

By the Commission.
Jonathan G. Katz,
Secretary.
[FR Doc. 96-11623 Filed 5-8-96; 8:45 am]
BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2851]

Kentucky; Declaration of Disaster Loan Area

Madison County and the contiguous counties of Clark, Estill, Fayette, Garrard, Jackson, Jessamine, and Rockcastle in the State of Kentucky constitute a disaster area as a result of damages caused by high winds and tornadoes which occurred on April 20, 1996. Applications for loans for physical damage may be filed until the close of business on July 1, 1996 and for economic injury until the close of business on January 30, 1997 at the address listed below:

U.S. Small Business Administration,
Disaster Area 2 Office, One Baltimore Place, Suite 300, Atlanta, GA 30308
or other locally announced locations.
The interest rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	7.250
Homeowners Without Credit Available Elsewhere	3.625
Businesses With Credit Available Elsewhere	8.000
Businesses and Non-Profit Organizations Without Credit Available Elsewhere	4.000
Others (Including Non-Profit Organizations) With Credit Available Elsewhere	7.125
For Economic Injury:	
Businesses and Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000

The number assigned to this disaster for physical damage is 285112, and for economic injury the number is 883900.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Dated: April 30, 1996.

John T. Spotila,
Acting Administrator.
[FR Doc. 96-11610 Filed 5-8-96; 8:45 am]
BILLING CODE 8025-01-P

Portland District Advisory Council Meeting; Public Meeting

The U.S. Small Business Administration, Portland District

Advisory Council will hold a public meeting on Thursday, May 30, 1996 from 1:00 p.m. to 4:30 p.m. and Friday, May 31, 1996 from 8:00 a.m. to 12:00 noon at the Newport Shilo Inn, 536 SW Elizabeth, Newport, Oregon to discuss matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Mr. John L. Gilman, District Director, U.S. Small Business Administration, 222 S.W. Columbia, Suite 500, Portland, OR 97201-6695, (503) 326-5221.

Dated: May 3, 1996.

Bill Combs,
Associate Administrator for Office of Communication and Public Liaison.
[FR Doc. 96-11609 Filed 5-8-96; 8:45 am]
BILLING CODE 8025-01-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[FHWA Docket No. MC-96-13]

Commercial Driver's License Program; Temporary Waiver for Trekking International Overland Expedition

AGENCY: Federal Highway Administration (FHWA), DOT.
ACTION: Notice of final disposition.

SUMMARY: Trekking International requested relief from the requirements of the commercial driver's license (CDL) regulations (49 CFR Part 383) for drivers participating in the Overland Expedition.

The FHWA has decided that it is not contrary to the public interest and will not diminish the safe operation of commercial motor vehicles (CMVs) to grant a waiver from the CDL testing and licensing standards to drivers participating in the Overland Expedition. The effect of this action is to allow four Iveco 330.30 ANW 6x6 trucks being driven by six foreign licensed employees of the petitioner to continue driving their trucks from Rome, Italy to New York City, New York. The approved waiver is temporary and subject to certain conditions.

EFFECTIVE DATE: May 9, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Redmond, Office of Motor Carrier Research and Standards, (202) 366-4001, or Mr. Raymond W. Cuprill, Office of the Chief Counsel, HCC-20, (202) 366-0834, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m.,

e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

The Commercial Driver's License (CDL) regulations, issued pursuant to the Commercial Motor Vehicle Safety Act of 1986 (Title XII, Pub. L. 99-570, 100 Stat. 3207) (49 U.S.C. 31301 *et seq.*), are found at 49 CFR Part 383 (1995). Section 383.23 of the regulations sets forth the general rule that no person shall operate a commercial motor vehicle (CMV) unless such person: (1) has taken and passed a knowledge test and, if applicable, a driving test, which meets Federal standards, and (2) possesses a CDL, which is evidence of having passed the required tests. These Federal standards ensure that drivers of a CMV: (1) have a single driver's license and a single driving record, (2) are tested for the knowledge and skills needed to drive a vehicle representative of the vehicle that they will be licensed to drive, and (3) are disqualified from driving a CMV when convicted of certain criminal or traffic violations.

The term "commercial motor vehicle" is defined to include, a motor vehicle:

- (1) With a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating (GVWR) of more than 10,000 pounds; or
- (2) With a GVWR of 26,001 or more pounds; or
- (3) Designed to transport 16 or more passengers, including the driver; or
- (4) Used in the transportation of quantities of hazardous materials which require the vehicle to be placarded under the Hazardous Materials Transportation Regulations (49 CFR part 172, subpart F). 49 CFR 383.5 (1995).

