

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 11324–25 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 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 reopen will not automatically stay the transaction. An original and 10 copies of all pleadings, referring to STB Finance Docket No. 32947 (Sub-No. 2), must be filed with the Office of the Secretary, Case Control Branch, Surface Transportation Board, 1201 Constitution Avenue, NW, Washington, DC 20423. In addition, a copy of each pleading must be served on Edward J. McAndrew, Slover & Loftus, 1224 Seventeenth Street, N.W., Washington, D.C. 20036.

Decided: June 21, 1996.

By the Board, David M. Konschnik,  
Director, Office of Proceedings.  
Vernon A. Williams,  
Secretary.

[FR Doc. 96–16409 Filed 6–26–96; 8:45 am]

BILLING CODE 4915–00–P

## Surface Transportation Board<sup>1</sup>

[STB Finance Docket No. 32947 (Sub-No. 2)]

### K. Earl Durden—Acquisition of Control Exemption—Rail Partners, L.P., Et Al.

K. Earl Durden (Durden), a noncarrier individual, has filed a notice of exemption to acquire control of Rail Partners, L.P. (Partners), Rail Management and Consulting Corporation (RMCC) and 12 commonly-controlled shortline railroads (hereinafter the RMCC Railroad Group)<sup>2</sup>

<sup>1</sup> The ICC Termination Act of 1995, Pub. L. No. 104–88, 109 Stat. 803, which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission and transferred certain functions to the Surface Transportation Board (Board). This decision relates to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 11323–25.

<sup>2</sup> The 12 railroads are: Atlantic & Western Railway, L.P.; The Bay Line Railroad, L.L.C.; Copper Basin Railway; East Tennessee Railway, L.P.; Galveston Railroad, L.P.; Georgia Central Railway, L.P.; KWT Railway, Inc.; Little Rock & Western Railway, L.P.; Tomahawk Railway, L.P.; Valdosta Railway, L.P.; Western Kentucky Railway, L.L.C.; and Wilmington Terminal Railroad, L.P., which are located in Alabama, Arizona, Arkansas,

through his purchase of Green Bay Packaging, Inc.'s (GBP) ownership interests in the aforementioned entities and railroads. Currently, Durden and GBP each hold a 49.5% interest and RMC holds a 1% interest in Partners, a Delaware limited partnership; Durden and GBP each own a 50% interest in RMCC, a non-carrier holding company; and Durden and GBP each own a 50% interest in each of the railroads in the RMCC Railroad Group. By this transaction, Durden will acquire 100% ownership and control in Partners, RMCC, and the RMCC Railroad Group. The exemption will be effective on June 24, 1996, and the parties intend to consummate this transaction on June 30, 1996.

This transaction is related to a notice of exemption concurrently filed in STB Finance Docket No. 32947 (Sub-No. 1), *The A&G Railroad, L.L.C.—Merger—The Bay Line Railroad, L.L.C.—Corporate Family Transaction Exemption*, for a transaction which would merge the properties of two intracorporate family rail carriers, whose operations connected via trackage rights over a third (unaffiliated) carrier. Once the merger is consummated, the proposed acquisition of control by Durden qualifies for the class exemption for acquisition of control in this proceeding.

Durden states that: (1) The transaction will not result in any of the subject railroads connecting with one another or any railroads in their corporate family; (2) the proposed transaction is not part of a series of anticipated transactions that would connect the subject railroads with each other or any railroad in their corporate family; and the transaction involves only Class III carriers. The transaction therefore 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 11324–25 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 verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to reopen the proceeding to revoke the exemption

Florida, Georgia, Kentucky, North Carolina, Tennessee, Texas, and Wisconsin.

under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to reopen will not automatically stay the transaction. An original and 10 copies of all pleadings, referring to STB Finance Docket No. 32947 (Sub-No. 2), must be filed with the Office of the Secretary, Case Control Branch, Surface Transportation Board, 1201 Constitution Avenue, NW, Washington, DC 20423. In addition, a copy of each pleading must be served on Edward J. McAndrew, Slover & Loftus, 1224 Seventeenth Street, N.W., Washington, D.C. 20036.

