

attach a document and otherwise comply with the instructions found on the Board's Web site at [www.stb.dot.gov](http://www.stb.dot.gov) at the E-FILING link. Any person submitting a filing in the traditional paper format should send an original and ten (10) copies referencing Docket No. FD 35592 to: Surface Transportation Board, 395 E Street SW., Washington, DC 20423-0001. Additionally, send one copy of any comments to Petitioners' representative: Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

**FOR FURTHER INFORMATION CONTACT:**

Marc Lerner at (202) 245-0390. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at (800) 877-8339.

**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.

According to the petition, RTC entered a Purchase and Sale Agreement dated January 30, 2012 (the Agreement), with Marquette Rail, Marquette Rail Corp., Farmrail System, Inc., Transportation Solutions, Inc., RC Rail Investments, LLC, Progressive Rail, Inc., JG-MQT-RR Holdings, LLC, and Richard W. Jany (collectively, Sellers). Under the Agreement, RTC will acquire control of Marquette Rail from the Sellers.

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) Alabama & Gulf Coast Railway LLC; (2) Arizona & California Railroad Company; (3) Bauxite & Northern Railway Company; (4) California Northern Railroad Company; (5) Cascade and Columbia River Railroad Company; (6) Central Oregon & Pacific Railroad, Inc.; (7) The Central Railroad Company of Indiana; (8) Central Railroad Company

of Indianapolis; (9) Connecticut Southern Railroad, Inc.; (10) Conecuh Valley Railway, LLC; (11) Dallas, Garland & Northeastern Railroad, Inc.; (12) Delphos Terminal Railroad Company, Inc.; (13) Eastern Alabama Railway, LLC; (14) Huron & Eastern Railway Company, Inc.; (15) Indiana & Ohio 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.

Further, Fortress, on behalf of other equity funds managed by it and its affiliates, directly controls the noncarrier FECR Rail LLC, which directly controls FEC Rail Corporation, which directly controls Florida East Coast Railway, LLC, a Class II rail carrier.

Petitioners state that Mid-Michigan Railroad, Inc. (MMRR), 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 MMRR milepost 2.9. Marquette Rail's line<sup>1</sup> physically ends north of the MMRR line at Turner Avenue NW. Thus, to facilitate interchange with CSXT, Marquette Rail uses CSXT's track that crosses the MMRR 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 MMRR track is used by Marquette Rail solely for the purpose of interchanging traffic with CSXT at Wyoming Yard and that Marquette Rail

<sup>1</sup> The Board previously granted Marquette Rail an exemption to lease from CSXT approximately 129.03 miles of rail line in *Marquette Rail, LLC—Lease & Operation Exemption—CSX Transp., Inc.*, FD 34728 (STB served Oct. 26, 2005).

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](http://www.stb.dot.gov)".

Decided: February 23, 2012.

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

Foundation, 20 North Broadway Street, Monte Vista, CO 81144–2401; (2) Eugene L. Farish, City Attorney, P.O. Box 430, Monte Vista, CO 81144 (representing the City of Monte Vista); and (3) John D. Heffner, Strasburger & Price, 1700 K Street NW., Suite 640, Washington, DC 20006 (representing the San Luis & Rio Grande Railroad).

**FOR FURTHER INFORMATION CONTACT:** Julia Farr, (202) 245–0359. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at: 1–800–877–8339.]

Copies of written comments will be available for viewing and self-copying at the Board's Public Docket Room, Room 131, and will be posted to the Board's Web site.

**SUPPLEMENTARY INFORMATION:** DRGHF's petition requests an order declaring that its activities on a parcel of land in Monte Vista, CO, fall under the Board's jurisdiction, preempting municipal zoning regulation of those activities. DRGHF states that it uses this parcel as a railcar rehabilitation and restoration facility. This petition raises questions regarding the Board's jurisdiction under 49 U.S.C. 10501(a) and preemption under 49 U.S.C. 10501(b).

Under 5 U.S.C. 554(e), the Board has discretionary authority to issue a declaratory order to terminate a controversy or remove uncertainty. The issues raised by DRGHF merit further consideration, and a declaratory order proceeding is thus instituted here. For further information, please see the Board's decision served on February 23, 2012 in Docket No. FD 35496.

Board decisions and notices are available on our Web site at [www.stb.dot.gov](http://www.stb.dot.gov).

Decided: February 22, 2012.

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

**Jeffrey Herzig,**  
Clearance Clerk.

[FR Doc. 2012–4682 Filed 2–27–12; 8:45 am]

**BILLING CODE 4915–01–P**

## DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0674]

### 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](http://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](mailto: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.

Dated: February 22, 2012.

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 be 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