

Transportation, as represented by the Maritime Administration (MARAD), is authorized 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 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 May 18, 2000.

ADDRESSES: Comments should refer to docket number MARAD-2000-7245. 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: Michael Hokana, U.S. Department of Transportation, Maritime Administration, MAR 832 Room 7201, 400 Seventh Street, SW, Washington, DC 20590. Telephone 202-366-0760.

SUPPLEMENTARY INFORMATION: Title V of P.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 (less 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

commentor's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD'S regulations at 46 CFR 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: YANKEE Owner: Yankee Sailing LLC.

(2) Size, capacity and tonnage of vessel: According to the Applicant "50' 7" OAL, Breadth 15.6', draft 4.4' Gross tonnage 12 tons, Net Tonnage 11. Tons, Displacement 38 tons. (Title 46 U.S.C. simplified measurement system.)"

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant: "Intended use, Geographic area: Carrying passengers for hire for coastal sailing excursions for sail and navigational training purposes where passengers are encouraged and taught to participate in the operation of the vessel. Pending USCG certification of the vessel these excursions will involve 6 passengers or less. If certification is obtained under this waiver, the number of passengers will not exceed 12 passengers. Current plans are to operate the vessel along the Northeast coast between New York and Eastport Maine. It is intended that the center of operation will be out of New London CT."

(4) Date and place of construction and (if applicable) rebuilding. Date of construction: 1959, place of construction: Scheepswerf Westhaven, Zaadam, Holland.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant: "The impact would be minimal. There are currently no sailing vessels carrying passengers out of the New London harbor. Neighboring harbors that have commercial sailing vessels are mostly offering day trips of two to three hours as opposed to inter port excursions."

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant: "Since the vessel was purchased by the current owner and documented as a U.S. vessel in January of 1999, over \$50,000 dollars has been spent on the vessel in local boat yards and on U.S. manufactured wiring, plumbing and electronics products. If the vessel can establish itself in the area as a successful small business with USCG certification it will continue to require the services of the local marine industry here in eastern Connecticut."

Dated: April 13, 2000.

By order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

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DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2000-7247]

Request for Public Comments on an Evaluation of the Maritime Security Program/Voluntary Intermodal Sealift Agreement Program

AGENCY: Maritime Administration, United States Department of Transportation.

ACTION: Notification of open docket for public comment.

SUMMARY: The Maritime Administration (MARAD) is assessing the impact of the Maritime Security Program (MSP) and its associated Emergency Preparedness Program (EPP), the Voluntary Intermodal Sealift (VISA) program. The evaluation will seek to determine the contribution of MSP/VISA to the achievement of Department of Transportation (DOT) and MARAD national security goals by identifying the causal relationship between MSP/VISA and the goals, to the extent that causality can be reliably measured. As part of DOT's implementation of the Government Performance and Results Act, MARAD has been investigating in-depth how well its major programs are working to achieve stated objectives. As set out in DOT and MARAD strategic plans to meet U.S. national security goals, the MSP is designed to help ensure that an active U.S. merchant fleet—and the trained personnel needed to operate both privately-owned active commercial vessels and Government-owned and controlled reserve ships—will be available to meet Department of Defense (DoD) requirements for sealift during national emergencies. In FY 2000, these requirements include DoD access to 165,000 TEUs (20-foot equivalent units of container capacity) or 14.5 million square feet of U.S.-flag commercial vessel capacity and to carriers' intermodal transportation equipment and service networks.

FOR FURTHER INFORMATION CONTACT: Raymond R. Barberesi, Director, Office of Sealift Support, MAR-630, Room 7307, Maritime Administration, 400 Seventh Street, SW, Washington, D.C. 20590, telephone number: 202-366-2323 or fax 202-493-2180.

