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Dated: November 5, 2002.

**Joel C. Richard,**

*Secretary, Maritime Administration.*

[FR Doc. 02-28487 Filed 11-7-02; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-156 (Sub-No. 22X)]

#### Delaware & Hudson Railway Company d/b/a Canadian Pacific Railway— Discontinuance of Trackage Rights Exemption—in Niagara County, NY

Delaware & Hudson Railway Company d/b/a Canadian Pacific Railway (D&H) has filed a notice of exemption under 49 CFR 1152 subpart F—*Exempt Abandonments and Discontinuances of Service and Trackage Rights* to discontinue trackage rights over a 0.15-mile portion of trackage owned by Canada Southern Railway Company (CSR) from a point on the international railway bridge at Niagara Falls, milepost 0.15, to a point where the trackage joins the CSX Transportation, Inc. trackage, milepost 0.0, in Niagara County, NY.<sup>1</sup> The line traverses United States Postal Service Zip Code 14305.

D&H has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic can be rerouted over other lines; (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 1105.11 (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 discontinuance 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 December 10, 2002, unless stayed pending reconsideration. Petitions to stay and formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>2</sup> must be filed by November 18, 2002. Petitions to reopen<sup>3</sup> must be filed by November 29, 2002, with: Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to D&H representative: Diane P. Gerth, Leonard, Street and Deinard Professional Association, 150 South Fifth Street, Suite 2300, Minneapolis, MN 55402.

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

Board decisions and notices are available on our Web site at [WWW.STB.DOT.GOV](http://WWW.STB.DOT.GOV).

Decided: October 29, 2002.

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

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 02-28070 Filed 11-7-02; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-550 (Sub-No. 2X)]

#### R.J. Corman Railroad Company/ Allentown Lines, Inc.—Abandonment Exemption—in Erie County, NY

R.J. Corman Railroad Company/Allentown Lines, Inc. (RJC�) has filed a notice of exemption under 49 CFR 1152

<sup>2</sup> Each OFA must be accompanied by the filing fee, which currently is set at \$1,100. See 49 CFR 1002.2(f)(25).

<sup>3</sup> Because this is a discontinuance proceeding, trail use/rail banking and public use conditions are not appropriate. This proceeding is exempt from environmental and historic reporting requirements. D&H only intends to discontinue service over the line. Because D&H's discontinuance of trackage rights will merely result in the cessation of service over the line, and has not sought abandonment authority, this proceeding is exempt from the reporting requirements listed above and no environmental documentation will be prepared. See 49 CFR 1105.6(c)(6) and 1105.8(a) and (b). Because CSR is seeking abandonment authority with respect to this line in STB Docket No. AB-584 (Sub-No. 1X), See *supra* note 1, environmental issues related to abandonment will be addressed in this proceeding.

subpart F—*Exempt Abandonments* to abandon: (1) The Walden Running Track between approximately milepost 413.90 and approximately milepost 418.50; and (2) the JD Industrial Track between approximately milepost 0.00 and approximately milepost 0.60, a total distance of approximately 5.20 miles in Erie County, NY.<sup>1</sup> The line traverses United States Postal Service Zip Codes 14086, 14031, 14225, 14227, and 14206.

RJC� has certified that: (1) No local traffic has moved over the line for the past 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 December 11, 2002 unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>2</sup> formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>3</sup> and trail use/rail banking requests under 49 CFR 1152.29 must be filed by November 18,

<sup>1</sup> RJC� notes that it acquired the subject line from Consolidated Rail Corporation pursuant to an offer of financial assistance in *Consolidated Rail Corporation—Abandonment Exemption—in Erie County, NY*, STB Docket No. AB-167 (Sub-No. 1164X) (Served Sept. 30, 1996).

<sup>2</sup> 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.

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

<sup>1</sup> D&H notes that the 0.15-mile trackage rights sought to be discontinued are overhead rights over trackage owned by CSR, for which CSR is seeking abandonment authority in *Canada Southern Railway Company—Abandonment Exemption—in Niagara County, NY*, STB Docket No. AB-584 (Sub-No. 1X) (STB served Oct. 22, 2002).

