SUPPLEMENTARY INFORMATION: On February 3, 2012, Petitioners filed a petition for exemption pursuant to 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 11323–25 to acquire control of Marquette Rail. Under 49 U.S.C. 11323(a)(5), the acquisition of control of a rail carrier by a person that is not a rail carrier, but that controls any number of rail carriers, requires the approval of the Board. Because Petitioners are noncarriers that control a number of rail carriers, and because they seek to acquire control of Marquette Rail, the proposed transaction is within the jurisdiction of the Board. Petitioners request expedited handling of this petition.


Fortress’ noncarrier affiliate, RR Acquisition, currently owns about 60% of the publicly traded shares and controls the noncarrier RailAmerica, which directly controls the noncarrier Palm Beach, which directly controls the noncarrier RTC.

RailAmerica states that it controls the following Class III rail carriers: (1) Florida East Coast Railway Company; (2) South Central Railway Company; (3) Wiregrass Central Railway, LLC; (4) Peoria & Western Railway Corporation; (5) Southern Pacific Coast Railway, LLC; (6) Missouri & Northern Arkansas Railroad Company; (7) Colorado & Southern Railroad Company; (8) San Joaquin Valley Railroad Company, Inc.; (9) Central Oregon & Pacific Railroad, Inc.; (10) Southern Union Railroad, Inc.; (11) Southern Pacific Railroad; (12) Buyck & North Western Railway Company; (13) Oklahoma & Kansas Railway Company; (14) Texas & Pacific Railway Company; (15) St. Louis, Iron Mountain & Southern Railway Company; (16) Indiana Southern Railroad, LLC; (17) Kiamichi Railroad Company, LLC; (18) Kyle Railroad Company; (19) The Massena Terminal Railroad Company; (20) Mid-Michigan Railroad, Inc.; (21) Missouri & Northern Arkansas Railroad Company, Inc.; (22) New England Central Railroad, Inc.; (23) North Carolina & Virginia Railroad Company, LLC; (24) Otter Tail Valley Railroad Company, Inc.; (25) Point Comfort & Northern Railway Company; (26) Puget Sound & Pacific Railroad; (27) Rockdale, Sandow & Southern Railroad Company; (28) San Diego & Imperial Valley Railroad Company, Inc.; (29) San Joaquin Valley Railroad Company; (30) South Carolina Central Railroad Company, LLC; (31) Three Notch Railway, LLC; (32) Toledo, Peoria & Western Railway Corporation; (33) Ventura County Railroad Corp.; and (34) Wiregrass Central Railway, LLC.

Petitioners state that Mid-Michigan Railroad, Inc. (MRRM), which is controlled by RailAmerica, operates between milepost 137.8 at Lowell, Mich., and milepost 159.5 at Walker, Mich., and is crossed by CSX Transportation, Inc. (CSXT) at MRRM milepost 2.9. Marquette Rail’s line 1 physically ends north of the MRRM line at Turner Avenue NW. Thus, to facilitate interchange with CSXT, Marquette Rail uses CSXT’s track that crosses the MRRM line to reach CSXT’s Wyoming Yard, the point of interchange for cars received from Marquette Rail. According to Petitioners, the only way for Marquette Rail to reach Wyoming Yard is by operating over the CSXT line. Petitioners further state that the diamond over the MRRM track is used by Marquette Rail solely for the purpose of interchanging traffic with CSXT at Wyoming Yard and that Marquette Rail has no other rights to use the crossing track.

By issuing this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). Comments on the proposed acquisition of control may be filed as set forth above.

Board decisions and notices are available on our Web site at “www.stb.dot.gov.”


By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Jeffrey Herzig,
Clearance Clerk.

[FR Doc. 2012–4679 Filed 2–27–12; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35496]

Denver & Rio Grande Railway Historical Foundation d/b/a Denver & Rio Grande Railroad, L.L.C.—Petition for Declaratory Order

AGENCY: Surface Transportation Board.

ACTION: Institution of declaratory order proceeding.

SUMMARY: In response to a petition filed by the Denver & Rio Grande Railway Historical Foundation, Inc. (DRGHF) on July 12, 2011, the Board is instituting a declaratory order proceeding under 49 U.S.C. 721 and 5 U.S.C. 554(e). DRGHF requests that the Board issue an order declaring that municipal zoning law is preempted with respect to DRGHF’s activities on a parcel of land leased by DRGHF in Monte Vista, Colo.

DATES: DRGHF’s opening evidence is due by March 26, 2012. Replies are due by April 26, 2012. DRGHF’s rebuttal is due by May 11, 2012.

ADDRESSES: Any filing submitted in this proceeding must be submitted either via the Board’s e-filing format or in the traditional paper format. Any person using e-filing should attach a document and otherwise comply with the instructions at the E-FILING link on the Board’s Web site, at http://www.stb.dot.gov. Any person submitting a filing in the traditional paper format should send an original and 10 copies (and also an electronic version), referring to Docket No. FD 35496, to: Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, 1 copy of each filing in this proceeding must be sent to each of the following: (1) Donald H. Shank, Denver & Rio Grande Railway Historical
DEPARTMENT OF VETERANS AFFAIRS

Proposed Information Collection (Clarification of a Notice of Disagreement) Activity Comment Request

AGENCY: Board of Veterans' Appeals, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Board of Veterans' Appeals (BVA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the Federal Register concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to clarify actions taken by the agency of original jurisdiction regarding a claimant's disagreement with his or her rating decision.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before April 30, 2012.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at www.Regulations.gov or to Sue Hamlin, Board of Veterans' Appeals (01C), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email sue.hamlin@va.gov. Please refer to “OMB Control No. 2900–0674” in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Sue Hamlin at (202) 632–5100 or fax (202) 632–5841.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, BVA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of BVA's functions, including whether the information will have practical utility; (2) the accuracy of BVA’s estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Clarification of Notice of Disagreement.

OMB Control Number: 2900–0674.

Type of Review: Extension of a currently approved collection.

Abstract: A Notice of Disagreement (NOD) is a written communication from a claimant or his or her representative to express disagreement or dissatisfaction with the result of an adjudicative determination by the agency of original jurisdiction (AOJ). The data collected will be used by the AOJ to reexamine the issues in dispute and to determine if additional review or development is warranted.

Affected Public: Individuals or households.

Estimated Total Annual Burden: 135,505.

Estimated Average Burden per Respondent: 1 hour.

Frequency of Response: On occasion.

Estimated Total Number of Respondents: 125,505.


By direction of the Secretary.

Denise McLamb,
Program Analyst, Enterprise Records Service.

[FR Doc. 2012–4587 Filed 2–27–12; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0701]

Proposed Information Collection (Bereaved Family Member Satisfaction Survey) Activity: Comment Request

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Health Administration (VHA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the Federal Register concerning each proposed collection of information, including each extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments for information to needed to assess the quality of care provided to veterans prior to his or her death.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before April 30, 2012.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System.