

11. These companies allegedly face significant competition from other bus carriers, private cars, and other modes of transportation. Coach contends that the Board has already approved Coach mergers in connection with control transactions.<sup>7</sup> Finally, Coach submits that competitive issues are more appropriately considered in a control proceeding because carriers under common control will be unlikely to compete with each other, than in a situation where the controlled carriers are seeking to merge for, according to Coach, "there should be no loss of competitive options available to the traveling public." *Id.* at 13 (citations omitted).

**Limited Scope.** Coach contends that the proposed exemption is of limited scope because it involves carriers already under common control. Because, allegedly, the carriers share centralized management, the merger/consolidation "transactions will accordingly be more focused on corporate form than on substantive operational changes." *Id.* at 14.

Coach submits that most of the Operating Carriers it controls are relatively small. More than half of them have annual revenues of less than \$8 million, few have annual revenues of more than \$20 million, and most of the Operating Carriers have fleets of less than 75 buses. Coach argues that, consistent with the standards for rail intra-corporate family transactions at 49 CFR 1180.2(d)(3), in the merger or consolidation of its Operating Carriers "there will be no adverse change in service levels, no significant operational changes that would adversely impact the traveling public and no diminution in the level of competitive service available to the public." *Id.* at 15.

**Public Interest.** The exemption is in the public interest, according to Coach, because it will increase regulatory efficiency by reducing potentially burdensome regulatory practices. Such efficiency, Coach alleges, would save the resources of both petitioners and the Board.

In addition to these stated regulatory benefits, Coach claims that there are also commercial reasons for determining that an exemption is in the public interest. By reducing from two and a half months to 7 days the period for consummating a transaction after a filing, the period that the two merged

companies are in limbo would be significantly reduced, lowering the danger that the petitioner will miss out on commercial opportunities for improving service. Coach also claims that, under an exemption, the public and the Operating Carriers would sooner enjoy the benefits of the intra-corporate family transaction. Finally, Coach asserts that reducing the regulatory waiting period will lessen uncertainty in vendors and passengers.

#### Discussion

As Coach's petition raises issues of first impression, we are seeking comment on Coach's petition. Commenters should address whether an exemption for intra-corporate family transactions is warranted and, if so, whether it should be available solely to Coach.

As a preliminary matter, we do not see how a class exemption could apply only to one party. If the exemption criteria are satisfied for Coach, they would also presumably apply to other parties, if any are similarly situated. Parties should address this issue.

We also question whether the concerns raised by Coach cannot be addressed under our current rules at least in those cases where there is a demonstrated need for quick action by the Board. Under 49 U.S.C. 14303(i), pending the Board's consideration of an application, we may grant interim approval to the operation of properties sought to be acquired for not more than 180 days "when it appears that failure to do so may result in the destruction of or injury to those properties or substantially interfere with their future usefulness in providing adequate and continuous service to the public." See also 49 CFR 1182.7. If the interim approval request is submitted when the application is filed, the Board will issue its decision with the notice accepting the application, i.e., within 30 days. Section 1182.7(d)(1). This is quicker than the two and one half months that Coach claims is too long and only 23 days longer than the effective date under Coach's proposal.

Accordingly, commenters should address these issues, as well as the general issue of whether the exemption Coach proposes is in the public interest. Also, a copy of this request for comments will be served on the Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue, NW., Washington, DC 20530.

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

Decided: May 4, 1999.

By the Board, Chairman Morgan, Vice Chairman Clyburn, and Commissioner Burkes.

**Vernon A. Williams,**

*Secretary.*

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BILLING CODE 4910-00-P

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## DEPARTMENT OF THE TREASURY

### Bureau of Alcohol, Tobacco and Firearms

#### 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 and respondent burden, invites the general public to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Bureau of Alcohol, Tobacco and Firearms within the Department of the Treasury is soliciting comments concerning the Claim for Drawback of Tax on Cigars, Cigarettes, Cigarette Papers and Cigarette Tubes.

**DATES:** Written comments should be received on or before July 12, 1999 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Linda Barnes, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927-8930.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the form(s) and instructions should be directed to Nancy Kern, Regulations Division, 650 Massachusetts Avenue NW., Washington, DC 20226, (202) 927-8210.

