

the Coastwise Trade Laws for the vessel SIDE BY SIDE.

**SUMMARY:** As authorized by Public Law 105-383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Public Law 105-383 and MARAD's regulations at 46 CFR part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

**DATES:** Submit comments on or before September 24, 2001.

**ADDRESSES:** Comments should refer to docket number MARAD 2001-10445. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL-401, Department of Transportation, 400 7th St., SW., Washington, DC 20590-0001. You may also send comments electronically via the Internet at <http://dmses.dot.gov/submit/>. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR-832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202-366-2307.

**SUPPLEMENTARY INFORMATION:** Title V of Public Law 105-383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR § 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested

parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

#### **Vessel Proposed for Waiver of the U.S.-Build Requirement**

(1) Name of vessel and owner for which waiver is requested. Name of vessel: SIDE BY SIDE. Owner: Ben and Marilyn Siebert.

(2) Size, capacity and tonnage of vessel. According to the applicant: "42 ft. 6 in. LOA / 24 ft. 8 in. beam / 42 in. draft; Gross Tonnage—22 tons / Net Tonnage—19 tons (US standard); Fuel Capacity—100 gal / Water Capacity—212 gal."

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant: "Day sails and multi-day charters, harbor tours, bareboat and crew, in South Florida between Key Largo and Palm Beach (exclusive)."

(4) Date and Place of construction and (if applicable) rebuilding. Date of construction: 1992. Place of construction: Merignac, France.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant: "This Vessel will have negligible impact upon the Miami and South Florida operators. Currently, there are no catamaran day charters operating between Palm Beach and Key Largo (exclusive). All harbor cruises are currently done on large power yachts which can take up to 100 passengers at \$14.50 each, with loud music and a party atmosphere. 'Side by Side' would cater to a more relaxed clientele, who prefer to sail with a small group in peace and quiet for approx. \$25.00 per person. After diligent research, we could find no sailboats operating as short-term per-person sightseeing charters in Miami."

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant: "We have made an exhaustive search for a US built day sailing catamaran. However, we have found that it is very difficult if not impossible to find a vessel that fits our requirements of being U.S. built and USCG approved. There are very few companies building catamarans, and any used boat is grabbed up before I have a chance to bid on a day sailing boat. Our old, Small boat will never supercede the nice and big cats being built, as it can only hold 12 passengers."

Dated: August 17, 2001.

By order of the Maritime Administrator.

**Joel C. Richard,**

*Secretary, Maritime Administration.*

[FR Doc. 01-21237 Filed 8-22-01; 8:45 am]

**BILLING CODE 4910-81-P**

## **DEPARTMENT OF TRANSPORTATION**

### **Surface Transportation Board**

**[STB Finance Docket No. 34080]**

#### **Columbus & Ohio River Rail Road Company—Lease And Operation Exemption—Norfolk Southern Railway Company**

Columbus & Ohio River Rail Road Company (C&ORR), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to acquire by lease from Norfolk Southern Railway Company (NS) and to operate approximately 0.4 miles of rail line, known as the Joyce Avenue Lead Track, between milepost N-702.5 and milepost N-702.9 in the vicinity of Columbus, Franklin County, OH. C&ORR certifies that its projected revenues as a result of this transaction will not result in the creation of a Class I or a Class II rail carrier.

The earliest date possible for consummation of the transaction is September 25, 2001, 60 days after C&ORR certified that it posted the required notice at the affected employees' workplace and served notice of the transaction, as required, on the national offices of the labor unions with the employees on affected line. See 49 CFR 1150.42(e).

C&ORR expects to improve the efficiency with which it interchanges traffic with NS as well as its direct service to shippers local to the subject line.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to reopen the proceeding 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. 34080, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 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 17th Street, NW., Washington, DC 20036.

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

Decided: August 15, 2001.

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

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 01-21036 Filed 8-22-01; 8:45 am]

BILLING CODE 4915-00-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-330 (Sub-No. 3X)]

#### Otter Tail Valley Railroad Company— Abandonment Exemption—in Wilkin and Otter Tail Counties, MN

On August 3, 2001, Otter Tail Valley Railroad Company (OTVR) 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 2.65-mile line of railroad known as the Foxhome branch, extending between milepost 58.8 near French, MN, and milepost 61.45 near Foxhome, MN (the end of the line), in Wilkin and Otter Tail Counties, MN. The line traverses U.S. Postal Service Zip Codes 56537 and 56543, and includes the station of Foxhome.

The line does not contain federally granted rights-of-way. Any documentation in OTVR'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 November 21, 2001.

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 offer 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 September 12, 2001. 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-330 (Sub-No. 3X) and must be sent to: (1)

Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423-0001; and (2) Louis E. Gitomer, 1455 F St., NW, Suite 225, Washington, DC 20005. Replies to the petition are due on or before September 12, 2001.

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) 565-1545. [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 website at "WWW.STB.DOT.GOV."

Decided: August 17, 2001.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 01-21331 Filed 8-22-01; 8:45 am]

BILLING CODE 4915-00-P

## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

August 14, 2001.

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.

**DATES:** Written comments should be received on or before September 24, 2001 to be assured of consideration.

### Internal Revenue Service (IRS)

*OMB Number:* 1545-0203.

*Form Number:* IRS Form 5329.

*Type of Review:* Extension.

*Title:* Additional Taxes to IRAs, Other Qualified Retirement Plans, Annuities, Modified Endowment Contracts and MSAs.

*Description:* This form is used to compute and collect taxes related to early distributions from individual retirement arrangements (IRAs) and other qualified retirement plans; distributions from education (ED) IRAs not used for educational expenses; excess contributions to traditional IRAs, ED IRAs and medical savings accounts (MSAs); and excess accumulations in qualified retirement plans.

*Respondents:* Individuals or households.

*Estimated Number of Respondents/Recordkeepers:* 1,000,000.

*Estimated Burden Hours Per Respondent/Recordkeeper:*

Recordkeeping—2 hr., 5 min.

Learning about the law or the form—33 min.

Preparing the form—2 hr., 7 min.

Copying, assembling, and sending the form to the IRS—14 min.

*Frequency of Response:* On occasion.

*Estimated Total Reporting/Recordkeeping Burden:* 937,000 hours.

*OMB Number:* 1545-1032.

*Form Number:* IRS Form 8689.

*Type of Review:* Extension.

*Title:* Allocation of Individual Income Tax to the Virgin Islands.

*Description:* Form 8689 is used by U.S. citizens or residents as an attachment to Form 1040 when they have Virgin Islands source income. The data is used by IRS to verify the amount claimed on Form 1040 for taxes paid to the Virgin Islands.

*Respondents:* Individuals or households.

*Estimated Number of Respondents/Recordkeepers:* 800.

*Estimated Burden Hours Per Respondent/Recordkeeper:*

Recordkeeping—2 hr., 44 min.

Learning about the law or the form—19 min.

Preparing the form—1 hr., 1 min.

Copying, assembling, and sending the form to the IRS—20 min.

*Frequency of Response:* Annually.

*Estimated Total Reporting/Recordkeeping Burden:* 3,512 hours.

*OMB Number:* 1545-1141.

*Notice Number:* Notice 89-102.

*Type of Review:* Extension.