

**DEPARTMENT OF TRANSPORTATION****Surface Transportation Board****[STB Finance Docket No. 34223]****John C. Nolan—Control Exemption—  
Penn Eastern Rail Lines, Inc.**

John C. Nolan, a noncarrier individual, has filed a verified notice of exemption to acquire control through stock ownership of Penn Eastern Rail Lines, Inc. (PRL), a Class III railroad.<sup>1</sup> Applicant currently controls through stock ownership another Class III railroad, East Penn Railway, Inc. (EPRY).<sup>2</sup>

The transaction was expected to be consummated on or shortly after July 1, 2002, the effective date of the exemption.

Applicant states that: (i) The railroads will not connect with each other; (ii) the acquisition of control is not part of a series of anticipated transactions that would connect the railroads with each other; and (iii) the transaction does not involve a Class I carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. See 49 CFR 1180.2(d)(2).<sup>3</sup>

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

If the verified notice contains false or misleading information, the exemption

<sup>1</sup> PRL is an indirect wholly owned subsidiary of Genesee & Wyoming Inc., a noncarrier holding company. PRL currently operates in eastern Pennsylvania and interchanges with CSX Transportation (CSXT) at Bristol, PA, and with Norfolk Southern Railway Company at specified points in Pennsylvania.

<sup>2</sup> EPRY operates in eastern Pennsylvania and interchanges with CSXT at Telford, PA.

<sup>3</sup> Applicant states that he intends that PRL and EPRY will be operated as separate entities.

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. 34223, 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 John K. Fiorilla, 390 George Street, P.O. Box 1185, New Brunswick, NJ 08903.

Board decisions and notices are available on our website at [www.stb.dot.gov](http://www.stb.dot.gov).

Decided: July 15, 2002.

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

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 02-18437 Filed 7-19-02; 8:45 am]

**BILLING CODE 4915-00-P**

**DEPARTMENT OF THE TREASURY****Customs Service****Use or Replacement of Continuous  
Bonds That Were Destroyed in New  
York**

**AGENCY:** Customs Service, Department of the Treasury.

**ACTION:** General notice.

**SUMMARY:** This notice advises the public that importers will be afforded additional time to follow the procedures previously prescribed to ensure continuous bond coverage on future import transactions in the case of continuous bonds maintained by Customs in New York that were destroyed in the terrorist attack on September 11, 2001.

**DATES:** A copy of a current bond must be provided to Customs, or a new bond must be filed with Customs, on or before August 12, 2002.

**FOR FURTHER INFORMATION CONTACT:** For questions regarding operational issues: The Entry and Drawback Management

Branch, Office of Field Operations (202-927-0360).

*For inquiries about specific bonds:* The Customs Bond Unit, Elizabeth, New Jersey (201-443-0234). A party making a telephonic inquiry regarding a specific bond should be prepared to provide its importer name and identification number.

**SUPPLEMENTARY INFORMATION:****Background**

The Customs laws and regulations require the posting of a surety bond to secure Customs transactions involving specific types of activities (for example, the importation and entry of merchandise, the custody of imported merchandise, the arrival and clearance of conveyances). A Customs bond may be approved by Customs for a particular activity involving one individual Customs transaction (for example, a single entry bond) or may be approved by Customs as a continuous bond for a particular activity involving multiple Customs transactions (for example, a continuous importation and entry bond). A single transaction bond normally is approved by Customs when presented in connection with the individual transaction to which it relates and remains in effect only for purposes of that one transaction. An application for a continuous transaction bond normally is filed with, and approved by, Customs before all of the transactions to which it relates arise, and the approved bond is retained on file by Customs and remains in effect until terminated by the parties to the bond.

The terrorist attack on the World Trade Center in New York on September 11, 2001, resulted in the destruction of Customs bonds and other documents that were being stored at the Customs offices at 6 World Trade Center. The destroyed bonds and other documents included, but were not limited to, continuous bonds which were filed for approval at the New York Seaport (port code 1001) and at the New York Regional Port (port code 7200).

On May 13, 2002, Customs published in the **Federal Register** (67 FR 32082) a general notice setting forth procedures for importers to follow in order to ensure uninterrupted bond coverage and avoid the need to file an application for a new continuous bond. That notice provided that each party having a continuous bond of any type involving activity code 1 to 5 that has an effective date of September 11, 2001, or earlier and that was filed at either of the two ports referred to above and that was in effect on the date of publication of the notice must, within 30 days of the date of publication of the notice (that is, on or before June 12, 2002), provide Customs with a copy of that bond together with the Customs bond number and copies of any riders to the bond. The notice further stated that failure to provide a copy of the bond within the prescribed 30-day period would cause Customs to refuse to accept a reference to the bond to guarantee future transactions and that, if a copy of the bond could not be provided, the party must submit to Customs a new continuous bond application within the same 30-day period. For purposes of that notice, the term "party" referred to any individual or business association that prior to, or on or after, September 11, 2001, had engaged in activities secured by a continuous bond described above as having been destroyed on that

date, either by virtue of being listed as a "Principal" on the bond or by virtue of being listed as a user in "Section III" on the bond. Finally, the May 13, 2002, notice stated that the copy of the continuous bond or the new continuous bond application should be sent to either of the following addresses:

U.S. Customs Service, Attention: Bond Desk, 1210 Corbin Street, Elizabeth, New Jersey 07201;

or,

U.S. Customs Service, Attention: Bond Desk, Bldg. 77, JFK Airport, Jamaica, New York 11430.

#### **Extension of Submission Period**

Following publication of the May 13, 2002, notice, various trade associations advised Customs that additional time would be required for their members to comply with the procedures set forth in the notice. Moreover, Customs has, to date, received significantly fewer copies of bonds or new bond applications than it expected to receive. Customs therefore has determined that an additional 60 days should be allowed for submission of the prescribed bond information or a new bond application.

Accordingly, subject to the other terms and conditions of the May 13, 2002, notice as described above, Customs will continue to accept a copy of a destroyed bond or a new continuous bond application until

August 12, 2002. Failure to provide a copy of a destroyed bond by that date will cause Customs to refuse to accept a reference to the bond to guarantee future transactions.

Dated: July 16, 2002.

**Jayson P. Ahern,**

*Assistant Commissioner, Office of Field Operations.*

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**BILLING CODE 4820-02-P**

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## **DEPARTMENT OF THE TREASURY**

### **Internal Revenue Service**

#### **Quarterly Publication of Individuals, Who Have Chosen To Expatriate, as Required by Section 6039G**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice.

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**SUMMARY:** This notice is provided in accordance with IRC section 6039G, as amended, by the Health Insurance Portability and Accountability Act (HIPAA) of 1996. This listing contains the name of each individual losing United States citizenship (within the meaning of section 877(a)) with respect to whom the Secretary received information during the quarter ending June 30, 2002.