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SEC

SERVICE DATE - JANUARY 7, 1998

SURFACE TRANSPORTATION BOARD

STB Finance Docket No. 33388

CSX CORPORATION AND CSX TRANSPORTATION, INC.,  
NORFOLK SOUTHERN CORPORATION AND  
NORFOLK SOUTHERN RAILWAY COMPANY  
--CONTROL AND OPERATING LEASES/AGREEMENTS--  
CONRAIL INC. AND CONSOLIDATED RAIL CORPORATION

Decision No. 61

Decided: January 6, 1998

On December 23, 1997, The Chemical Manufacturers Association (CMA) and The Society of the Plastics Industry, Inc. (SPI) filed a motion for leave to file comments on the agreement entered between applicants<sup>1</sup> and the National Industrial Transportation League (NITL) on or about December 12, 1997.<sup>2</sup> CMA and SPI indicate that their comments are directed solely to the NITL agreement and that, in view of the relatively short time that has elapsed since the December 15, 1997 due date for comments on other parties' requests for conditions, applicants will not be prejudiced by the filing of their proffered comments.

Applicants replied on December 30, 1997. Although applicants oppose the motion by CMA and SPI to file comments, they request an opportunity to file rebuttal.

Because acceptance of the tendered comments can be accommodated without disruption to the schedule for the development of the record in this proceeding, the motion by CMA and SPI for leave to file comments will be granted. Applicants' rebuttal will be due on January 14, 1998.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

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<sup>1</sup> "Applicants" refers to CSX Corporation and CSX Transportation, Inc. (collectively CSX), Norfolk Southern Corporation and Norfolk Southern Railway Company (collectively NS), and Conrail Inc., and Consolidated Rail Corporation (collectively Conrail). In this proceeding, applicants seek approval and authorization under 49 U.S.C. 11323-25 for: (1) the acquisition by CSX and NS of control of Conrail; (2) and the division of Conrail's assets by and between CSX and NS.

<sup>2</sup> The motion is designated and referred to herein as CMA-17/SPI-11. Movants' comments (CMA-18/SPI-12) were tendered with the motion.

1. The motion (CMA-17/SPI-11) for leave to file comments to the NITL agreement is granted. Movants' tendered comments (CMA-18/SPI-12) are accepted into the record.

2. Applicants' rebuttal will be due on January 14, 1998.

3. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary

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Secretary