

**DEPARTMENT OF TRANSPORTATION****Surface Transportation Board**

[STB Finance Docket No. 34072]

**Southwestern Railroad Company, Inc.—Acquisition, Lease, and Operation Exemption—The Burlington Northern and Santa Fe Railway Company**

Southwestern Railroad Company, Inc. (SWRR), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to acquire and operate approximately 5.7 miles of rail line and to lease and operate approximately 54 miles of rail line owned by The Burlington Northern and Santa Fe Railway Company. The line being acquired is located between milepost 5+3763 feet, near Peruhill, NM, and milepost 0.0, at Deming, NM. The line being leased is located between milepost 1134, at Deming, and milepost 1080, at Rincon, NM.<sup>1</sup>

The transaction was expected to be consummated on or shortly after September 7, 2001, the effective date of the exemption.

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 automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34072, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Karl Morell, Ball Janik, LLP, 1455 F Street, NW., Suite 225, Washington, DC 20005.

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

Decided: September 14, 2001.

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

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 01-23499 Filed 9-20-01; 8:45 am]

**BILLING CODE 4915-00-M**

<sup>1</sup> SWRR certifies that its projected revenues as a result of this transaction will not result in its becoming a Class II or Class I rail carrier, and further certifies that its projected annual revenues will not exceed \$5 million.

**DEPARTMENT OF THE TREASURY****Customs Service****Fees for Customs Services at User Fee Airports**

**AGENCY:** Customs Service, Treasury.

**ACTION:** General notice.

**SUMMARY:** This document advises the public of an increase in the fees charged by Customs to user fee airports for providing Customs services at these designated facilities. The fees are based on the actual costs incurred by Customs in purchasing equipment and providing training and one Customs inspector on a full-time basis, and, thus, merely represent reimbursement to Customs for services rendered. The fees to be increased are the initial fee charged for a user fee airport's first year after it signs a Memorandum of Agreement with Customs to become a user fee airport, and the annual fee subsequently charged user fee airports.

**EFFECTIVE DATE:** The new fees will be effective October 1, 2001, and will be reflected in quarterly, user fee airport billings issued on or after that date.

**FOR FURTHER INFORMATION CONTACT:** Cynthia Sargent, Budget Division, Office of Finance, (202) 927-0609.

**SUPPLEMENTARY INFORMATION****Background**

Section 236 of the Trade and Tariff Act of 1984 (Pub. L. 98-573, 98 Stat. 2992) (codified at 19 U.S.C. 58b), as amended, authorizes the Secretary of the Treasury to make Customs services available at certain specified airports and at any other airport, seaport, or other facility designated by the Secretary pursuant to specified criteria, and to charge a fee for providing such services. (The list of user fee airports is found at § 122.15 of the Customs Regulations (19 CFR 122.15).) The fee that is charged is in an amount equal to the expenses incurred by the Secretary in providing Customs services at the designated facility, which includes purchasing equipment and providing training and inspectional services, i.e., the salary and expenses of individuals employed by the Secretary to provide the Customs services, and, thus, merely represents reimbursement to Customs for services rendered. The fees being raised are the initial fee charged a user fee airport after it signs a Memorandum of Agreement with Customs so that it can begin operations (currently set at \$117,600), and the annual fee subsequently charged so that user fee airports can continue to offer Customs services at their facilities (currently set

at \$84,500). The notice announcing the current user fee rates was published in the **Federal Register** on September 13, 2000 (65 FR 55327). The user fees charged a user fee airport are typically set forth in a Memorandum of Agreement between the user fee facility and Customs. While the amount of these fees are agreed to be at flat rates, they are periodically adjusted, as costs and circumstances change.

**Adjustment of User Fee Airport Fees**

Customs has determined that, in order for the user fee charged to actually reimburse Customs for expenses incurred in providing requested services, the initial fee must be increased from \$117,600 to \$118,000, and the recurring annual fee subsequently charged must be increased from \$84,500 to \$88,500. The new fees will be effective October 1, 2001, and will be reflected in quarterly, user fee airport billings issued on or after that date.

