

The FAA partially concurs. The term "supercooled drops/droplets" will be adopted as equivalent to "supercooled liquid" and "supercooled liquid water drops." The term "supercooled drops/droplets" has been added to the list of definitions and references to "supercooled liquid water" and "supercooled liquid water drops" have been deleted.

Conclusion

After consideration of the comments submitted in response to the notice of intent, the FAA has determined that the icing terminology, as amended following review of the comments, does not conflict with the current regulations and the criteria set forth in the FAA Icing Plan.

Issued in Washington, DC, on April 30, 2003.

Louis C. Cusimano,

Deputy Director, Flight Standards Service.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34117]

Pemiscot County Port Authority— Construction Exemption—Pemiscot County, MO

AGENCY: Surface Transportation Board, Transportation.

ACTION: Notice of availability of Environmental Assessment and request for comments.

SUMMARY: The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) has prepared an Environmental Assessment (EA) in response to a petition filed by the Pemiscot County Port Authority. The petition seeks an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10901 for authority to construct and operate a rail line between Hayti, Missouri and the Pemiscot Port. The EA identifies the natural and man-made resources in the area of the proposed rail line and analyzes the potential impacts of the rail line construction and operation on these resources. Based on the information provided from all sources to date and its independent analysis, SEA preliminarily concludes that construction and operation of the proposed rail line would have no significant environmental impacts if the Board imposes and the Pemiscot County Port Authority implements the recommended mitigation measures set

forth in this EA. Copies of the EA have been served on all interested parties and will be made available to additional parties upon request. The entire EA is also available on the Board's Web site (<http://www.stb.dot.gov>) by clicking on the "Decisions" button and searching by service date (May 7, 2003) or Docket Number (FD 34117). 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 must be postmarked June 6, 2003.

ADDRESSES: Comments (an original and 10 copies) should be sent in writing to: Surface Transportation Board, Case Control Unit, 1925 K Street, NW., Washington, DC 20423. The lower left corner of the envelope should be marked: Attention: Mr. David Navecky, Environmental Comments, Finance Docket No. 34117.

FOR FURTHER INFORMATION CONTACT: David Navecky by mail at the address above, by telephone at (202) 565-1593 (FIRS for the hearing impaired (1-800-877-8339)), or by e-mail at naveckyd@stb.dot.gov.

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

Vernon A. Williams,

Secretary.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-355 (Sub-No. 27X)]

Springfield Terminal Railway Company—Discontinuance of Service Exemption—Portion of Bemis Branch, in Middlesex County, MA

Springfield Terminal Railway Company (ST) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments and Discontinuances* to discontinue service over a 2.11-mile line of railroad¹ known as the Bemis Branch extending from milepost 8.83 to milepost 10.94,² in

¹ ST acquired its leasehold interest in the line from Boston and Maine Corporation (B&M), an affiliate of ST, in *D&H Ry—Lease & Trackage Rights Exemp. Springfield Term.*, 4 I.C.C.2d 322 (1988). ST states that, prior to the effective date of this discontinuance, title to the line was or will be acquired by third parties.

² B&M was authorized to abandon the line in *Boston and Maine Corporation—Abandonment—in*

Waltham and Watertown, Middlesex County, MA. The line traverses United States Postal Service Zip Codes 02451 and 02472.

ST has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic to be rerouted; (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 June 6, 2003,³ unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues and formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),⁴ must be filed by May 19, 2003. Petitions to reopen must be filed by May 27, 2003, with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to ST's representative: Katherine E. Potter, Esq.,

Middlesex County, MA, STB Docket No. AB-32 (Sub-No. 89) (STB served Aug. 16, 2000), and consummated the abandonment in June 2001. By letter filed on April 30, 2003, ST supplemented its notice of exemption to explain that it did not seek approval to discontinue its operations at the time of the B&M abandonment because it was unaware that such approval was required.

³ Because this is a discontinuance proceeding and not an abandonment, trail use/rail banking and public use conditions are not appropriate. Likewise, no environmental or historic documentation is required under 49 CFR 1105.6(c) and 1105.8. Nevertheless, ST filed an environmental report with its notice. The Board's Section of Environmental Analysis (SEA) issued an environmental assessment on May 31, 2000, in connection with B&M's abandonment of the line.

⁴ Each OFA must be accompanied by the filing fee, which currently is set at \$1,100. See 49 CFR 1002.2(f)(25).