

Issued: February 21, 1995.

Donna R. Koehnke,
Secretary.

[FR Doc. 95-5001 Filed 2-28-95; 8:45 am]

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INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 32617]

CAGY Industries, Inc.—Continuance in Control Exemption—Redmont Railway Co., Inc.

CAGY Industries, Inc. (CAGY), a noncarrier, has filed a notice of exemption to continue in control of Redmont Railway Company, Inc. (Redmont), a wholly owned subsidiary of CAGY, upon Redmont becoming a class III rail carrier.¹

Redmont, a noncarrier, has concurrently filed a notice of exemption in Redmont Railway Company, Inc.—Lease and Operation Exemption—Certain Lines of Mississippi-Alabama Railroad Authority, Finance Docket No. 32616, to acquire by lease and to operate a 41.5-mile rail line segment owned by Norfolk Southern Railway Company (NS) between milepost IC-529.5 at Corinth, MS, and milepost IC-571.0 at Red Bay, AL.² Redmont will also acquire incidental trackage rights to operate over 2.2 miles of NS's track between NS milepost IC-529.5 at Corinth and NS milepost IC-527.3 at NS' Corinth Yard. The parties intended to consummate the proposed transaction on or after February 15, 1995.

CAGY controls two other nonconnecting class III rail carriers: Columbus and Greenville Railway Company (C&G), operating in

Mississippi, and the Chattooga & Chickamauga Railway Co. (CCKY), operating in Mississippi, Georgia, and Tennessee.³

CAGY states that: (1) Redmont will not connect with any of the other railroads in its corporate family; (2) the continuance in control is not a part of a series of anticipated transactions that would connect Redmont with any other railroad in its corporate family; and (3) the transaction does not involve a class I railroad. The transaction therefore is exempt from the prior approval requirements of 49 U.S.C. 11343. See 49 CFR 1180.2(d)(2).

As a condition to use of this exemption, any employees affected by the transaction will be protected by the conditions set forth in New York Dock Ry.—Control—Brooklyn Eastern Dist., 360 I.C.C. 60 (1979).

Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction. Pleadings must be filed with the Commission and served on: Eric M. Hocky, 213 West Miner Street, P.O. Box 796, West Chester, PA 19381-0796.

Decided: February 17, 1995.

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

Vernon A. Williams,
Secretary.

[FR Doc. 95-5041 Filed 2-28-95; 8:45 am]

BILLING CODE 7035-01-P

[Finance Docket No. 32615]

Mississippi-Alabama Railroad Authority—Acquisition Exemption— Norfolk Southern Railway Company

Mississippi-Alabama Railroad Authority (MARA), a noncarrier, has filed an amended notice of exemption¹ to acquire approximately 41.5 miles of rail line owned by Norfolk Southern Railway Company (NS) between milepost IC-529.5 at Corinth, MS, and milepost IC-571.0 at Red Bay, AL.²

³The control of these carriers was authorized in CAGY Industries, Inc.—Control Exemption—Chattooga & Chickamauga Railway Co., Finance Docket No. 31422 (ICC served June 12, 1989).

¹The notice of exemption was originally filed on November 15, 1994. MARA filed a letter, on December 5, 1994, requesting a delay in the publication of this and two related notices of exemption. MARA claimed that it needed to meet state requirements following enactment of enabling legislation by Alabama and Mississippi authorizing the creation of MARA. On February 8, 1995, MARA filed this amended notice of exemption.

²The 41.5-mile line segment is within a NS rail line that is the subject of a feeder line application in *Sunshine Mills, Inc.—Feeder Line Acquisition—Norfolk Southern Railway Company Line Between*

Redmont Railway Company, Inc. (Redmont), a noncarrier, concurrently filed a notice of exemption in *Redmont Railway Company, Inc.—Lease and Operation Exemption—Mississippi-Alabama Railroad Authority*, Finance Docket No. 32616, to operate the line under lease from MARA. Additionally, CAGY Industries, Inc., a noncarrier, concurrently filed a notice of exemption in *CAGY Industries, Inc.—Continuance in Control Exemption—Redmont Railway Company, Inc.*, Finance Docket No. 32617, to continue in control of Redmont and two other class III rail carriers, once Redmont becomes a rail carrier. The parties intended to consummate the transaction on or after February 15, 1995.

Any comments must be filed with the Commission and served on: William P. Jackson, Jr., Jackson & Jessup, P.C., P.O. Box 1240, 3426 North Washington Boulevard, Arlington, VA 22210.

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: February 17, 1995.

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

Vernon A. Williams,
Secretary.

[FR Doc. 95-5042 Filed 2-28-95; 8:45 am]

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[Finance Docket No. 32616]

Redmont Railway Company, Inc.— Lease and Operation Exemption— Certain Lines of Mississippi-Alabama Railroad Authority

Redmont Railway Company, Inc. (Redmont), a noncarrier, has filed a notice of exemption to acquire by lease and to operate a 41.5-mile rail line segment owned by Norfolk Southern Railway Company (NS) between milepost IC-529.5 at Corinth, MS, and milepost IC-571.0 at Red Bay, AL.¹

Corinth, MS and Haleyville, AL, Finance Docket No. 32337. MARA asserts that upon approval of this acquisition exemption, Sunshine Mills, Inc., the feeder line applicant and an active supporter of the instant acquisition, is expected to request dismissal of the pending application.

¹Redmont originally filed the notice of exemption on November 15, 1994. By letter filed December 5, 1994, the Mississippi-Alabama Railroad Authority (MARA) requested the Commission to suspend the processing of the notice and the concurrently filed related notices in Finance Docket Nos. 32615 and 32617. MARA states that counsel for Redmont concurred in the request. MARA claimed that it needed to meet State

¹ CAGY originally filed the notice of exemption on November 15, 1994. By letter filed December 5, 1994, the Mississippi-Alabama Railroad Authority (MARA) requested the Commission to suspend the processing of the notice and the concurrently filed related notices in Finance Docket Nos. 32615 and 32616. MARA states that counsel for CAGY concurred in the request. MARA claimed that it needed to meet State requirements following enactment of enabling legislation by Alabama and Mississippi authorizing the creation of MARA which it states had not been completed at the time the original notice was filed. On February 8, 1995, CAGY filed an amended verified notice of exemption.

² In a related notice of exemption in *Mississippi-Alabama Railroad Authority—Acquisition Exemption—Norfolk Southern Railway Company*, Finance Docket No. 32615, MARA seeks to acquire from NS the 41.5-mile rail line segment. This 41.5-mile rail line segment is embraced within a feeder line application in *Sunshine Mills, Inc.—Feeder Line Acquisition—Norfolk Southern Railway Company Line Between Corinth, MS, and Haleyville, AL*, Finance Docket No. 32337. NS and MARA state that upon approval of the acquisition transaction, Sunshine is expected to request dismissal of the feeder line application.