

penalties imposed on small entities in OST enforcement cases:

1. In determining penalty assessments, the ability of the small entity to pay shall be considered.
2. The amount of each civil penalty assessed against a small entity shall be reduced, and under appropriate circumstances shall be waived, provided that the following conditions are met:
 - a. The small entity corrects the violation within a reasonable period of time;
 - b. The violation was discovered through participation by the small entity in a compliance assistance or audit program operated or supported by the Office of the Secretary (OST) or a State;
 - c. The small entity has not been subject to multiple enforcement actions by OST;
 - d. The violation did not involve willful or criminal conduct;
 - e. The violation posed no serious health, safety or environmental threats; and
 - f. The small entity shows a continuing good faith effort to comply with the law.

3. The Assistant General Counsel for Aviation Enforcement and Proceedings shall keep records of the number of enforcement actions against small entities that qualified or failed to qualify for civil penalty reductions or waivers under this policy and the total amount of penalty reductions and waivers. To the extent that civil penalty reductions or waivers are effectuated by an Administrative Law Judge within the Office of Hearings or by the Office of an Assistant Secretary, that office shall report the relevant information to the Assistant General Counsel for Aviation Enforcement and Proceedings promptly after the action is taken.

4. The term "small entity" is defined in 5 U.S.C. 601.

5. Any questions regarding this policy shall be addressed to the Assistant General Counsel for Regulations and Enforcement.

Issued in Washington, DC, on March 25, 1997.

Rodney E. Slater,

Secretary of Transportation.

[FR Doc. 97-8172 Filed 3-31-97; 8:45 am]

BILLING CODE 4910-62-P

Surface Transportation Board

Release of Waybill Data

The Surface Transportation Board has received a request from Oppenheimer Wolff & Donnelly on behalf of Gateway Western Railway Company (WB520-3/14/97), for permission to use certain

data from the Board's Carload Waybill Samples. A copy of the request may be obtained from the Office of Economics, Environmental Analysis, and Administration.

The waybill sample contains confidential railroad and shipper data; therefore, if any parties object to these requests, they should file their objections with the Director of the Board's Office of Economics, Environmental Analysis, and Administration within 14 calendar days of the date of this notice. The rules for release of waybill data are codified at 49 CFR 1244.8.

Contact: James A. Nash, (202) 565-1542.

Vernon A. Williams,

Secretary.

[FR Doc. 97-8241 Filed 3-31-97; 8:45 am]

BILLING CODE 4915-00-P

[STB Finance Docket No. 33371]

Oil Creek and Titusville Lines—Meadville Division—Operation Exemption

Oil Creek and Titusville Lines—Meadville Division (applicant), a Class III rail carrier, has filed a notice of exemption under 49 CFR 1150.31 to operate a 41.8-mile line of railroad extending between milepost 102.3 at Meadville and milepost 60.5 at Corry, in Erie and Crawford Counties, PA. The rail line had been abandoned by Consolidated Rail Corporation and will be acquired by the Northwest Pennsylvania Rail Authority (Authority) through condemnation proceedings under state law. Applicant will operate the line under an operating agreement with the Authority. See *Consolidated Rail Corporation—Abandonment—Between Corry and Meadville in Erie and Crawford Counties, PA*, Docket No. AB-167 (Sub-No. 1139) (STB served Feb. 10, 1997). The exemption became effective on March 11, 1997.

Any comments must be filed with the Board¹ and served on applicant's representatives: Richard R. Wilson, Esq., 1126 Eighth Avenue, Suite 403, Altoona, PA 16602 and Dearald W. Shuffstall, II, Esq., 201 Arch Street, Suite 200, Meadville, PA 16335-3432.

