

## PARTIES TO EXEMPTION APPLICATIONS WITH MODIFICATION

Application No.	Applicant	Reason for delay	Estimated date of completion
10288-PM .....	Chevron Chemical Company, Houston, TX .....	.....	.....
11249-PM .....	Ashland Chemical Company, Columbus, OH .....	4 .....	7/01/1996

Meaning of Application Number Suffixes  
 N—New application  
 M—Modification request  
 PM—Party to application with modification request

Issued in Washington, DC, on May 3, 1996.  
 J. Suzanne Hedgepeth,  
 Director, Office of Hazardous Materials  
 Exemptions and Approvals.  
 [FR Doc. 96-11608 Filed 5-8-96; 8:45 am]  
 BILLING CODE 4910-60-M

### Surface Transportation Board <sup>1</sup>

[STB Finance Docket No. 32931]

#### CSX Transportation, Inc.—Trackage Rights Exemption—East Cooper and Berkeley Railroad Company

CSX Transportation, Inc. (CSXT) has filed a verified notice under 49 CFR 1180.2(d)(7) to acquire overhead trackage rights from East Cooper and Berkeley Railroad (ECBR) between milepost 0.00 at State Junction, SC, to milepost 14.8 thence over newly constructed trackage <sup>2</sup> for a distance of approximately 2.2 miles to the property line of Nucor Corporation (Nucor), for a total distance of approximately 17 miles in Berkeley County, SC.

The trackage rights became effective on May 2, 1996.

The notice states that the CSXT's use of the ECBR track will enable CSXT to provide direct linehaul service to Nucor and any satellite industries that might be constructed adjacent to the Nucor mill. This direct access will enable CSXT to offer intermodal competition for shipments to and from the Nucor mill and any satellite industries.

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*

<sup>1</sup> 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.

<sup>2</sup> See *East Cooper and Berkeley Railroad—Construction and Operation Exemption—in Berkeley County, SC*, Finance Docket No. 32704, (ICC served Dec. 13, 1995).

*Operate*, 354 I.C.C. 732 (1978) and 360 I.C.C. 653 (1980).

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.

Any pleadings 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., Senior Counsel, CSX Transportation, Inc., 500 Water Street, J-150, Jacksonville, FL 32202.

Decided: May 3, 1996.  
 By the Board, David M. Konschnick,  
 Director, Office of Proceedings.  
 Vernon A. Williams,  
 Secretary.  
 [FR Doc. 96-11621 Filed 5-8-96; 8:45 am]

BILLING CODE 4915-00-P

### Surface Transportation Board <sup>1</sup>

[STB Finance Docket No. 32906]

#### San Joaquin Valley Railroad Co.—Corporate Family Transaction Exemption—Port Railroads, Inc.

San Joaquin Valley Railroad Co. (SJVR) and Port Railroads, Inc. (PRI), common carriers by railroad,<sup>2</sup> have jointly filed a verified notice of exemption whereby SJVR will acquire by assignment of lease<sup>3</sup> all of the railroad properties which PRI acquired by lease from Southern Pacific.<sup>4</sup>

<sup>1</sup> 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 (ICC) 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. 11323-24.

<sup>2</sup> SJVR and PRI are Class III railroads which are wholly owned subsidiary corporations of Kyle Railways, Inc.

<sup>3</sup> Notice of PRI's lease and operation exemption of these lines was given in *Port Railroads, Inc.—Lease and Operation Exemption—Southern Pacific Transportation Company*, Finance Docket No. 32457, (ICC served Mar. 14, 1994).

<sup>4</sup> SJVR and PRI state at p. 1 of their Assignment of Lease Agreement that "such assignment requires the consent of Southern Pacific."

The transaction was expected to be consummated on April 24, 1996.

The unification of SJVR and PRI's railroad operations will permit the consolidation of their separately maintained books and records, the elimination of duplicating administrative costs and the achievement otherwise of greater efficiencies and economies in the rendition of the railroads' transportation services.

This is a transaction within a corporate family of the type specifically exempted from prior review and approval under 49 CFR 1180.2(d)(3). The parties state that the transaction will not result in significant changes in railroad operations. In addition, while the parties do not specifically say it, the transaction would apparently not result in a change in the competitive balance with carriers outside the corporate family.

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 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 reopen will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 32906, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423. In addition, a copy of each pleading must be served on Fritz R. Kahn, Esq., Suite 750 West, 1100 New York Avenue, N.W., Washington, DC 20005-3934.