

Substantially similar U.S.-certified vehicles: 1999–2001 BMW 7 Series passenger cars.

Notice of Petition Published at: 66 FR 28026 (May 21, 2001).

Vehicle Eligibility Number: VSP–366.

3. Docket No. NHTSA–2000–9739

Nonconforming Vehicles: 1998–2001 BMW R1100 motorcycles.

Substantially similar U.S.-certified vehicles: 1998–2001 BMW R1100 motorcycles.

Notice of Petition Published at: 66 FR 31748 (June 12, 2001).

Vehicle Eligibility Number: VSP–368.

4. Docket No. NHTSA–2001–9562

Nonconforming Vehicles: 1992 Chevrolet Corvette passenger cars.

Substantially similar U.S.-certified vehicles: 1992 Chevrolet Corvette passenger cars.

Notice of Petition Published at: 66 FR 28019 (May 21, 2001).

Vehicle Eligibility Number: VSP–365.

5. Docket No. NHTSA–2001–9649

Nonconforming Vehicles: 1995–2000 KTM Duke II motorcycles.

Substantially similar U.S.-certified vehicles: 1995–2000 KTM Duke II motorcycles.

Notice of Petition Published at: 66 FR 28024 (May 21, 2001).

Vehicle Eligibility Number: VSP–363.

6. Docket No. NHTSA–2001–9560

Nonconforming Vehicle: 2000–2001 Audi TT passenger cars.

Substantially similar U.S.-certified vehicle: 2000–2001 Audi TT passenger cars.

Notice of Petition Published at: 66 FR 28023 (May 21, 2001).

Vehicle Eligibility Number: VSP–364.

7. Docket No. NHTSA–2001–9732

Nonconforming Vehicles: 1993 Ford Mustang passenger cars.

Substantially similar U.S.-certified vehicles: 1993 Ford Mustang passenger cars.

Notice of Petition Published at: 66 FR 30264 (June 5, 2001).

Vehicle Eligibility Number: VSP–367.

8. Docket No. NHTSA–2001–9947

Nonconforming Vehicles: 2000–2001 Mercedes Benz S500 and S600 passenger cars.

Substantially similar U.S.-certified vehicles: 2000–2001 Mercedes Benz S500 and S600 passenger cars.

Notice of Petition Published at: 66 FR 37722 (July 19, 2001).

Vehicle Eligibility Number: VSP–371.

9. Docket No. NHTSA–2001–10512

Nonconforming Vehicles: 2002 Harley Davidson FX, FL, and XL motorcycles.

Substantially similar U.S.-certified vehicles: 2002 Harley Davidson FX, FL, and XL motorcycles.

Notice of Petition Published at: 66 FR 46678 (September 6, 2001).

Vehicle Eligibility Number: VSP–372.

[FR Doc. 01–31519 Filed 12–20–01; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Ex Parte No. 558 (Sub-No. 5)]

Railroad Cost of Capital—2001

AGENCY: Surface Transportation Board.

ACTION: Notice of decision instituting a proceeding to determine the railroads' 2001 cost of capital.

SUMMARY: The Board is instituting a proceeding to determine the railroad industry's cost of capital for 2001. The decision solicits comments on: (1) The railroads' 2001 cost of debt capital; (2) the railroads' 2001 current cost of preferred stock equity capital; (3) the railroads' 2001 cost of common stock equity capital; and (4) the 2001 capital structure mix of the railroad industry on a market value basis.

DATES: Notices of intent to participate are due no later than January 14, 2002. Statements of the railroads are due by March 29, 2002. Statements of other interested persons are due by April 22, 2002. Rebuttal statements by the railroads are due by May 13, 2002.

ADDRESSES: Send an original and 10 copies of statements and a copy of the statement on a 3.5 inch disk in WordPerfect 9.0, and an original and 1 copy of the notice of intent to participate to: Surface Transportation Board, Office of the Secretary, Case Control Branch, 1925 K Street, NW, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Leonard J. Blistein, (202) 565–1529. [TDD for the hearing impaired: (202) 565–1695.]

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's decision. To obtain a copy of the full decision, write to, call, or pick up in person from the Board's contractor, Dā- To Dā Legal, Suite 405, 1925 K Street, NW, Washington, DC 20006, phone (202) 293–7776. [Assistance for the hearing impaired is available through TDD services 1 (800) 877–8339.] A copy of the decision can also be obtained from the Board's Internet site (www.stb.dot.gov).

