

although one of the bridges was closed for 30 days, this was for routine maintenance and resulted from construction delays caused by weather conditions. DCR adds that it has inspected the bridges and has the knowledge and resources to maintain them.

As to concerns about wages and benefits, DCR asserts that it offers some of the best wages and benefits of any employer on the Delmarva Peninsula. DCR notes that it received more applications for employment than there are available positions. It adds that it requires all its employees to abide by all applicable safety rules and offers suitable working conditions.

### Discussion and Conclusions

Because DCR's lease and operation exemption has gone into effect, SMART/TD's request will be treated as a petition to reopen and revoke the exemption under 49 U.S.C. 10502(d).<sup>3</sup> Under 49 U.S.C. 10502(d), an exemption may be revoked, in whole or in part, if the Board finds that regulation of the transaction is necessary to carry out the RTP of 49 U.S.C. 10101. Under 49 CFR 1115.3(b), the petition must state in detail whether revocation is supported by material error, new evidence, or substantially changed circumstances. *See N.Y. Cent. Lines—Aban. Exemption—in Montgomery & Schenectady Cts., N.Y.*, AB 565 (Sub-No. 14X) (STB served Jan. 22, 2004). The party seeking revocation has the burden of showing that regulation is necessary to carry out the RTP, 49 CFR 1121.4(f), and petitions to revoke must be based on reasonable, specific concerns demonstrating that revocation of the exemption is warranted and more detailed scrutiny of the transaction is necessary. *See Consol. Rail Corp.—Trackage Rights Exemption—Mo. Pac. R.R.*, FD 32662 (STB served June 18, 1998).

Here, SMART/TD fails to establish that revocation of the exemption is necessary to carry out the RTP. Although SMART/TD has cited the RTP goals of operating without detriment to the public health and safety (49 U.S.C. 10101(8)) and encouraging fair wages and suitable working conditions (49 U.S.C. 10101(11)), it has not shown that regulation is necessary to carry out these goals.

<sup>3</sup> See e.g., *BNSF Ry.—Trackage Rights Exemption—Union Pac. R.R.*, FD 35601, slip op. at 3–4 (STB served Sept. 11, 2013); *Watco Holdings, Inc.—Acquis. of Control Exemption—Wis. & S. R.R.*, FD 35573, slip op. at 1–2 (STB served Mar. 22, 2012); *Elk River R.R.—Constr. & Operation Exemption—Clay & Kanawha Cts., W.Va.*, FD 31989, slip op. at 1 n.3 (STB served Apr. 11, 1997).

The Board takes safety concerns seriously; however, SMART/TD's concerns here are vague and speculative and do not arise from any demonstrated shortcomings specific to DCR. DCR has expressed a commitment to abide by FRA regulations, and its parent, Carload, is familiar with FRA's requirements. As to maintenance, DCR states that it has already inspected the bridges and has explained the one extended bridge closure cited by SMART/TD. Furthermore, NSR's contract with DCR obligates DCR to comply with FRA standards of operation, to maintain the tracks at standards specified by NSR, and to carry certain insurance policies covering incidents that might occur while operating the Line.

SMART/TD's concern about DCR's having fewer resources than NSR, the Line's Class I owner, also does not warrant revocation. Class I carriers routinely spin-off lines to newly formed Class III carriers, and SMART/TD has not demonstrated that DCR will be any less prepared to assume the responsibility to maintain and operate the Line that any other new Class III carrier would be. Moreover, as DCR notes, its parent company, Carload, is an experienced shortline operator. DCR explains that Carload's railroads "have strong safety records and there have been no FRA or STB reported allegations that its shortline employees have been treated unfairly or required to operate in unsafe conditions;" SMART/TD has offered no evidence to the contrary. SMART/TD has also failed to show that the labor impact here is different from, or greater than, the impacts typically associated with the acquisition of a rail line by any new carrier.

For the foregoing reasons, SMART/TD has not shown that reopening and revocation are supported by material error, new evidence, or substantially changed circumstances, or that applying the Board's regulation to the transaction is necessary to carry out the RTP. Accordingly, the Board finds no basis to revoke DCR's exemption or begin a revocation proceeding.

#### It is ordered:

1. SMART/TD's petition to revoke DCR's exemption is denied.
2. This decision is effective on its date of service.

Decided: March 1, 2017.

By the Board, Board Members Begeman, Elliott, and Miller.

**Raina S. Contee,**  
Clearance Clerk.

[FR Doc. 2017-04472 Filed 3-7-17; 8:45 am]

**BILLING CODE 4915-01-P**

## SURFACE TRANSPORTATION BOARD

### 60-Day Notice of Intent To Seek Extension of Approval: Information Collection Activities (Report of Fuel Cost, Consumption, and Surcharge Revenue)

**AGENCY:** Surface Transportation Board.

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

**SUMMARY:** As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995, the Surface Transportation Board (STB or Board) gives notice that it is requesting from the Office of Management and Budget (OMB) an extension of approval for the collection of the Report of Fuel Cost, Consumption, and Surcharge Revenue.

