

impact guard. The applicant has contacted a British manufacturer of a retractable rear impact guard but the information received to date does not look encouraging. If an exemption is granted, the applicant will continue to explore the feasibility of a retractable rear guard that allows connection with a paver.

The applicant believes that an exemption would be in the public interest and consistent with traffic safety objectives because the Flow Boy aids in the construction of the national road system. It spends very little of its operating life on the highway and the likelihood of its being involved in a rear-end collision is minimal. In addition, the design of the Flow Boy is such that the rear tires act as a buffer and reduce the likelihood of impact with the trailer.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket and notice number, and be submitted to: Docket Management, National Highway Traffic Safety Administration, room PL-401, 400 Seventh Street, SW, Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date below will be considered, and will be available for examination in the docket at the above address both before and after that date, between the hours of 10 a.m. and 5 p.m. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: December 11, 1997.

**Authority:** 49 U.S.C. 30113; delegations of authority at 49 CFR 1.50 and 501.4.

Issued on November 13, 1997.

**L. Robert Shelton,**

*Associate Administrator for Safety Performance Standards.*

[FR Doc. 97-30675 Filed 11-20-97; 8:45 am]

BILLING CODE 4910-59-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

#### Release of Waybill Data

The Surface Transportation Board has received a request from Reebeie Associates on behalf of Norfolk Southern Railway Company (WB484-1-11/4/97), for permission to use certain data from the Board's Carload

Waybill Samples. A copy of the request may be obtained from the Office of Economics, Environmental Analysis, and Administration.

The waybill sample contains confidential railroad and shipper data; therefore, if any parties object to these requests, they should file their objections with the Director of the Board's Office of Economics, Environmental Analysis, and Administration within 14 calendar days of the date of this notice. The rules for release of waybill data are codified at 49 CFR 1244.8.

Contact: James A. Nash, (202) 565-1542.

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

[FR Doc. 97-30666 Filed 11-20-97; 8:45 am]

BILLING CODE 4915-00-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 33503]

**Delaware Transportation Group, Inc.—Acquisition Exemption—Delaware Valley Railway Company, Inc.**

Delaware Transportation Group, Inc. (DTGI), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from the Delaware Valley Railway Company, Inc. approximately 23.4 miles of rail line between approximately milepost 31.2, at Gettysburg, PA, and milepost 7.8, at Mt. Holly Springs, PA.

The transaction is scheduled to be consummated on or after October 31, 1997.

This transaction is related to two simultaneously filed notices of exemption in STB Finance Docket No. 33505, *John H. Marino—Continuance in Control Exemption—Delaware Transportation Group, Inc., Gettysburg Railway Company, Inc., and Evansville Terminal Company, Inc.*, wherein John H. Marino will continue in control of DTGI, upon its becoming a Class III rail carrier and STB Finance Docket No. 33504, *Gettysburg Railway Company, Inc.—Lease and Operation Exemption—Delaware Transportation Group, Inc.*, wherein Gettysburg Railway Company, Inc., will lease and operate the lines being acquired by DTGI.

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. 33503, 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 Robert A. Wimbish, Esq., Rea, Cross & Auchincloss, 1920 N Street, N.W., Suite 420, Washington, DC 20036.

Decided: November 17, 1997.

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

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

[FR Doc. 97-30670 Filed 11-20-97; 8:45 am]

BILLING CODE 4915-00-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 33505]

**John H. Marino—Continuance in Control Exemption—Delaware Transportation Group, Inc., Gettysburg Railway Company, Inc., and Evansville Terminal Company, Inc.**

John H. Marino (Marino) has filed a notice of exemption to continue in control of the Delaware Transportation Group, Inc. (DTGI), the Gettysburg Railway Company, Inc. (GRCI), and the Evansville Terminal Company, Inc. (ETCI).

