

determines that in accordance with Public Law 105-383 and MARAD's regulations at 46 CFR part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

**DATES:** Submit comments on or before June 28, 2002.

**ADDRESSES:** Comments should refer to docket number MARAD-2002-12374. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL-401, Department of Transportation, 400 7th St., SW., Washington, DC 20590-0001. You may also send comments electronically via the Internet at <http://dmses.dot.gov/submit/>. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR-832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202-366-2307.

**SUPPLEMENTARY INFORMATION:** Title V of Public Law 105-383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD'S regulations at 46 CFR part 388.

#### **Vessel Proposed for Waiver of the U.S.-Build Requirement**

(1) Name of vessel and owner for which waiver is requested. Name of vessel: SEA-YA. Owner: Edwin H. Dolatowski.

(2) Size, capacity and tonnage of vessel. According to the applicant: "35'0" long, 12'2" breadth, 6'8" depth and the weight is 17000."

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant: "Charter a 6 man uninspected passenger vessel on Lake Michigan waters (sports trolling charters)."

(4) Date and Place of construction and (if applicable) rebuilding. Date of construction: 1971. Place of construction: Unknown.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant: "I see no reason why documentation of this vessel will interfere with any other existing operators."

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant: "There will be no impact \* \* \* to the U.S. Shipyards."

Dated: May 22, 2002.

By order of the Maritime Administrator.

**Joel C. Richard,**

*Secretary, Maritime Administration.*

[FR Doc. 02-13365 Filed 5-28-02; 8:45 am]

**BILLING CODE 4910-81-P**

## **DEPARTMENT OF TRANSPORTATION**

### **Maritime Administration**

**[Docket Number: MARAD-2002-12372]**

#### **Requested Administrative Waiver of the Coastwise Trade Laws**

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel VALHALLA.

**SUMMARY:** As authorized by Public Law 105-383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Public Law 105-383 and MARAD'S regulations at 46 CFR part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an

unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

**DATES:** Submit comments on or before June 28, 2002.

**ADDRESSES:** Comments should refer to docket number MARAD-2002-12372. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL-401, Department of Transportation, 400 7th St., SW., Washington, DC 20590-0001. You may also send comments electronically via the Internet at <http://dmses.dot.gov/submit/>. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at <http://dms.dot.gov>.

#### **FOR FURTHER INFORMATION CONTACT:**

Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR-832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202-366-2307.

**SUPPLEMENTARY INFORMATION:** Title V of Public Law 105-383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD'S regulations at 46 CFR part 388.

#### **Vessel Proposed for Waiver of the U.S.-Build Requirement**

(1) Name of vessel and owner for which waiver is requested. Name of vessel: VALHALLA. Owner: Donald Allen Brunnell.

(2) Size, capacity and tonnage of vessel. According to the applicant: "She is 13 gross tons and 12 net registered tons \* \* \* length is 35.0 feet, breadth is 11.9 feet and depth is 6.4 feet."

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant: "The intended use of the vessel is to operate in the coastwise trade in the Hawaiian Islands and the South Pacific Ocean."

(4) Date and Place of construction and (if applicable) rebuilding. Date of construction: 1973. Place of construction: Cheoy Lee Shipyard, Kowloon, Hong Kong. Date of reconstruction: 1990. Place of reconstruction: Pearl Harbor, Hawaii.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant: "I do not expect any significant impact on other commercial passenger vessel operators. Most of the other small commercial operators in this area operate off the beaches, or operate short duration dinner cruises, with larger (149 or more) passenger vessels."

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant: "I expect no significant impact on U.S. shipyards."

Dated: May 22, 2002.

By order of the Maritime Administrator.

**Joel C. Richard,**

*Secretary, Maritime Administration.*

[FR Doc. 02-13363 Filed 5-28-02; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34201]

#### International Steel Group, Inc.—Continuance in Control Exemption—ISG South Chicago & Indiana Harbor Railway Company and ISG Cleveland Works Railway Company

International Steel Group, Inc. (ISG), a noncarrier, has filed a verified notice of exemption to continue in control of ISG South Chicago & Indiana Harbor Railway Company (SCIH)<sup>1</sup> and ISG Cleveland Works Railway Company (CWRO),<sup>2</sup> upon CWRO's becoming a Class III rail carrier.

