A. Williams,

Secretary.

[FR Doc. 97-27483 Filed 10-15-97; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33483]

The Toledo, Peoria and Western Railroad Corporation; Continuance in Control Exemption; Marksman Corporation

The Toledo, Peoria and Western Railroad Corporation (TPW Railroad) has filed a notice of exemption to continue in control of the Marksman Corporation (Marksman), upon Marksman's becoming a Class III railroad.

The earliest the transaction can be consummated is October 14, 1997, the effective date of the exemption (7 days after the exemption was filed).

This transaction is related to STB Finance Docket No. 33481, *Marksman Corporation—Lease and Operation Exemption—J.K. Line, Inc.*, wherein Marksman seeks to lease and operate a rail line from J.K. Line, Inc.

Applicant indirectly controls one existing Class III railroad subsidiary: Toledo, Peoria & Western Railway Corporation (TPW Railway),¹ operating in the States of Indiana, Illinois and Iowa.

Applicant states that: (i) The rail lines to be operated by Marksman do not connect with any railroad in the corporate family; (ii) the transaction is not part of a series of anticipated transactions that would connect Marksman's lines with any railroad in the corporate family; and (iii) the transaction does not involve a Class I carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. See 49 CFR 1180.2(d)(2).

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. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not

¹ Marksman owns 100% of the stock of TPW Railway.

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impose labor protective conditions for this transaction.

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. 33483, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Eric M. Hocky, Esq., Gollatz, Griffin & Ewing, P.C., 213 West Miner Street, P.O. Box 796, West Chester, PA 19381-0796.

Decided: October 8, 1997.

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

Vernon A. Williams,
Secretary.

[FR Doc. 97-27486 Filed 10-15-97; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-487 (Sub-No. 3X)]

Pittsburg & Shawmut Railroad, Inc.; Abandonment Exemption; in Jefferson and Clarion Counties, PA

On September 26, 1997, Pittsburg & Shawmut Railroad, Inc. (PSRR), filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon its line of railroad known as the Piney Branch, extending from milepost 0.00 (milepost 40.60 on the main line of the Laurel Subdivision), located at or near Coder to milepost 23.80 located at or near Piney, a distance of 23.80 miles, in Jefferson and Clarion Counties, PA. The line traverses U.S. Postal Service Zip Codes 15825, 15829, 15864, 16234 and 16258, and includes the stations of Sutton, milepost 9; and Piney Mine, milepost 21.

The line does not contain federally granted rights-of-way. Any documentation in PSRR's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding

pursuant to 49 U.S.C. 10502(b). A final decision will be issued by January 14, 1998.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each OFA must be accompanied by a \$900 filing fee. See 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than November 5, 1997. Each trail use request must be accompanied by a \$150 filing fee. See 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket No. AB-487 (Sub-No. 3X) and must be sent to: (1) Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423-0001; and (2) Sebastian Ferrer, Gollatz, Griffin & Ewing, P.C., 213 West Miner Street, P. O. Box 796, West Chester, PA 19381-0796.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 565-1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565-1545. [TDD for the hearing impaired is available at (202) 565-1695.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Decided: October 8, 1997.

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

Vernon A. Williams,
Secretary.

[FR Doc. 97-27484 Filed 10-15-97; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-493 (Sub-No. 5X)]¹

Track Tech, Inc.—Abandonment Exemption—in Potter County, TX

On September 24, 1997, Track Tech, Inc. filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon a line of railroad located generally between Amarillo, TX (milepost 761.80) and Bushland, TX (milepost 775.70), a distance of 13.90 miles in Potter County, TX. The line traverses U.S. Postal Service ZIP Code 79012.

The line does not contain any federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it. The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by January 12, 1998.

Any offer of financial assistance under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each offer of financial assistance must be accompanied by a \$900 filing fee. See 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 U.S.C. 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than November 5, 1997. Each trail use request must be accompanied by a \$150 filing fee. See 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket No. AB-493 (Sub-No. 5X) and must be sent to: (1) Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423-0001; and (2) T. Scott Bannister, 1300

¹ Petitioner acquired this line and 5 others from Burlington Northern Railroad Company in November 1996. Petitioner is also seeking to abandon, or will seek to abandon, the other lines via exemption in STB Docket No. AB-493 (Sub-Nos. 1X, 2X, 3X, 4X, and 6X).