

(12) To modify the exemption to authorize the use of an alternative closure material for the steam drum nozzle as part of non-DOT specification packaging for the transportation of Class 7 material.

(13) To reissue the exemption originally issued on an emergency basis and to authorize continued use of the DOT Specification 4BW240 welded steel cylinders equipped with locking ball valves and a pressure relief device for the transportation of a Division 6.1 material.

(14) To reissue the exemption originally issued on an emergency basis for the transportation of certain Division 6.2 materials in specially designed packaging.

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Ex Parte No. 333]

#### Sunshine Act Meeting

**TIME AND DATE:** 10 a.m., Friday, January 31, 2003.<sup>1</sup>

**PLACE:** The Board's Hearing Room, Surface Transportation Board, 1925 K Street, NW, Washington, DC 20423

**STATUS:** The Board will meet to discuss among themselves the following agenda items. Although the conference is open for public observation, no public participation is permitted.

**MATTERS TO BE DISCUSSED:** STB Finance Docket No. 34178, *Dakota, Minnesota & Eastern Railroad Corporation and Cedar American Rail Holding, Inc.—Control—Iowa, Chicago & Eastern Railroad Corporation.*

STB Finance Docket No. 33697, *National Railroad Passenger Corporation—Petition for Declaratory Order—Weight of Rail.*

STB Finance Docket No. 33995, *SF&L Railway, Inc.—Acquisition and Operation Exemption—Toledo, Peoria and Western Railway Corporation Between La Harpe and Peoria, IL.*

STB Finance Docket No. 33996, *Kern W. Schumacher and Morris H. Kulmer—Continuance in Control—SF&L Railway, Inc.*

STB Docket No. AB-448 (Sub-No. 2X), *SF&L Railway, Inc.—Abandonment Exemption—in Hancock, McDonough, Fulton and Peoria Counties, IL.*

STB Docket No. AB-565 (Sub-No. 11X), *New York Central Lines, LLC—Abandonment-Exemption—in Lake County, OH.*

STB Docket No. AB-55 (Sub-No. 617X), *CSX Transportation, Inc.—Discontinuance of Service Exemption—in Lake County, OH.*

STB Finance Docket No. 34114, *Yolo Shortline Railroad Company—Lease and Operation Exemption—Port of Sacramento.*

STB Finance Docket No. 34304, *The Burlington Northern and Santa Fe*

<sup>1</sup> The Voting Conference originally scheduled for Thursday, January 30, 2003, has been rescheduled for January 31, 2003.

*Railway Company—Trackage Rights Exemption—The Portland & Western Railroad, Inc.*

STB Ex Parte No. 282 (Sub-No. 20), *Railroad Consolidation Procedures: Class Exemption for Temporary Trackage Rights Transactions.*

**FOR FURTHER INFORMATION CONTACT:** A. Dennis Watson, Office of Congressional and Public Services, Telephone: (202) 565-1596, FIRS: 1-800-877-8339.

Dated: January 27, 2003.

**Vernon A. Williams,**  
*Secretary.*

[FR Doc. 03-2229 Filed 1-27-03; 4:01 pm]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-364 (Sub-No. 7X)]

#### The Texas Northeastern Division, Mid-Michigan Railroad, Inc.—Discontinuance of Service Exemption—in Grayson County, TX

The Texas Northeastern Division, Mid-Michigan Railroad, Inc. (TNER), has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments and Discontinuances of Service* to discontinue service over 10.51 miles of railroad between milepost 662.54 in Denison and milepost 673.05 in Sherman, in Grayson County, TX (the line).<sup>1</sup> The line traverses United States Postal Service

<sup>1</sup> According to TNER's Environmental Report, the Missouri-Kansas-Texas Railroad Company (MKT) operated the line until MKT merged into the Missouri Pacific Railroad Company (MP). At the time of the merger, MKT was authorized to abandon the line. See *Union Pacific Corp. et al.—Cont.—MO-KS-TX Co. et al.*, 4 I.C.C.2d 409, 488-89 (1988) (UP/MKT). Although TNER contends that MKT consummated the abandonment before the line was leased to TNER, it appears that this was not the case, as an exemption was obtained for lease of the line from MP, now Union Pacific Railroad Company (UP), in *Mid Michigan Railroad Company, Inc.—Lease and Operation Exemption—Missouri Pacific Railroad Company*, Finance Docket No. 31646 (ICC served Aug. 28, 1990). In addition, it does not appear that the abandonment could have been consummated because there is an historic preservation condition under section 106 of the National Historic Preservation Act, 16 U.S.C. 470(f), imposed in *UP/MKT* at 577, that remains outstanding. Accordingly, although TNER is the last carrier operating over this line, UP, as the owner of the line and successor-in-interest to MP, retains a common carrier obligation.

Zip Codes 75020, 75021, 75090, 75091, and 75092.

TNER has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line 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 1105.7 (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 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 February 28, 2003, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues<sup>2</sup> and formal expressions of intent to file an OFA for continued rail service under 49 CFR 1152.27(c)(2),<sup>3</sup> must be filed by February 10, 2003.<sup>4</sup> Petitions to reopen must be filed by February 18, 2003, with: Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423.

<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 is currently set at \$1,100. See 49 CFR 1002.2(f)(25).

<sup>4</sup> Because this is a discontinuance proceeding and not an abandonment, trail use/rail banking and public use conditions are not appropriate.