

and no changes in employment. See 49 CFR 1182.2(a)(7). Additional information may be obtained from applicant's representative.

On the basis of the application, we find that the proposed transaction is consistent with the public interest and should be authorized. If any opposing comments are timely filed, this finding will be deemed vacated and, unless a final decision can be made on the record as developed, a procedural schedule will be adopted to reconsider the application. See 49 CFR 1182.6(c). If no opposing comments are filed by the expiration of the comment period, this decision will take effect automatically and will be the final Board action.

Board decisions and notices are available on our Web site at: "<http://www.stb.dot.gov>."

This decision will not significantly affect the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The proposed acquisition of control is approved and authorized, subject to the filing of opposing comments.

2. If timely opposing comments are filed, the findings made in this decision will be deemed as having been vacated.

3. This decision will be effective on November 4, 2002, unless timely opposing comments are filed.

4. A copy of this notice will served on: (1) The U.S. Department of Transportation, Federal Motor Carrier Safety Administration, 400 7th Street, SW., Room 8214, Washington, DC 20590; (2) the U.S. Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue, NW., Washington, DC 20530; and (3) the U.S. Department of Transportation, Office of the General Counsel, 400 7th Street, SW., Washington, DC 20590.

Decided: September 9, 2002.

By the Board, Chairman Morgan and Vice Chairman Burkes.

Vernon A. Williams,
Secretary.

[FR Doc. 02-23469 Filed 9-17-02; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34246]

K. Earl Durden, Rail Management Corporation, and Rail Partners, L.P.—Continuance in Control Exemption—AN Railway, L.L.C.

K. Earl Durden (Durden), Rail Management Corporation (RMC),¹ and Rail Partners, L.P. (Partners) (collectively, applicants), have filed a verified notice of exemption to continue in control of AN Railway, L.L.C. (ANLLC), upon ANLLC's becoming a rail carrier.

The transaction was expected to be consummated on or after August 30, 2002, the effective date of the exemption (7 days after the notice was filed).

This transaction is related to STB Finance Docket No. 34247, *AN Railway, L.L.C.—Lease and Operation Exemption—Apalachicola Northern Railroad Company*, where ANLLC seeks to lease and operate a rail line from Apalachicola Northern Railroad Company (ANRR).

At the time they filed this notice, Durden, RMC, and Partners controlled 13 Class III rail carriers located in Alabama, Arizona, Arkansas, Florida, Georgia, Kentucky, North Carolina, Tennessee, Texas, and Wisconsin. They are: Atlantic & Western Railway, L.P.; The Bay Line Railroad, L.L.C.; Copper Basin Railway; East Tennessee Railway, L.P.; Galveston Railroad, L.P.; Georgia Central Railway, L.P.; KWT Railway, Inc.; Little Rock & Western Railway, L.P.; Tomahawk Railway, L.P.; Valdosta Railway, L.P.; Western Kentucky Railway, L.L.C.; Wilmington Terminal Railroad, L.P.; and M&B Railroad, L.L.C. These rail carriers are referred to as the RMC Rail Group.

Applicants state that: (1) The railroads do not connect with each other or any railroad in their corporate family; (2) the continuance in control is not part of a series of anticipated transactions that would connect the 14 railroads with each other or any railroad in their corporate family; and (3) 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). The purpose of the transaction is to enable ANLLC to benefit from Applicants' capital support and overall management and corporate direction and expertise. ANLLC will continue handling freight for customers

¹RMC's former corporate name was Rail Management & Consulting Corporation.

ANRR previously served, without material changes in the level or quality of transportation service provided.

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 11324-25 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 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 stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34246, 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: Kelvin J. Dowd, Slover & Loftus, 1224 Seventeenth Street, NW., Washington, DC 20036.

Board decisions and notices are available on our Web site at "www.stb.dot.gov."

Decided: September 11, 2002.

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

Vernon A. Williams,
Secretary.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34247]

AN Railway, L.L.C.—Lease and Operation Exemption—Apalachicola Northern Railroad Company

AN Railway, L.L.C. (ANLLC), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to lease and operate approximately 96 miles of rail line presently owned by the Apalachicola Northern Railroad Company (ANRR)¹ between milepost 0 at Port St. Joe, FL, and milepost 96 at Chattahoochee, FL. The line to be

¹ANLLC has reached an operating agreement with ANRR on terms to govern the lease of the Port St. Joe-Chattahoochee line. After consummation of the exemption, ANLLC will be the operator of the line.