

This notice of receipt of applications for new exemptions is published in accordance with Part 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on December 20, 1996.

J. Suzanne Hedgepeth,

Director, Office of Hazardous Materials Exemptions and Approvals.

[FR Doc. 96-32887 Filed 12-26-96; 8:45 am]

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## Surface Transportation Board

[STB Finance Docket No. 33310]

### Housatonic Railroad Company, Inc.—Corporate Family Transaction Exemption—Danbury Terminal Railroad Company

Housatonic Railroad Company, Inc. (HRRC)<sup>1</sup> and Danbury Terminal Railroad Company (DTRR),<sup>2</sup> Class III railroads, have jointly filed a verified notice of exemption. The exempt transaction is a merger of DTRR into HRRC.<sup>3</sup>

The transaction is expected to be consummated on December 31, 1996.

HRRC will assume operation of DTRR's rail lines and operating rights in the States of Connecticut and New York.<sup>4</sup> The proposed merger is intended to enable the merged carrier to provide more efficient service to shippers. The merger will also eliminate the significant administrative burden and expense associated with billing and accounting 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 adverse changes in service levels, significant operational changes, or a change in the competitive

<sup>1</sup> HRRC operates approximately 72.29 miles of track, of which approximately 36.25 miles are within the State of Connecticut and owned by the State of Connecticut, and of which approximately 36.04 miles are within the Commonwealth of Massachusetts and owned by HRRC.

<sup>2</sup> DTRR operates approximately 89.1 miles of track, of which approximately 47.1 miles are located in the State of Connecticut and owned by Maybrook Railroad Company, and of which 42 miles are located in the State of New York and owned by Metro North Commuter Railroad. DTRR also holds approximately 10 miles of incidental overhead trackage rights over tracks owned by the State of Connecticut within the State of Connecticut.

<sup>3</sup> HRRC and DTRR are wholly owned subsidiaries of Housatonic Transportation Company.

<sup>4</sup> No ownership interests are transferred or otherwise affected by this transaction.

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. 33310, 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 Edward J. Rodriguez, Esq., Housatonic Railroad Company, Inc., 67 Main Street, P.O. Box 298, Centerbrook, CT 06409.

Decided: December 18, 1996.

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

Vernon A. Williams,

Secretary.

[FR Doc. 96-32780 Filed 12-26-96; 8:45 am]

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[STB Finance Docket No. 33308]

### Pittsburgh Industrial Railroad, Inc.—Acquisition and Operation Exemption—Consolidated Rail Corporation and the Pittsburgh, Chartiers and Youghiogheny Railway Company

Pittsburgh Industrial Railroad, Inc. (PIR), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire and operate certain railroad lines of Consolidated Rail Corporation and the Pittsburgh, Chartiers and Youghiogheny Railway Company (PC&Y), a subsidiary of Conrail, located in Pennsylvania. The rail lines being acquired from Conrail are: (i) between milepost 0.0, at Char Jct., and milepost 2.5, at Carnegie (Canon Industrial Track); (ii) between milepost 0.5, near Carnegie, and milepost 20.4, at South Strabane Township (Canon Industrial Track); (iii)

between milepost 2.5, at Esplen Interlocking, and milepost 11.0, at Collier Township (Carnegie Secondary); (iv) between milepost 0.0, at Collier Township, and milepost 0.8, at Heidelberg Borough (Superior Industrial Track); and (v) between milepost 0.0, at Houston Borough, and milepost 1.0, at Chartiers Township (Westland Branch), for a total of 32.7 miles. The rail lines being acquired from PC&Y are: (i) between milepost 0.0, at McKees Rocks, and milepost 7.5, at Carnegie; (ii) between milepost 8.9, at Woodville Station, and milepost 10.3 at Collier Township; (iii) between milepost 0.0, at McKees Rocks, and milepost 6.5, at Neville Island (Neville Island Branch); and (iv) between milepost 0.0, at Collier Township, and milepost 0.6, at Collier Township (Painter's Run Branch), for a total of 16.0 miles. PIR also seeks to acquire incidental trackage rights over .80 miles of rail line owned by CSX Transportation, Inc., between milepost 1.7 and milepost 2.5 at Neville Island.

The purpose of these trackage rights are to connect the PC&Y's rail lines being acquired by PIR.

The parties intended to consummate the proposed transaction on December 6, 1996.

This transaction is related to STB Finance Docket No. 33309, *RailTex, Inc.—Continuance in Control Exemption—Pittsburgh Industrial Railroad, Inc.*, where RailTex, Inc. will continue to control PIR, upon it becoming a Class III rail carrier.

If the verified 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. 33308, 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 Karl Morell, Esq., Ball Janik LLP, Suite 225, 1455 F Street, N.W., Washington, D.C. 20005.

Decided: December 20, 1996.

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

Vernon A. Williams,

Secretary.

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