

**FOR FURTHER INFORMATION CONTACT:**

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**BILLING CODE 4910-13-M**

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

[STB Finance Docket No. 34248]

**Dallas, Garland & Northeastern  
Railroad, Inc.—Trackage Rights  
Exemption—Dallas Area Rapid Transit**

Dallas, Garland & Northeastern Railroad, Inc. (DGNO), has agreed to acquire by assignment from Union Pacific Railroad Company exclusive trackage rights over Dallas Area Rapid Transit's (DART) Elam Branch line between approximately milepost 308.80 near Elam, TX, and approximately milepost 314.84 near Briggs, TX, a total distance of approximately 6.04 miles.<sup>1</sup>

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

The purpose of the trackage rights is to enable DGNO to provide freight rail service on DART's rail line.

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. 34248, 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 Gary Laakso, Vice President Regulatory Counsel, 5300 Broken Sound Blvd., NW., 2nd Floor, Boca Raton, FL 44487.

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

Decided: September 5, 2002.

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

**Vernon A. Williams,**  
Secretary.

[FR Doc. 02-23093 Filed 9-11-02; 8:45 am]

**BILLING CODE 4915-00-P**

**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 user fee airports by Customs for providing Customs services at these designated facilities. These fees are based on 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 thereafter charged user fee airports.

**EFFECTIVE DATE:** The new fees will be effective October 1, 2002, 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. 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 \$118,000), and the annual fee subsequently charged so that user fee airports can continue to offer Customs services at their facilities (currently set at \$88,500). The notice announcing the current user fee rates was published in the **Federal Register** (66 FR 48739) on September 21, 2001. 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 adjustable, as costs and circumstances change.

**Adjustment of User Fee Airport Fees**

Customs has determined that, in order for the user fee to fully reimburse Customs for expenses incurred in providing requested services, the initial fee must be increased from \$118,000 to \$129,125, and the recurring annual fee subsequently charged must be increased from \$88,500 to \$115,400. Since inception, Headquarters has administered the program through the assignment of resources on a part time basis. The Headquarters' costs have been included in the fees. The program has experienced significant growth and, consequently, related costs for providing Headquarters' administrative services have increased to a level necessary for Customs to dedicate a permanent resource at Headquarters to manage and administer the program on a full time basis. The added resource will enable Customs to more adequately and efficiently manage the program. The increase in the recurring annual fee covers the increased costs. The new fees will be effective October 1, 2002, and will be reflected in quarterly, user fee airport billings issued on or after that date.

Dated: September 6, 2002.

**Carol A. Dunham,**

Acting Assistant Commissioner, Office of  
Finance.

[FR Doc. 02-23232 Filed 9-11-02; 8:45 am]

**BILLING CODE 4820-02-P**

<sup>1</sup> An unredacted version of the Trackage Rights Agreement, as required by 49 CFR 1180.6(a)(7)(ii), was concurrently filed under seal along with the motion for a protective order. That motion was granted and a protective order was issued in a decision served on September 5, 2002.