

**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 July 1, 2002.

**ADDRESSES:** Comments should refer to docket number MARAD-2002-12395. 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 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:* SIR THOMAS MORE.  
*Owner:* Danny Kopels.

(2) Size, capacity and tonnage of vessel. *According to the applicant:* "LOD: 40.0 feet, Gross: 24 Tons, Net: 21 Tons"

(3) Intended use for vessel, including geographic region of intended operation and trade. *According to the applicant:* "Small group (6 or fewer passengers) pleasure charters; small group scuba diving training sailing instruction and excursions." "The Pacific Ocean extending from San Francisco Bay on the north, to the Mexican border on the south."

(4) Date and Place of construction and (if applicable) rebuilding. *Date of construction:* 1978. *Place of construction:* Taiwan.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. *According to the applicant:* ". . . I believe that I will be appealing to a different segment of the market than the commercial dive vessels, and will have no impact upon their operations. As far as sailing instruction is concerned, most sailing schools rely on boats in the 30ft and under size range for their instruction."

(6) A statement on the impact this waiver will have on U.S. shipyards. *According to the applicant:* "None."

Dated: May 28, 2002.

By Order of the Maritime Administrator.

**Joel C. Richard,**

*Secretary, Maritime Administration.*

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**BILLING CODE 4910-81-P**

## **DEPARTMENT OF TRANSPORTATION**

### **Surface Transportation Board**

[STB Finance Docket No. 34185]

#### **Cloquet Terminal Railroad Company, Inc.—Acquisition and Operation Exemption—Duluth & Northeastern Railroad Company**

Cloquet Terminal Railroad Company, Inc. (Cloquet), a noncarrier,<sup>1</sup> has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from Duluth & Northeastern Railroad Company (DNRC) and operate the assets currently owned by DNRC, including a line of railroad between milepost 0.0 and milepost 1.24, a distance of 1.24 miles in Cloquet, Carlton County, MN.<sup>2</sup>

Cloquet indicates that it intends to consummate the transaction on or after the effective date of the exemption (7 days after the exemption was filed).<sup>3</sup>

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.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34185, must be filed with the Surface Transportation Board, Case Control Unit, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Diane P. Gerth, Leonard, Street and Deinard, 150 South Fifth St., Suite 2300, Minneapolis, MN 55402.

Board decisions and notices are available on our website at [WWW.STB.DOT.GOV](http://WWW.STB.DOT.GOV).

Decided: May 23, 2002.

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

**Vernon A. Williams,**  
*Secretary.*

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**BILLING CODE 4915-00-P**

<sup>1</sup> Cloquet is a wholly owned subsidiary of Northern Holdings LLC (Northern), a noncarrier, which has been or will be renamed Sappi Cloquet LLC. Northern has entered into an Asset Purchase Agreement with Potlatch Corporation, DNRC's owner, pursuant to which Cloquet will acquire and operate the assets of DNRC.

<sup>2</sup> According to Cloquet, there is additional trackage that is industrial or spur trackage serving only an adjacent paper production facility.

<sup>3</sup> Cloquet certifies that its projected annual revenues will not exceed those that would qualify it as a Class III carrier.