(2) With a GVWR of 26,001 or more pounds; or

(3) Designed to transport 16 or more passengers, including the driver; or
(4) Used in the transportation of quantities of hazardous materials which require the vehicle to be placarded under the Hazardous Materials Transportation Regulations (49 CFR part 172, subpart F). 49 CFR 383.5 (1995).

CDL Waivers

Section 12012 of the Commercial Motor Vehicle Safety Act of 1985 (the Act) authorizes the Secretary of Transportation to waive any class of drivers or vehicles from any or all of the provisions of the Act or the implementing regulations if the Secretary determines that the waiver is not contrary to the public interest and does not diminish the safe operation of commercial motor vehicles. The regulatory procedures governing the issuance of waivers are found at 49 CFR 383.7 (1995).

Petition

Trekking International of Milan, Italy, through its North American coordinator, Circumpolar Expeditions of Anchorage, Alaska, has petitioned the FHWA to grant a CDL waiver to drivers involved

in the Overland Expedition. The goal of the Overland Expedition is to drive four (4) Iveco 330.30 ANW 6x6 trucks 15,000 miles from Rome, Italy, to New York City, New York. Once the Expedition is completed, the trucks will be shipped back to Italy. The petitioner expects the vehicles to be shipped on or before June 1, 1996.

Docket Comments

In response to the notice published in the Federal Register on March 29, 1996 (62 FR 14193), the FHWA received two responses to the docket.

The Tennessee Public Service Commission (TPSC) wrote in support of granting the waiver. The TPSC stated that "[b]ased upon the notice in the Federal Register, I can find no substantive reason to believe that the issuance of a CDL waiver will cause any risk to the motoring public given the familiarity of the drivers with the vehicles and the drivers holding international commercial driver licenses."

The other commenter, Advocates for Highway and Auto Safety (AHAS), wrote in opposition to granting the waiver. The AHAS stated that evidence was not presented to indicate that the waiver is in the public interest. They further stated that unlike other waivers that have been granted, this waiver does not encourage employment in the United States (U.S.) for drivers who would otherwise be unable to continue driving.

In regard to safety, AHAS stated that the FHWA did not substantiate that the waiver will not diminish safety. They further stated that the notice does not provide specific information on the driving experience, competence and safety record of these drivers; any indication that the drivers are familiar with our roadways; any comparative analysis of the differences between Italian and U.S. commercial vehicle safety laws and regulations; and any justification for not hiring U.S. drivers with valid CDLs to operate the vehicles in the U.S.

The AHAS also asserts that the period for public comment violated the Administrative Procedure Act because at least 15 days were not provided. The AHAS stated that the FHWA did not offer an explanation as to why there was a delay in publishing the notice and did not justify the reason for the short comment period. If the waiver is granted, the AHAS also stated that it should be limited to the time period actually needed and requested.

FHWA Response to the Comments

The FHWA has determined that it would not diminish the safe operation of CMVs to waive drivers of Trekking International of Milan, Italy involved in the Overland Expedition, from the CDL requirements, subject to certain conditions. The requested waiver would be temporary and only be applicable to those foreign employees driving the four vehicles that are participating in the Expedition. These employees are professional operators of commercial motor vehicles. They have valid Italian commercial driver's licenses to operate vehicles in 5 vehicle classes. The Italian licensing process includes knowledge and skills testing based on the recommendations of the European Community, where there is a 21 years of age requirement to operate heavy trucks. Each of the drivers have 15 to 20 years of driving experience.

In response to the AHAS concern about the FHWA not conducting a comparative analysis between the Italian and U.S. CMV safety laws and regulations, there was only a need to compare the licensing requirements since Trekking International has agreed to comply with all other applicable Federal Motor Carrier Safety Regulations (FMCSRs), including financial responsibility, vehicle marking, driver physical qualification, vehicle inspection, and hours of service requirements. In addition, since this waiver is limited to the six drivers named in the petition and is not a reciprocal agreement with the Italian government on commercial driver licensing, a comprehensive analysis of all safety laws and regulations was not warranted. The FHWA did, however, obtain documentation of Italian CMV driver licensing requirements to ensure these drivers met licensing standards similar to U.S. CMV drivers.

