

**ADDRESSES:** Comments (an original and 10 copies) regarding this EA should be submitted in writing to: Section of Environmental Analysis, Surface Transportation Board, 1925 K Street, NW, Washington, DC 20423, to the attention of Rini Ghosh.

**FOR FURTHER INFORMATION CONTACT:** Rini Ghosh, (202) 565-1539 (TDD for the hearing impaired (1-800-877-8339)). To obtain a copy of the EA, contact Da-2-Da Legal Copy Service, Suite 405, 1925 K Street, NW., Washington, DC 20006, phone (202) 293-7776 or visit the Board's website at "[www.stb.dot.gov](http://www.stb.dot.gov)".

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

**Vernon A. Williams,**  
Secretary.

[FR Doc. 02-8939 Filed 4-11-02; 8:45 am]

**BILLING CODE 4915-00-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Finance Docket No. 34060]

#### Midwest Generation, LLC—Exemption from 49 U.S.C. 10901—for Construction in Will County, IL

**AGENCY:** Surface Transportation Board, DOT.

**ACTION:** Notice of availability of environmental assessment and request for comments.

**SUMMARY:** Midwest Generation, LLC (Midwest) has petitioned the Surface Transportation Board (Board) for authority to construct a rail line approximately 4,007 feet in length in Will County, Illinois to provide an alternate route for rail access to the Joliet Generating Station in Joliet, Illinois. The Board's Section of Environmental Analysis (SEA) has prepared an environmental assessment (EA) for this project. Based on the information provided and the environmental analysis conducted to date, the EA preliminarily concludes that this proposal should not significantly affect the quality of the human environment if the recommended mitigation measures set forth in the EA are implemented. Accordingly, SEA recommends that, if the Board approves this project, Midwest be required to implement the mitigation set forth in the EA. Copies of the EA have been served on all interested parties and will be made available to additional parties upon request. SEA will consider all comments received when making its final environmental recommendations to the

Board. The Board will then consider SEA's final recommendations and the complete environmental record in making its final decision in this proceeding.

**DATES:** The EA is available for public review and comment. Comments are due by May 10, 2002.

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By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

**Vernon A. Williams,**  
Secretary.

[FR Doc. 02-8940 Filed 4-11-02; 8:45 am]

**BILLING CODE 4915-00-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-565 (Sub-No. 8X)] and [STB Docket No. AB-55 (Sub-No. 608X)]

#### New York Central Lines, LLC—Abandonment Exemption—in Delaware County, OH and CSX Transportation, Inc.—Discontinuance of Service Exemption—in Delaware County, OH

New York Central Lines, LLC (NYC) and CSX Transportation, Inc. (CSXT) have filed a notice of exemption under 49 CFR 1152 subpart F—*Exempt Abandonments and Discontinuances of Service* for NYC to abandon and CSXT to discontinue service over approximately 1.5 miles of railroad from milepost QED 114.1 to milepost QED 115.6 in Delaware, Delaware County, OH.<sup>1</sup> The line traverses United States Postal Service Zip Code 43015.

<sup>1</sup> Pursuant to Board authorization in 1998, CSX Corporation, CSXT's parent company, and Norfolk Southern Corporation jointly acquired control of Conrail Inc., and its wholly owned subsidiary, Consolidated Rail Corporation (Conrail). As a result of that acquisition, certain assets of Conrail have been assigned to NYC, a wholly owned subsidiary of Conrail, to be exclusively operated by CSXT pursuant to an operating agreement. The line to be abandoned is included among the property being operated by CSXT pursuant to the NYC operating agreement.

NYC and CSXT have certified that: (1) No local traffic has moved over the line for at least 2 years; (2) overhead traffic will be diverted to another CSXT rail line with the construction of a track connection;<sup>2</sup> (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 these exemptions, any employee adversely affected by the abandonment or 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, these exemptions will be effective on May 14, 2002,<sup>3</sup> unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>4</sup> formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>5</sup> and trail use/rail banking requests under 49 CFR 1152.29 must be filed by April 22, 2002. Petitions to reopen or requests for

<sup>2</sup> CSXT states that this track connection has not yet been constructed and that it is negotiating an agreement with the city of Delaware and the Ohio Rail Development Commission (ORDC) wherein the ORDC would contribute funds for the construction of the connection track in exchange for the closure of the five grade crossings on the line. CSXT states that it will petition the Board for approval of the construction of the connection track, which at this point is likely to be constructed on CSXT property.

<sup>3</sup> CSXT states that the proposed consummation date of this abandonment is March 22, 2003, because this line is utilized for overhead traffic, and it does not intend to consummate the abandonment until such time as the connection track construction is complete.

<sup>4</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>5</sup> Each offer of financial assistance must be accompanied by the filing fee, which as of April 8, 2002, is set at \$1,100. See 49 CFR 1002.2(f)(25).