

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 April 12, 2012.

**FOR FURTHER INFORMATION CONTACT:**

Benjamin Mello, Program Manager, 2300 East Devon Avenue, Des Plaines, IL 60018. Telephone Number 847-294-7195/FAX Number 847-294-7046. Documents reflecting this FAA action may be reviewed at this same location by appointment or at the Seymour (Freeman) Municipal Airport, 1025 A Avenue, Seymour (Freeman) Municipal Airport, Seymour, Indiana 47274.

**SUPPLEMENTARY INFORMATION:** Following is a legal description of the properties being released located in Seymour, Jackson County, Indiana, and described as follows:

**Sections 25 and Section 36**

A part of Sections 25 and Section 36 all in Township 6 North, Range 5 East, in Jackson County, Indiana, and being a part of the real estate conveyed to Seymour Aviation Commission by quitclaim deed recorded in Deed Record 93, page 405, Office of the Recorder, Jackson County, described as follows: Beginning at the Southwest corner of said Section 25; thence North 0 degrees 55 minutes and 15 seconds West (assumed bearing) 2,579.80 feet along the west line of said section to the Runway Protection Zone (RPZ) northwest of Runway 15-33; thence South 54 degrees 16 minutes 48 seconds East 370.95 feet along the said RPZ to a point that is 400.00 feet southwesterly at right angles from the centerline of Runway 15-33 feet; thence South 45 degrees 44 minutes 58 seconds East 5,252.11 feet parallel with and 400.00 feet southwesterly of the centerline of Runway 15-33; thence South 28 degrees 40 minutes 22 seconds East 766.96 feet to a point that is 640.00 feet northwesterly at right angles from the centerline of Runway 5-23 feet; thence South 44 degrees 14 minutes 11 seconds West 2,080.11 feet parallel with and 640 feet northwesterly of the centerline of Runway 5-23 to the RPZ southwest of Runway 5-23; thence South 52 degrees 46 minutes 02 seconds West 1,584.19 feet along said RPZ; thence South 45 degrees 45 minutes 49 seconds East 1,173.63 feet along said RPZ to the south line of said Section 36; thence South 88 degrees 06 minutes 07 seconds West 2,465.34 feet along said south line to the Southwest corner of said Section

36; thence North 0 degrees 35 minutes 00 seconds West 5,324.46 feet along the west line of said Section 36 to the point of beginning and containing 81.466 acres, more or less, in Section 25 and 380.063 acres, more or less, in Section 36. Said parcel contains 461.529 acres more or less.

**Section 31**

A part of Section 31, Township 6 North, Range 6 East, and a part of Section 36, Township 6 North, Range 5 East, in Jackson County, Indiana, and being a part of the real estate conveyed to Seymour Aviation Commission by quitclaim deed recorded in Deed Record 93, page 405, Office of the Recorder, Jackson County, described as follows: Beginning at the Southeast Corner of said Section 31; thence North 1 degree 21 minutes and 10 seconds West (assumed bearing) 1,040.88 feet on and along the east line of said Section 31; thence North 75 degrees 13 minutes 08 seconds West 1,251.03 feet; thence North 0 degrees 59 minutes 40 seconds West 1,825.34 feet; thence North 88 degrees 35 minutes 21 seconds East 841.17 feet; thence North 6 degrees 34 minutes 33 seconds East 968.67 feet; thence South 89 degrees 38 minutes 53 seconds West 2,598.83 feet to a point that is 850.00 feet southeasterly at right angles from the centerline of Runway 5-23; thence South 44 degrees 14 minutes 11 seconds West 833.80 feet parallel with and 850 feet southeasterly of the centerline of Runway 5-23; thence South 45 degrees 45 minutes 49 seconds East 75.00 feet to a point 925.00 feet southeasterly at right angles from the centerline of Runway 5-23; thence South 44 degrees 14 minutes 11 seconds West 1,131.87 feet parallel with and 925 feet southeasterly of the centerline of Runway 5-23 to a point that is 400 feet northeasterly at right angles to the centerline of Runway 15-33; thence South 45 degrees 44 minutes 58 seconds East 350.00 feet parallel with and 400 feet northeasterly of the centerline of Runway 15-33 to the Runway Protection Zone (RPZ) southeast of Runway 15-33; thence South 54 degrees 16 minutes 48 seconds East 707.83 feet along the said RPZ; thence South 44 degrees 15 minutes 02 seconds West 1,010.00 feet along said RPZ; thence North 37 degrees 13 minutes 07 seconds West 707.83 feet along said RPZ to a point that is 400 feet southwesterly at right angles to the centerline of Runway 15-33; thence North 45 degrees 44 minutes 58 seconds West 634.80 feet parallel with and 400 feet southwesterly of the centerline of Runway 15-33 to a point that is 640 feet southeasterly at right angles from the Centerline of

