

U.S. DOT Dockets, Room PL-401, 400 7th Street, SW, Washington, D.C. 20590. Specifically, address whether this information collection is necessary for proper performance of the function of the agency and will have practical utility, accuracy of the burden estimates, ways to minimize this burden and ways to enhance quality, utility, and clarity of the information to be collected. All comments received will be available for examination at the above address between 10 a.m. and 5 p.m., EST., Monday through Friday, except Federal Holidays. An electronic version of this document is available on the World Wide Web at <http://dms.dot.gov>.

By order of the Maritime Administrator.

Dated: May 6, 1999.

**Joel C. Richard,**

*Secretary.*

[FR Doc. 99-11861 Filed 5-10-99; 8:45 am]

BILLING CODE 4910-81-P

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### Safety Performance Standards Program Meeting

**AGENCY:** National Highway Traffic Safety Administration.

**ACTION:** Notice of NHTSA Rulemaking Status Meeting.

**SUMMARY:** This notice announces a public meeting at which NHTSA will answer questions from the public and the automobile industry regarding the agency's vehicle regulatory program.

**DATES:** The Agency's regular, quarterly public meeting relating to its vehicle regulatory program will be held on Wednesday, June 16, 1999, beginning at 9:45 a.m. and ending at approximately 12:00 p.m., at the Clarion Hotel, Romulus, MI. Questions relating to the vehicle regulatory program must be submitted in writing with a diskette (Wordperfect) by Friday, May 28, 1999, to the address shown below or by e-mail. If sufficient time is available, questions received after May 28 may be answered at the meeting. The individual, group or company submitting a question(s) does not have to be present for the question(s) to be answered. A consolidated list of the questions submitted by May 28, 1999, and the issues to be discussed, will be posted on NHTSA's web site ([www.nhtsa.dot.gov](http://www.nhtsa.dot.gov)) by Monday, June 11, 1999, and also will be available at the meeting. The next NHTSA vehicle regulatory program meeting will take

place in Washington on Thursday, September 16, 1999. The location of the September meeting will be announced in a subsequent notice.

**ADDRESSES:** Questions for the June 16, NHTSA Rulemaking Status Meeting, relating to the agency's vehicle regulatory program, should be submitted to Delia Lopez, NPS-01, National Highway Traffic Safety Administration, Room 5401, 400 Seventh Street, SW, Washington, DC 20590, Fax Number 202-366-4329, e-mail [dlopez@nhtsa.dot.gov](mailto:dlopez@nhtsa.dot.gov). The meeting will be held at the Clarion Hotel, 9191 Wickham Road, Romulus, MI.

**FOR FURTHER INFORMATION CONTACT:**

Delia Lopez, (202) 366-1810.

**SUPPLEMENTARY INFORMATION:** NHTSA holds a regular, quarterly meeting to answer questions from the public and the regulated industries regarding the agency's vehicle regulatory program. Questions on aspects of the agency's research and development activities that relate directly to ongoing regulatory actions should be submitted, as in the past, to the agency's Safety Performance Standards Office. The purpose of this meeting is to focus on those phases of NHTSA activities which are technical, interpretative or procedural in nature. Transcripts of these meetings will be available for public inspection in the DOT Docket in Washington, DC, within four weeks after the meeting. Copies of the transcript will then be available at ten cents a page, (length has varied from 80 to 150 pages) upon request to DOT Docket, Room PL-401, 400 Seventh Street, SW, Washington, DC 20590. The DOT Docket is open to the public from 10:00 a.m. to 5:00 p.m. The transcript may also accessed electronically at <http://dms.dot.gov>. at docket NHTSA-1999-5087. Questions to be answered at the quarterly meeting should be organized by categories to help us process the questions into an agenda form more efficiently. Sample format:

- I. Rulemaking
  - A. Crash avoidance
  - B. Crashworthiness
  - C. Other Rulemakings
- II. Consumer Information
- III. Miscellaneous

NHTSA will provide auxiliary aids to participants as necessary. Any person desiring assistance of "auxiliary aids" (e.g., sign-language interpreter, telecommunications devices for deaf persons (TDDs), readers, taped texts, brailled materials, or large print materials and/or a magnifying device), please contact Delia Lopez on (202) 366-1810, by COB June 11, 1999.

Issued: May 6, 1999.

