

Commenters should send either one copy by U.S. mail, first class, postage, prepaid, to Sandy McKinzy at the address listed above, or transmit a copy electronically to [japanapples@ustr.gov](mailto:japanapples@ustr.gov). For documents sent by U.S. mail, USTR requests that the submitter provide a confirmation copy, either electronically or by fax to (202) 395-3640. USTR encourages the submission of documents in Adobe PDF format, as attachments to an electronic mail.

A person requesting that information contained in a comment submitted by that person be treated as confidential business information must certify that such information is business confidential and would not customarily be released to the public by the commenter. Confidential business information must be clearly marked BUSINESS CONFIDENTIAL in a contrasting color ink at the top of each page of each copy. For any document containing business confidential information submitted by electronic transmission, the file name of the business confidential version should begin with the characters "BC", and the file name of the public version should begin with the characters "P". The "P" or "BC" should be followed by the name of the commenter. Interested persons who make submissions by electronic mail should not provide separate cover letters; information that might appear in a cover letter should be included in the submission itself. Similarly, to the extent possible, any attachments to the submission should be included in the same file as the submission itself and not as separate files.

Information or advice contained in a comment submitted, other than business confidential information, may be determined by USTR to be confidential in accordance with section 135(g)(2) of the Trade Act of 1974 (19 U.S.C. 2155(g)(2)). If the submitter believes that information or advice may qualify as such, the submitter—

(1) Must so designate the information or advice;

(2) Must clearly mark the material as SUBMITTED IN CONFIDENCE in a contrasting color ink at the top of each page of each copy; and

(3) Is encouraged to provide a non-confidential summary of the information or advice.

Pursuant to section 127(e) of the URAA (19 U.S.C. 3537(e)), USTR will maintain a file on the dispute settlement proceeding, accessible to the public, in the USTR Reading Room: Office of the United States Trade Representative, 1724 F Street, NW, Washington, DC 20508. The public file will include a listing of any comments received by

USTR from the public with respect to the dispute; if a dispute settlement panel is convened, the U.S. submissions to that panel, the submissions, or non-confidential summaries of submissions, to the panel received from other participants in the dispute, as well as the report of the panel; and, if applicable, the report of the Appellate Body. An appointment to review the public file (Docket WTO/DS-245, Japan—Measures Affecting the Importation of Apples) may be made by calling Brenda Webb, (202) 395-6186. The USTR Reading Room is open to the public from 9:30 a.m. to 12 noon and 1 p.m. to 4 p.m., Monday through Friday.

**Bruce R. Hirsh,**

*Acting Assistant United States Trade Representative for Monitoring and Enforcement.*

[FR Doc. 02-15078 Filed 6-13-02; 8:45 am]

BILLING CODE 3190-01-M

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Environmental Impact Statement: Clinton County, NY

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Clinton County, New York.

#### FOR FURTHER INFORMATION CONTACT:

Robert Arnold, Division Administrator, Federal Highway Administration, New York Division, Leo W. O'Brien Federal Building, 7th Floor, Clinton Avenue and North Pearl Street, Albany, New York 12207, Telephone: (518) 431-4127; or Albert H. Rascoe, Highway Superintendent, Clinton County Highway Department, 736 Route 3, Plattsburgh, NY, 12901, Telephone: (518) 565-4626; or R. Carey Babyak, Regional Director, New York State Department of Transportation, Region 7, 317 Washington Street, Watertown, NY 13601, Telephone: (315) 785-2333.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the New York State Department of Transportation (NYSDOT) and the Clinton County Highway Department will prepare an environmental impact statement (EIS) on a proposal to improve a portion of County Route 57 and construct a new section of County Route 57 in Clinton County, New York. The proposed project will rehabilitate

County Route 57 for a distance of about 1 mile (1.6 km) from its intersection with US Route 9 to its' separation into East & West roads (perimeter road) and the construction of a new roadway from the separation down the center of the peninsula to the Lake Champlain Ferries Terminal (Grand Isle Ferry) at the southern end of the peninsula for a distance of about 3.3 miles (5.3 km). Improvements to the corridor are considered necessary to reduce traffic volumes on the existing East & West roads, improve safety, and address geometric deficiencies and incompatible usage of the existing Cumberland Head Road (County Route 57).

Alternatives given consideration include (1) taking no action; (2) widening and improving the horizontal and vertical geometry of the existing two-lane road; and (3) constructing a new two-lane limited access highway in a new location. Incorporated into and studied with the various build alternatives will be design variations of grade, intersecting roadways, and alignment.

Letters describing the proposed action and soliciting comments have been sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed interest in this proposal. Public information meetings were held in the Town of Plattsburgh on April 4 and October 17, 2000. In addition, a public hearing will be held. Public Notice was given of the time and place of those meetings and will be given of the time and place of the hearing. The draft EIS will be available for public and agency review and comment. No formal NEPA scoping meeting is planned at this time.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the Clinton County Highway Department, the NYSDOT or FHWA at the addresses provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation of Federal programs and activities apply to this program.)

