

admitted occupant. I would like to clarify the definition for each request. My interpretation is: (1) Number of MVCs admitted to Trauma Center (not all MVCs are injured severely enough to meet Registry criteria).

Answer: NHTSA realizes that not all motor vehicle crash (MVC) victims meet the criteria for the trauma registry—that is why we want the actual number of MVCs on the trauma registry. The cases selected for inclusion in CIREN are the more severe ones.

Question: Do you want the Number of MVCs meeting Trauma Registry criteria (or do you want everyone that meets Registry criteria—gunshots etc)?

Answer: No, the **Federal Register** announcement indicates that we only want motor vehicle crashes—no motorcycles or pedestrians (since CIREN does not currently collect data on these crashes).

Question: Section XII. Application Contents C. Trauma Registry Data, requests trauma registry data (for 3 years) and the number of motor vehicle crash occupants admitted to the Trauma Center, as well as the AIS for each admitted occupant Do you want the AIS for all MVCs or just those meeting Trauma Registry criteria (AIS is not assigned for non-registry patients)?

Answer: The **Federal Register** Announcement indicates that the AIS should be provided for all cases where it is available. The request is for the maximum AIS per case. For example if your group admits 1000 MVC (car/truck) occupants in a given time frame (3 years) and the AIS scores are recorded. The following is an example of what is being requested.

Max AIS1 = 300 occupants,
Max AIS2 = 250 occupants,
Max AIS3 = 200 occupants,
Max AIS4 = 100 occupants,
Max AIS5 = 100 occupants,
Max AIS6 = 50 occupants.

If only severely injured patients are assigned to the Registry, provide those AIS scores. If you have any way of determining the AIS for patients not assigned to the registry, please provide that information also.

Question: In Section XII. Application Contents—F. Prior Work Experience, can we include our prior experience as a CIREN Center.

Answer: Yes.

Question: In Section XII. Application Contents H. Past Performance and Financial Responsibility—Can we use our past CIREN contract as a reference?

Answer: Yes. You may include the CIREN contract as one reference.

Question: The RFP states in Supplementary Information, Section V.

Funding, Section XII Application Contents, Letter H. Past Performance and Financial Responsibility, #1: “At least three (3) references who can attest to the past performance history and quality of work provided by the Applicant on previous assistance agreements and/or contracts.” Does this mean we provide 3 contacts that someone from NHTSA will phone and discuss our performance or 3 letters written by people who can attest to our performance?

Answer: You should provide three persons or entities that we (NHTSA) can contact about your performance. Please provide contract/grant number, period of performance and contact information.

Question: On page 1 of the SF 424A Form, the first column—asks for Grant Program Function or Activities—is there an explanation as to what functions/activities should be placed here?

Answer: Complete instructions for filling out this form can be found on the following Web site: <http://www.whitehouse.gov/omb/grants/sf424a.pdf>.

Question: On Page 1 of the SF 424A Form, the second column asks for the CFD Assistance numbers—I retrieved the catalogue on line but have no clue what numbers to place in here.

Answer: It is 20–600.

Question: On Page 1 of the SF 424A Form, Section B—Budget Categories—I am assuming that the column numbering (1–4) are to coincide with the Grant Program Function/Activities noted in Section A—Is this assumption correct?

Answer: No. You need to put your actual budget amount for each of these categories in this section on the form. You may also provide your detailed budgets for each year on regular paper for further clarification.

Question: Is there a definition of Federal and Non-Federal funds?

Answer: Federal funds are those you would receive from the Federal Government. Non-Federal Funds are those you would get from other sources—including your “in kind” contributions.

Question: Can you explain the difference in Sections D and E, which are forecasting future budget years?

Answer: Section D is your budget for the first year. Section E is your budget for each option year. Remember—you must submit budgets for EACH performance level.

Issued on: January 7, 2005.

Michael Perel,

Acting Associate Administrator for Vehicle Safety Research.

