

cannot agree to the sale or subsidy, the Board may be asked to set the terms and conditions of the financial assistance. Under § 10905, a public use request allows the Board to impose a 180-day public use condition on the abandonment of a rail line, allowing the parties to negotiate a public use for the rail line. Under § 10907, a feeder line application provides the basis for authorizing an involuntary sale of a rail line. Finally, under 16 U.S.C. 1247(d), a trail-use request, if agreed upon by the abandoning carrier, requires the Board to condition the abandonment by issuing a Notice of Interim Trail Use (NITU) or Certificate of Interim Trail Use (CITU), allowing the parties to negotiate an interim trail use/rail banking agreement for the rail line.

The collection by the Board of these offers, requests, and applications, and the railroad's replies (when required), enables the Board to meet its statutory duty to regulate the referenced rail transactions. See *Table—Statutory and Regulatory Provisions* below.

**Retention Period:** Information in these collections is maintained by the Board for 10 years, after which it is transferred to the National Archives as permanent records.

**DATES:** Comments on this information collection should be submitted by April 10, 2012.

**ADDRESSES:** Direct all comments to Marilyn Levitt, Surface Transportation Board, 395 E Street SW., Washington, DC 20423-0001, or to [levittm@stb.dot.gov](mailto:levittm@stb.dot.gov). When submitting comments, please refer to "Statutory Authority to Preserve Rail Service."

**FOR FURTHER INFORMATION CONTACT:** Marilyn Levitt at (202) 245-0269 or at [levittm@stb.dot.gov](mailto:levittm@stb.dot.gov). [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.] Relevant STB regulations are referenced below and may be viewed on the STB's Web site under E-Library > Reference: STB Rules, [http://www.stb.dot.gov/stb/elibrary/ref\\_stbrules.html](http://www.stb.dot.gov/stb/elibrary/ref_stbrules.html).

**SUPPLEMENTARY INFORMATION:**

Respondents seeking authority from the Board to preserve rail lines must submit certain information required under the Board's related regulations and, in some circumstances, railroads seeking to abandon a line must disclose certain information to the offeror or applicant.

**Offer of Financial Assistance.** When a rail line would otherwise be approved for abandonment (or discontinuance), any financially responsible person may seek to acquire the line for continued rail service (after abandonment has been approved), or may seek to temporarily

subsidize continued operations by the incumbent railroad (after abandonment or discontinuance has been approved), by filing an OFA under 49 U.S.C. 10904 and 49 CFR 1152.27. An OFA may be submitted to the Board as soon as the railroad seeks abandonment (or discontinuance) authority. Once an OFA is submitted, the abandoning railroad must, upon request, promptly provide to any party considering an OFA and to the Board an estimate of the annual subsidy or minimum purchase price; a report on the physical condition of line; and data on traffic, revenues, net liquidation value, and the cost to rehabilitate to class I (minimum) track standards. If the parties are not able to agree upon the purchase price or subsidy, then, to move forward, either party may ask the Board to set the price or subsidy, which will be binding upon the parties if the offeror chooses to accept the terms set by the Board and proceed with the purchase.

**Public Use Request.** Any person may request that the Board prohibit an abandoning railroad from disposing of the right-of-way—for up to 180 days—without first offering the right-of-way (on reasonable terms) for other suitable public purposes (such as mass transit, pipeline, transmission lines, recreation, etc.). Such requests are governed by 49 U.S.C. 10905 and 49 CFR 1152.28.

**Feeder Line Application.** When a line has been identified on a railroad's system diagram map as a potential candidate for abandonment (or discontinuance), but before abandonment (or discontinuance) authority has been sought, any financially responsible person (other than a Class I or II railroad) may, by filing a feeder line application under 49 U.S.C. 10907 and 49 CFR part 1151, seek to acquire the line for continued rail service under the forced sale provisions of the feeder railroad development program.

