

Plaza, 45th Floor, 180 North Stetson Avenue, Chicago, IL 60601.

Decided: January 28, 1997.

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

Vernon A. Williams,
Secretary.

[FR Doc. 97-2696 Filed 2-3-97; 8:45 am]

BILLING CODE 4915-00-P

[STB Finance Docket No. 33332]¹

Summit View Incorporated—Corporate Family Exemption—Continuance in Control of the Youngstown Belt Railroad Company

Summit View Incorporated (Summit) has filed a notice of exemption to continue in control of its subsidiary, The Youngstown Belt Railroad Company (YBRR), upon YBRR's becoming a Class III rail carrier. The transaction was to have been consummated shortly after December 31, 1996, the effective date of the exemption.

YBRR, a noncarrier, has concurrently filed a notice of exemption in *The Youngstown Belt Railroad Company—Lease and Operation Exemption—Warren & Trumbull Railroad Company*, STB Finance Docket No. 33333, to lease and operate approximately 12.9 miles of rail line, together with incidental trackage rights, owned by another Summit subsidiary, The Warren and Trumbull Railroad Company (WTRC); and (2) to acquire and operate 2.4 miles of connected rail line owned by CSX Transportation, Inc. (CSXT) via simultaneous assignment of WTRC's rights under a Track Lease/Operating Agreement with CSXT, a total of 15.3 miles of rail line, exclusive of the incidental trackage rights, located in Mahoning and Trumbull Counties, OH.

Summit controls four other nonconnecting Class III rail carriers: the Ohio & Pennsylvania Railroad Company; the Ohio Central Railroad, Inc.; the Ohio Southern Railroad, Inc.; and the Youngstown & Austintown Railroad, Inc.

Summit has filed its notice of exemption under 49 CFR 1180.2(d)(3) as the proposed continuance in control is a corporate family transaction. Summit states that: Summit, YBRR and WTRC are members of the same corporate family; and that the transactions involved will not result in any adverse changes in service levels, significant operational changes, or a change in the

competitive balance with carriers outside Summit's corporate family. The transaction therefore is exempt from the prior approval requirements of 49 U.S.C. 11323. See 49 CFR 1180.2(d)(3).

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 railroad carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

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. 33332, 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: Kelvin J. Dowd, Slover & Loftus, 1224 Seventeenth Street, N.W., Washington, DC 20036.

Decided: January 29, 1997.

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

Vernon A. Williams,
Secretary.

[FR Doc. 97-2697 Filed 2-3-97; 8:45 am]

BILLING CODE 4915-00-P

[STB Docket No. AB-167 (Sub-No. 1175)]

Consolidated Rail Corporation—Abandonment—in Huntingdon County, PA

The Board has issued a certificate authorizing Consolidated Rail Corporation (Conrail) to abandon its 1.60-mile Mt. Union Industrial Track, from milepost 0.0 to milepost 1.60, in the Borough of Mt. Union, Huntingdon County, PA. The abandonment was granted subject to standard employee protective conditions.

The abandonment certificate will become effective on March 6, 1997, unless the Board finds that a financially responsible person has offered financial assistance (through subsidy or purchase) to enable rail service to be continued.

Requests for public use conditions must be filed with the Board and Conrail by February 14, 1997.

Any offers of financial assistance (OFA) must be filed with the Board and Conrail no later than February 14, 1997.

The following notation must be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Office of Proceedings, AB-OFA." Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10904 and former 49 CFR 1152.27.¹ Requests for public use conditions must conform with former 49 CFR 1152.28(a)(2).

Decided: January 29, 1997.

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

Vernon A. Williams,
Secretary.

[FR Doc. 97-2698 Filed 2-3-97; 8:45 am]

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[STB Docket No. AB-227 (Sub-No. 7X)]

Wheeling & Lake Erie Railway Company—Abandonment Exemption—in Wyandot County, OH

AGENCY: Surface Transportation Board, Transportation.

ACTION: Notice of exemption.

SUMMARY: The Board, under 49 U.S.C. 10502, exempts from the prior approval requirements of 49 U.S.C. 10903 the abandonment by the Wheeling & Lake Erie Railway Company of its 2.3-mile Carey Spur line between milepost 55.3 and milepost 53.0 near Carey, in Wyandot County, OH, subject to labor protective conditions and an environmental condition.

DATES: Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on March 6, 1997. Formal expressions of intent to file an OFA¹ under 49 CFR 1152.27(c)(2) and requests for interim trail use/rail banking under 49 CFR 1152.29 must be filed by February 14, 1997; petitions to stay must be filed by February 19, 1997; requests for a public use condition under 49 CFR 1152.28 must be filed by February 24, 1997; and petitions to reopen must be filed by March 3, 1997.

ADDRESSES: Send pleadings referring to STB Docket No. AB-227 (Sub-No. 7X): (1) Office of the Secretary, Case Control

¹ Although final rules in *Abandonment and Discontinuance of Rail Lines and Rail Transportation under 49 U.S.C. 10903*, STB Ex Parte No. 537 (STB served Dec. 24, 1996) went into effect on January 23, 1997, this abandonment application was filed before that date and, therefore, we have processed the application under the former regulations and will continue to use them in this proceeding to process an OFA, if one is filed.

¹ See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

¹ This notice corrects and supersedes the notice in this proceeding that was served on January 24, 1997, and published the same date at 62 FR 3735.