Decided: June 21, 1996.

By the Board, David M. Konschnik,  
Director, Office of Proceedings.  
Vernon A. Williams,  
Secretary.

[FR Doc. 96–16408 Filed 6–26–96; 8:45 am]

BILLING CODE 4915–00–P

## Surface Transportation Board<sup>1</sup>

[STB Finance Docket No. 32753]

### R.J. Corman Railroad Company/ Western Ohio Line—Modified Rail Certificate—Between Lima and Glenmore, OH

On May 13, 1996, R.J. Corman Railroad Company/Western Ohio Line (RJCW) filed a notice for a modified certificate of public convenience and necessity under 49 CFR 1150.23 to operate as a sub-operator a line of railroad, the SPEG Line, between milepost 54.4 at Lima, OH, and milepost 84.2 at Glenmore, OH.

The line was formerly part of the main line of the bankrupt Erie Lackawanna Railway Company (EL) between New York and Chicago. The line was not designated for transfer to Consolidated Rail Corporation (Conrail), but was available for subsidy under section 304 of the Regional Rail Reorganization Act of 1973 (3R Act). *USRA-Final System Plan-July 1975—Vol. II*, page 122. Under section 304, EL gave notice of intent to abandon the line effective March 31, 1976. In 1977, the line was acquired by the Ohio Rail Transportation Authority, and the Spencerville & Elgin Railroad Company (SPEG) was designated as operator. *Certificate of Designated Operator—Spencerville & Elgin Railroad Company*, D–OP 23 (ICC served Feb. 13, 1979).

<sup>1</sup> The ICC Termination Act of 1995, Pub. L. No. 104–88, 109 Stat. 803 (the ICCTA), which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission and transferred certain functions to the Surface Transportation Board (Board). This notice relates to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 10901 and 10903.

The State of Ohio purchased the line from EL's bankruptcy estate in 1981, and the Van Wert County and Allen County Port Authorities (Authorities) acquired the line from the State in September 1982. In 1990, SPEG gave notice of intent to terminate service and no longer provides service on the line.<sup>2</sup>

Indiana Hi-Rail Corporation (IHRC) took over operations on the line in 1991, and acquired a modified rail certificate to operate the line. *Indiana Hi-Rail Corporation—Modified Rail Certificate*, Finance Docket No. 31871 (ICC served June 20, 1991). IHRC ceased service on the line in November 1993.

Pursuant to a sub-operating agreement dated March 26, 1996, and an addendum dated April 3, 1996, between RJCW (sub-operator) and SPEG (operator), RJCW will assume operations over the line for a two-year period from May 20, 1996, to May 20, 1998, subject to renewal upon agreement by the parties.

This rail line qualifies for a modified certificate of public convenience and necessity. A rail line which was approved for abandonment under the Final System Plan, but over which operations were continued by a D-OP, has been "fully abandoned, or approved for abandonment" within the meaning of 49 CFR 1150.21. *See Common Carrier Status of States, State Agencies and Instrumentalities, and Political Subdivisions*, Finance Docket No. 28990F (ICC served July 16, 1981), pp. 9-10.

No subsidy is involved and there are no preconditions for shippers to meet in order to receive rail service. Operations over the line will be conducted for a two-year period, subject to renewal upon agreement by the parties, unless terminated upon appropriate notice in accordance with 49 CFR 1150.24.

This line connects with Conrail at Lima and with IHRC at Ohio City, OH. RJCW will interchange traffic with CSX Transportation, Inc., Norfolk and Western Railway Company, and its existing line at Lima, which will promote new business on the line.

This notice must be served on the Association of American Railroads (Car Service Division) as agent of all railroads subscribing to the car-service and car-hire agreement: Association of American Railroads, 50 F St., NW., Washington, DC 20001; and on the

American Short Line Railroad Association: American Short Line Railroad Association, 1120 G St., NW., Suite 520, Washington, DC 20005.