DTGI and GRCI will become Class III rail carriers upon conclusion of the transactions covered by two simultaneously filed notices of exemption in (1) STB Finance Docket No. 33503, *Delaware Transportation Group—Acquisition Exemption—Delaware Valley Railway Company, Inc.*, wherein DTGI seeks to acquire certain rail lines from the Delaware Valley Railway Company, Inc., and (2) STB Finance Docket No. 33504, *Gettysburg Railway Company, Inc.—Lease and Operation Exemption—Delaware Transportation Group, Inc.*, wherein GRCI will lease and operate the rail lines being acquired by DTGI in STB Finance Docket No. 33503. ETCI is an existing Class III rail carrier operating in the States of Indiana and Illinois.<sup>1</sup>

The transaction was expected to be consummated on or after October 31, 1997.

Marino states that: (i) the rail lines to be controlled do not connect with each other or any other railroads in the corporate family; (ii) the transaction is not part of a series of anticipated

<sup>1</sup> Marino states that he currently possesses an interest in ETCI.

transactions that would connect the railroads with each other or any railroad in their corporate family; 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. 33505, 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 Robert A. Wimbish, Esq., Rea, Cross & Auchincloss, 1920 N Street, N.W., Suite 420, Washington, DC 20036.

Decided: November 17, 1997.

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

**Vernon A. Williams,**

Secretary.

[FR Doc. 97-30674 Filed 11-20-97; 8:45 am]

BILLING CODE 4915-00-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 33504]

#### Gettysburg Railway Company, Inc.— Lease and Operation Exemption— Delaware Transportation Group, Inc.

Gettysburg Railway Company, Inc. (GRCI), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to lease from Delaware Transportation Group, Inc. (DTGI), and to operate, approximately 23.4 miles of rail line between approximately milepost 31.2, at Gettysburg, PA, and milepost 7.8, at Mt. Holly Springs, PA.

The transaction is scheduled to be consummated on or after October 31, 1997.

This transaction is related to two simultaneously filed notices of exemption in STB Finance Docket No. 33505, *John H. Marino—Continuance in Control Exemption—Delaware Transportation Group, Inc., Gettysburg Railway Company, Inc., and Evansville Terminal Company, Inc.*, wherein John H. Marino will continue in control of GRCI, upon its becoming a Class III rail carrier, and STB Finance Docket No. 33503, *Delaware Transportation Group, Inc.—Acquisition Exemption—Delaware Valley Railway Company, Inc.*, wherein DTGI will acquire the lines to be operated by GRCI.

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. 33504, 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 Robert A. Wimbish, Esq., Rea, Cross & Auchincloss, 1920 N Street, N.W., Suite 420, Washington, DC 20035.

Decided: November 17, 1997.

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

**Vernon A. Williams,**

Secretary.

[FR Doc. 97-30671 Filed 11-20-97; 8:45 am]

BILLING CODE 4915-00-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 33493]

#### RailAmerica, Inc.—Acquisition of Control Exemption—Cape Fear Railways, Inc.

RailAmerica, Inc. (RailAmerica), a noncarrier, has filed a notice of exemption to acquire, through stock purchase, the Cape Fear Railways, Inc. (CF), a Class III railroad, operating in the State of North Carolina.<sup>1</sup>

The transaction was expected to be consummated on or after October 17, 1997.

RailAmerica directly controls 11 common carrier Class III railroads operating in 7 states: the Cascade and Columbia River Railroad Company; the Delaware Valley Railway Company, Inc.; the St. Croix Valley Railroad Company; the Gettysburg Railway; the Huron & Eastern Railway Company, Inc.; the Minnesota Northern Railroad, Inc.; the Otter Tail Valley Railroad Company; the Saginaw Valley Railway Company, Inc.; the West Texas & Lubbock Railroad Company, Inc.; the Dakota Rail, Inc.; and the South Central Tennessee Railroad Company.

RailAmerica states that: (i) The rail lines to be operated by CF do not connect with any railroad in the corporate family; (ii) the transaction is not part of a series of anticipated transactions that would connect CF with any railroad in the corporate family; 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. 33493, 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 Gary Laakso, Esq., RailAmerica, Inc., 301 Yamato Road, Suite 1190, Boca Raton, FL 33431.

Decided: November 17, 1997.

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

**Vernon A. Williams,**

Secretary.

[FR Doc. 97-30668 Filed 11-20-97; 8:45 am]

BILLING CODE 4915-00-P

<sup>1</sup> RailAmerica will purchase the stock of CF from Seaboard Corporation.