

(5) Whether AWHMT's application raises issues concerning the applicability of the Hazardous Materials Regulations, 49 CFR parts 171-180, that should be considered by RSPA (in addition to or instead of action on AWHMT's application) in the rulemaking under Docket No. HM-223, "Applicability of the Hazardous Materials Regulations to Loading, Unloading and Storage." See Advance Notice of Proposed Rulemaking, 61 FR 39522 (July 29, 1996), and Notices of Meeting, 61 FR 49723 (Sept. 23, 1996), 61 FR 53483 (Oct. 11, 1996).

Persons intending to comment should review the standards and procedures governing applications for preemption determinations, set forth at 49 CFR 107.201-107.211.

Issued in Washington, DC, on April 3, 1997.

**Alan I. Roberts,**

*Associate Administrator for Hazardous Materials Safety.*

[FR Doc. 97-9038 Filed 4-8-97; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 33384]

#### Consolidated Rail Corporation; Trackage Rights Exemption; Burlington Northern and Santa Fe Railway Company

The Burlington Northern and Santa Fe Railway Company (BNSF) will agree to grant local trackage rights to Consolidated Rail Corporation (Conrail) between a connection near Panhandle Crossing (Ash Street) located in Chicago, IL, BNSF's milepost 4.51 and a connection near McCook, IL, at BNSF's milepost 12.9, to the town of Willow Springs, IL, BNSF's milepost 17.72, a distance of approximately 13.21 miles.

The transaction is scheduled to be consummated on or about April 7, 1997. The purpose of the trackage rights is to allow Conrail to operate intermodal trains into BNSF's intermodal terminal at Willow Springs, IL.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it 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. 33384, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on John K. Enright, Esq., Conrail Law Department, 16-A, 2001 Market Street, Philadelphia, PA 19101-1416.

Decided: April 2, 1997.

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

**Vernon A. Williams,**  
*Secretary.*

[FR Doc. 97-9098 Filed 4-8-97; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 33326]

#### I&M Rail Link, LLC; Acquisition and Operation Exemption; Certain Lines of Soo Line Railroad Company d/b/a Canadian Pacific Railway

I&M Rail Link, LLC (I&M), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 and 1150.35 to acquire from Soo Line Railroad Company, d/b/a Canadian Pacific Railway (CPR), and operate approximately 1,109 miles of rail line and 262 miles of trackage rights in Iowa, Illinois, Minnesota, Missouri, Wisconsin, and Kansas. I&M will become a Class II rail carrier.<sup>1</sup>

The system to be acquired consists of: (1) CPR's "KC Mainline" between Kansas City, MO, and Pingree Grove, IL, including trackage rights between Pingree Grove and Chicago, IL; and (2) CPR's "Corn Lines" between Sabula and Sheldon, IA, including branch lines and trackage rights in southern Minnesota.<sup>2</sup>

The KC Mainline. The KC Mainline runs from Kansas City, MO (MP 499.2),<sup>3</sup> northeasterly through Missouri and Iowa to a junction near Sabula, IA (MP

141.6), at the Iowa-Illinois border,<sup>4</sup> including branch lines from Davenport, IA (MP 0.0), to Eldridge, IA (MP 9.7) (the Eldridge Branch), and from Davenport, IA (MP 0.0) to Albany, IL (MP 35.0) (the Nitrin Branch);<sup>5</sup> and then from the junction near Sabula, IA (MP 141.6), easterly across northern Illinois to Pingree Grove, IL (MP 41.9), including a branch line from Davis Jct., IL (MP 0.0), to Rockford, IL (MP 12.9), and then beyond to Janesville, WI (MP 45.8) (the Janesville Branch).<sup>6</sup>

The Corn Lines. The Corn Lines run from the junction near Sabula, IA (MP 141.6), north-northwesterly, approximately following Iowa's eastern border, to a junction near Marquette, IA (MP 98.0),<sup>7</sup> and then northerly into Minnesota to La Crescent, MN (MP 160.1); from the junction near Marquette (MP 0.0), westerly across northern Iowa to a junction at Mason City, IA (MP 116.7),<sup>8</sup> and continuing westerly to Sheldon, IA (MP 253.4); from the junction near Mason City northerly into Minnesota to a junction near Comus, MN (MP 123.8); and from a junction near Ramsey, MN (MP 43.0), westerly across southern Minnesota to Jackson, MN (MP 149.4),<sup>9</sup> including a branch line from Wells, MN (MP 0.0), to Minnesota Lake, MN (MP 9.0).

Additional Incidental Trackage Rights. I&M will also acquire from CPR additional incidental trackage rights: (i) For certain traffic over 34.9 miles of rail line from the end of CPR's line at Pingree Grove, IL, over certain lines owned by the Commuter Rail Division of the Regional Transportation Authority (METRA), to a connection with the Belt Railway Company of Chicago at Cragin Jct. (MP 7.0) in the Chicago Terminal; (ii) for overhead traffic over 125.8 miles of rail line owned by CPR, part of which is owned in common with BNSF, from River Jct.,

<sup>4</sup> Operation on the mainline at Clinton, IA, will require assumption of CPR's trackage rights through the UP interlocking at approximately MP 158.4.

<sup>5</sup> Over the Nitrin Branch, which is owned by The Burlington Northern and Santa Fe Railway Company (BNSF), I&M will acquire incidental trackage rights through an assignment of rights from CPR.

<sup>6</sup> Over the segment of the Janesville Branch that lies between Davis Jct. and Rockford (the Rockford Segment), which segment is owned by BNSF, I&M will acquire incidental trackage rights through an assignment of rights from CPR.

<sup>7</sup> Operation on the "Dubuque Segment" through Dubuque, IA, will involve the assumption by I&M of CPR's rights to operate on 1.7 miles of the former Chicago, Central & Pacific Railroad Company.

<sup>8</sup> I&M will assume CPR's trackage rights agreement for operation on the Iowa Northern Railway Company (IANR) from Plymouth Jct., IA (IANR MP 219.5), to Nora Springs, IA (IANR MP 210.7) (the Nora Springs Segment).

<sup>9</sup> Operation from Fairmont, MN (MP 182.97), to Welcome, MN (MP 190.28) will be by assumption of CPR's trackage rights on UP (the Welcome Segment).

<sup>1</sup> This proceeding is related to STB Finance Docket No. 33327, wherein Dennis Washington, William H. Brodsky, Mort Lowenthal, Dorn Parkinson, J. Fred Simpson, and Thomas J. Walsh have filed a notice of exemption to continue in control of I&M upon I&M's becoming a Class II rail carrier.

<sup>2</sup> I&M indicates that, to the extent the assumption by I&M of any of these trackage rights requires the consent of third parties, I&M will take appropriate steps to obtain such consent.

<sup>3</sup> Operations into and out of Kansas City are via: a paired track agreement with the Union Pacific Railroad Company (UP) from Polo, MO (MP 456.7) to Birmingham, MO (MP 494.5); a joint track agreement with UP from Birmingham, MO (MP 494.5) to Airline Jct., MO (MP 499.2); and beyond for approximately 0.13 miles to Sheffield, MO, on a segment owned jointly by CPR and the Kansas City Southern Railway Company (KCS).