

the Coastwise Trade Laws for the vessel MARQUISATE.

SUMMARY: As authorized by Pub. L. 105-383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. L. 105-383 and MARAD's regulations at 46 CFR part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before March 13, 2002.

ADDRESSES: Comments should refer to docket number MARAD-2002-11476. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL-401, Department of Transportation, 400 7th St., S.W., Washington, DC 20590-0001. You may also send comments electronically via the Internet at <http://dmses.dot.gov/submit/>. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket are available on the World Wide Web at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR-832 Room 7201, 400 Seventh Street, S.W., Washington, DC 20590. Telephone 202-366-2307.

SUPPLEMENTARY INFORMATION: Title V of Pub. L. 105-383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested

parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Vessel Proposed for Waiver of the U.S.-Build Requirement

(1) Name of vessel and owner for which waiver is requested.

Name of vessel: MARQUISATE.
Owner: Alpha 59, Inc.

(2) Size, capacity and tonnage of vessel. According to the applicant: "Length: 59.0 Breadth: 16.0 Depth: 7.7; Capacity: Not more than twelve (12) passengers; Tonnage: Gross—48, Net—38."

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant: "The intended use of the vessel is carrying twelve (12) passengers for hire" "The navigable waters (i.e.: rivers, canals, etc.) and waterways of the Continental United States, including the ICW."

(4) Date and Place of construction and (if applicable) rebuilding. *Date of construction:* 1979. *Place of construction:* Fumicino, Italy.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant: "The impact on other commercial passenger vessel operations should be slight, if not totally non-existent, since my intended route involves being underway for extended periods of time, and few people have that luxury. The only operation that I could possibly conflict with, would be cruise ships, and with the limited size, capacity and duration of each trip, I sincerely believe that my business would pose no problem at all."

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant: "Boat builders in the Florida Keys usually construct vessels much smaller in length than mine. The passengers usually remain on deck so it is not necessary for individual cabins, etc. The boat builders can predict that the vessels they build will be used for commercial fishing, or charter vessels which go as far as 38 nautical miles, if that; at least in the Keys. Vessels are just not in demand for the type of usage that my vessel would be used in."

Dated: February 5, 2002.

By Order of the Maritime Administrator.
Murray A. Bloom,
Acting Secretary, Maritime Administration.
[FR Doc. 02-3261 Filed 2-8-02; 8:45 am]
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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-55 (Sub-No. 603X)]

CSX Transportation, Inc.— Abandonment Exemption—in Webster County, WV

CSX Transportation, Inc. (CSXT) has filed a notice of exemption under 49 CFR 1152 subpart F—*Exempt Abandonments* to abandon approximately 10.5 miles of railroad between milepost BUG-0.0 at Cowen and milepost BUG-10.5 at Bolair, in Webster County, WV. The line traverses United States Postal Service Zip Codes 26206 and 26288.

CSXT has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment and discontinuance shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on March 13, 2002, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,¹ formal

¹ The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-*

expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),² and trail use/rail banking requests under 49 CFR 1152.29 must be filed by February 21, 2002. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by March 4, 2002, with: Surface Transportation Board, Office of the Secretary, Case Control/Recordation Unit, 1925 K Street, NW., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to CSXT's representative: Natalie S. Rosenberg, Counsel, CSX Transportation, Inc., 500 Water Street J150, Jacksonville, FL 32202.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

CSXT has filed an environmental report which addresses the effects, if any, of the abandonment and discontinuance on the environment and historic resources. SEA will issue an environmental assessment (EA) by February 15, 2002. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423) or by calling SEA, at (202) 565-1552. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), CSXT shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned its line. If consummation has not been effected by CSXT's filing of a notice of consummation by February 11, 2003, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at "www.stb.dot.gov."

Decided: February 4, 2002.

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

Vernon A. Williams,

Secretary.

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of-Service Rail Lines, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

² Each offer of financial assistance must be accompanied by the filing fee, which currently is set at \$1000. See 49 CFR 1002.2(f)(25).

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD-2202-11477]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel PHENIX.

SUMMARY: As authorized by Pub. L. 105-383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. L. 105-383 and MARAD's regulations at 46 CFR part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before March 13, 2002.

ADDRESSES: Comments should refer to docket number MARAD-2002-11477. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL-401, Department of Transportation, 400 7th St., SW., Washington, DC 20590-0001. You may also send comments electronically via the Internet at <http://dmses.dot.gov/submit/>. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at <http://dms.dot.gov>.

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SUPPLEMENTARY INFORMATION: Title V of Pub. L. 105-383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build

requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR § 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD'S regulations at 46 CFR Part 388.

Vessel Proposed for Waiver of the U.S.-build Requirement

(1) Name of vessel and owner for which waiver is requested. *Name of vessel:* PHENIX. *Owner:* Kevin Smith.

(2) Size, capacity and tonnage of vessel. *According to the applicant:* "length 31.6 feet, breadth 16 feet, catamaran sailboat; *Capacity:* up to 10 passengers; *Tonnage:* 9 gross tons"

(3) Intended use for vessel, including geographic region of intended operation and trade. *According to the applicant:* The vessel will be used for sailing lessons geared toward teaching how to sail a cruising catamaran. The vessel will also be available for hire to private companies for client entertainment purposes. The geographic region of operation is southern Lake Michigan only."

(4) Date and Place of construction and (if applicable) rebuilding. *Date of construction:* 1995. *Place of construction:* Whitby, Ontario, Canada.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. *According to the applicant:* "I believe that this waiver will have no impact on any current commercial passenger vessel operators, as my research has found that there are currently no operators in the area offering sailing lessons geared toward cruising catamarans. Also, there are no operators that I am aware of that cater specifically toward hiring a sailing catamaran or sailing vessel to private companies for client entertainment purposes. I do *not* intend to use the vessel for charters on a per person fee basis offered to individuals. The only customers will be private companies who hire the vessel for entertainment purposes."

(6) A statement on the impact this waiver will have on U.S. shipyards.