**Trail-Use Request.** The Trails Act provides a mechanism whereby any interested person may seek to "railbank" a rail right-of-way that has been approved for abandonment and use the property in the interim as a recreational trail. The Board has a ministerial role in this process; under 49 CFR 1152.29, interested persons may submit a request to the Board for a trail-use condition, and if the statutory conditions are met, the Board must authorize the parties to negotiate a trail-use agreement by issuing a CITU, or, in an exemption proceeding, a NITU. The CITU or NITU typically permit negotiations for 180 days, but the negotiations can be extended upon request to the Board. Under the Trails

Act, trail-use agreements are consensual, not forced. The abandoning railroad is free to choose whether or not to enter into or continue negotiations to transfer (all or part of) the right-of-way to a trail sponsor.

Under the PRA, a Federal agency conducting or sponsoring a collection of information must display a currently valid OMB control number. A collection of information, which is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c), includes agency requirements that persons submit reports, keep records, or provide information to the agency, third parties, or the public. Under § 3506(c)(2)(A) of the PRA, Federal agencies are required to provide, prior to an agency's submitting a collection to OMB for approval, a 60-day notice and comment period through publication in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information.

Dated: February 7, 2012.

**Jeffrey Herzig,**  
Clearance Clerk.

[FR Doc. 2012-3178 Filed 2-9-12; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. EP 290 (Sub-No. 4)]

### Railroad Cost Recovery Procedures—Productivity Adjustment

**AGENCY:** Surface Transportation Board.

**ACTION:** Proposed railroad cost recovery procedures productivity adjustment.

**SUMMARY:** In a decision served on February 6, 2012, we proposed to adopt 1.008 (0.8% per year) as the measure of average change in railroad productivity for the 2006–2010 (5-year) averaging period. This represents a 0.6% decrease over the average for the 2005–2009 period. The Board's February 6, 2012 decision in this proceeding stated that comments may be filed addressing any perceived data and computational errors in our calculation. It also stated that, if there were no further action taken by the Board, the proposed productivity adjustment would become effective on March 1, 2012.

**DATES:** The productivity adjustment is effective March 1, 2012. Comments are due by February 21, 2012.

**ADDRESSES:** Send comments (an original and 10 copies) referring to Docket No. EP 290 (Sub-No. 4) to: Surface Transportation Board, 395 E Street SW., Washington, DC 20423-0001.

**FOR FURTHER INFORMATION CONTACT:**

Michael Smith, (202) 245-0322. Federal Information Relay Service (FIRS) for the hearing impaired, (800) 877-8339.

**SUPPLEMENTARY INFORMATION:**

Additional information is contained in the Board's decision, which is available on our Web site at <http://www.stb.dot.gov>. Copies of the decision may be purchased by contacting the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0238. Assistance for the hearing impaired is available through FIRS at (800) 877-8339.

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

Decided: February 6, 2012.

By the Board, Chairman Elliott, Vice Chairman Mulvey, and Commissioner Begeman.

**Raina S. White,**  
Clearance Clerk.

[FR Doc. 2012-3072 Filed 2-9-12; 8:45 am]

**BILLING CODE 4915-01-P**

**DEPARTMENT OF THE TREASURY****Submission for OMB Review;  
Comment Request**

February 7, 2012.

The Department of the Treasury will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104-13, on or after the date of publication of this notice.

**DATES:** Comments should be received on or before March 12, 2012 to be assured of consideration.

**ADDRESSES:** Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestion for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at [OIRA\\_Submission@OMB.EOP.GOV](mailto:OIRA_Submission@OMB.EOP.GOV) and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave., NW., Suite 11020, Washington, DC 20220, or on-line at [www.PRACOMMENT.gov](http://www.PRACOMMENT.gov).

**FOR FURTHER INFORMATION CONTACT:**

Copies of the submission(s) may be obtained by calling (202) 927-5331, email at [PRA@treasury.gov](mailto:PRA@treasury.gov), or the entire information collection request maybe found at [www.reginfo.gov](http://www.reginfo.gov).

