

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 11324–25 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. 32947 (Sub-No. 2), must be filed with the Office of the Secretary, Case Control Branch, Surface Transportation Board, 1201 Constitution Avenue, NW, Washington, DC 20423. In addition, a copy of each pleading must be served on Edward J. McAndrew, Slover & Loftus, 1224 Seventeenth Street, N.W., Washington, D.C. 20036.

Decided: June 21, 1996.

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

[FR Doc. 96–16409 Filed 6–26–96; 8:45 am]
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Surface Transportation Board¹

[STB Finance Docket No. 32947 (Sub-No. 2)]

K. Earl Durden—Acquisition of Control Exemption—Rail Partners, L.P., Et Al.

K. Earl Durden (Durden), a noncarrier individual, has filed a notice of exemption to acquire control of Rail Partners, L.P. (Partners), Rail Management and Consulting Corporation (RMCC) and 12 commonly-controlled shortline railroads (hereinafter the RMCC Railroad Group)²

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 decision relates to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 11323–25.

² The 12 railroads are: Atlantic & Western Railway, L.P.; The Bay Line Railroad, L.L.C.; Copper Basin Railway; East Tennessee Railway, L.P.; Galveston Railroad, L.P.; Georgia Central Railway, L.P.; KWT Railway, Inc.; Little Rock & Western Railway, L.P.; Tomahawk Railway, L.P.; Valdosta Railway, L.P.; Western Kentucky Railway, L.L.C.; and Wilmington Terminal Railroad, L.P., which are located in Alabama, Arizona, Arkansas,

through his purchase of Green Bay Packaging, Inc.'s (GBP) ownership interests in the aforementioned entities and railroads. Currently, Durden and GBP each hold a 49.5% interest and RMC holds a 1% interest in Partners, a Delaware limited partnership; Durden and GBP each own a 50% interest in RMCC, a non-carrier holding company; and Durden and GBP each own a 50% interest in each of the railroads in the RMCC Railroad Group. By this transaction, Durden will acquire 100% ownership and control in Partners, RMCC, and the RMCC Railroad Group. The exemption will be effective on June 24, 1996, and the parties intend to consummate this transaction on June 30, 1996.

This transaction is related to a notice of exemption concurrently filed in STB Finance Docket No. 32947 (Sub-No. 1), *The A&G Railroad, L.L.C.—Merger—The Bay Line Railroad, L.L.C.—Corporate Family Transaction Exemption*, for a transaction which would merge the properties of two intracorporate family rail carriers, whose operations connected via trackage rights over a third (unaffiliated) carrier. Once the merger is consummated, the proposed acquisition of control by Durden qualifies for the class exemption for acquisition of control in this proceeding.

Durden states that: (1) The transaction will not result in any of the subject railroads connecting with one another or any railroads in their corporate family; (2) the proposed transaction is not part of a series of anticipated transactions that would connect the subject railroads with each other or any railroad in their corporate family; and the transaction involves only Class III carriers. The transaction therefore 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 11324–25 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

Florida, Georgia, Kentucky, North Carolina, Tennessee, Texas, and Wisconsin.

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. 32947 (Sub-No. 2), must be filed with the Office of the Secretary, Case Control Branch, Surface Transportation Board, 1201 Constitution Avenue, NW, Washington, DC 20423. In addition, a copy of each pleading must be served on Edward J. McAndrew, Slover & Loftus, 1224 Seventeenth Street, N.W., Washington, D.C. 20036.

Decided: June 21, 1996.

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

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Surface Transportation Board¹

[STB Finance Docket No. 32753]

R.J. Corman Railroad Company/ Western Ohio Line—Modified Rail Certificate—Between Lima and Glenmore, OH

On May 13, 1996, R.J. Corman Railroad Company/Western Ohio Line (RJCW) filed a notice for a modified certificate of public convenience and necessity under 49 CFR 1150.23 to operate as a sub-operator a line of railroad, the SPEG Line, between milepost 54.4 at Lima, OH, and milepost 84.2 at Glenmore, OH.

The line was formerly part of the main line of the bankrupt Erie Lackawanna Railway Company (EL) between New York and Chicago. The line was not designated for transfer to Consolidated Rail Corporation (Conrail), but was available for subsidy under section 304 of the Regional Rail Reorganization Act of 1973 (3R Act). *USRA-Final System Plan-July 1975—Vol. II*, page 122. Under section 304, EL gave notice of intent to abandon the line effective March 31, 1976. In 1977, the line was acquired by the Ohio Rail Transportation Authority, and the Spencerville & Elgin Railroad Company (SPEG) was designated as operator. *Certificate of Designated Operator—Spencerville & Elgin Railroad Company, D–OP 23* (ICC served Feb. 13, 1979).

¹ The ICC Termination Act of 1995, Pub. L. No. 104–88, 109 Stat. 803 (the ICCTA), 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 and 10903.