**L. Robert Shelton,**

*Associate Administrator for Safety Performance Standards.*

[FR Doc. 99-11789 Filed 5-10-99; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-99-5403]

#### Notice of Receipt of Petition for Decision That Nonconforming 1998 and 1999 Lexus RX300 Multi-Purpose Passenger Vehicles Are Eligible for Importation; Correction

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.

**ACTION:** Correction to notice of receipt of petition for decision that nonconforming 1998 and 1999 Lexus RX300 multi-purpose passenger vehicles (MPVs) are eligible for importation.

**SUMMARY:** This document corrects a notice published, April 19, 1999 (64 FR 19212) announcing receipt by NHTSA of a petition for a decision that 1998 and 1999 Lexus RX300 MPVs that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States. The notice incorrectly identified the docket number for this petition as "Docket No. NHTSA-99-5403." The docket number should have been properly identified as "Docket No. NHTSA-99-5503." Those intending to comment on the petition should ensure that they reference the correct docket number in their comments.

**Authority:** 49 U.S.C. 30141(a)(1)(B) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on May 6, 1999.

**Marilynne Jacobs,**

*Director, Office of Vehicle Safety Compliance.*

[FR Doc. 99-11788 Filed 5-10-99; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 33685]

#### Coach USA, Inc.—Petition for Exemption—Intra-Corporate Family Merger and Consolidation Transactions

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

**ACTION:** Request for comments.

**SUMMARY:** The Surface Transportation Board (Board) is seeking comments on a petition by Coach USA, Inc. (Coach) to be exempted from 49 U.S.C. 14303 and the regulations at 49 CFR part 1182 concerning the merger or consolidation of motor carriers of passengers controlled by Coach.

**DATES:** Comments are due on June 10, 1999.

**FOR FURTHER INFORMATION CONTACT:** Beryl Gordon, (202) 565-1600. [TDD for the hearing impaired: (202) 565-1695.]

**SUPPLEMENTARY INFORMATION:** Coach has filed a petition for exemption requesting that it be exempted from the prior approval requirements of section 14303 for mergers or consolidations of motor carriers of passengers Coach already controls. Under its proposal, Coach would file a notice similar to the one applicable for class exemptions for railroad intra-corporate family transactions that do not result in significant operational changes, adverse changes in service levels, or a change in the competitive balance with carriers outside the corporate family. See 49 CFR 1180.2(d)(3) and 1180.4(g).

When the petition was filed, Coach, a noncarrier holding company, stated that it controlled, inter alia, 73 motor carriers of passengers subject to federal regulation (Operating Carriers). Coach states its plans to transfer direct control of the Operating Carriers to several new, wholly owned, primarily regionally-based subsidiaries (Management Companies), which would manage closely the Operating Carriers assigned to them.<sup>1</sup> As relevant here, each Management Company evidently would examine the Operating Carriers it controls to determine whether consolidations, mergers or other intra-family corporate transactions involving these carriers are warranted.

<sup>1</sup> Tentative approval has been given to these applications. See *Coach USA, Inc., and Coach USA North Central, Inc.—Control—Nine Motor Passenger Carriers*, STB Docket No. MC-F-20931; *Coach USA, Inc., and Coach USA Northeast, Inc.—Control—30 Motor Passenger Carriers*, STB Docket No. MC-F-20932; *Coach USA, Inc., and Coach USA South Central, Inc.—Control—Eight Motor Passenger Carriers*, STB Docket No. MC-F-20933; *Coach USA, Inc., and Coach USA Southeast, Inc.—Control—Seven Motor Passenger Carriers*, STB Docket No. MC-F-20934; *Coach USA, Inc., and Coach USA West, Inc.—Control—14 Motor Passenger Carriers*, STB Docket No. MC-F-20935; *Coach USA, Inc., and Yellow Cab Service Corporation—Control—Four Motor Passenger Carriers*, STB Docket No. MC-F-20936 (STB served Nov. 19, 1998); and *Coach USA, Inc. and Coach Canada, Inc.—Control and Continuance in Control—Autocar Connaissance, Inc., Erie Coach Lines Company, and Trentway-Wagar, Inc.*, STB Docket No. MC-F-20938 (STB served Dec. 17, 1998).