[FR Doc. 05–654 Filed 1–12–05; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2005–20053, Notice 1]

Morgan Motor Company Limited Receipt of Application for a Temporary Exemption From Part 581 Bumper Standard

In accordance with the procedures of 49 CFR Part 555, Morgan Motor Company Limited (“Morgan”) has applied for a Temporary Exemption from Part 581 *Bumper Standard*. The basis of the application is that compliance would cause substantial economic hardship to a manufacturer that has tried in good faith to comply with the standard.¹

We are publishing this notice of receipt of the application in accordance with the requirements of 49 U.S.C. 30113(b)(2), and have made no judgment on the merits of the application.

I. Background

Founded in 1910, Morgan is a small privately owned vehicle manufacturer producing approximately 400 to 500 vehicles per year. The vehicles manufactured by Morgan are uniquely styled open top roadsters. In recent years, the only model exported into the United States was the Morgan Plus 8.²

Petitioner states that in preparing to replace the Morgan Plus 8 with a new model in the U.S., Morgan sought to use a V6 engine and a manual transmission supplied by Ford Motor Company (Ford). However, it became apparent that Ford would be unable to supply a suitable engine coupled with a manual transmission due to the change in the production plans. The planned Morgan replacement vehicle for the U.S. market could not accommodate an automatic transmission. Because no other alternatives were available, Morgan was unable to proceed with designing a replacement vehicle for the U.S. market. Thus, petitioner stopped selling vehicles in the United States in January of 2004.

After an unsuccessful attempt to manufacture a new vehicle that would replace the Morgan Plus 8, Morgan turned its attention to an existing vehicle designed specifically for the European market, the Morgan Aero 8

¹ To view the petition, please go to: <http://dms.dot.gov/search/searchFormSimple.cfm> (Docket No. NHTSA–2005–20053).

² See <http://www.Autosite.com/buyersguide/2004-morgan-plus-8.asp>.

(Aero 8).³ The petition states, that after prolonged efforts to develop an air bag system and to make other changes to the vehicle, it was able to bring the Aero 8 into compliance with all the Federal motor vehicle safety standards. However, because Aero 8 was not originally intended for the U.S. market and because the petitioner was working on a different vehicle intended for the U.S. market, this latest effort required significant financial expenditures in a short period of time. Petitioner states that as a consequence, it has not been able to develop bumpers that comply with the requirements of Part 581, Bumper standard.

For additional information on the company, please go to <http://www.morgan-motor.co.uk/>.

II. Why Morgan Needs a Temporary Exemption

Petitioner indicates that it has experienced substantial economic hardship, especially in light of decreasing sales and substantial costs incurred in bringing Aero 8 into compliance with FMVSSs. Specifically, Morgan indicates it spent a total of £8,000,000 on developing Aero 8. Petitioner's financial submission shows a net loss of £1,964,872 ($\approx$ \$3,668,648) for the fiscal year 2003; a net gain of $\approx$ 68,082 ($\approx$ \$127,126) for the fiscal year 2002; and a net gain of £148,425 ($\approx$ \$277,165) for the fiscal year 2001. This represents a cumulative net loss for a period of 3 years of £1,748,365 ($\approx$ \$3,264,887).⁴

According to the petitioner, the cost of making the Aero 8 compliant with the bumper standard is beyond the company's current capabilities. Petitioner contends that developing and building a compliant bumper cannot be done without redesigning the entire body structure of the Aero 8. Morgan estimates the cost of developing a Part 581-compliant bumper to be approximately £3,000,000 and could involve significant structural modifications to the vehicle's chassis.

Morgan requests a three-year exemption in order to develop compliant bumpers. Petitioner anticipates the funding necessary for these compliance efforts will come from immediate sales of Aero 8 in the United States.

III. Why Compliance Would Cause Substantial Economic Hardship and How Morgan Has Tried in Good Faith To Comply With the Bumper Standard

Petitioner contends that it cannot return to profitability unless it receives a temporary exemption from the bumper standard for the Aero 8. Specifically, if the exemption is granted, Morgan anticipates a net profit of £596,923 for the first year of Aero 8 being sold in the U.S. Morgan also projects that an exemption would have a similar impact in the next year. If the exemption is denied, Morgan will not be able to sell Aero 8 in the U.S. Resulting loss in sales revenue will result in a projected net loss of £2,242,527. Morgan indicates that a temporary exemption would provide U.S. Morgan dealers with a source of revenue. Without Aero 8 being available in the U.S., some dealers will find it difficult to remain in business and support existing customers. The petitioner will also be forced to cut back on existing customer support in the U.S.

