

airport property and a compliance issue for the airport. In addition, the uncontrolled access raises liability concerns for the airport. The land release would bring the airport into compliance with grant assurances and assure compatible land use. It would also remove the liability issue related to the unauthorized use of the access road.

A categorical exclusion for this land release action was prepared by Wisconsin Dept. of Transportation-Bureau of Aeronautics and issued on June 22, 2011.

The aforementioned land is not needed for aeronautical use. The parcel is depicted on the Airport Layout Plan and Exhibit "A" property map dated July 12, 2011. There are no impacts to the airport by allowing the airport to dispose of this parcel.

The subject parcel was originally acquired on September 10, 2002, as part of Airport Improvement Program grant No. 04 and is described in the warranty deed recorded in Volume 933 pages 480-481, Oconto County, Wisconsin. The value of the parcel is \$600.

In accordance with section 47107(h) of title 49, United States Code, this notice is required to be published in the **Federal Register** 30 days before modifying the land-use assurance that requires the property to be used for an aeronautical purpose.

**DATES:** Comments must be received on or before December 14, 2012.

**ADDRESSES:** Mr. Daniel J. Millenacker, Program Manager, Federal Aviation Administration, Airports District Office, 6020 28th Avenue South, Room 102, Minneapolis, MN 55450-2706. Telephone Number (612) 253-4635; FAX Number (612) 253-4611; email address

*Daniel.J.Millenacker@FAA.GOV.*

Documents reflecting this FAA action may be reviewed at the following locations: Federal Aviation Administration, Minneapolis Airports District Office, 6020 28th Avenue South, Room 102, Minneapolis, MN 55450-2706; or Wisconsin Department of Transportation, 4802 Sheboygan Ave., Room 701, Madison, WI 53707.

**FOR FURTHER INFORMATION CONTACT:** Mr. Daniel J. Millenacker, Program Manager, Federal Aviation Administration, Airports District Office, 6020 28th Avenue South, Room 102, Minneapolis, MN 55450-2706. Telephone Number (612) 253-4635; FAX Number (612) 253-4611; email address *Daniel.J.Millenacker@FAA.GOV.*

**SUPPLEMENTARY INFORMATION:** Following is a legal description of the subject airport property to be released at the J.

Douglas Bake Memorial Airport in Oconto, Wisconsin:

Part of Government Lot 3, Section 26, Township 28 North, Range 21 East, Town of Oconto, Oconto County, Wisconsin.

Commencing at the North Quarter corner of Section 26; Thence South 87 degrees 35 minutes 26 seconds West, along the north line of section 26, a distance of 1333.25 feet; Thence South 00 degrees 22 minutes 17 seconds West along the west line of Government Lot 3, distance of 685.43 feet to the Point of Beginning. Thence continuing South 00 degrees 22 minutes 17 seconds West a distance of 504.34 feet; Thence South 89 degrees 36 minutes 17 seconds East a distance of 55.89 feet; Thence North 05 degrees 57 minutes 09 seconds West a distance of 507.45 feet to the Point of Beginning. Said parcel containing 0.32 Acres/14,094.3 Square Feet of land more or less.

Said parcel subject to all easements, restrictions, and reservations of record.

Issued in Minneapolis, MN, on October 15, 2012.

**Steven J. Obenauer,**

*Manager, Minneapolis Airports District Office, FAA, Great Lakes Region.*

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**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. FD 30186]

#### **Tongue River Railroad Company, Inc.—Rail Construction and Operation—in Custer, Powder River and Rosebud Counties, Montana: Update to the Notice of Intent to Prepare an Environmental Impact Statement (EIS)**

The Surface Transportation Board's Office of Environmental Analysis (OEA) issued a Notice of Intent (NOI) to prepare an EIS, a Draft Scope of Study, and a notice of scoping meetings in the above-captioned proceeding on October 22, 2012 and published it in the **Federal Register** on the same day. OEA is issuing this Notice because additional meetings will be held in Lame Deer, Montana, on Friday, November 16, 2012.

The additional meetings will be held at the following location on Friday, November 16, 2012 between 2-4 p.m. and 6-8 p.m.:

Chief Little Wolf Capital Building, Northern Cheyenne Tribal Chambers, 600 South Main Cheyenne Avenue, Lame Deer, MT 59043.

Please include these additional meetings on your copies accordingly. The NOI is available on the Board's Web site at [www.stb.dot.gov](http://www.stb.dot.gov).

By the Board.

**Victoria Rutson,**

*Director, Office of Environmental Analysis.*

**Jeffrey Herzig,**

*Clearance Clerk.*

[FR Doc. 2012-27760 Filed 11-13-12; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. FD 34554 (Sub-No. 17)]

#### **Union Pacific Railroad Company—Temporary Trackage Rights Exemption—BNSF Railway Company**

**AGENCY:** Surface Transportation Board.

**ACTION:** Partial revocation of exemption.

**SUMMARY:** Under 49 U.S.C. § 10502, the Board revokes the class exemption as it pertains to the trackage rights described in Docket No. FD 34554 (Sub-No. 16)<sup>1</sup> to permit the trackage rights to expire on or about December 31, 2012, in accordance with the agreement of the parties,<sup>2</sup> subject to the employee

<sup>1</sup> In that docket, on August 16, 2012, Union Pacific Railroad Company (UP) filed a verified notice of exemption under the Board's class exemption procedures at 49 CFR 1180.2(d)(7). The notice covered the agreement by BNSF Railway Company (BNSF) to extend to December 31, 2012, the expiration date of the local trackage rights granted to Union Pacific Railroad Company (UP) over BNSF's line of railroad between BNSF mileposts 579.3 near Mill Creek, Okla., and 631.1 near Joe Junction, Tex., a distance of approximately 51 miles. UP submits that, while the trackage rights are only temporary rights, because they are "local" rather than "overhead" rights, they do not qualify for the Board's class exemption for temporary trackage rights under 49 CFR 1180.2(d)(8). See *Union Pac. R.R.—Temporary Trackage Rights Exemption—BNSF Ry.*, FD 34554 (Sub-No. 16) (STB served Aug. 31, 2012).

<sup>2</sup> The trackage rights were originally granted in *Union Pacific Railroad Company—Temporary Trackage Rights Exemption—The Burlington Northern and Santa Fe Railway Company*, FD 34554 (STB served Oct. 7, 2004). Subsequently, the parties filed several notices of exemption based on their agreements to extend expiration dates of the same trackage rights. See FD 34554 (Sub-No. 2) (STB served Feb. 11, 2005); FD 34554 (Sub-No. 4) (STB served Mar. 3, 2006); FD 34554 (Sub-No. 6) (STB served Jan. 12, 2007); FD 34554 (Sub-No. 8) (STB served Jan. 4, 2008); FD 34554 (Sub-No. 10) (STB served Jan. 8, 2009); FD 34554 (Sub-No. 12) (STB served Dec. 31, 2009); and FD 34554 (Sub-No. 14) (STB served Feb. 11, 2011). Because the original and subsequent trackage rights notices were filed under the class exemption at 49 CFR 1180.2(d)(7), under which trackage rights normally remain effective indefinitely, in each instance the Board granted partial revocation of the class exemption to permit the authorized trackage rights to expire. See FD 34554 (Sub-No. 1) (STB served Nov. 24, 2004);

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