**DATES:** Comments on this information collection should be submitted by May 8, 2017.

**ADDRESSES:** Direct all comments to Chris Oehrle, PRA Officer, Surface Transportation Board, 395 E Street SW., Washington, DC 20423-0001, or to [pra@stb.gov](mailto:pra@stb.gov). When submitting comments, please refer to "Paperwork Reduction Act Comments, Report of Fuel Cost, Consumption, and Surcharge Revenue."

**FOR FURTHER INFORMATION CONTACT:** For further information regarding this collection, contact Michael Higgins, Deputy Director, Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0284 or at [Michael.Higgins@stb.gov](mailto:Michael.Higgins@stb.gov). Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.

**SUPPLEMENTARY INFORMATION:** For each collection, comments are requested concerning: (1) The accuracy of the Board's burden estimates; (2) ways to enhance the quality, utility, and clarity of the information collected; (3) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology, when appropriate; and (4) whether the collection of information is necessary for the proper performance of the functions of the Board, including whether the collection has practical utility. Submitted comments will be summarized and included in the Board's request for OMB approval.

#### Description of Collection

*Title:* Report of Fuel Cost, Consumption, and Surcharge Revenue.  
*OMB Control Number:* 2140-0014.  
*STB Form Number:* None.

*Type of Review:* Extension without change.

*Respondents:* Class I railroads (railroads with operating revenues exceeding \$457,913,998 million).

*Number of Respondents:* Seven.

*Estimated Time per Response:* One hour.

*Frequency:* Quarterly.

*Total Burden Hours* (annually including all respondents): 28.

*Total "Non-hour Burden" Cost:* None identified.

*Needs and Uses:* Under 49 U.S.C. 10702, the Board has the authority to address the reasonableness of a rail carrier's practices. This information collection permits the Board to monitor the current fuel surcharge practices of the Class I carriers. Failure to collect this information would impede the Board's ability to fulfill its statutory responsibilities. The Board has authority to collect information about rail costs and revenues under 49 U.S.C. 11144 and 11145.

Under the PRA, a federal agency that conducts or sponsors 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 44 U.S.C. 3506(c)(2)(A), 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: March 3, 2017.

**Jeffrey Herzig,**

*Clearance Clerk.*

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**BILLING CODE 4915-01-P**

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2011-0382; FMCSA-2011-0383; FMCSA-2013-0194; FMCSA-2014-0012; FMCSA-2014-0013]

#### Qualification of Drivers; Exemption Applications; Diabetes

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA announces its decision to renew exemptions of 47

individuals from its prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. The exemptions enable these individuals with ITDM to continue to operate CMVs in interstate commerce.

**DATES:** Each group of renewed exemptions was effective on the dates stated in the discussions below and will expire on the dates stated in the discussions below.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical Programs Division, 202-366-4001, [fmcsamedical@dot.gov](mailto:fmcsamedical@dot.gov), FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64-224, Washington, DC 20590-0001. Office hours are from 8 a.m. to 5:30 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366-9826.

#### SUPPLEMENTARY INFORMATION:

##### I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: <http://www.regulations.gov>.

*Docket:* For access to the docket to read background documents or comments, go to <http://www.regulations.gov> and/or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

*Privacy Act:* In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

##### II. Background

On November 25, 2016, FMCSA published a notice announcing its decision to renew exemptions for 47 individuals from the insulin-treated diabetes mellitus prohibition in 49 CFR 391.41(b)(3) to operate a CMV in interstate commerce and requested comments from the public (81 FR 85317). The public comment period ended on December 27, 2016, and no comments were received.

As stated in the previous notice, FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(3).

The physical qualification standard for drivers regarding diabetes found in 49 CFR 391.41(b)(3) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control.

#### III. Discussion of Comments

FMCSA received no comments in this preceding.

#### IV. Conclusion

Based upon its evaluation of the 47 renewal exemption applications and that no comments were received, FMCSA confirms its' decision to exempt the following drivers from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce in 49 CFR 391.41(b)(3):

As of April 1, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 24 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (79 FR 6987; 79 FR 18388):

Dana A. Albert (NY)  
John R. Benshoff (OH)  
George A. Blanda (NY)  
Terrence K. Cannon (IL)  
Trisha J. Davis (ME)  
Paul D. Ferris (NY)  
Larry Gaskill (RI)  
Thomas H. Gaskins (NC)  
Gary A. Grant (WA)  
Brian C. Halcomb (IL)  
Gerald Lee (CA)  
Timothy R. Lewis (OR)  
Gregory J. Littlefield (MN)  
Glen H. Miller (MI)  
Ryan M. Ottis (ND)  
Steven M. Parsons (WV)  
William L. Reece (ND)  
Jay R. Rude (AZ)  
Denise D. Ruffin (MS)  
Ryan E. Stretch (MO)  
William F. Sullivan, IV (NY)  
John R. Thompson (WI)  
Everette L. Twyman (MO)  
John F. Whitesides (NC)

The drivers were included in Docket No. FMCSA-2013-0194. Their exemptions are effective as of April 1, 2016, and will expire on April 1, 2018.

As of April 6, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the