Runway 5-23; thence South 44 degrees 14 minutes 11 seconds West 2,305.01 feet parallel with and 640 feet southeasterly of the centerline of Runway 5-23 to the RPZ southwest of Runway 5-23; thence South 35 degrees 42 minutes 21 seconds West 1,059.69 feet along said RPZ to the south line of said Section 36; thence North 88 degrees 06 minutes 07 seconds East 2,088.04 feet along said south line to the Southeast corner of said Section 36; thence North 88 degrees 35 minutes 41 seconds East 5,133.75 feet along the south line of said Section 31 to the point of beginning and containing 351.231 acres, more or less, in Section 31 and 58.105 acres, more or less, in Section 36. Said parcel contains 409.336 acres, more or less.

Issued in Des Plaines, Illinois on, March 2, 2012.

**Richard Kula,**

*Acting Manager, Chicago Airports District Office FAA, Great Lakes Region.*

[FR Doc. 2012-6012 Filed 3-12-12; 8:45 am]

**BILLING CODE 4910-13-P**

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**DEPARTMENT OF TRANSPORTATION**

**Federal Highway Administration**

**Final Federal Agency Actions on Proposed Highway in North Carolina**

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

**ACTION:** Notice of Limitation on Claims for Judicial Review of Actions by FHWA and Other Federal Agencies.

**SUMMARY:** This notice announces actions taken by the FHWA and other Federal agencies that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to a proposed highway project, the Gaston East-West Connector, from I-85 west of Gastonia in Gaston County, North Carolina, to I-485 near the Charlotte-Douglas International Airport in Mecklenburg County, North Carolina. The Gaston East-West Connector is also known as State Transportation Improvement Program Project U-3321. Those actions grant licenses, permits, and approvals for the project.

**DATES:** By this notice, the FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before September 10, 2012. If the Federal law that authorizes judicial review of a claim provides a time period of less than 180 days for

filing such claim, then that shorter time period still applies.

**FOR FURTHER INFORMATION CONTACT:** Mr. George Hoops, P.E., Major Projects Engineer, Federal Highway Administration, 310 New Bern Avenue, Suite 410, Raleigh, North Carolina, 27601-1418, Telephone: (919) 747-7022; email: [george.hoops@dot.gov](mailto:george.hoops@dot.gov). FHWA North Carolina Division Office's normal business hours are 8 a.m. to 5 p.m. (Eastern Time). Ms. Jennifer Harris, P.E., Director of Planning and Environmental Studies, North Carolina Turnpike Authority (NCTA), 1578 Mail Service Center, Raleigh, North Carolina, 27699-1578, Telephone: (919) 707-2700; email: [jhharris1@ncdot.gov](mailto:jhharris1@ncdot.gov). NCTA's normal business hours are 8 a.m. to 5 p.m. (Eastern Time).

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that FHWA and other Federal agencies have taken final agency actions by issuing a Record of Decision (ROD) for the following highway project in the State of North Carolina: The Gaston East-West Connector, a 22-mile long, multi-lane, fully access-controlled, new location toll road. The project is also known as State Transportation Improvement Program (STIP) Project U-3321. The project is also locally known as the Garden Parkway. The purpose of the proposed action is to improve east-west transportation mobility in the area around the City of Gastonia, between Gastonia and the Charlotte metropolitan area, and particularly to establish direct access between the rapidly growing area of southwest Gaston County and western Mecklenburg County. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Impact Statement (FEIS) for the project, approved on December 21, 2010, and the FHWA Record of Decision (ROD) issued on February 29, 2012 approving the Gaston East-West Connector project, and in other documents in the FHWA administrative record. The FEIS, ROD, and other documents in the FHWA administrative record file are available by contacting the FHWA or NCTA at the addresses provided above. The FEIS and ROD can be viewed and downloaded from the project Web site at [www.ncdot.gov/projects/gardenparkway](http://www.ncdot.gov/projects/gardenparkway) or viewed at the offices of the North Carolina Turnpike Authority, 1 South Wilmington Street, Raleigh, North Carolina, 27601. A final decision regarding section 404 permits for this project has not yet been made. This notice, therefore, does not apply to the section 404 permitting process for this project.