According to its petition, Morgan examined a number of bumper solutions in order to bring the Aero 8 into compliance with Part 581. First, Morgan considered mounting bumpers from another Morgan vehicle onto Aero 8. However, because of Aero 8's unique shape, there were no structures that would accommodate suitable bumper mountings without interference with headlamps. Second, Morgan considered installing rubber bumpers. However, they too caused interference with lighting equipment. Finally, Morgan considered foam-based bumpers. This proved to be the only solution that did not result in interference with lighting equipment. However, it required a change to front and rear aluminum body panels and chassis at a cost of approximately £3,000,000.

As previously stated, Morgan plans to introduce a fully compliant Aero 8 in 2007.

IV. Why an Exemption Would Be in the Public Interest

Petitioner put forth several arguments in favor of a finding that the requested exemption is consistent with the public interest. Specifically:

1. Petitioner notes that Aero 8 complies with all Federal motor vehicle safety standards and therefore, the exemption would not increase the safety risks on U.S. highways.
2. Although the Aero 8 bumpers do not comply with Part 581, the cost of bumper repairs is comparable to similarly priced vehicles.
3. Petitioner argues that denial of the petition would limit consumer choices

by permanently eliminating Morgan from the marketplace. As previously stated, Morgan manufactures unique automobiles for which there is no direct competition or a substitute.

4. Morgan remarks that due to the nature of the Aero 8, it will, in all likelihood, be utilized infrequently and each car would not travel in excess of 3,000–4,000 miles annually.

5. Morgan does not anticipate selling more than a 100 vehicles annually, and therefore, the impact of the exemption is expected to be minimal.

V. How You May Comment on Morgan Application

We invite you to submit comments on the application described above. You may submit comments [identified by DOT Docket Number NHTSA–2005–20053] by any of the following methods:

- **Web Site:** <http://dms.dot.gov>. Follow the instructions for submitting comments on the DOT electronic docket site by clicking on "Help and Information" or "Help/Info."
- **Fax:** 1–202–493–2251.
- **Mail:** Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590.
- **Hand Delivery:** Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

Instructions: All submissions must include the agency name and docket number or Regulatory Identification Number (RIN) for this rulemaking. Note that all comments received will be posted without change to <http://dms.dot.gov>, including any personal information provided.

Docket: For access to the docket in order to read background documents or comments received, go to <http://dms.dot.gov> at any time or to Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Privacy Act: 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

³ A description of the Aero 8 vehicle is attached to the petition and can be viewed online at <http://dms.dot.gov/search/searchFormSimple.cfm> (Docket No. NHTSA–2005–20053).

⁴ All dollar values are based on an exchange rate of £1 = \$1.87 as of 11/23/2004.

65, Number 70; Pages 19477–78) or you may visit <http://dms.dot.gov>.

We shall consider all comments received before the close of business on the comment closing date indicated below. To the extent possible, we shall also consider comments filed after the closing date. We shall publish a notice of final action on the application in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: February 14, 2005.

(49 U.S.C. 30113; delegations of authority at 49 CFR 1.50. and 501.8)

FOR FURTHER INFORMATION CONTACT:

George Feygin in the Office of Chief Counsel, NCC–112, (Phone: 202–366–2992; Fax 202–366–3820; E-Mail: George.Feygin@nhtsa.dot.gov).

Issued on: January 6, 2005.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc. 05–656 Filed 1–12–05; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. MC–F–21009]

CUSA PCSTC, LLC d/b/a Pacific Coast Sightseeing Tours & Charters—Acquisition of Assets and Business Operations—Laidlaw Transit Services, Inc. d/b/a Roesch Lines

AGENCY: Surface Transportation Board.

