

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]

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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]

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[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 Derald 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.