

## MODIFICATIONS TO EXEMPTIONS—Continued

Application No.	Applicant	Reason for delay	Estimated date of completion
11526-M .....	BOC Gases, Murray Hill, NJ .....	4	05/31/2001
11237-M .....	JCI Jones Chemicals, Inc., Milford, VA .....	4	05/31/2001
11769-M .....	Great Western Chemical Company, Portland, OR .....	4	05/31/2001
11769-M .....	Great Western Chemical Company, Portland, OR .....	4	05/31/2001
11769-M .....	Hydrite Chemical Company, Brookfield, WI .....	4	05/31/2001
11798-M .....	Air Products and Chemicals, Inc., Allentown, PA .....	4	05/31/2001
11798-M .....	Anderson Development Company, Adrian, MI .....	4	06/29/2001
11911-M .....	Transfer Flow, Inc., Chico, CA .....	4	06/29/2001
12178-M .....	STC Technologies, Inc., Bethlehem, PA .....	1	06/29/2001

[FR Doc. 01-10572 Filed 4-27-01; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

## Surface Transportation Board

[STB Finance Docket No. 34016]

**Livonia, Avon & Lakeville Railroad Corporation—Continuance in Control Exemption—Western New York & Pennsylvania Railroad, LLC**

Livonia, Avon & Lakeville Railroad Corporation (LAL), a Class III rail carrier, has filed a verified notice of exemption to continue in control of Western New York & Pennsylvania Railroad, LLC (WNYP), upon WNYP's becoming a carrier.

This transaction is related to STB Finance Docket No. 34017, *Western New York & Pennsylvania Railroad, LLC—Lease and Operation Exemption—Norfolk Southern Railway Company and Pennsylvania Lines LLC*, wherein WNYP seeks to sublease and operate a line of railroad approximately 145.2 miles long in Steuben, Allegany, Cattaraugus and Chautauqua Counties, NY, and Erie County, PA.

According to the verified notice of exemption, LAL expects to continue in control of WNYP once WNYP becomes a rail carrier after approval or exemption of that transaction. The earliest the transaction could have been consummated was April 19, 2001, the effective date of the exemption (7 days after the exemption was filed).

At the time it filed the notice, LAL owned and controlled one existing Class III rail carrier: Ontario Central Railroad Corporation, which operates in New York.

LAL states that: (i) LAL will not connect with the rail lines of any existing carrier in the LAL family; (ii) the continuance in control is not part of a series of anticipated transactions that would result in such a connection; 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. 34016, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Kevin M. Sheys, Esq., Kirkpatrick & Lockhart LLP, 1800 Massachusetts Avenue, Second Floor, Washington, DC 20036.

Board decisions and notices are available on our website at "www.stb.dot.gov."

Dated: April 23, 2001.

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

**Vernon A. Williams,**  
Secretary.

[FR Doc. 01-10552 Filed 4-27-01; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

## Surface Transportation Board

[STB Finance Docket No. 34017]

**Western New York & Pennsylvania Railroad, LLC—Lease and Operation Exemption—Norfolk Southern Railway Company and Pennsylvania Lines LLC**

Western New York & Pennsylvania Railroad, LLC (WNYP), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to sublease (except for a 0.3-mile segment over which it will have trackage rights as described below) from Norfolk Southern Railway Company (NS) and operate a rail line in Steuben, Allegany, Cattaraugus and Chautauqua Counties, NY, and Erie County, PA (subject line).<sup>1</sup> The subject line extends between approximately milepost 332, at Hornell, NY, and approximately milepost 60.5, at Corry, PA, a total distance of approximately 145.2 route miles.<sup>2</sup> WNYP will acquire incidental trackage rights on the 0.3-mile portion of the subject line between approximately milepost 394.9 and approximately milepost 395.2. In addition, WNYP will acquire incidental trackage rights over 2.7 additional miles of passing track between milepost 395.1 and approximately milepost 397.8.

The parties report that they intend to consummate the transaction on the effective date of the exemption. The earliest the transaction could have been consummated was April 19, 2001 (7 days after the exemption was filed).

This transaction is related to STB Finance Docket No. 34016, *Livonia, Avon & Lakeville Railroad—*

<sup>1</sup> The subject line is owned by the Chautauqua, Cattaraugus, Allegany and Steuben Southern Tier Extension Railroad Authority, currently leased by Pennsylvania Lines LLC, and operated by NS.

<sup>2</sup> According to the verified notice, the portions of the rail line east of Olean, NY, approximately milepost 394.9, and west of Lakewood, NY, approximately milepost 36.9, are presently out of service.