Coach asserts that there are currently two procedures available for seeking Board approval for mergers/consolidations. First, Coach can file an application under 49 CFR part 1182 for merger authority. Under this procedure, an accepted application will be published in the **Federal Register** within 30 days of filing as a tentative grant of authority, with comments due within 45 days.<sup>2</sup> If no adverse comments are timely filed, the tentative grant becomes effective automatically. If opposing comments are filed, the applicant can reply within 60 days of the filing of the application. The Board will then determine whether to issue a decision on the record developed or to receive more evidence before issuing a decision.<sup>3</sup>

In the alternative, a party can file a petition for exemption under 49 U.S.C. 13541 seeking an individual exemption from the prior approval requirements of 49 U.S.C. 14303 for the merger or consolidation. Coach argues that these proceedings take 3 or 4 months from the filing of the petition to complete. We have indicated that we would normally process exemptions as we do applications: we would publish the exemption request within 30 days of filing, and, after the comment period had expired, we would issue a decision on the merits of the petition. See *Revision to Regulations Governing Finance Applications Involving Motor Passenger Carriers*, STB Ex Parte No. 559 (STB served July 8, 1997) at 6.<sup>4</sup>

Coach contends that, under present procedures, it takes a minimum of two and one half months to be approved or exempted: "During this hiatus, the transaction could not be consummated and the benefits that would have accrued from the merger or consolidation would not be available to the traveling public or the merged/consolidated entity." Petition at 2.

Coach proposes that the exemption for Coach intra-corporate family transactions would be similar to the rail exemption for intra-corporate family transactions. Coach and/or one of its subsidiaries would file a verified notice

<sup>2</sup> A tentative grant does not give the applicant the right to consummate the transaction before the end of the comment period. 49 CFR 1182.5(a).

<sup>3</sup> Under the statute, evidentiary proceedings are to be concluded within 240 days of publication of the application. The Board must issue a decision within 180 days after the close of the evidence. Time periods may be extended, in total, for up to 90 days. 49 U.S.C. 14303(e).

<sup>4</sup> This option is made possible by the ICC Termination Act of 1995, Pub. L. 104-88, 109 Stat. 803 (1995) (ICCTA). Under former 49 U.S.C. 11343(e), the Interstate Commerce Commission could only grant exemptions for finance transactions involving motor carriers of property. *Id.* at 6, n.10.

of exemption with the Board for the merger or consolidation of at least two Coach-controlled carriers, which could be consummated no sooner than 7 days after the filing of the notice. Included in the notice would be a summary of the transaction and the purpose of the transaction, of any contracts being entered into concerning the transaction, and of the effects, if any, on employees. A copy of the notice would be sent simultaneously to the Federal Highway Administration (FHWA)<sup>5</sup> and, when the carriers provide intrastate service, to the applicable state regulatory body. Coach proposes that the Board would publish the notice of exemption in the **Federal Register** within 30 days of filing. Coach also proposes that, if the notice contains false or misleading information that is brought to our attention, we could revoke the exemption and order divestiture. Coach also submits that petitions for revocation could be filed at any time pursuant to 49 U.S.C. 13541(d).<sup>6</sup>

Coach notes that, under 49 U.S.C. 13541(a), the Board must exempt a transaction or service from regulation when we find that: (1) Regulation is not necessary to carry out the transportation policy of 49 U.S.C. 13101; (2) either (a) regulation is not necessary to protect shippers from the abuse of market power, or (b) the transaction or service is of limited scope; and (3) exemption is in the public interest.

*Transportation Policy.* Coach claims that the operational and efficiency advantages of its intra-corporate merger/consolidation transactions will further the transportation policy goals of 49 U.S.C. 13101(a)(2). The benefits of these transactions "include consolidated management, streamlined operational procedures, elimination of redundancies and better coordinated planning, safety and other management services that will enable the companies to operate more economically and efficiently \* \* \*". *Id.* at 10. Coach also maintains that granting an exemption will produce expeditious decisions, enhancing the efficiency of regulation, and is thus consistent with 49 U.S.C. 13101(a)(2)(B).

*Abuse of Market Power.* Coach argues that there will be no risk of an abuse of market power from the intra-corporate family transactions, because they will not reduce competition: "None of the Operating Carriers today competes to any significant degree, if at all, with any of the other Operating Carriers." *Id.* at

<sup>5</sup> Also, approval from FHWA, if needed, for any transfer of operating authorities, would be sought.

<sup>6</sup> This provision states that the Board "may revoke an exemption . . . on finding that the application of a provision . . . is necessary to carry out the transportation policy of section 13101."

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.*

[FR Doc. 99-11877 Filed 5-10-99; 8:45 am]

BILLING CODE 4910-00-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 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).