This transaction is related to a concurrently filed verified notice of exemption in STB Finance Docket No. 34182, *ISG Cleveland Works Railway Company—Acquisition and Operation Exemption—Rail Lines of The Cuyahoga*

*Valley Railway Company and River Terminal Railway Company*, wherein CWRO seeks to acquire the railroad lines and trackage rights of The Cuyahoga Valley Railway Company and River Terminal Railway Company, Class III rail carrier subsidiaries of LTV Steel Company, Inc. The railroad lines are located in Cuyahoga County, OH, south of Cleveland.

The transaction was expected to be consummated when the transaction covered by STB Finance Docket No. 34182 was consummated.<sup>3</sup>

ISG states that: (i) The properties of SCIH and CWRO will not connect with each other or any railroads in their corporate family; (ii) the continuance in control is not part of a series of anticipated transactions that would connect the rail lines of the two railroads with each other or any railroads in their corporate family; 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).

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 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. 34201, must be filed with the Surface Transportation Board, Case Control Unit, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Kevin M. Sheys, Kirkpatrick & Lockhart LLP, 1800 Massachusetts Avenue, Second Floor, Washington, DC 20036.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: May 22, 2002.

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

**Vernon A. Williams,**  
*Secretary.*

[FR Doc. 02-13383 Filed 5-28-02; 8:45 am]

BILLING CODE 4915-00-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34182]

#### ISG Cleveland Works Railway Company—Acquisition and Operation Exemption—Rail Lines of The Cuyahoga Valley Railway Company and River Terminal Railway Company

ISG Cleveland Works Railway Company (CWRO), a noncarrier and indirect wholly owned subsidiary of International Steel Group, Inc. (ISG), has filed a notice of exemption under 49 CFR 1150.31 to acquire and operate 9.5 miles of railroad lines of The Cuyahoga Valley Railway Company (CVRC) and River Terminal Railway Company (RTRC), Class III rail carrier subsidiaries of LTV Steel Company, Inc., as follows: (a) CVRC's approximately 3.4-mile line within and in the vicinity of the Cleveland Works West steel facility located on the west side of the Cuyahoga River in Cuyahoga County, OH; (b) RTRC's approximately 3.9-mile line within and in the vicinity of the Cleveland Works East steel facility located on the east side of the Cuyahoga River in Cuyahoga County;<sup>1</sup> and (c) CVRC's and RTRC's approximately 2.2-mile jointly owned line between approximately station 25 + 49.7 and approximately station 140 + 5 that extends between and through the Cleveland Works West facility and the Cleveland Works East facility. In addition, CWRO will acquire overhead trackage rights of CVRC over approximately 1,750 feet of rail line formerly owned by the Baltimore and Ohio Railroad Company and currently owned by CSX Transportation, Inc., between approximately P.S. 250 + 68 near Cleveland and approximately O.P. 20 + 73 in Cuyahoga Heights, OH.<sup>2</sup>

This transaction is related to STB Finance Docket No. 34201, *International*

<sup>1</sup> The CVRC lines and the RTRC lines do not have milepost designations.

<sup>2</sup> By decision served on May 6, 2002, the Chairman issued a "housekeeping" stay of the effective date of the notice of exemption to permit the orderly consideration of a petition filed by United Transportation Union (UTU) to revoke the exemption. Subsequently, by decision served on May 15, 2002, the Board denied UTU's petition to revoke the exemption in this proceeding. The May 15 decision also vacated the housekeeping stay, making the exemption effective on that date.

<sup>1</sup> SCIH, a Class III rail carrier, is a wholly owned subsidiary of ISG Indiana Harbor Inc., which is a wholly owned subsidiary of ISG. SCIH operates over lines located in Illinois and Indiana.

<sup>2</sup> ISG indirectly controls CWRO, a noncarrier at the time of the filing of the verified notice. CWRO is a wholly owned subsidiary of ISG Cleveland Inc., which is a wholly owned subsidiary of ISG.

<sup>3</sup> The exemption in STB Finance Docket No. 34182, became effective on May 15, 2002, when the Board denied a petition to revoke the exemption and lifted the stay of the effectiveness of the exemption. The stay had been issued to allow orderly consideration of the parties' arguments.