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 revoke the exemption under 49 U.S.C. 10502(d)

¹ Due to the Board's relocation on March 16, 1997, any filings made after that date must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423.

may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: March 19, 1997.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 97-8240 Filed 3-31-97; 8:45 am]

BILLING CODE 4915-00-P

[STB Docket No. AB-55 (Sub-No. 535X) and STB Docket No. AB-227 (Sub-No. 6X)]

CSX Transportation, Inc.—Abandonment Exemption—in Stark County, OH and Wheeling & Lake Erie Railway Company—Discontinuance of Service Exemption—in Stark County, OH

CSX Transportation, Inc. (CSXT) and Wheeling & Lake Erie Railway Company (W&LE) have filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments and Discontinuances* for CSXT to abandon and W&LE to discontinue service over approximately 0.7 miles of railroad owned by CSXT and leased to and operated by W&LE between milepost 16.0 and milepost 15.3 in Canton, Stark County, OH.¹

CSXT and W&LE has certified that: (1) no local traffic has moved over the line for at least 2 years; (2) any overhead traffic can be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this

¹ W&LE's lease and operation of CSXT's line between Aultman and Canton, OH, including the line segment involved herein, was exempted by the Interstate Commerce Commission in *Wheeling & Lake Erie Railway Company—Lease, Purchase, and Operation Exemption—CSX Transportation, Inc.*, Finance Docket No. 32083 (ICC served Oct. 15, 1992). At the same time, W&LE purchased an adjoining CSXT line extending south from Canton to Sandyville, OH. Service on the Canton-Sandyville line is not affected by this transaction.

condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on May 1, 1997, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,² formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),³ and trail use/rail banking requests under 49 CFR 1152.29⁴ must be filed by April 11, 1997. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by April 21, 1997, with: Office of the Secretary, Case Control Unit, Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicant representatives: Charles M. Rosenberger, Senior Counsel, CSX Transportation, Inc., 500 Water Street J150, Jacksonville, FL 32202 and William C. Sippel, Oppenheimer Wolff & Donnelly, Two Prudential Plaza, 45th Floor, 180 North Stetson Avenue, Chicago, IL 60602.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

CSXT and W&LE have filed an environmental report which addresses the effects of the abandonment and discontinuance, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by April 4, 1997. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423) or by calling SEA, at (202) 565-1545. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking

² The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

³ Each offer of financial assistance must be accompanied by the filing fee, which currently is set at \$900. See 49 CFR 1002.2(f)(25).

⁴ The Board will accept late-filed trail use requests as long as the abandonment has not been consummated and the abandoning railroad is willing to negotiate an agreement.

conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), CSXT and W&LE shall file a notice of consummation with the Board to signify that they have exercised the authority granted and discontinued service and fully abandoned the line. If consummation has not been effected by CSXT's and W&LE's filing of a notice of consummation by April 1, 1998, and there are no legal or regulatory barriers to consummation, the authority to abandon and discontinue will automatically expire.

Decided: March 25, 1997.

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

Vernon A. Williams,
Secretary.

[FR Doc. 97-8238 Filed 3-31-97; 8:45 am]

BILLING CODE 4915-00-P

[STB Docket No. AB-303 (Sub-No. 16X)]

**Wisconsin Central LTD.—
Abandonment Exemption—in Clark
County, WI**

Wisconsin Central LTD. (WCL) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon approximately .64 miles of its line of railroad, known as the Abbotsford line, between milepost 303.37 and milepost 304.01, in Abbotsford, Clark County, WI.

WCL has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on May 1, 1997, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,¹ formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),² and trail use/rail banking requests under 49 CFR 1152.29³ must be filed by April 11, 1997. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by April 21, 1997, with: Office of the Secretary, Case Control Unit, Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicant's representative: Thomas J. Litwiler, Oppenheimer Wolff & Donnelly, Two Prudential Plaza, 45th Floor, 180 North Stetson Avenue, Chicago, IL 60601.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

WCL has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by April 4, 1997. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423) or by calling SEA, at (202) 565-1545. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), WCL shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by WCL's filing of a notice of

¹ The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

² Each offer of financial assistance must be accompanied by the filing fee, which currently is set at \$900. See 49 CFR 1002.2(f)(25).

³ The Board will accept late-filed trail use requests as long as the abandonment has not been consummated and the abandoning railroad is willing to negotiate an agreement.