

described above. Comments should refer to the docket number and be submitted to: Docket Management, Room PL-401, 400 Seventh St., SW., Washington, DC 20590. Docket hours are from 9 a.m. to 5 p.m. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

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

Issued on: November 10, 2003.

Kenneth N. Weinstein,

Associate Administrator for Enforcement.

[FR Doc. 03-28525 Filed 11-13-03; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2003-16474]

Notice of Receipt of Petition for Decision that Nonconforming 1999-2003 Suzuki GSX-R 750 Motorcycles Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 1999-2003 Suzuki GSX-R 750 motorcycles are eligible for importation.

SUMMARY: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 1999-2003 Suzuki GSX-R 750 motorcycles that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because (1) they are substantially similar to vehicles that were originally manufactured for importation into and sale in the United States and that were certified by their manufacturer as complying with the safety standards, and (2) they are capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is December 15, 2003.

ADDRESSES: Comments should refer to the docket number and notice number,

and be submitted to: Docket Management, Room PL-401, 400 Seventh St. SW., Washington, DC 20590. Docket hours are from 9 a.m. to 5 p.m. Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, *etc.*). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78) or you may visit <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: Coleman Sachs, Office of Vehicle Safety Compliance, NHTSA (202-366-3151).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

Northern California Diagnostic Laboratories, Inc. of Napa, California ("NCDL") (Registered Importer 92-011) has petitioned NHTSA to decide whether non-U.S. certified 1999-2003 Suzuki GSX-R 750 motorcycles are eligible for importation into the United States. The vehicles which NCDL believes are substantially similar are 1999-2003 Suzuki GSX-R 750 motorcycles that were manufactured for importation into, and sale in, the United States and certified by their manufacturer as conforming to all

applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared non-U.S. certified 1999-2003 Suzuki GSX-R 750 motorcycles to their U.S.-certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

NCDL submitted information with its petition intended to demonstrate that non-U.S. certified 1999-2003 Suzuki GSX-R 750 motorcycles, as originally manufactured, conform to many Federal motor vehicle safety standards in the same manner as their U.S. certified counterparts, or are capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that non-U.S. certified 1999-2003 Suzuki GSX-R 750 motorcycles are identical to their U.S. certified counterparts with respect to compliance with Standard Nos. 106 *Brake Hoses*, 116 *Brake Fluid*, 119 *New Pneumatic Tires for Vehicles other than Passenger Cars*, and 122 *Motorcycle Brake Systems*.

The petitioner also states that vehicle identification number (VIN) plates that meet the requirements of 49 CFR Part 565 have been affixed to non-U.S. certified 1999-2003 Suzuki GSX-R 750 motorcycles.

Petitioner additionally contends that the vehicles are capable of being altered to meet the following standards, in the manner indicated below:

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* installation of amber front side reflectors, and red rear side reflectors that conform to the requirements of the standard. The petitioner states that the vehicles are already equipped with a headlamp system, a tail lamp system, a stop lamp system, a white license plate lamp, a red rear reflector, and turn signals that conform to the standard.

Standard No. 111 *Rearview Mirrors:* installation of rearview mirrors that conform to the standard.

Standard No. 120 *Tire Selection and Rims for Vehicles other than Passenger Cars:* installation of a label showing that the tires and rims are in conformity with the requirements of the standard.

Standard No. 123 *Motorcycle Controls and Displays:* modification of the speedometer to read in miles per hour. The petitioner states that the vehicles are already equipped with a supplemental engine stop control on the right handlebar and with other controls and displays that are in conformity with the requirements of the standard.

Comments should refer to the docket number and be submitted to: Docket Management, Room PL-401, 400

Seventh Street SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

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: November 10, 2003.

Kenneth N. Weinstein,

Associate Administrator for Enforcement.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. MC-F-21004]

Lincolnshire Equity Fund II, L.P., VSC Partners, LLC, ACL Acquisition, LLC, and Southeast Coach, Inc.—Control—American Coach Lines of Miami, Inc.

AGENCY: Surface Transportation Board.

ACTION: Notice Tentatively Approving Finance Transaction.