ACTION: Notice tentatively approving finance transaction.

SUMMARY: CUSA PCSTC, LLC d/b/a Pacific Coast Sightseeing Tours & Charters (PCSTC), a motor passenger carrier (MC–463273), has filed an application under 49 U.S.C. 14303 to acquire control and operate certain assets of Roesch Lines (Roesch), a motor passenger carrier (MC–119843 (Sub-No. 11)) and subsidiary of Laidlaw Transit Services, Inc. (Laidlaw). The transaction was approved on an interim basis under 49 U.S.C. 14303(i), and the Board is now tentatively granting permanent approval. Persons wishing to oppose the application must follow the rules under 49 CFR 1182.5 and 1182.8. If no opposing comments are timely filed, this notice will be the final Board action.

DATES: Comments are due February 28, 2005. PCSTC may reply by March 14, 2005. If no comments are received by February 28, 2005, this notice is effective on that date.

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

Docket No. MC–F–21009 to: Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001. In addition, send one copy of any comments to PCSTC's representative: Stephen Flott, Flott & Co. PC, P.O. Box 17655, Arlington, VA 22216–7655.

FOR FURTHER INFORMATION CONTACT: Eric S. Davis (202) 565–1608. [Federal Information Relay Service (FIRS) for the hearing impaired: 1–800–877–8339.]

SUPPLEMENTARY INFORMATION: PCSTC is a private limited liability company organized under the laws of the state of Delaware by CUSA, LLC (CUSA), a noncarrier, which is wholly owned by KBUS Holdings, LLC (KBUS), which is also a noncarrier. KBUS acquired control of over 30 motor passenger carriers formerly owned by Coach USA, Inc., and then consolidated those entities into the motor passenger carriers now controlled by CUSA.¹

Since completing the transaction approved by the Board in STB Docket No. MC–F–21000, PCSTC states that CUSA has successfully reorganized the assets and businesses acquired as a result of that transaction into a number of federally and non-federally regulated companies. Annual revenues for the CUSA group of companies for 2004 are forecast to be \$220 million. The companies in the CUSA group operate more than 1,000 coaches and 600 other revenue vehicles in 35 states and have more than 3,500 employees. PCSTC states that the experienced senior management team that CUSA now has in place has identified the acquisition of the properties and passenger services operated by Roesch as a way to expand its sightseeing and tour business in the Southern California market.

Roesch, an operating division of Laidlaw, specializes in sightseeing, tour and charter services in the Las Vegas, NV, and Southern California areas. According to PCSTC, Roesch has been unable to restore its sightseeing, tour and charter business to sufficiently profitable levels in the years following September 11, 2001, and is generating insufficient returns on invested capital. Under the proposed transaction, PCSTC seeks to permanently acquire certain assets of Roesch, that were acquired on an interim basis, including Roesch's vehicles, trade receivables, and business operations, as well as a variety of other assets. Once this transaction is consummated,² the Federal operating

authority currently held by seller will be surrendered.

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.

PCSTC has submitted information, as required by 49 CFR 1182.2, including the information to demonstrate that the proposed transaction is consistent with the public interest under 49 U.S.C. 14303(b). PCSTC states that the proposed transaction will have no impact on the adequacy of transportation services available to the public, that the operations of the carrier involved will remain unchanged, that fixed charges associated with the proposed transaction will not be adversely impacted and that the interests of employees of Roesch will not be adversely impacted. Additional information, including a copy of the application, may be obtained from PCSTC's representative.

On the basis of the application, the Board finds that the proposed acquisition of assets 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 notice 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 action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The proposed finance transaction is approved and authorized, subject to the filing of opposing comments.

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

3. This notice will be effective on February 28, 2005, 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, SW., Room 8214, Washington, DC 20590; (2) the U.S. Department of Justice, Antitrust Division, 10th Street &

¹ See *KBUS Holdings, LLC—Acquisition of Assets and Business Operations—All West Coachlines, Inc., et al.*, STB Docket No. MC–F–21000 (STB served July 23, 2003).

² The transaction is expected to close on or about January 9, 2005.