

from Hulcher. All comments received before the close of business on the comment closing date indicated at the beginning of this notice will be considered and will be available for examination in the docket at the location listed under the address section of this notice. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable, but the FHWA may deny the exemption at any time after the close of the comment period. In addition to late comments, the FHWA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

**Authority:** 49 U.S.C. 31136 and 31315; and 49 CFR 1.48.

Issued on: July 22, 1999.

**Kenneth R. Wykle,**

*Federal Highway Administrator.*

[FR Doc. 99-19463 Filed 7-29-99; 8:45 am]

BILLING CODE 4910-22-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 33784]

#### **Penn Virginia Corporation— Continuance in Control Exemption— Kanawha Rail Corp.**

Penn Virginia Corporation (Penn Virginia) has filed a notice of exemption to continue in control of the Kanawha Rail Corp. (Kanawha),<sup>1</sup> upon Kanawha's becoming a Class III railroad.

The transaction is scheduled to be consummated on July 29, 1999, the effective date of the exemption (7 days after the notice of exemption was filed).

This transaction is related to STB Finance Docket No. 33783, *Kanawha Rail Corp.—Acquisition and Operation Exemption—Winifrede Railroad Company*, wherein Kanawha seeks to acquire and operate approximately 6.47 miles of rail line together with associated rail properties from the Winifrede Railroad Company.

Penn Virginia indirectly exercises control over the Powell River Railroad Company (PRR). PRR is wholly owned by the Powell River Railroad Corporation (PRCC). PRCC, in turn, is wholly owned by Penn Virginia.

Penn Virginia states that: (i) the rail line to be operated by Kanawha does not connect with the PRR (the only other railroad controlled by Penn Virginia);

(ii) the transaction is not part of a series of anticipated transactions that would connect Kanawha with the PRR; and (iii) the transaction does not involve a Class I carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. See 49 CFR 1180.2(d)(2).

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 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. 33784, 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 Kelvin J. Dowd, Esq., Slover & Loftus, 1224 Seventeenth Street, N.W., Washington, DC 20036.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: July 23, 1999.

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

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 99-19560 Filed 7-29-99; 8:45 am]

BILLING CODE 4915-00-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 33783]

#### **Kanawha Rail Corp.—Acquisition and Operation Exemption—Winifrede Railroad Company**

Kanawha Rail Corp. (Kanawha),<sup>1</sup> a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from Winifrede Railroad Company and operate approximately 6.47 miles of rail trackage in Kanawha

County, WV (subject line), together with associated rail properties. The subject line extends from its northern terminus at an interchange with CSX Transportation, Inc., at CSX Station 670+30, south along Fields Creek, in Cabin Creek District, to its southern terminus.

Kanawha reports that it intends to consummate the transaction upon the effective date of the exemption. The earliest the transaction can be consummated is July 29, 1999 (7 days after the exemption was filed).

This transaction is related to STB Finance Docket No. 33784, *Penn Virginia Corporation—Continuance in Control Exemption—Kanawha Rail Corp.*, wherein Penn Virginia Corporation has concurrently filed a verified notice to continue in control of Kanawha upon its becoming a Class III rail carrier.

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 revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33783, 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 Kelvin J. Dowd, Esq., Slover & Loftus, 1224 Seventeenth Street, N.W., Washington, DC 20036.

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Decided: July 23, 1999.

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

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 99-19559 Filed 7-29-99; 8:45 am]

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## DEPARTMENT OF THE TREASURY

#### **General Counsel Designation No. 241; Appointment of Members to the Legal Division Performance Review Board**

Under the authority granted to me as General Counsel of the Department of the Treasury by 31 U.S.C. 301 and 26 U.S.C. 7801, Treasury Department Order No. 101-5 (Revised), and pursuant to the Civil Service Reform Act, I hereby appoint the following individuals to the Legal Division Performance Review Board:

<sup>1</sup> Kanawha was formerly known as Penn Virginia Resources Marketing Corporation.

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