The FHWA has further determined that it is not contrary to the public interest to grant this waiver. While AHAS claims there is no public interest in granting the waiver, it does not offer any substantial reasons why the granting of the waiver would be contrary to the public interest. The FHWA agrees with AHAS that U.S. drivers with valid CDLs could be hired to operate these vehicles in the U.S., but that was not what was requested in the petition. Based on the fact that these are European vehicles, it is in the public interest to allow these Italian drivers who are very familiar with operating these vehicles and have over 15,000 miles of experience driving them in this expedition, in all kinds of road and

weather conditions, across Europe and Asia before entering the U.S., to continue driving them in the U.S. to complete the trip.

AHAS has objected to the short comment period provided in the FHWA's March 29 notice, asserting that a 10-day comment period violates the Administrative Procedure Act. The Administrative Procedure Act does not specify a minimum period for comment; nor does 49 U.S.C. 31135 which authorizes the agency to waive its regulations after notice and opportunity for comment. While the FHWA typically provides more time for public comment on proposals similar to his one, the standard for determining how much time should be provided for public comment is what is reasonable in view of the facts.

In this instance, the FHWA believes that ten days is reasonable. While the original petition for waiver was submitted on January 24, 1996, the FHWA required the petitioner to submit further information in support of its petition before deciding whether the petition warranted further consideration. The further information submitted by the petitioner is summarized in the notice published on March 29.

The FHWA believes that the ten-day comment period in this case was adequate to alert interested parties to respond to the request for waiver, and that the notice provided adequate information to enable interested parties, such as AHAS, to respond to the notice. To further delay acting on this petition would make it impossible for the petitioner to do what it plans, or would increase its costs, without creating a public benefit.

AHAS also objected to the waiver being granted for a longer period than is actually needed or requested. The FHWA does not agree with this objection. While the petitioner expects to complete the trip to New York by the end of April, the FHWA believes that granting an additional month to provide for weather, vehicle repair, or other unforeseen delays is a reasonable action.

Waiver Conditions

The waiver from the CDL requirements is granted, subject to the following conditions:

(1) Drivers covered—this waiver applies only to the following Italian drivers employed by the petitioner while participating in the Overland Expedition and holding a valid Italian commercial driver's license to operate the vehicles listed in condition #3:

Name	License No.	Issued	Classification
Gregorio Camevale	1300267	8/7/95	ABCDE
Carlo Marocco	1291175	9/4/95	ABCDE
Erhard Mayer	A26995	8/28/95	ABCDE
Vicenzo Leone	1291174	9/11/95	ABCDE
Emilio Altamore	1247556	9/4/95	ABCDE
Francesco Miranda	1247557	9/4/95	ABCDE

(2) Duration—the waiver is only valid through June 1, 1996;

(3) Vehicles—the waiver is limited to the operation of the four vehicles participating in the Overland Expedition and identified with the following vehicle identification numbers and license plates:

- a. WJMH3GMSM09015805 (plate no. A658095)
- b. WJMH3GMSM09015766 (plate no. A658096)
- c. WJMH3GMSM09015814 (plate no. A658097)
- d. WJMH3GMSM09015669 (plate no. A658098)

(4) Compliance with FMCSRs—drivers covered by the waiver are required to comply with other applicable requirements of the Federal Motor Carrier Safety Regulations, including financial responsibility, vehicle marking, driver physical qualification, vehicle inspection, and hours of service requirements.

Authority: Title XII of Pub. L. 99-570, 100 Stat. 3207; 49 U.S.C. 31301 *et seq.*; 49 U.S.C. 31315; 49 CFR 1.48; 49 CFR 383.7; 23 U.S.C. 315.

Issued on: April 30, 1996.
 Rodney E. Slater,
Federal Highway Administration.
 [FR Doc. 96-11372 Filed 5-8-96; 8:45 am]
BILLING CODE 4910-22-P

Research and Special Programs Administration

Office of Hazardous Materials Safety; Delays in Processing of Exemption Applications

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of applications delayed more than 180 days.

SUMMARY: In accordance with the requirements of 49 U.S.C. 5117(c), RSPA is publishing the following list of exemption applications that have been

in process for 180 days or more. The reason(s) for delay and the expected completion date for action on each application is provided in association with each identified application.

FOR FURTHER INFORMATION CONTACT: J. Suzanne Hedgepeth, Director, Office of Hazardous Materials, Exemptions and Approvals, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590-0001, (202) 366-4535.

Key to "Reasons for Delay"

- 1. Awaiting additional information from applicant.
- 2. Extensive public comment under review.
- 3. Application is technically very complex and is of significant impact or precedent-setting and requires extensive analysis.
- 4. Staff review delayed by other priority issues or volume of exemption applications.