

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]

BILLING CODE 4915-00-P

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

¹ RMC'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. Konschnik,
Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 02-23696 Filed 9-17-02; 8:45 am]

BILLING CODE 4915-00-P

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

¹ ANLLC 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.

acquired in this transaction has 12 stations that are located in Florida at: Port St. Joe (milepost 0); Apalachicola (milepost 20); Borrow Pit (milepost 28); Beverly (milepost 29); Sumatra (milepost 40); Wilma (milepost 50); Vilas (milepost 57); Telogia (milepost 67); Hosford (milepost 70); Greensboro (milepost 84); Hardaway (milepost 88); and Chattahoochee (milepost 96). ANLLC will operate two round-trip road trains per week between Port St. Joe and Chattahoochee, with extra trains and switching service available as needed to meet shippers' requirements; will serve Gulf transloading facilities at Port St. Joe; and will interchange traffic with CSX Transportation, Inc., at Chattahoochee, as ANRR does today. Also, to facilitate operations, ANLLC will purchase from ANRR 6 locomotives, 148 railroad cars, and various vehicles, articles of communication and rail maintenance equipment and supplies, and other transportation-related personalty. The items purchased comprise substantially all of ANRR's equipment and rolling stock.

ANLLC 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.

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

This transaction is related to STB Finance Docket No. 34246, *K. Earl Dudren, Rail Management Corporation, and Rail Partners, L.P.—Continuance in Control Exemption—AN Railway, L.L.C.*, wherein K. Earl Dudren, Rail Management Corporation, and Rail Partners, L.P., have concurrently filed a verified notice to continue in control of ANLLC upon its becoming a Class III rail carrier.

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 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. 34247, must be filed with the Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Kelvin J. Dowd, Slover & Loftus, 1224 Seventeenth Street, N.W., 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. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 02-23695 Filed 9-17-02; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34249]

Union Pacific Railroad Company— Trackage Rights Exemption—The Burlington Northern and Santa Fe Railway Company

The Burlington Northern and Santa Fe Railway Company (BNSF) has agreed to grant temporary overhead trackage rights to Union Pacific Railroad Company (UP)¹ between BNSF milepost 6.1 near Fort Worth, TX, and BNSF milepost 218.1 near Temple, TX, a distance of approximately 129.2 miles.²

The transaction is scheduled to be consummated on September 9, 2002. The temporary trackage rights will allow UP to facilitate maintenance work on its lines.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it 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. 34249, must be filed with the Surface Transportation Board, 1925 K Street N.W., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Robert T. Opal, General Commerce Counsel, 1416 Dodge Street, Room 830, Omaha, NE 68179.

¹ On August 30, 2002, UP concurrently filed a petition for exemption in STB Finance Docket No. 34249 (Sub-No. 1), *Union Pacific Railroad Company—Trackage Rights Exemption—The Burlington Northern and Santa Fe Railway Company*, wherein UP requests that the Board permit the proposed temporary overhead trackage rights arrangement described in this notice to expire on October 24, 2002. That petition will be addressed by the Board in a separate decision.

² The milepost numbers do not reflect the actual length of the BNSF line segment because of intermediate milepost changes.

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

Decided: September 6, 2002.

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

Vernon A. Williams,
Secretary.

[FR Doc. 02-23377 Filed 9-17-02; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF THE TREASURY

Submission to OMB for Review; Comment request

September 10, 2002.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Correction

This is a correction to FR Doc. 02-12722, Filed 05-20-02; 8:45 a.m., for a Department of the Treasury, Internal Revenue Service information collection. The corrected information is as follows:

OMB Number: 1545-1781.

Title: Heavy Highway Vehicle Use Tax Return for Filers With a Single Vehicle.

Corrected Description: Form 2290-EZ may be used instead of Form 2290 to pay the tax due on a highway motor vehicle with a taxable gross weight of more than 75,000 pounds.

Lois K. Holland,

Department Reports Management Officer.

[FR Doc. 02-23673 Filed 9-17-02; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

September 10, 2002.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, P. L. 104-13. Copies of the submission(s) may be obtained by calling the Treasury