SUPPLEMENTARY INFORMATION: On March 10, 1995, the Administration submitted

legislation to the Congress proposing the MSP and the EPP, based on its analysis of current and future national security sealift requirements and the likely composition of the privately-owned U.S.-flag merchant fleet. The Congress found that, "Without remedial action, there simply will be no U.S. fleet to conduct foreign commerce, and the United States may have difficulty manning our Ready Reserve Force (RRF) and will have to rely on foreign-flag shipping for all imports and exports and for the sustainment of future military operations" (Senate Report 104-167). Public Law (P.L.) 104-239, the Maritime Security Act of 1996, was enacted on October 8, 1996, to "assure the continued presence of an active, privately owned, U.S.-flag and U.S.-crewed merchant shipping fleet to meet national and foreign commerce needs and to provide sustainment sealift capability in time of war or national emergency." P.L. 104-239 establishes the MSP fleet "* * * of active, militarily useful, privately-owned vessels to meet national defense and other security requirements and maintain a United States presence in international commercial shipping."

As authorized through FY 2005, the MSP provides financial assistance to vessel operators to partially offset the higher costs of U.S.-flag operation in international trade. In return, MSP participants must commit enrolled vessels and associated intermodal resources to a DoD-approved EPP. The VISA program is the element of the MSP which assures DoD access to the U.S. commercial fleet by providing intermodal sealift and total logistical support to DoD in a time of war, national emergency, or whenever the Secretary of Defense determines it is necessary for national security. The VISA program enables DoD to secure space to transport military supplies and equipment. Today, MSP vessels constitute the vast majority (70 percent) of VISA sealift capacity.

MARAD is seeking empirical information from vessel operators and other affected parties in the maritime and transportation industries, such as shippers, maritime labor, DoD and other Federal agencies to assess the MSP's impact on DoD sealift capability and the U.S. merchant fleet. Information is requested on the following issues: (1) Whether the MSP and the VISA programs have accomplished the goals of "ensuring the availability of a U.S. maritime fleet for wartime or national emergencies and * * * to retain a pool of qualified mariners to serve on these vessels"; (2) The effectiveness of the

MSP as a mechanism to retain vessels under U.S. registry; (3) The effect of the MSP's fixed financial assistance of \$2.1 million per ship annually on the international competitiveness of MSP carriers; (4) The impact of the MSP payment as an economic incentive for carriers to replace existing vessels with newer ships; (5) Whether other factors have greater impact on carriers' fleet replacement decisions, and, if so, what these are; (6) The aspects of the MSP or VISA program that affect carriers' willingness to participate; (7) The appropriateness of the compensation levels for carriage of contingency cargoes; (8) The impact of statutory restrictions—*i.e.*, Section 656 (cargo movements in domestic noncontiguous trade) and Section 804 (prohibition on operating competing foreign-flag vessels) of the Merchant Marine Act, 1936, as amended; the cap on the amount of cargo preference that can be carried on MSP vessels; the requirement to operate 320 days a year; Section 2 citizenship requirements, and trust arrangements; (9) The external factors that have a significant effect on program impact; (10) MSP participant plans if the MSP is not authorized beyond 2005; and (11) The aspects of program implementation that need to be changed to accomplish program objectives. MARAD is also soliciting comments as to whether other complementary programs, policies, or Federal Government actions would meet the statutory objectives of P.L. 104-239.

You may submit written comments by hand or mail by the close of business on June 15, 2000 to the Docket Management Facility, U.S. DOT Dockets, Room PL-401, Department of Transportation, 400 7th St., SW, Washington, DC 20590-0001. Comments should refer to docket number MARAD-2000-7247. 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.D.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>. The Maritime Administration, as a matter of discretion, will consider any comments submitted and take such action with respect thereto as may be deemed appropriate.

Dated: April 13, 2000.

By order of the Maritime Administrator.

Joel C. Richard,

Secretary.

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Office of Hazardous Materials Safety; Notice of Applications for Exemptions

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of Applicants for Exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before May 18, 2000.

ADDRESS COMMENTS TO: Records Center, Research and Special Programs, Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the exemption application number.

FOR FURTHER INFORMATION CONTACT: Copies of the applications (See Docket Number) are available for inspection at the New Docket Management Facility, PL-401, at the U.S. Department of Transportation, Nassif Building, 400 7th Street, SW., Washington, DC 20590 or at <http://dms.dot.gov>.

This notice of receipt of applications for new exemptions is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on April 12, 2000.

J. Suzanne Hedgepeth,

Director, Office of Hazardous Materials Exemptions and Approvals.