SUMMARY: Lincolnshire Equity Fund II, L.P. (LEF II), VSC Partners, LLC (VSC), ACL Acquisition, LLC (ACL Acquisition), and Southeast Coach, Inc. (SCI) (collectively, applicants), noncarriers that control several motor passenger carriers,¹ jointly filed an application under 49 U.S.C. 14303 to acquire control of American Coach Lines of Miami, Inc. (ACL Miami), a newly formed company. Persons wishing to oppose the application must follow the rules at 49 CFR part 1182.5 and 1182.8. The Board has tentatively approved the transaction, and, if no opposing comments are timely filed, this matter will be the final Board action.

DATES: Comments must be filed by December 29, 2003. Applicants may file a reply by January 13, 2004. If no comments are filed by December 29, 2003, the tentative approval becomes final on that date.

ADDRESSES: Send an original and 10 copies of any comments referring to STB

Docket No. MC-F-21004 to: Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, send one copy of comments to applicants' representative: Vincent J. Coyle, Jr., Pitney, Hardin, Kipp & Szuch LLP, 685 Third Avenue, New York, NY 10017-4024.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 565-1600. [Federal Information Relay Service (FIRS) for the hearing impaired: 1-800-877-8339.]

SUPPLEMENTARY INFORMATION: LEF II, a Delaware limited partnership, and VSC, a Delaware limited liability company, are private equity firms specializing in middle market investments. SCI is a Delaware holding company that was created for the purpose of acquiring ownership of the motor passenger carriers that were the subject of the Board's decision in STB Docket No. MC-F-21003. *See supra* note 1. ACL Acquisition, which is an intermediate holding company between LEF II and VSC, on the one hand, and SCL, on the other hand, is a Delaware limited liability company that was created for the purpose of effectuating the instant transaction.

Applicants state that they intend to own and operate a bus transportation business in the Miami area and have formed ACL Miami to be incorporated in Delaware and also to qualify to do business as a foreign corporation in the State of Florida. Applicants also state that ACL Miami intends to apply for federal operating authority from the Federal Motor Carrier Safety Administration to operate as a motor passenger carrier. According to applicants, ACL Miami will provide bus service in the Miami area that is similar, but not identical, to operations formerly provided by American Bus Lines, Inc. (American Bus), a wholly owned subsidiary of Coach USA, Inc.² ACL Miami will conduct interstate charter bus operations and intends to provide local charter service to a variety of customers, including schools, tour groups and various businesses. ACL Miami also plans to provide charter service to Florida colleges and universities under long-term service contracts.

Under 49 U.S.C. 14303(b), the Board must approve and authorize a transaction it finds consistent with the public interest, taking into consideration at least: (1) The effect of the 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 the information required by 49 CFR 1182.2, including information to demonstrate that the proposed transaction is consistent with the public interest under 49 U.S.C. 14303(b). Applicants state that the proposed acquisition of control will not reduce competitive options, result in unreasonable fixed charges, or adversely impact employees. They assert that granting the application will allow the new motor carrier to take advantage of economies of scale and substantial benefits offered by applicants that would otherwise be unavailable to the motor carrier individually. They also assert that, with the termination of operations by American Bus, ACL Miami's commencement of operations will fill an important service void. Applicants state that ACL Miami has made offers of employment to, and intends to hire, a number of personnel in the Miami area, several of whom were employees of American Bus. ACL Miami will conduct business in some of the markets formerly served by American Bus and intends to move into other markets as well. Additional information, including a copy of the application, may be obtained from applicants' representative.

On the basis of the application, the Board finds that the proposed transaction is consistent with the public interest and should be 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 decision will take effect automatically and will be the final Board action.

Board decisions and notices are available on the Board's Web site at <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 acquisition of control is approved and authorized, subject to the filing of opposing comments.

2. If timely opposing comments are filed, the findings made in this decision will be deemed as having been vacated.

3. This decision will be effective on December 29, 2003, unless timely opposing comments are filed.

4. A copy of this notice will be served on: (1) The U.S. Department of Transportation, Federal Motor Carrier Safety Administration, 400 7th Street,

¹ *See Lincolnshire Equity Fund II, L.P., et al.—Control—America Charters, Ltd., et al.*, STB Docket No. MC-F-21003 (STB served Aug. 18, 2003).

² American Bus has ceased operating in the Miami area.