

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.¹ Applicant currently controls through stock ownership another Class III railroad, East Penn Railway, Inc. (EPRY).²

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).³

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

¹ 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.

² EPRY operates in eastern Pennsylvania and interchanges with CSXT at Telford, PA.

³ 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.

Decided: July 15, 2002.

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

Vernon A. Williams,
Secretary.

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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).

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