Dated: September 17, 2001.

**Wayne Hamilton,**

*Assistant Commissioner, Office of Finance.*

[FR Doc. 01-23579 Filed 9-20-01; 8:45 am]

**BILLING CODE 4820-02-P**

**DEPARTMENT OF THE TREASURY****Customs Service**

[T.D. 01-67; Customs Delegation Order No. 01-006]

**Customs Succession and Performance of Essential Functions in the Event of a National Security Emergency**

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

**ACTION:** Delegation order.

**SUMMARY:** This document sets forth Customs Delegation Order No. 01-006, signed by the Acting Commissioner of Customs on August 7, 2001, providing the order of succession of officers of the Customs Service to act as Commissioner of Customs in the event of a national emergency and delegating to various field officers the authority to perform essential functions in the event of a national security emergency.

**EFFECTIVE DATE:** August 7, 2001.

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

On August 7, 2001, Acting Commissioner of Customs Charles W. Winwood issued Customs Delegation Order Number 01-006, effective on that date, entitled "Customs Succession and Performance of Essential Functions in

the Event of a National Security Emergency.”

The sources of the authority being delegated are Treasury Order 165 and Executive Order 12656, dated November 18, 1988.

Delegation Order 65, dated September 28, 1982, is superseded by Delegation Order Number 01-006.

The text of the delegation order is set forth below.

Dated: September 17, 2001.

**Douglas M. Browning,**

*Acting Assistant Commissioner, Office of Regulations and Rulings.*

**Customs Succession and Performance of Essential Functions in the Event of a National Security Emergency**

*1. Order of Commissioner of Customs Succession*

Under the authority of Treasury Department Order No. 165, and in compliance with Executive Order 12656, dated November 18, 1988, it is hereby ordered that the following officers of the U.S. Customs Service, in the order of succession enumerated, shall act as Commissioner, in the event of a national security emergency, which is defined as any occurrence, including natural disaster, military attack, technological emergency, or other

emergency, that seriously degrades or seriously threatens the national security of the United States, or during the absence or disability of the Commissioner, or when there is a vacancy in such office. The order of succession is as follows:

The Deputy Commissioner of Customs  
The Assistant Commissioner, Field Operations  
The Assistant Commissioner, Investigations  
The Assistant Commissioner, Finance  
The Assistant Commissioner, Information and Technology  
The Assistant Commissioner, Strategic Trade  
The Assistant Commissioner, International Affairs  
The Assistant Commissioner, Regulations and Rulings  
The Assistant Commissioner, Internal Affairs  
The Assistant Commissioner, Human Resources Management  
The Assistant Commissioner, Training and Development  
The Assistant Commissioner, Public Affairs  
The Assistant Commissioner, Congressional Affairs  
The Trade Ombudsman  
The Director, Field Operations, New York Customs Management Center

The Director, Field Operations, South Florida Customs Management Center

*2. Authority To Continue To Perform Essential Localized Functions*

By virtue of the authority vested in the Commissioner by Treasury Department Order No. 165, and in compliance with Executive Order 12656, dated November 18, 1988, it is hereby delegated to the Directors of Field Operations; Port Directors; and Special Agents-in-Charge, the authority to perform any function of the Commissioner of Customs which is necessary to ensure continuous performance of essential local functions otherwise assigned to such officers, thereby assuring the continuity of the Federal Government in a national security emergency, as defined in (1) above. This delegation of authority will remain in effect until notice has been received from proper authority that it has been terminated.

Additional guidance may be found under Federal Preparedness Circular FPC-61 dated August 2, 1991 (Appendix K).

**Charles W. Winwood,**

*Acting Commissioner of Customs.*

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**BILLING CODE 4820-02-P**