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SEC

SERVICE DATE – APRIL 3, 2006

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34852

GORDON REGER—CONTINUANCE IN CONTROL EXEMPTION—DOREMUS
AVE RECYCLING AND TRANSFER, LLC

STB Finance Docket No. 34853

DOREMUS AVE RECYCLING AND TRANSFER, LLC—OPERATION
EXEMPTION

Decided: March 31, 2006

On March 22, 2006, Gordon Reger and Doremus Ave Recycling and Transfer, LLC (Doremus) filed verified notices of exemption in two related proceedings. In STB Finance Docket No. 34853, Doremus filed a verified notice of exemption under 49 CFR 1150.31 to operate a line of railroad in Newark, NJ. In STB Finance Docket No. 34852, Gordon Reger filed a verified notice of exemption under 49 CFR 1180.2(d)(2) to continue in control of Doremus upon its becoming a carrier.

By letter filed on March 29, 2006, Consolidated Rail Corporation (Conrail) contends that the Board cannot grant the relief sought in the operation exemption proceeding because Doremus will not operate as a common carrier by rail. Conrail argues that the proceeding should be rejected or, in the alternative, stayed, and a procedural schedule should be established so that the record could be more fully developed. Conrail also states that the continuance-in-control proceeding should be dismissed as moot since it is part of the same project. Also on March 29, 2006, and prior to the Board's receipt of the Conrail filing, Mr. Reger and Doremus, acting through their counsel, requested permission to withdraw the verified notices of exemption.

The request to withdraw the verified notices of exemption will be granted. Conrail's filing is therefore moot.

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

It is ordered:

1. The request to withdraw the verified notices of exemption is granted, and the proceedings in STB Finance Docket No. 34852 and STB Finance Docket No. 34853 are dismissed.

2. This decision is effective on its date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary