

wheels and production motorcycles on a closed track.

The agency agrees with Cooper's rationale that a motorcycle equipped with the mis-labeled tires and loaded per the incorrect maximum load rating would not cause an unsafe condition, because the motorcycle would carry a lighter load than the load for which the tires are designed and be inflated to a pressure level below the tire's designed maximum inflation pressure.

In consideration of the foregoing, NHTSA has decided that the applicant has met its burden of persuasion that the noncompliance it describes is inconsequential to motor vehicle safety. Accordingly, Cooper's application is hereby granted, and the applicant is exempted from the obligation of providing notification of, and a remedy for, the noncompliance.

(49 U.S.C. 30118; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: October 15, 2001.

**Stephen R. Kratzke,**

*Associate Administrator for Safety Performance Standards.*

[FR Doc. 01-26463 Filed 10-18-01; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. MC-F-20982]

#### **Americanos U.S.A., L.L.C., et al.— Acquisition—Autobuses Adame, Inc.**

**AGENCY:** Surface Transportation Board.

**ACTION:** Notice tentatively approving finance transaction.

**SUMMARY:** *Americanos U.S.A., L.L.C.* (*Americanos*), a motor passenger carrier, and *Americanos Acquisition Co., L.L.C.* (*Acquisition*), a noncarrier, seek approval under 49 U.S.C. 14303 for acquisition, by either *Americanos* or *Acquisition*, of the operating authority and certain other properties of *Autobuses Adame, Inc.* (*Adame*), a motor passenger carrier. Additionally, *Sistema Internacional de Transporte de Autobuses, Inc.* (*SITA*), *Greyhound Lines, Inc.* (*Greyhound*), and *Laidlaw, Inc.* (*Laidlaw*), through their control of *Americanos* and *Acquisition*, seek approval to acquire control of the operating rights and properties of *Adame* and to continue in control of *Acquisition* if and when it becomes a motor passenger carrier. Persons wishing to oppose the application must follow the rules under 49 CFR 1182.5 and 1182.8. The Board has tentatively approved the transaction, and, if no

opposing comments are timely filed, this notice will be the final Board action.

**DATES:** Comments must be filed by December 3, 2001. Applicants may file a reply by December 18, 2001. If no comments are filed by December 3, 2001, this notice is effective on that date.

**ADDRESSES:** Send an original and 10 copies of any comments referring to STB Docket No. MC-F-20982 to: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423-0001. In addition, send one copy of comments to applicants' representative: Fritz R. Kahn, 1920 N Street, NW. (8th floor), Washington, DC 20036-1601.

**FOR FURTHER INFORMATION CONTACT:** Beryl Gordon, (202) 565-1600. [TDD for the hearing impaired: 1-800-877-8339.]

**SUPPLEMENTARY INFORMATION:** *Americanos* (MC-309813) is authorized to conduct regular-route passenger operations between certain points in the Southwestern States, focusing particularly on the Mexican border crossing points at El Paso, Laredo, and McAllen, TX. *Americanos* and *Acquisition* are controlled by *SITA*, which, in turn is controlled by *Greyhound*. *Laidlaw*, a noncarrier, indirectly controls *Greyhound*,<sup>1</sup> which holds nationwide operating authority (MC-1515).<sup>2</sup> *SITA* holds no operating

