Under the proposed transaction, Applicants seek permission for AHI (and for Celerity Holdings and Celerity Partners indirectly) to acquire 100 percent control of Sundiego through a stock purchase agreement (SPA) between AHI and Mr. and Mrs. Illes. According to Applicants, top management at Sundiego would remain involved in the business after the acquisition, and Mr. and Mrs. Illes would become minority shareholders in AHI. Applicants state that closing of the proposed transaction is scheduled on or about December 10, 2013, if Board approval is obtained by then.

Under 49 U.S.C. 14303(b), the Board must approve and authorize a transaction that it finds consistent with the public interest, taking into consideration at least: (1) The effect of the proposed transaction on the adequacy of transportation to the public; (2) the total fixed charges that result; and (3) the interest of affected carrier employees. Applicants have submitted information, as required by 49 CFR 1182.2, including the information to demonstrate that the proposed transaction is consistent with the public interest under 49 U.S.C. 14303(b), and a statement that Applicants' motor passenger carriers and Sundiego's aggregate gross operating revenues for the preceding 12 months exceeded $2 million, *see* 49 U.S.C. 14303(g).

With respect to the effect of the transaction on the adequacy of transportation to the public, Applicants state that the proposed acquisition would have no significant impact because Applicants do not intend to change substantially the physical operations historically conducted by Sundiego. Rather, Applicants anticipate enhancing operations by implementing vehicle sharing arrangements, by providing coordinated driver training and safety management services, and by centralizing various management support functions. With respect to fixed charges, Applicants state that their control of Sundiego would generate economies of scale that would reduce a variety of unit costs and that, with its increased market position, Applicants would be able to access financing on more favorable terms. In addition to better interest rates, Applicants expect that the combined carriers would be able to enhance modestly their volume purchasing power, thus reducing insurance premiums and achieve deeper volume discounts for equipment and fuel. Applicants state that the transaction would have a positive impact on employee interests, as the economies and efficiencies resulting from the proposed acquisition would directly benefit Sundiego's employees by maintaining job security and retaining or expanding the volume of available work.

Applicants further state that the acquisition would have no adverse impact on competition, because the geographic markets in which Sundiego and Coaches/Industrial compete are adjacent, but do not significantly overlap. Industrial's primary service areas in Arizona, New Mexico, and Texas are west of Sundiego's California-based market. Applicants note that round trips generated by each carrier might extend into overlapping states, but the beginning and end points seldom, if ever, overlap between Sundiego and Coaches/Industrial. Applicants also state that Sundiego faces other competition in both charter and shuttle services in San Diego and Los Angeles. Further, Applicants note that services provided under contract and on a ''spot basis'' also face competition from local and nationwide operators. Applicants state that competition includes five locally-based carriers, three carriers in the Los Angeles area, and four large nationwide providers of service.

On the basis of the application, the Board finds that the proposed acquisition is consistent with the public interest and should be tentatively approved and authorized. If any opposing comments are timely filed, these findings will be deemed vacated, and, unless a final decision can be made on the record as developed, a procedural schedule will be adopted to reconsider the application. *See* 49 CFR 1182.6(c). If no opposing comments are filed by the expiration of the comment period, this notice will take effect automatically and will be the final Board action.

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

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

*It is ordered:*

1. The proposed transaction is approved and authorized, subject to the filing of opposing comments.

2. If opposing comments are timely filed, the findings made in this notice will be deemed vacated.

3. This notice will be effective December 14, 2013, unless opposing comments are filed by December 13, 2013.

4. A copy of this notice will be served on: (1) The U.S. Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590; (2) the U.S. Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue NW., Washington, DC 20530; and (3) the U.S. Department of Transportation, Office of the General Counsel, 1200 New Jersey Avenue SE., Washington, DC 20590.

Decided: October 23, 2013.

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

**Jeffrey Herzig,**

*Clearance Clerk.*

[FR Doc. 2013–25582 Filed 10–28–13; 8:45 am]

**BILLING CODE 4915–01–P**

involving the points of Los Angeles, El Paso, Las Vegas, and Denver. Applicants state that, because Sundiego does not currently operate any of these routes, they intend to file to have that authority revoked.