**Authority:** 23 U.S.C. 315; 23 CFR 771.123

Issued on May 30, 2002.

**Douglas P. Conlan,**

*District Operations Engineer, Federal Highway Administration, Albany, New York.*  
[FR Doc. 02-15086 Filed 6-13-02; 8:45 am]

**BILLING CODE 4910-22-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Environmental Impact Statement: Oakland County, MI

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for the I-75 Oakland County Planning/Environmental Study.

**FOR FURTHER INFORMATION CONTACT:** James A. Kirschensteiner, Assistant Division Administrator, Federal Highway Administration, 315 West Allegan Street, Room 207, Lansing, Michigan 48933, Telephone: (517) 702-1835, Fax: 377-1804, email [james.kirschensteiner@fhwa.dot.gov](mailto:james.kirschensteiner@fhwa.dot.gov)

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the Michigan Department of Transportation, will prepare an environmental impact statement (EIS) on a proposal to add an additional through travel lane in each direction on I-75 between 8-Mile Road and M-59 to bring the total number of through travel lanes to four in each direction, together with other improvements. Improvements are considered necessary to provide for improved travel on I-75, which is already highly congested through much of the day. The EIS will include the evaluation of recommendations from the previous I-75 Corridor Feasibility Study (November 2000), including a through analysis of transit alternatives utilizing the Southeast Michigan Council of governments (SEMCOG) Transit Vision and the 1999 Southeast Michigan High Occupancy Vehicle (HOV) Feasibility Study. The Feasibility Study recommended the addition of a fourth lane in those areas where it is needed to provide four through lanes, improving several interchanges, and implementing intelligent transportation systems (ITS) throughout the corridor.

Alternatives under consideration include (1) taking no action; (2) providing mass transit; (3) implementing transportation system management and/or transportation demand management techniques; (4) developing the proposed lanes for use

either all day or during a portion of the day by high occupancy vehicles (carpools, vanpool, and buses) only; and (5) developing normal, unrestricted freeway travel lanes.

Letters describing the proposed action and soliciting comments will be sent to appropriate federal, state, and local agencies, and to private organizations and citizens who have previously expressed or are known to have an interest in this proposal. Five rounds of public meetings were held during the Feasibility Study phase during 1999 and 2000. Additional meetings and a public hearing are planned. Public notice will be given of the time and place of the hearing(s). The draft EIS will be available for public and agency review and comment prior to the public hearing. NO formal scoping meeting is planned at this time.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation of Federal programs and activities apply to this program.)

Issued on May 30, 2002

**James J. Steele,**

*Division Administrator Lansing, Michigan.*  
[FR Doc. 02-15085 Filed 6-13-02; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### [STB Finance Docket No. 34206]

#### Permian Basin Railways, Inc.— Continuance in Control Exemption— West Texas and Lubbock Railway Company, Inc. and Austin & Northwestern Railroad Company, Inc.

Permian Basin Railways, Inc. (Permian), a noncarrier holding company, has filed a verified notice of exemption to (1) acquire control through stock purchase of Austin & Northwestern Railroad Company, Inc. (Austin),<sup>1</sup> a Class III rail carrier, and (2) continue in control of Austin and West Texas and Lubbock Railway Company,

Inc. (Railway), upon Railway's becoming a Class III railroad.

This transaction was scheduled to be consummated on or after the May 24, 2002 effective date of the exemption, 7 days after the exemption was filed.

This transaction is related to STB Docket No. 34205, *West Texas and Lubbock Railway Company, Inc.—Acquisition and Operation Exemption—West Texas Lubbock Railroad Company, Inc.*, wherein Railway seeks to acquire and operate approximately 107 miles of rail line by lease (with a future purchase option) and assumption of trackage rights from West Texas Lubbock Railroad Company, Inc.

Permian states that: (i) The railroads will not connect with each other or any railroads in their corporate family; (ii) the continuance in control is not part of a series of anticipated transactions that would connect the railroads with each other or any railroad in their corporate family; and (iii) the transaction does not involve a Class I carrier.

Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. *See* 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

If the notice 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. 34206, must be filed with the Surface Transportation Board, Case Control Unit, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on John D. Heffner, 555 12th Street, NW., Suite 950N, Washington, DC 20004.

Boards decisions and notices are available on our website at "[www.stb.dot.gov](http://www.stb.dot.gov)."

Decided: June 7, 2002.

<sup>1</sup> *See Austin & Northwestern Railroad Company, Inc.—Acquisition and Operation Exemption—Missouri Pacific Railroad Company*, Finance Docket No. 31444 (ICC served May 22, 1989).