We preliminarily conclude that the proposed action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Authority: 49 U.S.C. 10704(a).

Decided: December 13, 2001.

By the Board, Chairman Morgan, Vice Chairman Clyburn, and Commissioner Burkes.

Vernon A. Williams,

Secretary.

[FR Doc. 01–31368 Filed 12–20–01; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–55 (Sub-No. 602X)]

CSX Transportation, Inc.— Abandonment Exemption—in Limestone County, AL

CSX Transportation, Inc. (CSXT) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a 0.56-mile line of railroad between milepost 000–290.2 and milepost 000–290.76 in Athens, Limestone County, AL. The line traverses United States Postal Service Zip Code 35614.

CSXT has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (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 offer of financial assistance (OFA) has been received, this exemption will be effective on January 22, 2002, unless stayed pending reconsideration.

Petitions to stay that do not involve environmental issues,¹ formal

¹ 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

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expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),² and trail use/rail banking requests under 49 CFR 1152.29 must be filed by December 31, 2001. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by January 10, 2002, with: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to CSXT's representative: Paul R. Hitchcock, Assistant General Counsel, CSX Transportation, Inc., 500 Water Street, J150, Jacksonville, FL 32202.

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

CSXT has filed an environmental report which addresses the effects, if any, of the abandonment on the environment and historic resources. SEA will issue an environmental assessment (EA) by December 28, 2001. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423) or by calling SEA, at (202) 565-1552. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), CSXT shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned its line. If consummation has not been effected by CSXT's filing of a notice of consummation by December 21, 2002, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

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

Decided: December 11, 2001.

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

Vernon A. Williams,
Secretary.

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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.

² Each offer of financial assistance must be accompanied by the filing fee, which currently is set at \$1000. *See* 49 CFR 1002.2(f)(25).

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-43 (Sub-No. 172X)]

Illinois Central Railroad Company- Abandonment Exemption—in Adams County, MS

On December 4, 2001, Illinois Central Railroad Company (ICR), filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon a line of railroad known as the Natchez Spur, between milepost LN 94.48 and milepost LN 98.38, a distance of 3.9 miles in Natchez, Adams County, MS.¹ The line traverses U.S. Postal Service Zip Code 39120. There are no stations on the line.

The line does not contain federally granted rights-of-way. Any documentation in ICR'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 issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by March 22, 2002.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each OFA must be accompanied by a \$1,000 filing fee. *See* 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than January 10, 2002. Each trail use request must be accompanied by a \$150 filing fee. *See* 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket No. AB-43 (Sub-No. 172X) and must be sent to: (1) Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423—

¹ According to petitioner, the southernmost 0.56 miles of the line is ICR terminal trackage and former Natchez & Southern trackage not formally included in ICR's milepost numbering system. The southern boundary of the abandonment is the equivalent of milepost LN 98.38 under the numbering system used on the remainder of the line.

0001; and (2) Michael J. Barron, Jr., 455 North Cityfront Plaza Drive, Chicago, IL 60611-5317. Replies to the IC petition are due on or before January 10, 2002.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 565-1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152.

Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565-1552. [TDD for the hearing impaired is available at 1-800-877-8339.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition.

The deadline for submission of comments on the EA will generally be within 30 days of its service.

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

Decided: December 14, 2001.

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

Vernon A. Williams,
Secretary.

[FR Doc. 01-31369 Filed 12-20-01; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-596]

New York City Economic Development Corporation—Adverse Abandonment— New York Cross Harbor Railroad, Inc., in New York, NY

On December 4, 2001,¹ New York City Economic Development Corporation (NYCEDC) on behalf of the City of New York (City) filed an adverse application under 49 U.S.C. 10903 requesting that the Surface Transportation Board

¹ On December 4, 2001, NYCEDC filed a petition for a 1-day extension of time in order to gather the information necessary to file its application for adverse abandonment. Board regulations and case law permit extension of time for filing when good cause is shown and no party will be prejudiced by the delayed submission. *See Huron Valley Steel Co. v. Seaboard System RR, Inc.*, ICC Docket No. 39886 (ICC served Feb. 12, 1988). The extension is granted and the application is accepted because NYCEDC has shown good cause and no party will be prejudiced by the delay.