<sup>1</sup> In addition to *Greyhound* (Delaware), *Laidlaw* (Canada) controls (through its subsidiaries *Laidlaw Investments, Ltd.* (Ontario) and *Laidlaw Transportation, Inc.* (Delaware)) *Hotard Coaches, Inc.* (Louisiana) (MC-143881), *Coastliner d/b/a Mississippi Coast Lines* (Mississippi) (MC-14388), *Laidlaw Transit, Inc.* (Delaware) (MC-161299), *Chatham Coach Lines, Inc.* (Delaware) (MC-172751), *Willett Motor Coach Co.* (New Jersey) (MC-16073), and (through noncarrier *Laidlaw Transit Holdings, Inc.* (Delaware)) *Laidlaw Transit Services, Inc.* (Delaware) (MC-163344), and *Safe Ride Services, Inc.* (Arizona) (MC-246193). In addition *Laidlaw* controls, through *Laidlaw Transit Ltd.* (Ontario) (MC-102189), a number of other motor passenger carriers conducting special and charter operations in the United States, including: (a) *Greyhound Canada Transportation Corp.* (Ontario) (MC-304126), which also controls *Voyageur Corp.* (Canada) (MC-360339); and (b) *Gray Line of Vancouver Holdings Ltd.* (Canada) (MC-357855), *The Gray Line of Victoria Ltd.* (Canada) (MC-380234), *J. I. DeNure* (Chatham) Limited (Canada) (MC-111143 (Sub-No. 1)), and *Penetang-Midland Coach Lines Limited* (Canada) (MC-139953 and MC-139953 (Sub-No. 1)).

<sup>2</sup> *Greyhound* also controls several regional motor passenger carriers: *Carolina Coach Company, Inc.* (MC-13300), operating in Delaware, Maryland, North Carolina, Pennsylvania, and Virginia; *Continental Panhandle Lines, Inc.* (MC-8742), operating in Kansas, Oklahoma, and Texas; *Peoria Rockford Bus Lines, L.L.C.* (MC-66810), operating in Illinois; Texas, New Mexico & Oklahoma Coaches, Inc. (MC-61120), operating in Colorado, Kansas, New Mexico, Oklahoma, and Texas; *Valley Transit Company, Inc.* (MC-74), operating in Texas; and *Vermont Transit Co., Inc.* (MC-45626),

authority but also controls two other motor passenger carriers: *Autobuses Amigos, L.L.C.* (MC-340462), operating between Brownsville and Houston, TX; and *Gonzalez, Inc., d/b/a Golden State Transportation* (MC-173837), operating between Mexican border points and points in various Western States. *Adame* holds operating authority (MC-237411) to conduct regular-route passenger operations between the Mexican border points at Roma, Hidalgo, and Brownsville, TX, and such cities as Houston, TX, Chamblee, GA, Charlotte, NC, Wilson, NC, Tallahassee, FL, and Immokalee, FL.

*Acquisition* has entered into an agreement to purchase the operating assets of *Adame*, including its operating authority. At some point at or before the time of closing, it is expected that *Acquisition* will be merged with *Americanos*, leaving *Americanos* as the surviving corporation. However, if the merger has not been completed at the time of closing, *Acquisition* will be the entity acquiring *Adame's* properties. Accordingly, authority is sought to permit either *Acquisition* or *Americanos* to be the purchaser, and to permit the merger of *Acquisition* and *Americanos*, if necessary.

Under 49 U.S.C. 14303(b), we must approve and authorize a transaction that we find 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 the information required by 49 CFR 1182.2, including information to demonstrate that the proposed transactions are consistent with the public interest under 49 U.S.C. 14303(b). Specifically, applicants have shown that the proposed transaction will have a positive effect on the adequacy of transportation to the public and will result in no increase in fixed charges. As to the effect on employees (*see* 49 CFR 1182.2(a)(7)), applicants state that the proposed transaction will have no significant adverse effect on employees. Applicants state that *Americanos* will be able to offer employment to qualified *Adame* employees, who they say will be needed to operate the expanded operations of the combined entities.

On the basis of the application, we find that the proposed transactions are consistent with the public interest and should be authorized. If any opposing comments are timely filed, this finding

operating in Maine, Massachusetts, New York, and Vermont.

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 our website 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 acquisition is approved and authorized, subject to the filing of opposing comments.

2. The proposed merger and the resulting acquisition and/or continuance in control, if necessary, are approved and authorized, subject to the filing of opposing comments.

