

The transaction is scheduled to be consummated on July 17, 2013, the effective date of the exemption (30 days after the exemption is filed).

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk & Western Railway—Trackage Rights—Burlington Northern, Inc.*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Railway—Lease & Operate—California Western Railroad*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If the 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. Stay petitions must be filed by July 10, 2013 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35278 (Sub-No. 1), 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 Thomas J. Litwiler, 29 North Wacker Drive, Suite 920, Chicago, IL 60606.

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

Decided: June 28, 2013.

By the Board.

**Rachel D. Campbell,**  
Director, Office of Proceedings.

[FR Doc. 2013–16167 Filed 7–2–13; 8:45 am]

**BILLING CODE 4915–01–P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. FD 35747]

#### Norfolk Southern Railway Company— Lease Exemption—BNSF Railway Company

**AGENCY:** Surface Transportation Board, DOT.

**ACTION:** Notice of exemption; request for comments.

**SUMMARY:** On June 26, 2013, Norfolk Southern Railway Company (NSR) filed a petition under 49 U.S.C. 10502 and 49 CFR Part 1121 for exemption from the provisions of 49 U.S.C. 11323(a)(2) to lease from BNSF Railway Company (BNSF), and upgrade and maintain, approximately 797 feet of rail line, known as the Lumber Lead, including

certain underlying and adjacent land and improvements, in Chicago, Ill. (the Line), pursuant to an agreement (the Agreement) with BNSF.

**DATES:** Written comments must be filed with the Board by July 10, 2013.<sup>1</sup>

**ADDRESSES:** Comments may 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 to: Surface Transportation Board, Attn: Docket No. FD 35747, 395 E Street SW., Washington, DC 20423–0001. In addition, send one copy of any comments to: Maquiling B. Parkerson, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510.

#### 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 1–800–877–8339.

**SUPPLEMENTARY INFORMATION:** On June 26, 2013, NSR filed a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 11323(a)(2) to lease the Line from BNSF pursuant to the Agreement. Under the Agreement, NSR will lease, upgrade, and maintain the Line and its connection to NSR's No. 3 CJ main line as part of its undertakings that in turn are part of the Chicago Region Environmental and Transportation Efficiency (CREATE) Program.<sup>2</sup> NSR will replace the Line's hand-thrown turnouts with power turnouts. The new turnouts will be controlled by NSR through a new remote controlled interlocker with BNSF supervisory control on BNSF-owned track. The CREATE project, according to NSR, is intended to result in more fluid and efficient train operations over the numerous

<sup>1</sup> NSR has requested expedited handling, asserting that the proposed lease and upgrade of the Line and the other related improvements (*see infra* note 2 and related text) are scheduled to start during the Summer and early Fall of 2013. NSR states that it must be able to consummate the lease by July 15, 2013, to ensure that it can commence work on the Line timely in connection with the other related improvements. The Board will attempt to accommodate the request for expedition, and, accordingly, is providing an abbreviated comment period.

<sup>2</sup> The CREATE program is a public-private partnership between the Chicago Department of Transportation, the Illinois Department of Transportation, and the American Association of Railroads, including Metra and the freight railroads operating in Chicago, to increase efficiency of the region's rail infrastructure, and to enhance the quality of life for Chicago area residents.

connections between major freight yards and main line tracks in the Chicago area, reducing congestion and delays and adding critical capacity to local rail freight infrastructure. NSR states that the Agreement is for an initial five-year term and that it contains no provisions that would limit its ability to interchange with third-party rail carriers as a result of entering into the proposed transaction. NSR also asserts that the proposed transaction meets the statutory requirements of 10502 and therefore warrants an individual exemption.

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). NSR has requested that a final decision be issued and effective by July 15, 2013. The Board will attempt to accommodate that request, subject to the consideration of any comments that may be filed.

Decided: June 28, 2013.

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

**Derrick A. Gardner,**  
Clearance Clerk.

[FR Doc. 2013–16023 Filed 7–2–13; 8:45 am]

**BILLING CODE 4915–01–P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. MCF 21053]

#### Conway's Bus Service, Inc.—Sale Of Certain Assets—Academy Express, L.L.C.

**AGENCY:** Surface Transportation Board, DOT.

**ACTION:** Notice Tentatively Approving and Authorizing Finance Transaction.

**SUMMARY:** On June 4, 2013, Conway's Bus Service, Inc. (CBS), and Academy Express, L.L.C. (Academy) (collectively, Applicants), motor carriers of passengers, filed an application under 49 U.S.C. 14303 for approval of the purchase of certain assets of CBS's Charter Division by Academy.<sup>1</sup> The Board is tentatively approving and authorizing the transaction, and, if no opposing comments are timely filed, this notice will be the final Board action.<sup>2</sup> Persons wishing to oppose the

<sup>1</sup> Although the application was filed by CBS, it is being accepted as jointly filed because Academy's manager, Francis Tedesco, filed a supporting verification with the application. Under 49 U.S.C. 14303(a)(2), Board approval is required for transactions that involve “[a] purchase, lease, or contract to operate property of another carrier by any number of carriers.”