**Internal Revenue Service (IRS)**

*OMB Number:* 1545-0499.

*Type of Review:* Extension without change of a currently approved collection.

*Title:* Simplified Employee Pension-Individual Retirement Accounts Contribution Agreement.

*Form:* 5305-SEP.

*Abstract:* This form is used by an employer to make and agreement to provide benefits to all employees under a Simplified Employee Pension (SEP) described in section 408(k). This form is not to be filed with the IRS but to be retained in the employer's records as proof of establishing a SEP and justifying a deduction for contributions to the SEP. The data is used to verify the deduction.

*Affected Public:* Private Sector: Businesses or other for-profits.

*Estimated Total Burden Hours:* 495,000.

*OMB Number:* 1545-1221.

*Type of Review:* Revision of a currently approved collection.

*Title:* EE-147-87 (Final) Qualified Separate Lines of Business.

*Abstract:* The affected public includes employers who maintain qualified employee retirement plans. Where applicable, the employer must furnish notice to the IRS that the employer treats itself as operating qualified separate lines of business and some may request an IRS determination that such lines satisfy administrative scrutiny.

*Affected Public:* Private Sector: Businesses or other for-profits.

*Estimated Total Burden Hours:* 444.

*OMB Number:* 1545-1660.

*Type of Review:* Extension without change of a currently approved collection.

*Title:* Notice 99-43, Nonrecognition Exchanges under Section 897.

*Abstract:* This notice announces a modification of the current rules under Temporary Regulation Sec. 1.897-6T(a)(1) regarding transfers, exchanges, and other dispositions of U.S. real property interests in nonrecognition transactions occurring after June 18, 1980. The new rule will be included in regulations finalizing the temporary regulations.

*Affected Public:* Private Sector: Businesses or other for-profits.

*Estimated Total Burden Hours:* 200.

*OMB Number:* 1545-1788.

*Type of Review:* Extension without change of a currently approved collection.

*Title:* Taxpayer Advocacy Panel (TAP) Membership Application Process.

*Form:* 13013, 13013-D.

*Abstract:* The Federal advisory Committee Act requires that committee

membership be fairly balanced in terms of points of view represented and the functions to be performed. As a result, members of specific committees often have both the expertise and professional skills that parallel the program responsibilities of their sponsoring agencies. Selection of committee members is made based on the FACA's requirements and the potential member's background and qualifications. Therefore, an application, Form 13013, is needed to ascertain the desired skills set for membership. The TAP Tax Check Waiver, Form 13013-D, must be signed as a condition of membership. New and continuing members of IRS Advisory Committees/Councils are required to undergo a tax compliance check. Once signed by the applicant, the tax check waiver authorizes the Government Liaison Disclosure analysts to provide the results to the appropriate IRS officials.

*Affected Public:* Individuals or Households.

*Estimated Total Burden Hours:* 525.

**Dawn D. Wolfgang,**

Treasury PRA Clearance Officer.

[FR Doc. 2012-3196 Filed 2-9-12; 8:45 am]

**BILLING CODE 4830-01-P**

**DEPARTMENT OF THE TREASURY****Office of the Comptroller of the  
Currency****Agency Information Collection  
Activities: Submission to OMB;  
Comment Request**

**AGENCY:** Office of Thrift Supervision (OTS), Treasury.

**ACTION:** Notice and request for comment.

**SUMMARY:** The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a new information collection, as required by the Paperwork Reduction Act of 1995. An agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid OMB control number. The OCC is soliciting comment concerning the information collection titled "Capital Distribution." It is also giving notice that it has submitted the collection to OMB for review.

**DATES:** Comments must be received by March 12, 2012.

**ADDRESSES:** Communications Division, Office of the Comptroller of the Currency, Public Information Room,