2002. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by November 29, 2002, with: Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to RJC's representative: Edward J. Fishman, Kirkpatrick & Lockhart LLP, 1800 Massachusetts Avenue—2nd Floor, Washington, DC 20036.

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

RJC has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. SEA will issue an environmental assessment (EA) by November 15, 2002. 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. (Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.) 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), RJC 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 RJC's filing of a notice of consummation by November 8, 2003, 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 Web site at [WWW.STB.DOT.GOV](http://WWW.STB.DOT.GOV).

Decided: October 29, 2002.

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

**Vernon A. Williams,**  
Secretary.

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## DEPARTMENT OF TRANSPORTATION

### Transportation Security Administration

[Docket No. TSA-2002-11604]

#### Security Programs For Aircraft 12,500 Pounds or More

**AGENCY:** Transportation Security Administration (TSA), DOT.

**ACTION:** Notice.

**SUMMARY:** This notice extends the date on which operators must be in compliance with the Twelve-Five Standard Security Program, from December 1, 2002 to February 1, 2003.  
**DATES:** Compliance date: February 1, 2003.

#### FOR FURTHER INFORMATION CONTACT:

Emily Chodkowski, Transportation Security Specialist, Office of Security Regulation and Policy, telephone: (202) 385-1838, email: [Emily.Chodkowski@tsa.dot.gov](mailto:Emily.Chodkowski@tsa.dot.gov).

**SUPPLEMENTARY INFORMATION:** On February 22, 2002, TSA published a final rule in the **Federal Register** (67 FR 8205), known as the "Twelve-Five Rule," that, in part, required new security measures for operators of aircraft with a maximum certificated takeoff weight of 12,500 pounds or more. See 49 CFR part 1544. Under the rule, these operators must adopt and carry out certain security measures approved by TSA, generally known as the "Twelve-Five Security Program." As published, the effective date of the Twelve-Five Rule was June 24, 2002. This document does not alter that date. On August 28, 2002, TSA published a notice in the **Federal Register** (67 FR 55308) announcing that it would issue the Twelve-Five Security Program to affected entities for review and comment. Security programs constitute sensitive security information (SSI), which can be disclosed only to persons with a need to know, in accordance with 49 CFR part 1520. Therefore, the Twelve-Five Security Program could be distributed only to affected operators for comment. TSA also stated in the Notice that all operators were required to operate in accordance with the security program by December 1, 2002.

Many of the operators subject to the Twelve-Five Security Program are small entities that were not subject to aviation security regulations prior to issuance of this rule. Consequently, these operators have not previously conducted fingerprint-based criminal history record checks (CHRC) on their employees, trained staff, and flight crew

on security measures, or operated in accordance with a security program. There are approximately 850 operators subject to this new standard, and many are having a great deal of difficulty completing the CHRC and training requirements, for a variety of reasons.

Many operators are located in remote areas where there are no aviation organizations available that typically assist with the fingerprinting process. Some operators have attempted to capture fingerprints by using a local law enforcement agency or other security establishment, and the fingerprints are not taken correctly, or the appropriate chain of custody does not exist, and so these prints must be disqualified. In addition, many of the operators do not have access to the databases that contain CHRC information, and so completing the search is not possible. Finally, many of the operators have just one or two employees, and so special procedures must be put in place to prevent an operator from reviewing his or her own CHRC information, or the CHRC of an employee who may be a family member or friend. TSA is working internally and with these operators to establish processes that will facilitate completing the CHRC requirement to avoid all of these problems. However, it is clear that a large number of affected operators will not be able to meet the December 1, 2002, compliance date on flight crew CHRCs.

The security program requires security training for individuals involved in Twelve-Five operations. Due to the high number of operators, their lack of prior exposure to security training programs, and the decentralized nature of this sector of the industry, an organized training regime has not been established. TSA is developing a template curriculum that will provide operators with the appropriate information to create a security training program.

For all of the foregoing reasons, TSA has determined that the compliance date for the Twelve-Five Security Program must be extended to February 1, 2003.

Issued in Washington, DC, on November 1, 2002.

**Thomas Blank,**

Associate Under Secretary for Security Regulation and Policy.

[FR Doc. 02-28644 Filed 11-6-02; 12:02 pm]

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