

Comments should refer to the docket number and be submitted to: Docket Management, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: January 10, 2003.

Kenneth N. Weinstein,

Associate Administrator for Enforcement.

[FR Doc. 03-918 Filed 1-15-03; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34243]

N&T Railway Company LLC— Acquisition and Operation Exemption—Rail Lines in Stark County, OH

N&T Railway Company LLC (N&T), a noncarrier, has filed a notice of exemption under 49 CFR 1150.31, to acquire and operate two nonconnecting rail lines located in Stark County, OH.¹ One line, known as the Massillon line, consists of approximately 15 miles of track that is located in the Township of Perry, OH. The second line, known as the Canton line, consists of approximately 21 miles of track that is located between the Township of Canton and the City of Canton, OH.

The rail lines had been owned by Republic Technologies International, LLC (RTI), which is bankrupt, and had been operated by RTI's carrier subsidiary, the Nimishillen & Tuscarawas, LCC, which is not bankrupt. N&T's parent, Republic Engineered Products LLC (REP), acquired the lines from RTI, with the approval of RTI's bankruptcy court. REP then transferred ownership of the lines to N&T.

N&T 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 and that such revenues would not exceed \$5 million.

Operations under the transaction were scheduled to begin on or after December 25, 2002, the effective date of the exemption (7 days after the supplement was filed).

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. 34243, must be filed with the Surface Transportation Board, 1925 K Street NW., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on: Scott E. Ross, Akin Gump, Strauss, Hauer & Feld, L.L.P., 1333 New Hampshire Avenue NW., Washington, DC 20036.

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

Decided: January 8, 2003.

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

Vernon A. Williams,

Secretary.

[FR Doc. 03-864 Filed 1-15-03; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-6 (Sub-No. 402X)]

The Burlington Northern and Santa Fe Railway Company—Abandonment Exemption—in King County, WA

The Burlington Northern and Santa Fe Railway Company (BNSF) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon and discontinue service over a 0.17-mile line of railroad between Station 258 + 07 and Station 267 + 00, in Seattle, King County, WA. The line traverses United States Postal Service Zip Code 98119.¹

BNSF has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic to be rerouted; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of

such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under Oregon Short Line R. Co.—

Abandonment—Goshen, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an OFA has been received, this exemption will be effective on February 15, 2003, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,² formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),³ and trail use/rail banking requests under 49 CFR 1152.29 must be filed by January 27, 2003.⁴ Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by February 5, 2003, with: Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to BNSF's representative: Michael Smith, Freeborn & Peters, 311 S. Wacker Dr., Suite 3000, Chicago, IL 60606-6677.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

BNSF has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources.

² The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

³ Each OFA must be accompanied by the filing fee, which currently is set at \$1,100. See 49 CFR 1002.2(f)(25).

⁴ On December 26, 2002, the City on behalf of the Seattle Department of Transportation filed a request for issuance of a notice of interim trail use (NITU) for the entire line pursuant to section 8(d) of the National Trails System Act, 16 U.S.C. 1247(d). The City's trail use request, and any others that may be filed, will be addressed in a separate decision.

¹ N&T's notice of exemption was filed on August 14, 2002, and supplemented on December 18, 2002.

¹ By petition for exemption filed December 26, 2002, the City of Seattle (City) is seeking an exemption from the requirements of 49 U.S.C. 10904 (offers of financial assistance) (OFA's). The merits of the petition will be addressed in a separate decision.