

(2) Size, capacity and tonnage of vessel. *According to the applicant:* "LOD: 45 ft. Beam: 15 ft. Draft: 6 ft.; Displacement 23 tons"

(3) Intended use for vessel, including geographic region of intended operation and trade. *According to the applicant:* "To carry 6 or fewer passengers for hire in order to teach sailing skills and environmental awareness; and/or as vacation charters." "All coastal and inland waters of the United States and its territories and possessions."

(4) Date and Place of construction and (if applicable) rebuilding. *Date of construction:* Sometime between 1895 to 1910. *Place of construction:* Norway. *Date of rebuilding:* 1987. *Place of rebuilding:* Port Townsend, WA.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. *According to the applicant:* "The use of this vessel will not adversely affect the coastwise trade business of any person who employs vessels built in the United States in that business. The intended use of this vessel—to carry a relatively small number of passengers each year—is an insignificant addition to the large and active boat charter business in the United States."

(6) A statement on the impact this waiver will have on U.S. shipyards. *According to the applicant:* "The use of this vessel will not adversely affect United States vessel builders. In fact, the continued use of this traditional wooden vessel will require ongoing maintenance and repair that will provide business and employment for boatyards and shipwrights in the United States."

Dated: February 26, 2002.

By order of the Maritime Administrator.

**Joel C. Richard,**

*Secretary, Maritime Administration.*

[FR Doc. 02-4948 Filed 2-28-02; 8:45 am]

**BILLING CODE 4910-81-P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket Number: MARAD-2002-11693]

#### 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 Mak-Atak.

**SUMMARY:** As authorized by Public Law 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 Public Law 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 April 1, 2002.

**ADDRESSES:** Comments should refer to docket number MARAD-2002-11693. 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>.

**FOR FURTHER INFORMATION CONTACT:**

Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR-832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202-366-2307.

**SUPPLEMENTARY INFORMATION:** Title V of Public Law 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:* Mak-Atak. *Owner:* Redfish, L.L.C.

(2) Size, capacity and tonnage of vessel. *According to the applicant:* "40 feet long, 14 feet wide and 7.2 feet deep \* \* \* gross tonnage is 27 and her net tonnage is 21."

(3) Intended use for vessel, including geographic region of intended operation and trade. *According to the applicant:* "I intend to keep the vessel in Ocean City, MD, and will carry charters of no more than six passengers. Charters will be run on the Atlantic Ocean, no more than one hundred nautical miles north, south, or east of home port."

(4) Date and Place of construction and (if applicable) rebuilding. *Date of construction:* 1988. *Place of construction:* Kaosiung, Taiwan, Republic of China.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. *According to the applicant:* "\* \* \* I can state without hesitation that granting this waiver will not adversely affect the existing charter boat operators. Over the last few years, the Ocean City area has experienced tremendous growth \* \* \* the current fleet of charter boats cannot meet the demand during peak season."

(6) A statement on the impact this waiver will have on U.S. shipyards. *According to the applicant:* "United States shipbuilders will not be affected by the granting of the requested waiver, as a new boat purchase was never considered in the formation of Redfish."

Dated: February 26, 2002.

By order of the Maritime Administrator.

**Joel C. Richard,**

*Secretary, Maritime Administration.*

[FR Doc. 02-4950 Filed 2-28-02; 8:45 am]

**BILLING CODE 4910-81-P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket Number: MARAD-2002-11691]

#### 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 NICOLLE.

**SUMMARY:** As authorized by Public Law 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 Public Law 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 April 1, 2002.

**ADDRESSES:** Comments should refer to docket number MARAD-2002-11691. 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>.

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

**SUPPLEMENTARY INFORMATION:** Title V of Public Law 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:* Nicolle. *Owner:* Thomas M. LaFreniere.

(2) Size, capacity and tonnage of vessel. *According to the applicant:* “\* \* \* 39.6 feet long with a 14 foot beam, and a depth of 4 feet \* \* \* gross tonnage is 29 tons \* \* \*”

(3) Intended use for vessel, including geographic region of intended operation and trade. *According to the applicant:* “\* \* \* evening, single day, or week-end charters which involve sunset viewing, and exploring local harbors and islands. The region in which I would like to operate is the coastal waters of New England, specifically between Gloucester and Boston.”

(4) Date and Place of construction and (if applicable) rebuilding. *Date of construction:* 1987. *Place of construction:* Taiwan.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. *According to the applicant:* “Considering the type of activities, and the area in which to conduct them, I am confident this waiver will have no adverse effects upon commercial passenger vessel operators. The vessels currently operating in my area are: Large whale watch vessels, commercial fishing vessels, large fishing charter vessels, and sport-fishing charter vessels.”

(6) A statement on the impact this waiver will have on U.S. shipyards. *According to the applicant:* “Granting this waiver will not adversely affect the business of U.S. shipbuilders. However, not granting this waiver will, as it is my intention to start my operation using NICOLLE as a means to fund the purchase of a U.S. built sailing vessel.”

Dated: February 26, 2002.

By order of the Maritime Administrator.

**Joel C. Richard,**

*Secretary, Maritime Administration.*

[FR Doc. 02-4951 Filed 2-28-02; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-33 (Sub-No. 186X)]

#### Union Pacific Railroad Company— Abandonment Exemption—in Martin County, MN

Union Pacific Railroad Company (UP) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments and Discontinuances of Service and Trackage Rights* to abandon a 1.83-mile rail line over the Trimont Industrial Lead from milepost 140.57 to milepost 142.4 near Trimont, in Martin County, MN. The line traverses United States Postal Service Zip Code 56176.

UP 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 April 2, 2002, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>1</sup> formal expressions of intent to file an OFA under 49 CFR

<sup>1</sup> 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-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.