

year's worth of conformity packages to be \$16,664 per year. Over an eight-year retention period, a member of the industry would be required to retain 36 annual units of records and over a ten-year retention period 55 annual units (assuming that one annual unit were stored in the first year, two annual units in the second year, and so on). The aggregate cost to industry of the proposed two-year increase in the record retention requirement will therefore be \$316,616 (55 - 36 = 19; 19 × \$16,664 = \$316,616).

RIs are also required under 49 CFR 592.6(b) to retain a copy of the HS-7 Declaration Form furnished to Customs at the time of entry for each nonconforming vehicle for which they submit a conformity package to NHTSA. Paper HS-7 Declaration Forms are only filed for a small fraction of the nonconforming vehicles imported into the United States. Customs brokers file entries for most nonconforming vehicles electronically by using the Automated Broker Interface (ABI) system. For example, in Calendar year 2002, 208,942 ABI entries were made for nonconforming vehicles imported into the United States, and only 3,183 paper HS-7 Declaration Forms (representing 1.5 percent of the total) were filed for such vehicles. Because HS-7 Declaration Forms are filed for only a small fraction of the nonconforming vehicles that are imported by RIs, the proposed two-year increase in the retention period for those records will have a negligible cost impact on the industry. Because the remaining records that RIs are required to retain under 49 CFR 592.6(b) may be stored electronically, the agency anticipates that the costs incident to the storage of those records for an additional two years will also be negligible.

**Authority:** 44 U.S.C. 3506(c); delegation of authority at 49 CFR 1.50 and 501.8(f).

Issued on: September 29, 2003.

**Kenneth N. Weinstein,**

*Associate Administrator for Enforcement.*

[FR Doc. 03-25154 Filed 10-2-03; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34405]

#### Transportation Agency for Monterey County—Acquisition Exemption—Line of Union Pacific Railroad Company

The Transportation Agency for Monterey County (TAMC),<sup>1</sup> a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from Union Pacific Railroad Company (UP) the real estate and rail assets of a 13.1-mile line of railroad, known as the Seaside Industrial Lead, extending from Castroville, CA (milepost 110.2), to Seaside, CA (milepost 123.3). TAMC proposes to acquire the line from UP for the purpose of instituting intrastate rail passenger service on the line.<sup>2</sup> TAMC states that it will not provide freight rail service and that UP will retain trackage rights over the line to provide freight service.<sup>3</sup> TAMC certifies that its projected revenues as a result of this transaction will not exceed those that would qualify it as a Class III rail carrier.

According to TAMC, TAMC and UP have concluded a Purchase and Sale Agreement, which was expected to be executed by September 10, 2003, and consummation of the transaction was expected to occur on or about September 12, 2003.

If the notice contains false or misleading information, the exemption

<sup>1</sup> TAMC is public agency created pursuant to the State of California Government Code Section 67930 *et seq.*

<sup>2</sup> TAMC apparently believes that its operation of the line will not be subject to the Board's jurisdiction. However, the acquisition of an active rail line and the common carrier obligation that goes with it ordinarily requires Board approval under 49 U.S.C. 10901, if the acquiring entity is a noncarrier, including a state. *See Common Carrier Status of States, State Agencies*, 363 I.C.C. 132 (1980), *aff'd sub nom. Simmons v. ICC*, 697 F.2d 326 (D.C. Cir. 1982). The Board's authorization is not required, however, when the common carrier rights and obligations that attach to the line will not be transferred. *See Maine, DOT-Acq. Exemption, ME. Central R. Co.*, 8 I.C.C.2d 835, 836-37 (1991).

While TAMC did not attach a copy of the terms of its agreement with UP to this notice of exemption or file a motion to dismiss the notice, it appears on the current record that TAMC acquired a common carrier obligation to provide freight service when it acquired the line. *Compare Los Angeles to Pasadena Blue Line Construction Authority d/b/a Los Angeles to Pasadena Metro Construction Authority-Acquisition Exemption-Los Angeles County Metropolitan Transportation Authority*, STB Finance Docket No. 34076 (STB served Sept. 3, 2003).

<sup>3</sup> TAMC stated in its notice that UP intended to file a petition for exemption to permit UP to abandon its remaining interest in the line. However, on September 22, 2003, UP filed a verified notice of exemption in STB Docket No. AB-33 (Sub-No. 157X) to discontinue trackage rights on the line.

is void *ab initio*. A petition 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. 34405, 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 David J. Miller, Hanson, Bridgett, Marcus, Vlahos & Rudy, LLP, 333 Market Street, Suite 2300, San Francisco, CA 94105-2173.

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

Decided: September 29, 2003.

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

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 03-25098 Filed 10-2-03; 8:45 am]

**BILLING CODE 4915-00-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-55 (Sub-No. 641X)]

#### CSX Transportation, Inc.—Discontinuance Exemption—In Knox County, TN

On September 15, 2003, CSX Transportation, Inc. (CSXT) filed with the Board a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to discontinue service over approximately 1.2 miles of rail line in CSXT's Central Region, Appalachian Division, KD Subdivision, Second Creek Spur, extending from Valuation Station 15304+87 to Valuation Station 15368+89, in Knoxville, Knox County, TN. The line traverses U.S. Postal Service Zip Code 37066, and includes no stations.

The line does not contain federally granted rights-of-way. Any documentation in the petitioner's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

By issuing this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by January 2, 2004.

Any offer of financial assistance to subsidize continued rail service under