

service by CNRR and the approval by the Board of both the transfer of the easement and the assumption of carrier responsibility by NCRA.

In addition, CNRR currently operates over the segment between NWP MP 26.96 and NWP MP 25.57 pursuant to a freight easement which was retained by SP in a transaction involving GGBHT.⁴ At the closing of the transaction in Finance Docket No. 32910, SP's freight easement will be quitclaimed to GGBHTD, which will then grant to NWPRA the rights to operate over the easement area. According to NWPRA, NCRA will obtain an easement from NWPRA to provide freight service over the segment between NWP MP 26.96 and NWP MP 25.57, at the same time that it acquires the easement mentioned earlier, by which it would take over operations after CNRR ceases its operations.

NWPRA states that the future transfer of these easements will imbue NCRA with all carrier rights and responsibilities and that NWPRA will remain a noncarrier holder of the underlying real estate. NWPRA thus states that it intends in the near future to file either a Motion to Dismiss this Notice or a Petition for a Declaratory Order requesting that it be designated as a noncarrier.

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. 32910, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue NW., Washington, DC 20423. In addition, a copy of each pleading must be served on David J. Miller, Esq., Hanson, Bridgett, Marcus, Vlahos & Rudy, 333 Market Street, Suite 2300, San Francisco, CA 94105.

Decided: May 9, 1996.

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

Vernon A. Williams,

Secretary.

[FR Doc. 96-12455 Filed 5-16-96; 8:45 am]

BILLING CODE 4915-00-P

⁴ See *Golden Gate Bridge, Highway & Transportation District—Acquisition Exemption—Northwestern Pacific Railroad Company and Southern Pacific Transportation Company*, Finance Docket No. 31689 (ICC served July 5, 1990).

Surface Transportation Board¹

[STB Finance Docket No. 32907]

Ormet Railroad Corporation; Acquisition and Operation Exemption; Consolidated Rail Corporation

Ormet Railroad Corporation of Wheeling, WV (ORC), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from Consolidated Rail Corporation's Omal Secondary Track from milepost 60.5 at Powhatten Point, to the end of the line, milepost 72.7 at Omal, a distance of 12.2 miles in Monroe County, OH.

ORC will assume the common carrier obligation associated with the line, holding itself out to render common carrier service by railroad. Consolidated Rail Corporation will perform the operations on the line, solely pursuant to a private contractual arrangement, on behalf of and for the account of ORC.

Consummation was to be on or after April 30, 1996. 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. 32907, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue NW., 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 NW., Washington, DC 20005-3934.

Decided: May 10, 1996.

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

Vernon A. Williams,

Secretary.

[FR Doc. 96-12456 Filed 5-16-96; 8:45 am]

BILLING CODE 4915-00-P

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. 10901.

Surface Transportation Board¹

[STB Finance Docket No. 32899]²

Owensville Terminal Company, Inc.; Acquisition and Operation Exemption—Poseyville & Owensville Railroad Company, Inc.

Owensville Terminal Company, Inc. (OTC), a noncarrier, filed a notice of exemption to acquire from Poseyville & Owensville Railroad Company, Inc. (P&O), and operate approximately 11.2 miles of rail branch line in Gibson and Posey Counties, IN, between milepost 271.0 in Poseyville and milepost 282.2 in Owensville.³ The transaction was to be consummated on or after April 19, 1996.⁴

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 reopen the proceeding to revoke the exemption under 49 U.S.C. 10502(d) [formerly section 10505(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. 32899, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue NW., Washington, DC 20423. In addition, a copy of each pleading must be served on Robert P. vom Eigen, Esq., Hopkins & Sutter, 888 16th Street NW., Washington, DC 20006.

Decided: April 29, 1996.

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. 10901.

² This notice corrects the notice previously served and published in the Federal Register on May 7, 1996. The prior notice erroneously stated that Owensville Terminal Company, Inc., is a subsidiary of RailAmerica, Inc.

³ P&O owns the line and operates it as a branch line, using equipment and labor supplied under contract by Garden Spot & Ohio Railroad (GS&O). The line connects with GS&O at Poseyville.

⁴ P&O was placed into receivership by the Gibson County Superior Court, Gibson County, IN, in Cause No. 26001-9303-CP-0010. On March 19, 1993, the court appointed Robert W. Musgrave (Musgrave) receiver for P&O. Pursuant to a March 26, 1996 court order, Musgrave agreed to sell the line (real estate, leases and licenses, track, ties, and other track materials) to RailAmerica, Inc. (Rail America), a Delaware corporation. RailAmerica, in turn, will assign its rights and interests in the line to OTC, and Huron and Eastern Railway Company, Inc. (Huron), will supply the labor and equipment, as needed, for OTC to operate the line. OTC and Huron are Michigan corporations, and Huron is a RailAmerica subsidiary.