

a notice of exemption to acquire and operate approximately 28.35 miles of rail line known as the Greensburg Cluster owned by Consolidated Rail Corporation in Westmoreland and Fayette Counties, PA. The Greensburg Cluster consists of the following interconnected rail lines: (1) the Greensburg Industrial Track between milepost 0.05+/- and milepost 2.50+/-; (2) the Southwest Secondary Track between milepost 2.50+/- and milepost 17.54+/-, together with portions of the Sewickly Branch and the Tarr Branch; (3) the Southwest Branch/Southwest Secondary Track between milepost 17.54+/- and milepost 23.80+/-; (4) the Long Siding between milepost 0.1+/- and milepost 1.04+/-; (5) the Southwest (Radebaugh) Secondary Track and the Long Siding between milepost 1.04+/- and milepost 2.50+/-; and (6) the Yukon Industrial Track between milepost 0.00+/- and milepost 3.00+/-.¹ Consummation of the proposed transaction took place on June 28, 1995.

This transaction is related to a simultaneously filed notice of exemption in Finance Docket No. 32734, *Phillip C. Larson, Russell A. Peterson and Dennis E. Larson—Continuance in Control Exemption—Southwest Pennsylvania Railroad Company*, in which SWP's shareholders seek to continue in control of SWP and Camp Chase Industrial Railroad Corporation, a class III shortline railroad, when SWP becomes a carrier.²

Any comments must be filed with the Commission and served on: Keith G. O'Brien, 1920 N St., NW, Suite 420, Washington, DC 20036.

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. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: July 13, 1995.

¹ These lines connect at Everson, PA, with a rail line that SWP seeks simultaneously to lease and operate from Westmoreland County Industrial Development Corporation and Fay-Penn Land Trust, both non-profit corporations, in Finance Docket No. 32737, *Southwest Pennsylvania Railroad Company—Lease and Operation Exemption—Lines of Westmoreland County Industrial Development Corporation and Fay-Penn Land Trust*.

² Notice of an acquisition and operation exemption was given by the Commission in *Camp Chase Industrial Railroad Corporation—Acquisition and Operation Exemption—Line of Consolidated Rail Corporation*, Finance Docket No. 32581 (ICC served Oct. 21, 1994).

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

Vernon A. Williams,
Secretary.

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[Finance Docket No. 32734]

Phillip C. Larson, Russell A. Peterson and Dennis E. Larson—Continuance in Control Exemption—Southwest Pennsylvania Railroad Company

Phillip C. Larson, Russell A. Peterson and Dennis E. Larson, noncarrier individuals, have filed a notice of exemption to continue in control of Southwest Pennsylvania Railroad Company (SWP), upon SWP becoming a class III rail carrier. SWP, a noncarrier, has concurrently filed notices of exemption in Finance Docket No. 32692, *Southwest Pennsylvania Railroad Company—Acquisition and Operation Exemption—Lines of Consolidated Rail Corporation* (in which SWP seeks to acquire and operate approximately 28.35 miles of rail line owned by Consolidated Rail Corporation in Westmoreland and Fayette Counties, PA), and in Finance Docket No. 32737, *Southwest Pennsylvania Railroad Company—Lease and Operation Exemption—Lines of Westmoreland County Industrial Development Corporation and Fay-Penn Land Trust* (in which SWP seeks to lease and operate approximately 9.56 miles of rail line owned by two non-profit corporations in those same two counties). The parties intended to consummate this transaction on or after June 28, 1995.

The above individuals control another nonconnecting class III rail carrier: Camp Chase Industrial Railroad Corporation (CCIR), operating in Ohio.¹ The shareholders' ownership interest in CCIR is 14 percent each for Phillip and Dennis Larson, and 72 percent for Russell Peterson. Each of the individuals also owns 33⅓ percent of the stock of SWP.

The parties state that: (1) The railroads will not connect with each other or with any railroads in their corporate family; (2) the continuance in control is not part of a series of anticipated transactions that would connect the railroads with each other or any railroad in their corporate family; and (3) the transaction does not involve

¹ Notice of an acquisition and operation exemption was given by the Commission in *Camp Chase Industrial Railroad Corporation—Acquisition and Operation Exemption—Line of Consolidated Rail Corporation*, Finance Docket No. 32581 (ICC served Oct. 21, 1994).

a class I carrier. The transaction is therefore exempt from the prior approval requirements of 49 U.S.C. 11343. See 49 CFR 1180.2(d)(2).

As a condition to use of this exemption, any employees affected by the transaction will be protected by the conditions set forth in *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979).

Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction. Pleadings must be filed with the Commission and served on: Keith G. O'Brien, 1920 N St., NW, Suite 420, Washington, DC 20036.

Decided: July 13, 1995.

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

Vernon A. Williams,
Secretary.

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[Finance Docket No. 27748 (Sub-No. 1)]

Chicago and North Western Railway Company and Wisconsin Central Limited—Joint Relocation Project Exemption—in Wood County, WI

On June 23, 1995, Chicago and North Western Railway Company (CNW) and Wisconsin Central Limited (WCL) jointly filed a notice of exemption under 49 CFR 1180.2(d)(5) to relocate lines of railroad. The proposed transaction was expected to be consummated on or after June 30, 1995.

The line relocation project will result in the rearrangement, consolidation and rationalization of CNW's trackage rights over WCL's lines between Wisconsin Rapids and Nekoosa, WI. CNW currently operates over two of WCL's tracks under separate trackage rights agreements. Under the first agreement (the Milwaukee Road Agreement), dated September 20, 1973, between CNW and the Chicago, Milwaukee, St. Paul and Pacific Company, CNW was granted overhead trackage rights over a line between Necedah and Wisconsin Rapids, WI, via Nekoosa, WI. CNW was also granted the right to use the line in an emergency to serve Port Edwards and Nekoosa, WI.

Under the second agreement (the Soo Agreement), dated April 17, 1973, between CNW and Soo Line Railroad Company (Soo), CNW was granted overhead trackage rights between Nekoosa and Wisconsin Rapids, WI.¹

¹ The Milwaukee Road Agreement was assumed by Soo Line Railroad Company (Soo) in 1985. See

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