to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. L. 105–383 and MARAD's regulations at 46 CFR part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before December 14, 2001.

ADDRESSES: Comments should refer to docket number MARAD–2001–10976. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at *http://dmses.dot.gov/submit/.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, S.W., Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Pub. L. 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR § 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD'S regulations at 46 CFR part 388.

Vessel Proposed for Waiver of the U.S.-build Requirement

(1) *Name of vessel and owner for which waiver is requested.*Name of vessel: *Freelance.* Owner: Darrell and Jennifer Brand.

(2) *Size, capacity and tonnage of vessel.* According to the applicant: Freelance is a 39 foot Kadey-Krogen Trawler, Beam 14′2″, LOA 38′11″, LWL 36prime;8″;, Draft 4′3″, Displacement Weight ι35,000 * * * Approx. 25 net tons.

(3) *Intended use for vessel, including geographic region of intended operation and trade.* According to the applicant:

''The intended use for the vessel will be coastal cruising in Florida, primarily in the Atlantic and Gulf Waters of the Florida Keys from Miami to the Dry Tortugas National Park.''

(4) *Date and Place of construction and (if applicable) rebuilding.* Date of construction: July 1998. Place of construction: Kaohsiung, Taiwan.

(5) *A statement on the impact this waiver will have on other commercial passenger vessel operators.* According to the applicant: ''I feel this waiver will not have any impact on other commercial passenger vessel operators. I only know of one operator in So. Florida with captained custom cruises and his vessel is much larger. There are many exclusive commercial fishing and dive charter boats in the area and Jennifer and I will not even attempt to duplicate the magnitude of their services. ''The other reason that we will not have a major impact on existing operators is that we will limit ourselves to the occasional charter. We both have other jobs * * *.''

(6) *A statement on the impact this waiver will have on U.S. shipyards.* According to the applicant: ''US Shipyards will not have any impact by Freelance operating in the custom cruise business. This boat was previously built over three years ago for another recreational boater and will continue to be used for recreational purposes the majority of the time.''

By Order of the Maritime Administrator.

Dated: November 7, 2001.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 01–28514 Filed 11–13–01; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 2001–10944; Notice 1]

Advanced Bus Industries, Receipt of Application for Decision of Inconsequential Noncompliance

Advanced Bus Industries, LLC, (ABI) of Marysville, Ohio, has determined that approximately 68 Mauck Special Vehicle (MSV) vehicles with tag axles, manufactured between May 31, 1995 and February 2, 2000, do not meet the requirements of paragraph S5.1 of Federal Motor Vehicle Safety Standard (FMVSS) No. 105, ''Hydraulic and Electric Brake Systems.'' Pursuant to 49 U.S.C. 30118(d) and 30120(h), ABI has petitioned for a determination that this noncompliance is inconsequential to motor vehicle safety and has filed an appropriate report pursuant to 49 CFR part 573, ''Defect and Noncompliance Reports.''

This notice of receipt of an application is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the application.

ABI is the original equipment manufacturer of the MSV vehicle. ABI manufactures the MSV vehicle as a complete bus, which is then purchased by city transit organizations, or as a shell, which is purchased by up-fitters that customize and sell it to a first purchaser.

The four-wheel independent suspension of the MSV vehicle is augmented by a tag axle with small wheels. The tag axle is manufactured by Dexter, has a maximum support capacity of 3,500 pounds, and is installed by ABI behind the MSV's two rear wheels. A supporting force of 1,500 pounds is provided by the tag axle via the air pressure inside the two rubber air springs installed between the tag axle and the MSV chassis.

Vehicle braking is provided by the hydraulic, caliper-disc service brakes on the four main wheels. The two small wheels of the tag axle are not fitted with brakes. The lack of brakes on the two small wheels of the tag axle does not satisfy FMVSS 105, which states that a vehicle must have service brakes at all wheels.

ABI argued that the noncompliance is inconsequential to motor vehicle safety because these vehicles exceed the current FMVSS No. 105 braking performance requirements. To support this claim ABI submitted, along with its petition for inconsequential noncompliance, a test report compiled in August 1999. The test facility, Radlinski & Associates, tested the MSV to the procedures specified in FMVSS No. 105 and a complete Certification Test Report was generated. The FMVSS No. 105 Certification Test Report indicates that the SMV exceeded all FMVSS No. 105 performance requirements.

Interested persons are invited to submit written data, views and arguments on the application described above. Comments should refer to the docket number and be submitted to: U.S. Department of Transportation, Docket Management, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590. It is requested that two copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date, will also be filed and will be considered to the extent possible. When the application is granted or denied, the notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: December 14, 2001.

(49 U.S.C. 30118, 301120; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: November 7, 2001.

Noble N. Bowie,

Acting Associate Administrator for Safety Performance Standards.

[FR Doc. 01–28493 Filed 11–13–01; 8:45 am]

BILLING CODE 4910–59–M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. MC–F–20986]

Greyhound Lines, Inc.—Corporate Family Transaction Exemption-Merger of Continental Panhandle Lines, Inc., Into Texas, New Mexico & Oklahoma Coaches, Inc.

