

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

(1) Name of vessel and owner for which waiver is requested. *Name of vessel*: ALEMAR. *Owner*: Alemar, LLC.

(2) Size, capacity and tonnage of vessel. According to the applicant: "Tonnage: 41 Tons Gross, 37 Tons Net; Length: 53.5 feet."

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant: "Coastwise yacht charters from New York City to Cutler, Maine for up to four (4) people per charter."

(4) Date and Place of construction and (if applicable) rebuilding. *Date of construction*: 1990. *Place of construction*: Tan Shui, Taipei, Republic of China.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant: "There should be little or no effect on other vessel operators. Most Commercial operators of similar sized vessels in New England offer daily "head boat" charters. Alemar is available only for fully crewed and provisioned charters for a minimum of seven days."

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant: "This vessel has been maintained exclusively by U.S. shipyards. In the fall of 2001 a major refit took place at the Hinckley Company, Southwest Harbor, Maine at a cost of \$135,000. Previous works was performed at Little Harbor Yachts, Portsmouth, Rhode Island and Osprey Marine, Maryland. New sails were built at North Sails, Portsmouth, Rhode Island. Further, to my knowledge, no U.S. shipyards is building similar sailing vessels that Alemar would compete with for business."

Dated: July 2, 2002.

By Order of the Maritime Administrator.

**Joel C. Richard,**

*Secretary, Maritime Administration.*

[FR Doc. 02-17177 Filed 7-8-02; 8:45 am]

BILLING CODE 4910-81-P

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket Number: MARAD-2002-12693]

### 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 TAKE FIVE.

**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 August 8, 2002.

**ADDRESSES**: Comments should refer to docket number MARAD-2002-12693. 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*: TAKE FIVE. *Owner*: John R. Miller Enterprises, LLC.

(2) Size, capacity and tonnage of vessel. According to the applicant: "55'1", Gross Tons 40, Capacity 8".

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant: "Recreational Charter use in Southern Florida."

(4) Date and Place of construction and (if applicable) rebuilding. *Date of construction*: 1998. *Place of construction*: Italy.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant: "This waiver should not have any impact on \* \* \* other commercial passenger operators. We are only using this vessel for private, recreational charters and personal use."

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant: "This waiver should not have any impact on \* \* \* US Shipyards \* \* \*"

Dated: July 2, 2002.

By Order of the Maritime Administrator.

**Joel C. Richard,**

*Secretary, Maritime Administration.*

[FR Doc. 02-17178 Filed 7-8-02; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

[Docket No. RSPA-2002-11270, Notice No. 02-07]

### Safety Advisory: Retesting of Cylinders Without Calibration of Test Equipment

**AGENCY**: Research and Special Programs Administration (RSPA), DOT.

**ACTION**: Safety advisory notice.

**SUMMARY**: This is to notify the public that RSPA is investigating BKC Industries, Inc., 2117 Will Suitt Road, Creedmoor, NC 27522 for the marking of DOT cylinders and/or tube trailers

without calibrating its test apparatus. RSPA has determined that, between September of 1998 and October of 2001, BKC Industries, Inc. (BKC) apparently marked and certified an undetermined number of cylinders and/or tube trailers as having been properly tested in accordance with the Hazardous Materials Regulations (HMR), when the cylinders and/or tube trailers were tested using equipment that was not properly calibrated.

Part of performing a proper hydrostatic retest as set forth in the HMR is the calibration process. A hydrostatic retest and visual inspection, conducted as prescribed in the HMR, are used to verify the structural integrity of a cylinder. If the hydrostatic retest and visual inspection are not performed in accordance with the HMR, a cylinder with compromised structural integrity may be returned to service when it should be condemned. Extensive property damage, serious personal injury, or death could result from rupture of a cylinder. Cylinders that have not been retested in accordance with the HMR may not be charged or filled with compressed gas or other hazardous materials.

**FOR FURTHER INFORMATION CONTACT:** Terrell Hinds, Hazardous Materials Enforcement Specialist, Office of Hazardous Materials Enforcement, Research and Special Programs Administration, U.S. Department of Transportation, 1701 Columbia Avenue, Suite 520, College Park, GA 30337, Telephone: (404) 305-6120, Fax: (404) 305-6125.

**SUPPLEMENTARY INFORMATION:** Through its inspection of BKC, RSPA has determined that BKC apparently marked an undetermined number of cylinders as having been properly tested in accordance with the HMR, when the test apparatus was not calibrated properly. During the inspection, RSPA discovered that the test cylinder that appeared on BKC Industries' test reports was not physically in the BKC facility. Therefore, this cylinder could not have been used to calibrate the test equipment.

The cylinders in question are stamped with the following RIN: D236. The marking appears in the following pattern:

|    |   |
|----|---|
| D2 |   |
| M  | Y |
| 63 |   |

M is the month of retest (e.g. 08), and Y is the year of retest (e.g. 01).

Anyone who has a cylinder or tube trailer that has been serviced by BKC Industries, Inc. and that is marked with RIN D236 and stamped with a retest

date between August 1998 and October 2001 should consider the cylinder unsafe and not fill the cylinder unless the cylinder is first properly retested by a DOT-authorized retest facility. Filled cylinders should be vented or otherwise safely discharged, and then taken to a DOT-authorized cylinder retest facility for proper retest to determine compliance with the HMR and their suitability for continuing service. Under no circumstances should a cylinder and/or tube trailer described in this safety advisory be filled, refilled or used for its intended purpose until it is reinspected and retested by a DOT-authorized retest facility.

It is further recommended that persons finding or possessing a cylinder and or tube/trailer described in this safety advisory contact Mr. Hinds for additional information.

Issued in Washington, DC, on July 2, 2002.

**Robert A. McGuire,**

*Associate Administrator for Hazardous Material Safety.*

[FR Doc. 02-17093 Filed 7-8-02; 8:45 am]

**BILLING CODE 4910-60-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34224]

#### Indiana Southern Railroad, Inc.— Trackage Rights Exemption—Norfolk Southern Railway Company

Norfolk Southern Railway Company (NSR), pursuant to a written trackage rights agreement entered into between NSR and Indiana Southern Railroad, Inc. (ISRR), has agreed to grant non-exclusive local trackage rights to ISRR over NSR's rail line between a point near Newburgh, IN, milepost 0.0, and Lynnville Mine, IN, milepost 21.9, a distance of approximately 21.9 miles.

The transaction was scheduled to be consummated on or shortly after July 1, 2002, the effective date of the exemption (7 days after the exemption was filed).

The purpose of the trackage rights is to allow ISRR to enhance service for certain shippers and provide more efficient and economical routings and service for their traffic.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

The notice is filed under 49 CFR 1180.2(d)(7). If the 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. 34224, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Louis E. Gitomer, Ball Janik LLP, 1455 F Street, NW., Suite 225, Washington, DC 20005.

Board decisions and notices are available on our website at "<http://WWW.STB.DOT.GOV>."

Decided: July 1, 2002.

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

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 02-16991 Filed 7-8-02; 8:45 am]

**BILLING CODE 4915-00-P**

## DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0253]

### Agency Information Collection Activities Under OMB Review

**AGENCY:** Veterans Benefits Administration, Department of Veterans Affairs

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 *et seq.*), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

**DATES:** Comments must be submitted on or before August 8, 2002.

**FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT:** Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273-8030, FAX (202) 273-5981 or e-mail: [denise.mclamb@mail.va.gov](mailto:denise.mclamb@mail.va.gov). Please refer to "OMB Control No. 2900-0253."

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, OMB Human