

The transaction is related to STB Finance Docket No. 34990, *Moscow Camden and San Augustine Railroad LLC—Acquisition and Operation Exemption—Assets of Moscow, Camden & San Augustine Railroad*, wherein Moscow Camden and San Augustine Railroad LLC seeks to acquire and operate the assets of Moscow, Camden & San Augustine Railroad.² Upon the effectiveness of that exemption, MCSA will become an indirect wholly owned rail carrier subsidiary of Koch Industries.

Koch Industries currently controls three other Class III rail carriers: Gloster Southern Railroad Company LLC (GSR), Blue Rapids Railway Company LLC (BRR), and Old Augusta Railroad, LLC (OAR).³ GSR operates an approximately 35-mile rail line between Gloster, MS, and Slaughter, LA, where it connects with Canadian National Railway. GSR's direct parent is Georgia-Pacific Wood Products LLC, which is an indirect wholly owned subsidiary of Georgia-Pacific. BRR operates an approximately 10-mile rail line between Marysville and Bestwall, KS, connecting at the Marysville end to Union Pacific Railroad Company. BRR's direct parent is Georgia-Pacific Gypsum LLC, which is an indirect wholly owned subsidiary of Georgia-Pacific. OAR operates an approximately 2.5-mile line between the Leaf River Pulp Mill in New Augusta, MS, and an interchange with Canadian National Railway in Mississippi. OAR's direct parent is GP Cellulose, LLC, which is an affiliate of Georgia-Pacific.

Koch Industries states that: (i) The railroads will not connect with each other or any railroads within its

corporate family, (ii) the transaction is not a part of a series of anticipated transactions that would connect any of these railroads with one another or any other railroad, and (iii) the transaction does not involve a Class I railroad. 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. Accordingly, the Board may not impose labor protective conditions here, because all of the carriers involved are Class III carriers.

If the verified 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. Petitions for stay must be filed no later than February 23, 2007 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34991, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on David H. Coburn, 1330 Connecticut Ave., NW., Washington, DC 20036.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: February 6, 2007.

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

Vernon A. Williams,

Secretary.

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Company (N&BE) over NSR's line between milepost 194.2, Lock Haven, PA, and milepost 139.2, Driftwood, PA, a distance of approximately 55 miles.¹

The transaction is scheduled to be consummated on or after March 4, 2007, the effective date of the exemption (30 days after the exemption was filed). The temporary trackage rights will expire on December 30, 2007.

The purpose of the temporary trackage rights is to allow N&BE adequate bridge train service for temporary, seasonal traffic originating on the N&BE for delivery to an off-line destination.

As a condition to this exemption, any employee affected by the acquisition of the temporary trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980), and any employee affected by the discontinuance of those trackage rights will be protected by the conditions set out in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

This notice is filed under 49 CFR 1180.2(d)(8). If it 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. Any stay petition must be filed on or before February 23, 2007 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34956, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Richard R. Wilson, 127 Lexington Ave., Suite 100, Altoona, PA 16601.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: February 8, 2007.

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

Vernon A. Williams,

Secretary.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34956]

Nittany and Bald Eagle Railroad Company—Temporary Trackage Rights Exemption—Norfolk Southern Railway Company

Norfolk Southern Railway Company (NSR) has agreed to grant non-exclusive, temporary overhead trackage rights to Nittany and Bald Eagle Railroad

² Pursuant to an agreement dated December 21, 2006, between International Paper Company (International Paper), Georgia-Pacific Corporation (now Georgia-Pacific LLC) (Georgia-Pacific), and subsidiaries Georgia-Pacific Wood Products South LLC (Georgia-Pacific South) and Georgia-Pacific Holdings LLC, Georgia-Pacific South has agreed to purchase International Paper's integrated plywood plant and lumber mill complex at Camden, TX. As part of the agreement, Georgia-Pacific South has also agreed to purchase the assets of Moscow, Camden & San Augustine Railroad, a 6.9-mile short line connecting International Paper's Camden complex with a line of Union Pacific Railroad Company at Moscow, TX. Prior to the closing of the transaction, Georgia-Pacific South will assign its right to acquire the assets of the Moscow, Camden & San Augustine Railroad to MCSA, which is expected to be formed as a Delaware limited liability company and to acquire and operate those assets.

³ See *Old Augusta Railroad, LLC—Acquisition and Operation Exemption—Assets of Old Augusta Railroad Company*, STB Finance Docket No. 34493 (STB served Apr. 21, 2004); and *Koch Forest Products, Inc. and Koch Industries, Inc.—Acquisition of Control Exemption—Gloster Southern Railroad Company and Blue Rapids Railway Company*, STB Finance Docket No. 34784 (STB served Dec. 28, 2005).

¹ A redacted version of the trackage rights agreement between N&BE and NSR was filed with the notice of exemption. The full version of the agreement, as required by 49 CFR 1180.6(a)(7)(ii), was concurrently filed under seal along with a motion for protective order. The request for a protective order is being addressed in a separate decision.