Greyhound Lines, Inc. (Greyhound),[1] a motor passenger carrier, has filed a verified notice of exemption under the Board's class exemption procedure at 49 CFR 1182.9.[2] The exempt transaction involves the merger of Continental Panhandle Lines, Inc. (Panhandle), into Texas, New Mexico & Oklahoma Coaches, Inc. (TNM&O), with TNM&O as the surviving entity.[3]

The transaction was expected to be consummated on October 31, 2001.

The transaction is intended to simplify Greyhound's corporate structure to eliminate overlapping management functions and reduce duplicating overhead and fixed costs. The transaction will permit the integration of the operations of Panhandle and TNM&O, particularly their special and charter operations, which are a significant part of the services rendered by both companies. It will also allow for integration of Panhandle's and TNM&O's schedules, resulting in increased travel options and more dependable bus service for passengers. In addition, the transaction will improve the utilization of facilities, equipment and drivers and enhance the seamless interlining of passengers.

This is a transaction within a corporate family of the type specifically exempted from prior review and approval under 49 CFR 1182.9. Greyhound states that the transaction will not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family. Greyhound also states that, because it directly or indirectly holds all of the stock of Panhandle and TNM&O, no contract or agreement will be entered into, except for the corporate documentation and filings required to effect the merger. Greyhound further states that there will be no significant effect upon employees because almost all of them will be retained.

If the verified notice contains false or misleading information, the Board shall summarily revoke the exemption and require divestiture. Petitions to revoke the exemption under 49 U.S.C. 13541(d) may be filed at any time. *See* 49 CFR 1182.9(c).

An original and 10 copies of all pleadings, referring to STB Docket No. MC–F–20986, 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 Fritz R. Kahn, 1920 N Street, NW. (8th Floor), Washington, DC 20036–1601.

Board decisions and notices are available on our website at *''www.stb.dot.gov.''*

Decided: November 2, 2001.

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

Vernon A. Williams,

Secretary.

[FR Doc. 01–28089 Filed 11–13–01; 8:45 am]

BILLING CODE 4915–00–P

[1] The Board previously approved the merger of Greyhound into Laidlaw Transit Acquisition Corp., a wholly owned subsidiary of Laidlaw Inc. (Laidlaw), a noncarrier, under 49 U.S.C. 14303. Greyhound is now a subsidiary of Laidlaw Transportation, Inc., a noncarrier controlled by Laidlaw. *See Laidlaw Inc. and Laidlaw Transit Acquisition Corp.-Merger-Greyhound Lines, Inc.*, STB Docket No. MC–F–20940 (STB served Dec. 17, 1998, Aug. 18 and Dec. 6, 2000).

[2] The Board exempted intra-corporate family transactions of motor carriers of passengers 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 in *Class Exemption for Motor Passenger Intra-Corporate Family Transactions,* STB Finance Docket No. 33685 (STB served Feb. 18, 2000).

[3] Greyhound (MC–1515) directly controls Panhandle (MC–8742), a regional motor passenger carrier operating in Kansas, Oklahoma, and Texas, and through its wholly owned noncarrier subsidiary, GLI Holding Company, indirectly controls TNM&O (MC–61120), a regional motor passenger carrier operating in Colorado, Kansas, New Mexico, Oklahoma, and Texas.

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34105]

Conecuh Valley Railroad Co., Inc.—Acquisition and Operation Exemption—Southern Alabama Railroad Co., Inc.

Conecuh Valley Railroad Co., Inc. (CV), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from Southern Alabama Railroad Company, Inc., its rights and interests in, and to operate, an approximately 15.04-mile rail line from approximately milepost 374.96, at or near Troy, AL, to the end of the line at approximately milepost 390.00, at or near Goshen, AL.[1] CV certifies that its projected annual revenues will not exceed those that would qualify it as a Class III rail carrier and that its annual revenues are not projected to exceed $5 million.

The transaction was expected to be consummated on or after October 22, 2001, the effective date of the exemption (7 days after the notice was filed).

This transaction is related to STB Finance Docket No. 34106, *Gulf & Ohio Railways Holding Co., Inc. H. Peter Claussen and Linda C. Claussen-Continuance in Control Exemption-Conecuh Valley Railroad Co., Inc.,* wherein Gulf & Ohio Railways Holding Co., Inc. (G&O), H. Peter Claussen and Linda C. Claussen (the Claussens) have filed a notice of exemption to continue in control of CV upon its becoming a Class III rail carrier.[2]

[1] By letter filed October 30, 2001, Anderson's Peanuts, a shipper on the line, has expressed concern due to advice attributed to representatives of CV that CV would no longer provide rail service to the shipper's Goshen plant.

[2] CV will be wholly owned by G&O, which controls seven other Class III carriers. G&O, in turn, is wholly owned by the Claussens. The Claussens