This notice applies to all Federal agency actions and decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. *General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321-4351]; Federal-Aid Highway Act [23 U.S.C. 109].
2. *Air:* Clean Air Act [42 U.S.C. 7401-7671(q)].
3. *Land:* Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303]; Landscaping and Scenic Enhancement (Wildflowers) [23 U.S.C. 319].
4. *Wildlife:* Endangered Species Act [16 U.S.C. 1531-1544 and Section 1536], Marine Mammal Protection Act [16 U.S.C. 1361], Anadromous Fish Conservation Act [16 U.S.C. 757(a)-757(g)], Fish and Wildlife Coordination Act [16 U.S.C. 661-667(d)], Migratory Bird Treaty Act [16 U.S.C. 703-712], Magnuson-Stevenson Fishery Conservation and Management Act of 1976, as amended [16 U.S.C. 1801 *et seq.*].
5. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)-11]; Archeological and Historic Preservation Act [16 U.S.C. 469-469(c)]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001-3013].
6. *Social and Economic:* Civil Rights Act of 1964 [42 U.S.C. 2000(d)-2000(d)(1)]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201-4209].
7. *Wetlands and Water Resources:* Land and Water Conservation Fund (LWCF) [16 U.S.C. 4601-4604]; Safe Drinking Water Act (SDWA) [42 U.S.C. 300(f)-300(j)(6)]; Wild and Scenic Rivers Act [16 U.S.C. 1271-1287]; Emergency Wetlands Resources Act [16 U.S.C. 3921, 3931]; TEA-21 Wetlands Mitigation [23 U.S.C. 103(b)(6)(m), 133(b)(11)]; Flood Disaster Protection Act [42 U.S.C. 4001-4128].
8. *Hazardous Materials:* Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) [42 U.S.C. 9601-9675]; Superfund Amendments and Reauthorization Act of 1986 (SARA); Resource Conservation and Recovery Act (RCRA) [42 U.S.C. 6901-6992(k)].
9. *Executive Orders:* E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income

Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

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

**Authority:** 23 U.S.C. 139(1)(1).

Issued on: March 5, 2012

**George Hoops,**

*Major Projects Engineer, Federal Highway Administration, Raleigh, North Carolina.*

[FR Doc. 2012-6025 Filed 3-12-12; 8:45 am]

**BILLING CODE 4910-RY-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. FD 35582]

#### Rail-Term Corp.—Petition for Declaratory Order

On December 14, 2011, Rail-Term Corp. (RTC) filed a petition for an order declaring that it is not a “rail carrier” within the definition at 49 U.S.C. 10102(5), and therefore not subject to the Board’s jurisdiction. The Railroad Retirement Board (Retirement Board) determines coverage of employers and employees under the Railroad Retirement Act, 45 U.S.C. 231 *et seq.* (Retirement Act) and the Railroad Unemployment Insurance Act, 45 U.S.C. 351 *et seq.* (Insurance Act). The Retirement Act and Insurance Act both define an “employer” as a carrier by rail subject to the jurisdiction of the Surface Transportation Board (STB or Board). *See* 45 U.S.C. 231(a)(1)(i); 45 U.S.C. 351(b). The Retirement Board held that RTC was a “covered employer” in its initial decision and on reconsideration.<sup>1</sup>

RTC appealed the reconsideration decision of the Retirement Board to the D.C. Circuit Court of Appeals.<sup>2</sup> The D.C. Circuit held the petition for review in abeyance to allow RTC to petition the STB for a declaratory order on the question of whether RTC is a rail carrier under 49 U.S.C. 10102(5).

On January 20, 2012, RTC filed a request for a procedural schedule.

<sup>1</sup> On January 28, 2011, the Retirement Board issued Board Coverage Decision 11-14, finding again that RTC is a “covered employer.”

<sup>2</sup> *Rail-Term Corp. v. R.R. Ret. Bd.*, No. 11-1093 (D.C. Cir., filed Nov. 14, 2011).