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

**[Docket No. FD 35774]**

### Youngstown & Southeastern Railway Company—Operation Exemption—Mule Sidetracks, L.L.C.

Youngstown & Southeastern Railway Company (Y&SR), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to continue to operate a line of railroad that extends 35.7 miles between milepost 0.0 in Youngstown, Ohio, and milepost 35.7 in Darlington, Pa. (the Line). The Line is currently owned by Columbiana County Port Authority (CCPA) and has been operated by Y&SR under a lease from CCPA. In addition, Y&SR will operate as an agent of, and in the name of, Mule Sidetracks, L.L.C. (MSLLC), three miles of contiguous track segments, running east of milepost 0.0 and connecting to the Line, that are being permanently assigned by CCPA to MSLLC and will facilitate interchange with Norfolk Southern Railway Company (NSR) and CSX Transportation, Inc. (CSXT).[1]

[1] These operating rights are found in the following agreements: (1) Overhead Trackage Rights Agreement dated May 7, 2001, between Ohio & Pennsylvania Railroad Company (OHPA) and Central Columbiana & Pennsylvania Railway, Inc. (CQPA), to which CCPA is successor; (2) Letter Agreement regarding yard operations dated November 30, 2001, between OHPA, CQPA, and CCPA; (3) Interchange Agreement dated July 23, 2002, as amended and in effect, among CSXT, OHPA, and CQPA and Interline Service Agreement, effective April 1, 2004, between CSXT and CQPA, to which CCPA is successor; (4) Land Lease dated August 8, 2003, between CSXT and CQPA, which was assumed by CCPA, effective January 3, 2006; (5) Interchange Agreement dated May 1, 2001, and

Continued

This transaction is related to a verified notice of exemption filed in *Mule Sidetracks, L.L.C.—Acquisition Exemption—Columbiana County Port Authority,* FD 35773, by which MSLLC seeks an exemption to acquire from CCPA the Line as well as assignment of CCPA's agreements and operating rights to the three miles of connecting track east of milepost 0.0.

The transaction may be consummated on or after November 12, 2013, the effective date of the exemption.[2]

Y&SR certifies that its projected annual revenues as a result of this transaction will not exceed $5 million annually and will not result in Y&SR becoming a Class I or Class II carrier.

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 November 5, 2013 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35774, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on John D. Heffner, Strasburger & Price, LLP, 1700 K Street NW., Suite 640, Washington, DC 20006.

Board decisions and notices are available on our Web site at ''*WWW.STB.DOT.GOV*''.

Decided: October 24, 2013.

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

**Jeffrey Herzig,**

*Clearance Clerk.*

[FR Doc. 2013–25565 Filed 10–28–13; 8:45 am]

**BILLING CODE 4915–01–P**

## DEPARTMENT OF THE TREASURY

### Community Development Financial Institutions Fund

### Bank Enterprise Award (BEA) Program; Programmatic and Administrative Aspects; Public Comment Request

**AGENCY:** Community Development Financial Institutions Fund, Department of the Treasury.

**ACTION:** Request for public comment.

**SUMMARY:** This notice invites comments from the public on certain programmatic and administrative aspects of the Community Development Financial Institutions Fund's (CDFI Fund) Bank Enterprise Award (BEA) Program, pursuant to the BEA Program regulations set forth at 12 CFR part 1806 (the Interim Rule). All materials submitted will be available for public inspection and copying.

**DATES:** All comments and submissions must be received by December 30, 2013.

**ADDRESSES:** Comments should be sent by mail to: CDFI Fund, BEA Program Office, U.S. Department of the Treasury, 1500 Pennsylvania Ave., NW., Washington, DC 20220; by email to *bea@cdfi.treas.gov;* or by facsimile at (202) 508–0089. This is not a toll free number.

