

Issued in Washington, DC, on March 7, 2002.

**John McGraw,**

*Acting Manager, Aircraft Engineering Division, Aircraft Certification Service.*

[FR Doc. 02-6129 Filed 3-22-02; 8:45 am]

**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Environmental Impact Statement: Burleigh and Morton Counties, ND

**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 Burleigh and Morton Counties, North Dakota.

**FOR FURTHER INFORMATION CONTACT:** Calvin Larson, Environment and Design Engineer, Federal Highway Administration, 1471 Interstate Loop, Bismarck, North Dakota 58503-0567, Telephone: (701) 250-4204; Terrence Udland, Bridge Engineer, North Dakota Department of Transportation, 608 East Boulevard Avenue, Bismarck, North Dakota 58505-0700, Telephone: (701) 328-1969.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the North Dakota Department of Transportation, will prepare an environmental impact statement (EIS) to determine the best long-term solution for the Liberty Memorial Bridge crossing of the Missouri River. The proposed improvement would involve the rehabilitation or reconstruction of the bridge and approach roadways.

The existing bridge is 80 years old and has developed extensive deterioration and damage due to weathering, ice control chemicals, and traffic conditions. In addition, the bridge approach geometry and lane widths do not conform to current highway standards and therefore constitute a safety hazard. Emergency repairs to the pier caps were completed in 2001. These repairs were limited and are projected to last for only five years.

The bridge is listed on the National Register of Historic Places. It was christened the Liberty Memorial Bridge in honor of North Dakota World War I soldiers. It was the first vehicular bridge over the Missouri River in North Dakota. At the time it was completed, it was the only vehicular bridge between Great Falls, Montana and Sioux City, Iowa. It

was also the final link in the coast-to-coast National Parks Highway, later designated U.S. Highway 10.

The alternatives that will likely be evaluated include (1) taking no action; (2) rehabilitating the existing bridge; (3) rehabilitating the existing bridge and constructing a new bridge adjacent to the existing; and (4) constructing a new bridge in the vicinity of the existing bridge and demolishing the existing bridge.

Letters describing the proposed action and soliciting views and 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. Public scoping meetings for identifying significant issues to be addressed in the environmental impact statement will be held on April 8, 2002 in the Bismarck, North Dakota, City Council Chamber and on April 9, 2002 in the Mandan, North Dakota, City Council Chamber.

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 North Dakota Department of Transportation or 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: March 8, 2002.

**J. Michael Bowen,**

*Division Administrator, Federal Highway Administration, Bismarck, North Dakota.*

[FR Doc. 02-7015 Filed 3-22-02; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Ex Parte No. 290 (Sub No. 5) (2002-2)]

#### Quarterly Rail Cost Adjustment Factor

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

**ACTION:** Approval of rail cost adjustment factor.

**SUMMARY:** The Board has approved the second quarter 2002 rail cost adjustment factor (RCAF) and cost index filed by the Association of American Railroads. The second quarter 2002 RCAF

(Unadjusted) is 1.062. The second quarter 2002 RCAF (Adjusted) is 0.563. The second quarter 2002 RCAF-5 is 0.541.

**EFFECTIVE DATE:** April 1, 2002.

**FOR FURTHER INFORMATION CONTACT:** H. Jeff Warren, (202) 565-1533. Federal Information Relay Service (FIRS) for the hearing impaired: 1-800-877-8339.

#### SUPPLEMENTARY INFORMATION:

Additional information is contained in the Board's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dā-To-Dā Legal, Suite 405, 1925 K Street, NW, Washington, D.C. 20006, phone (202) 293-7776. [Assistance for the hearing impaired is available through FIRS: 1-800-877-8339.]

This action will not significantly affect either the quality of the human environment or energy conservation.

Pursuant to 5 U.S.C. 605(b), we conclude that our action will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Decided: March 19, 2002.

By the Board, Chairman Morgan and Vice Chairman Burkes.

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

[FR Doc. 02-7121 Filed 3-22-02; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-565 (Sub-No. 6X); STB Docket No. AB-55 (Sub-No. 604X)]

#### New York Central Lines, LLC— Abandonment Exemption—in Shelby County, OH; CSX Transportation, Inc.—Discontinuance of Service Exemption—in Shelby 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 .90 miles of railroad between milepost QIO 163.98 and milepost QIO 163.08 in Sidney, Shelby County, OH.<sup>1</sup> The line traverses United States Postal Service Zip Code 45365.

<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

NYC and CSXT have certified that: (1) No local traffic has moved over the line for at least 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 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 April 24, 2002, unless

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.

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 April 4, 2002. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by April 15, 2002, with: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicants' representative: Natalie S. Rosenberg, Counsel, CSX Transportation, Inc., 500 Water Street J150, Jacksonville, FL 32202.

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

NYC and CSXT have filed an environmental report which addresses the effects, if any, of the abandonment and discontinuance on the environment

<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 offer of financial assistance must be accompanied by the filing fee, which currently is set at \$1000. See 49 CFR 1002.2(f)(25). This fee is scheduled to increase to \$1,100, effective April 8, 2002.

and historic resources. SEA will issue an environmental assessment (EA) by March 29, 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. [TDD for the hearing impaired is available 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), NYC shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by NYC's filing of a notice of consummation by March 25, 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: March 15, 2002.

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

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

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**BILLING CODE 4915-00-P**