Decided: June 19, 1996.

By the Board, David M. Konschnik, Director, Office of Proceedings.  
Vernon A. Williams,  
*Secretary*.

[FR Doc. 96-16407 Filed 6-26-96; 8:45 am]

BILLING CODE 4915-00-P

### Surface Transportation Board<sup>1</sup>

[STB Docket No. AB-449 (Sub-No. 2)]

#### Western Kentucky Railway, L.L.C.— Abandonment—Between Blackford and Princeton, KY

The Board has issued a certificate authorizing Western Kentucky Railway, L.L.C. (WKR), to abandon its 34.75-mile line between milepost JE62.5 at Blackford and milepost JE97.25 at Princeton, in Crittenden and Caldwell Counties, KY, subject to the standard employee protective conditions.

The abandonment certificate will become effective on July 27, 1996, unless within 15 days after publication of this notice, the Board finds that: (1) a financially responsible person has offered financial assistance (through subsidy or purchase) to enable rail service to be continued.

Requests for public use conditions must be filed with the Board and WKR no later than July 8, 1996.

Any offers of financial assistance must also be filed with the Board and WKR no later than July 8, 1996. The offer, referring to Docket No. AB-449 (Sub-No. 2), must be addressed to: (1) Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Ave., N.W., Washington, DC 20423; and (2) Patricia E. Kolesar, Slover and Loftus, 1224 17th Street, N.W., Washington, DC 20036. The following notation must be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Office of Proceedings, AB-OFA". Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10903 and 49 CFR 1152.27. Requests for public use conditions must conform with 49 CFR 1152.28(a)(2). Additional

information is contained in the Board's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: DC News & Data, Inc., Room 2229, 1201 Constitution Ave., N.W., Washington, DC 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services at (202) 927-5721.]

Decided: June 20, 1996.

By the Board, David M. Konschnik, Director, Office of Proceedings.  
Vernon A. Williams,  
*Secretary*.

[FR Doc. 96-16410 Filed 6-26-96; 8:45 am]

BILLING CODE 4915-00-P

### Federal Aviation Administration

#### Proposed Advisory Circular (AC) 23.733-X, Tundra Tires

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of availability of Proposed Advisory Circular (AC) 23.733-X, and request for comments.

**SUMMARY:** This notice announces the availability of and request for comments on a proposed advisory circular (AC) that serves several purposes. First, it summarizes the results of flight tests recommended by the National Transportation Safety Board (NTSB) and conducted by the Federal Aviation Administration (FAA) investigating the effects of tundra tires installed on a Piper PA-18. Second, it provides information concerning possible hazards associated with the type of operations common for tundra tire users and potential adverse effects of untested installations. Third, it provides general information about the certification process for oversize "tundra" tires, as well as an example "compliance checklist" for the installation of such tires on light airplanes, which have Civil Air Regulations (CAR) part 3 for a certification basis.

**DATES:** Comments must be received on or before July 29, 1996.

**ADDRESSES:** Send all comments on the proposed AC to: Federal Aviation Administration, Attention: Standards Office, ACE-110, Small Airplane Directorate, Aircraft Certification Service, 601 East 12th Street, Kansas City, Missouri 64106.

**FOR FURTHER INFORMATION CONTACT:** Terre Flynn, Regulations and Policy Branch, ACE-111, at the address above, telephone number (816) 426-6941.

**SUPPLEMENTARY INFORMATION:** Any person may obtain a copy of this

<sup>2</sup> While no longer conducting operations as a rail carrier, SPEG remains in existence as a wholly owned subsidiary of an on-line shipper, Countrymark Cooperative, Inc. Under an existing contract between SPEG and the Authorities, SPEG is responsible for administering the line and arranging for an operator to provide rail service thereon.

<sup>1</sup> The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803, which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission and transferred certain functions to the Surface Transportation Board (Board). This notice relates to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 10903.