

visible, then the transport vehicle or freight container must be marked on each side and each end with a "BIOHAZARD" marking.

In contrast, N.J.A.C. 7:26–3A.30 requires that the vehicles that transport regulated medical waste have: (1) The name of the transporter; (2) the NJDEP solid waste transporter registration number; and (3) either the words "Medical Waste" or "Infectious Waste" on two sides and the back of the cargo-carrying body. The N.J.A.C. marking requirement is not substantively the same as the HMR and is therefore preempted.

#### IV. Ruling

Federal hazardous material transportation law preempts the following requirements in the New Jersey Administrative Code (N.J.A.C.) because the requirements are not substantively the same as the requirements in the HMR:

1. N.J.A.C. 7:26–3A.10(a) that generators must separate into different containers before transport sharps, fluids (greater than 20 cc), and other regulated medical waste;

2. N.J.A.C. 7:26–3A.11(d) which allows a generator to ship oversized medical waste without placing it in a packaging as required by the HMR;

3. N.J.A.C. 7:26–3A.14 that the words "Medical Waste" or "Infectious Waste" must be labeled on the outside of the package when there is untreated regulated medical waste;

4. N.J.A.C. 7:26–3A.15 that each "generator shall mark each individual container of regulated medical waste in accordance with all applicable Federal regulations. . . ." and that the markings must include details of the transporter's name, the date of shipment, the intermediate handler's name, and other specific information;

5. N.J.A.C. 7:26–3A.19 and those provisions of 7:26–3A.31 which require the use of a specific "tracking form" to accompany shipments of regulated medical waste that are prescribed for either the generator or the transporter;

6. N.J.A.C. 7:26–3A.28 that, when transferring between transporters, each transporter must place a water resistant tag below the generator's marking on the outer surface of the container with the transporter's name, solid waste registration number, and date of receipt; and

7. N.J.A.C. 7:26–3A.30 which requires that a vehicle used to transport regulated medical waste must have: (1) The name of the transporter; (2) the NJDEP solid waste transporter registration number; and (3) either the words "Medical Waste" or "Infectious

Waste" on two sides and the back of the cargo-carrying body.

8. N.J.A.C. 7:26–3A.45 to the extent that it requires rail transporters to comply with the transporter requirements of 7:26–3A.28 and 7:26–3A.30.

9. N.J.A.C. 7:26–3A.46 which requires a specific tracking form to accompany shipments of regulated medical waste for rail transporters.

Federal hazardous material transportation law does not preempt the following requirements because they do not create an obstacle in complying with the HMR.

1. N.J.A.C. 7:26–3A.21(a)(1) to the extent that it requires the generator to retain a copy of the shipping paper for at least three years from the date the regulated medical waste was accepted by the transporter;

2. N.J.A.C. 7:26–3A.21(a)(2) to the extent that it requires the generator to retain a copy of any exception report for at least three years after the day the exception report was submitted;

3. N.J.A.C. 7:26–3A.22 to the extent that it requires the generator of the regulated medical waste to file an exception report with the state when a transporter and/or destination facility notifies the generator of any discrepancy between the shipment as accepted by the initial transporter and delivered to the destination facility;

4. N.J.A.C. 7:26–3A.32 to the extent that it requires the transporter to deliver the entire quantity of regulated medical waste to the proper party listed on the tracking form;

5. N.J.A.C. 7:26–3A.33 to the extent that does not require a particular form to be used to consolidate the multiple shipments;

6. N.J.A.C. 7:26–3A.34 to the extent that it requires that the transporter of the regulated medical waste to retain a copy of the shipping paper for at least three years from the date the regulated medical waste was accepted by the next party; and

7. N.J.A.C. 7:26–3A.41 to the extent that it requires intermediate handlers and destination facilities to certify that they had received the listed regulated medical waste.

#### V. Petition for Reconsideration/Judicial Review

In accordance with 49 CFR 107.211(a), any person aggrieved by this decision may file a petition for reconsideration within 20 days of publication of this decision in the **Federal Register**. A petition for judicial review of a final preemption determination must be filed in the United States Court of Appeals for the

District of Columbia or in the Court of Appeals for the United States for the circuit in which the petitioner resides or has its principal place of business, within 60 days after the determination becomes final. 49 U.S.C. 5127(a).

This decision will become PHMSA's final decision 20 days after publication in the **Federal Register** if no petition for reconsideration is filed within that time. The filing of a petition for reconsideration is not a prerequisite to seeking judicial review of this decision under 49 U.S.C. 5127(a).

If a petition for reconsideration is filed within 20 days of publication in the **Federal Register**, the action by PHMSA's Chief Counsel on the petition for reconsideration will be PHMSA's final action. 49 CFR 107.211(d).

Issued in Washington, DC on December 2, 2013.

**Vanessa L. Allen Sutherland,**  
*Chief Counsel.*

[FR Doc. 2013–29604 Filed 12–11–13; 8:45 am]

**BILLING CODE 4910–60–P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. FD 35787]

**Mark W. Dobronski and Susan K. Dobronski—Acquisition of Control Exemption—Adrian & Blissfield Rail Road Company, Charlotte Southern Railroad Company, Detroit Connecting Railroad Company, Lapeer Industrial Railroad Company and Jackson & Lansing Railroad Company**

Mark W. Dobronski and Susan K. Dobronski (Applicants), both noncarriers, have filed a verified notice of exemption under 49 CFR 1180(d)(2) to indirectly control Adrian & Blissfield Rail Road Company (ADBF), a Class III railroad, and ADBF's four Class III railroad subsidiaries: Charlotte Southern Railroad Company (CHS), Detroit Connecting Railroad Company (DCON), Lapeer Industrial Railroad Company (LIRR), and Jackson & Lansing Railroad Company (JAIL).