<sup>2</sup> Applicants simultaneously filed a motion to dismiss the application contending that, because of its size and nature, the transaction does not fall

application must follow the rules set forth at 49 CFR 1182.5 and 1182.8.

**DATES:** Comments must be filed by August 19, 2013. Applicants may file a reply by September 3, 2013. If no comments are filed by August 19, 2013, the notice shall be effective on that date.

**ADDRESSES:** Send an original and 10 copies of any comments referring to Docket No. MCF 21053 to: Surface Transportation Board, 395 E Street SW., Washington, DC 20423-0001. In addition, send one copy of comments to Applicants' representative: Stephen Brusini, 144 Wayland Avenue, Providence, RI 02906.

**FOR FURTHER INFORMATION CONTACT:** Marc Lerner, (202) 245-0390. [Federal Information Relay Service (FIRS) for the hearing impaired: 1-800-877-8339.]

**SUPPLEMENTARY INFORMATION:** Academy, a limited liability company established under the laws of New Jersey, holds authority from the Federal Motor Carrier Safety Administration (FMCSA) as a motor carrier providing interstate charter passenger services to the public (MC-413682).<sup>3</sup> Academy is indirectly controlled by the Tedesco Family ESB Trust, which also indirectly controls Academy Lines, L.L.C., a motor carrier of passengers principally rendering commuter operations, and No. 22 Hillside, L.L.C., a motor carrier of passengers rendering a variety of services. CBS, a corporation established under Rhode Island law, also holds a FMCSA license (MC-115676).<sup>4</sup>

Academy proposes to purchase the assets of CBS's Charter Division, which handles the transportation of passengers for hire between two or more geographic locations in intrastate and interstate commerce. Specifically, Academy would purchase the Charter Division's: (1) Logos, trademarks, and patents; (2) transferable permits, licenses, franchises, approvals, certificates, consents, waivers, concessions, exemptions, orders, registrations, notices, or other authorizations of any government authority; (3) pending customer contracts and associated deposits; (4) customer lists; and (5) the trade name, "Conway's Bus Service."

According to Applicants, CBS has two other separate and distinct operating divisions: a motor coach equipment division that owns motor coaches and

related equipment, and a tour and travel service division that provides multi-day packaging of hotel accommodations, meals, and transport by private tour groups. The transaction, however, does not involve the transfer of CBS's assets, facilities, or customers outside of the Charter Division and does not involve the transfer of CBS's FMCSA certificate of operating authority. CBS intends to cease operating its Charter Division and will, if the application is approved: (1) Voluntarily surrender its certificates of authority to operate as an interstate and intrastate motor carrier; (2) sell its Charter Division assets to Academy; (3) continue to operate its Tour Division; and (4) liquidate the assets of its motor coach equipment division.

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 the combined 12-month aggregate gross operating revenues of CBS's Charter Division and of Academy exceeded \$2 million. *See* 49 U.S.C. 14303(g).

Applicants assert that the proposed transaction would: (1) Promote safe and efficient transportation because Academy's motor coaches are newer and more modern than those being used by CBS's Charter Division; (2) promote the efficient use of natural resources and energy because Academy's newer motor coaches are more fuel and energy efficient; (3) promote and encourage other motor carrier providers to establish competitive rates because of Academy's far-reaching presence in the motor carrier industry; and (4) enhance service and price options for customers. Applicants further state that the proposed transaction would have no effect on total fixed charges. Finally, Applicants state that the transaction would have no adverse effect on the Charter Division's employees as Academy will be offering similar employment opportunities to those current employees and does not anticipate any reduction in the work force or in compensation levels and benefits.

On the basis of the application, the Board finds that the proposed purchase is consistent with the public interest

and should be tentatively approved and authorized. If any opposing comments are timely filed, this finding 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.

The application and Board decisions and notices are available on our Web site at [www.stb.dot.gov](http://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 on August 19, 2013, unless opposing comments are timely filed.

4. A copy of this decision 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.

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

**Derrick A. Gardner,**  
Clearance Clerk.

[FR Doc. 2013-15973 Filed 7-2-13; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

June 27, 2013.

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 August 2, 2013 to be assured of consideration.

**ADDRESSES:** Send comments regarding the burden estimate, or any other aspect

under the Board's jurisdiction. That motion is being denied in a separate decision being served simultaneously with this notice.

<sup>3</sup> Academy operates in the District of Columbia, and the states of Maryland, Virginia, New Jersey, New York, Connecticut, Pennsylvania, New Hampshire, Rhode Island, and Massachusetts.

<sup>4</sup> CBS's Charter Division operates in the state of Rhode Island and in Northern Connecticut and Southeastern Massachusetts.