**FOR FURTHER INFORMATION CONTACT:** Information regarding the CDFI Fund and its programs may be downloaded from the CDFI Fund's Web site at *http://www.cdfifund.gov.*

**SUPPLEMENTARY INFORMATION:** Through the BEA Program, the CDFI Fund encourages Insured Depository Institutions to increase their activities in the form of loans, investments, services, and technical assistance provided within Distressed Communities, as well as investments in Community Development Financial Institutions (CDFIs) through grants, stock purchases, loans, deposits, and other forms of financial and technical assistance. The increase in these activities is measured from a Baseline Period to an Assessment Period. Each capitalized term used in this Request for Public Comments is more fully defined either in the Interim Rule or the Notice of Funds Availability for the FY 2013 BEA Program award round (**Federal Register**/Vol. 78, No.109) (the NOFA). Through this notice, the CDFI Fund is seeking comments from the public regarding certain programmatic and administrative aspects of the CDFI Fund's BEA Program. Commentators are encouraged to consider, at a minimum, the following topics:

**I. Eligibility**

A. *CRA Rating:* The Community Reinvestment Act (CRA) encourages and examines efforts to service the banking needs of low- and moderate-income communities. The CDFI Fund considers a financial institution's CRA rating a key indicator of its efforts to serve the communities that it does business in and the effectiveness of those efforts in providing access to financial products and services to businesses and residents of those communities, including low-and-moderate income communities.

As stated in Section VII ''Application Review Information'' of the NOFA, the CDFI Fund may choose not to approve a BEA Program award at the time of application if the Applicant and/or its affiliates' most recent overall CRA assessment rating is below ''Satisfactory.'' This determination is made during the review of the application.

The CDFI Fund is considering making this an ''Eligibility'' requirement (Section III of the NOFA). If implemented, Section III of the NOFA would inform prospective Applicants that a CRA rating of below ''Satisfactory'' during the Baseline Period or the Assessment Period of the applicable BEA Program award round will result in ineligibility.

1. Should the CDFI Fund consider an Applicant ineligible if the Applicant's CRA rating is below ''Satisfactory'' and the CRA examination date was within the applicable Baseline or Assessment Period? If so, please indicate why. If not, please provide a specific reason why not.

2. Should the CDFI Fund consider an Applicant ineligible if the Applicant's most recent CRA rating is below ''Satisfactory'' but the CRA examination date was prior to the applicable Baseline or Assessment Period? If so, please indicate why. If not, please provide a specific reason why not.

3. Should the CDFI Fund perform additional due diligence to obtain an update on the status or progress made by the Applicant to improve its CRA rating prior to making an eligibility determination? If so, in which of the two scenarios above should additional due diligence be performed? Should that information be self-reported by the

Interline Service Agreement, effective October 5, 2004, between CQPA and NSR, to which CCPA is successor; (6) Easements granted by Allied Erecting & Dismantling Company, Inc. to The Pittsburgh and Lake Erie Railroad Company by agreements dated June 3, 1992, and November 10, 1993, and easements retained by PLE in deeds dated June 3, 1992, and November 10, 1993, from PLE to Allied (Allied Easements), which Allied Easements were conveyed by Youngstown and Southern Railway Company to Railroad Ventures, Inc. (RVI) by deed dated November 8, 1996, and by RVI to CCPA by deed dated January 23, 2001, and were included in the rights granted to CQPA by CCPA, including rights over the C.P. Graham Interlocking, and which collective rights were also conferred on CCPA by order of the Bankruptcy Court dated March 28, 2002, in *In re: Pittsburgh & Lake Erie Properties, Inc.,* Case No. 96–406, and to which CCPA is successor; and (7) Operating Rights Agreement between Matteson Equipment Company (Matteson) and CQPA; and Operating Rights Agreement between Eastern States Railroad, LLC (ESR) and Matteson dated July 14, 2006, to which CCPA is successor.

[2] This notice was scheduled to be published in the **Federal Register** during the time that the agency was closed due to a lapse in appropriations. Because publication of this notice has been delayed, the effective date of the exemption will also be delayed to provide adequate notice to the public.