Applicants state that they control Ferrovial, L.L.C. (Ferrovial), also a noncarrier and a limited liability company, which, until very recently, owned 50 percent of ADBF. On November 15, 2013, two minority shareholders of ADBF were required by court order to sell their outstanding shares back to ADBF. As a result, Ferrovial now owns 58.33 percent of the outstanding shares of ADBF and therefore directly controls ADBF and indirectly controls CHS, DCON, LIRR,

and JAIL. Applicants, in turn, now indirectly control ADBF, CHS, DCON, LIRR, and JAIL. Applicants state that they have not entered into an agreement rendering them in indirect control of ADBF and its four carrier subsidiaries.

The transaction is expected to be consummated on December 26, 2013 (the effective date of the exemption, 30 days after the notice of exemption was filed).

Petitioners state that: (1) The rail lines operated by ADBF and its four subsidiaries do not connect with each other; <sup>1</sup> (2) this transaction is not part of a series of anticipated transactions that would connect the rail lines operated by ADBF, CHS, DCON, LIRR, and JAIL with any of their affiliated railroads; and (3) this transaction does not involve a Class I rail carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323 pursuant to 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under 11324 and 11325 that involve only Class III rail carriers. Accordingly, the Board may not impose labor protective conditions here because all of the carriers involved are Class III carriers.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions to stay must be filed no later than December 19, 2013 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35787, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423-0001. In addition, a copy must be served on Karl Morell, Ball Janik LLP, 655 Fifteenth Street, NW., Suite 225, Washington, DC 20005.

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

Decided: December 9, 2013.

<sup>1</sup> ADBF operates a 20-mile rail line between Adrian and Riga, Mich. CHS operates a 3.5-mile rail line near Charlotte, Mich. DCON operates a 2.5-mile rail line in Detroit, Mich. LIRR operates a 1.5-mile rail line in LaPeer, Mich. JAIL operates a 47-mile rail line between Jackson and Lansing, Mich.

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

**Raina S. White,**

*Clearance Clerk.*

[FR Doc. 2013-29691 Filed 12-11-13; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF THE TREASURY

### Proposed Collection; Comment Request

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

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork burdens, invites the general public and other Federal agencies to comment on a currently approved information collection that is due for extension approval by the Office of Management and Budget. The Terrorism Risk Insurance Program Office within the Department of the Treasury is soliciting comments concerning the Commercial Property and Casualty Insurers Submission for Federal Share Compensation Requirements set forth in 31 CFR part 50, subpart F (Sec. 50.50-50.54).

**DATES:** Written comments should be received on or before February 10, 2014 to be assured of consideration.

**ADDRESSES:** Submit comments by email to [triacomments@do.treas.gov](mailto:triacomments@do.treas.gov) or by mail (if hard copy, preferably an original and two copies) to: Terrorism Risk Insurance Program, Public Comment Record, Suite 2100, Department of the Treasury, 1425 New York Ave. NW., Washington, DC 20220. Because paper mail in the Washington DC area may be subject to delay, it is recommended that comments be submitted electronically. All comments should be captioned with "PRA Comments—Commercial Property and Casualty Insurers Submission for Federal Share Compensation". Please include your name, affiliation, address, email address and telephone number in your comment. Comments will be available for public inspection by appointment only at the Reading Room of the Treasury Library. To make appointments, call (202) 622-0990 (not a toll-free number).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be directed to: Terrorism Risk Insurance Program Office at (202) 622-6770 (not a toll-free number).

#### SUPPLEMENTARY INFORMATION:

*OMB Number:* 1505-0200.

*Title:* Terrorism Risk Insurance Program—Commercial Property and

Casualty Insurers Submission for Federal Share Compensation.

**Abstract:** Sections 103(a) and 104 of the Terrorism Risk Insurance Act of 2002 (Pub. L. 107-297) (as extended by the Terrorism Risk Insurance Extension Act of 2005 (Pub. L. 109-144) and the Terrorism Risk Insurance Program Reauthorization Act of 2007 (Pub. L. 110-160) authorize the Department of the Treasury to administer and implement the Terrorism Risk Insurance Program established by the Act. In 31 CFR part 50, subpart F (Sec. 50.50-50.54) Treasury established requirements and procedures for insurers that file claims for payment of the Federal share of compensation for insured losses resulting from a certified act of Terrorism under the Act.

**Type of Review:** Extension of a currently approved data collection.

**Affected Public:** Business/Financial Institutions.

**Estimated Number of Respondents:** 100.

**Estimated Average Time per Respondent:** 42 hours.

**Estimated Total Annual Burden Hours:** 4200 hours.

**Request for Comments.:** An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collections; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: December 3, 2013.

**Jeffrey S. Bragg,**

*Director, Terrorism Risk Insurance Program.*

[FR Doc. 2013-29675 Filed 12-11-13; 8:45 am]

**BILLING CODE P**