3. If timely opposing comments are filed, the findings made in this decision will be deemed to be vacated.

4. This decision will be effective on December 3, 2001 unless timely opposing comments are filed.

5. A copy of this notice will be served on: (1) The U.S. Department of Transportation, Federal Motor Carrier Safety Administration, 400 7th St., SW., Room 8214, 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, 400 7th Street, SW., Washington, DC 20590.

Decided: October 15, 2001.

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

**Vernon A. Williams,**  
*Secretary.*

[FR Doc. 01-26435 Filed 10-18-01; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

#### Release of Waybill Data

The Surface Transportation Board has received requests from Bowling Green State University, Department of Economics (WB580, August 30, 2001), The University of Missouri St. Louis, Center for Transportation Studies (WB579, August 23, 2001), and the Association of American Railroads (WB463-4, September 28, 2001) for permission to use certain data from the

Board's Carload Waybill Samples. A copy of the requests may be obtained from the Office of Economics, Environmental Analysis, and Administration.

The waybill sample contains confidential railroad and shipper data; therefore, if any parties object to these requests, they should file their objections with the Director of the Board's Office of Economics, Environmental Analysis, and Administration within 14 calendar days of the date of this notice. The rules for release of waybill data are codified at 49 CFR 1244.9.

Contact: James A. Nash, (202) 565-1542.

**Vernon A. Williams,**  
*Secretary.*

[FR Doc. 01-26436 Filed 10-18-01; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34099]

#### The Kansas City Southern Railway Company—Acquisition and Merger Exemption—Gateway Western Railway Company and Kansas City Southern Transportation Company

The Kansas City Southern Railway Company (KCSR), Gateway Western Railway Company (GWWR), and Kansas City Southern Transportation Company (KCSTC) jointly filed a verified notice of exemption.<sup>1</sup> As part of a proposed corporate restructuring: (1) KCSTC will convey to KCSR all of the stock it owns in GWWR, which is all of GWWR's issued and outstanding stock, of all classes; and (2) KCSTC and GWWR will be merged into KCSR, with KCSR as the surviving entity. After the transaction is consummated, GWWR will remain a wholly owned subsidiary of KCSR. Under the agreement and plan of merger, KCSR will assume all rights, obligations and business functions of its subsidiaries.

The transaction was scheduled to be consummated on or shortly after September 28, 2001, the effective date of the exemption.

<sup>1</sup> KCSR, a Class I carrier, operating in the States of Nebraska, Iowa, Kansas, Missouri, Oklahoma, Arkansas, Texas, Louisiana, Mississippi, Tennessee, and Alabama, owns all of the issued and outstanding stock of KCSTC. KCSTC, a noncarrier holding company, owns all of the issued and outstanding stock of GWWR. GWWR, a Class II carrier operating in the States of Kansas, Missouri, and Illinois, owns all of the issued and outstanding stock of Gateway Eastern Railway (GWER), a Class III carrier operating in the State of Illinois.

The purpose of the transaction is to eliminate multiple filing, reporting and record keeping to and for various entities.

This is a transaction within a corporate family of the type specifically exempted from prior review and approval under 49 CFR 1180.2(d)(3). The parties stated that the transaction will not result in adverse changes in service levels, significant operational changes, or change in the competitive balance with carriers outside the corporate family.

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Although applicants do not expect any employees to be adversely affected by this merger and control transaction, they have agreed to apply employee protective conditions pursuant to 49 U.S.C. 11326(a). Therefore, any employees adversely affected by the merger and control transaction will be protected by the conditions set forth in *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979).

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 transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34099 must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on William A. Mullins, 401 Ninth Street, NW., Suite 1000, Washington, DC 20004.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: October 12, 2001.

By the Board, David M. Konschnik, Director, Office of Proceedings.

**Vernon A. Williams,**  
*Secretary.*

[FR Doc. 01-26283 Filed 10-18-01; 8:45 am]

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## DEPARTMENT OF THE TREASURY

### Customs Service

#### Performance Review Board—Appointment of Members

**AGENCY:** U.S. Customs Service, Department of the Treasury.