#### SUPPLEMENTARY INFORMATION:

**Title:** Title for Drawback of Tax on Cigars, Cigarettes, Cigarette Papers and Cigarette Tubes.

**OMB Number:** 1512-0117.

**Form Number:** ATF F 5620.7 (2147).

**Abstract:** ATF F 5620.7 (2147)

documents that cigars, cigarettes, cigarette papers and tubes were shipped to a foreign country, Puerto Rico, the Virgin Islands or a possession of the United States and that the tax was already paid on these tobacco articles. AFT F 5620.7 (2147) is the claim form that a person who paid the tax on the articles uses to file for a drawback or refund for the tax that has already been paid.

<sup>7</sup> See *Coach USA, Inc. and Leisure Time Tours-Control and Merger Exemption-Van Nortwick Bros., Inc., et al.*, STB Docket No. 33428 (STB served Nov. 3, 1997) and *Coach U.S.A., Inc. and K-T Contract Services, Inc.—Control and Merger Exemption—Gray Line Tours of Southern Nevada*, STB Docket No. 33421 (STB served Dec. 4, 1997).

*Current Actions:* There are no changes to this information collection and it is being submitted for extension purposes only.

*Type of Review:* Extension.

*Affected Public:* Business or other for-profit.

*Estimated Number of Respondents:* 288.

*Estimated Time Per Respondent:* 30 minutes.

*Estimated Total Annual Burden Hours:* 144.

**REQUEST FOR COMMENTS:** 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 to be collected; (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: May 4, 1999.

**William T. Earle,**

*Assistant Director (Management) CFO.*

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## DEPARTMENT OF THE TREASURY

### Bureau of Alcohol, Tobacco and Firearms

#### 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 and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Bureau of Alcohol, Tobacco and Firearms within the Department of the Treasury is soliciting comments concerning the

Withdrawal of Spirits, Specially Denatured Spirits, or Wines for Exportation.

**DATES:** Written comments should be received on or before July 12, 1999 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Linda Barnes, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927-8930.

#### FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the form(s) and instructions should be directed to Nancy Kern, Regulations Division, 650 Massachusetts Avenue, NW., Washington, DC 20226 (202) 927-8210.

#### SUPPLEMENTARY INFORMATION:

*Title:* Withdrawal of Spirits, Specially Denatured Spirits, or Wines for Exportation.

*OMB Number:* 1512-0190.

*Form Number:* ATF F 5100.11.

*Abstract:* ATF F 5100.11 is completed by exporters to report the withdrawal of spirits, denatured spirits, and wines from internal revenue bonded premises, without payment of tax for direct exportation, transfer to a foreign trade zone, customs manufacturer's bonded warehouse or customs bonded warehouse or for use as supplies on vessels or aircraft.

*Current Actions:* There are no changes to this information collection and it is being submitted for extension purposes only.

*Type of Review:* Extension.

*Affected Public:* Business or other for-profit.

*Estimated Number of Respondents:* 300.

*Estimated Time Per Respondent:* 1 hour.

*Estimated Total Annual Burden Hours:* 6,000.

**REQUEST FOR COMMENTS:** 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 to be collected; (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: May 4, 1999.

**William T. Earle,**

*Assistant Director (Management) CFO.*

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BILLING CODE 4810-31-P

## DEPARTMENT OF THE TREASURY

### Bureau of Alcohol, Tobacco and Firearms

#### 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 and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Bureau of Alcohol, Tobacco and Firearms within the Department of the Treasury is soliciting comments concerning the Inventory—Export Warehouse Proprietor.

**DATES:** Written comments should be received on or before July 12, 1999 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Linda Barnes, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927-8930.

#### FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the form(s) and instructions should be directed to Shawn Hart, Regulations Division, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927-8930.

#### SUPPLEMENTARY INFORMATION:

*Title:* Inventory—Export Warehouse Proprietor.

*OMB Number:* 1512-0171.

*Form Number:* ATF F 5220.3.

*Abstract:* ATF F 5220.3 is used by export warehouse proprietors to record inventories that are required by law and regulations. The form provides a uniform format for recording inventories and establishes a contingent tax liability on tobacco products.

*Current Actions:* There are no changes to this information collection and it is being submitted for extension purposes only.