

By the Board, David M. Konschnik,
Director, Office of Proceedings.
Vernon A. Williams,
Secretary.
[FR Doc. 96-8291 Filed 4-3-96; 8:45 am]
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Surface Transportation Board¹

[STB Finance Docket No. 32884]

John C. Nolan—Continuance in Control Exemption—Chester Valley Railway, Inc.

John C. Nolan (Nolan), a noncarrier, has filed a notice of exemption to acquire control of the Chester Valley Railway, Inc. (CVR) through ownership of 100% of its stock, upon CVR's becoming a Class III rail carrier.

This proceeding is related to *Chester Valley Railway, Inc.—Acquisition and*

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 Board jurisdiction pursuant to 49 U.S.C. 11323.

Operation Exemption—Consolidated Rail Corporation, STB Finance Docket No. 32883, wherein CVR seeks to acquire and operate certain rail lines from the Consolidated Rail Corporation.

Nolan controls, through stock ownership, three existing Class III rail carriers all of which are operating in Pennsylvania: Lancaster Northern Railway; Bristol Industrial Terminal Railway; and East Penn Railway.

Nolan states that: (i) The railroads will not connect with each other or any railroad in their corporate family; (ii) the acquisition of control is not part of a series of anticipated transactions that would connect the four railroads with each other or any railroad in their 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 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. 32884, 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 K. Fiorilla, Esq., Watson, Stevens, Fiorilla & Rutter, 390 George Street, P.O. Box 1185, New Brunswick, NJ 08903.

Decided: March 29, 1996.

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

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