

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-830 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202-366-0760.

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel NUBIAN is:

*Intended Use:* "Intended use is for education (sailing lessons), day and overnight sails very similar to bareboat charters with the exception of U.S. Coast Guard license captain/sailing instructor aboard to ensure safety and enjoyment of the experience."

*Geographic Region:* "Texas, Mississippi, Louisiana, Alabama and Florida coasts including the waterways and tributaries."

Dated: March 16, 2005.

By order of the Maritime Administrator.

**Joel C. Richard,**

*Secretary, Maritime Administration.*

[FR Doc. 05-6177 Filed 3-28-05; 8:45 am]

**BILLING CODE 4910-81-P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket Number 2005 20710]

#### Requested Administrative Waiver of the Coastwise Trade Laws

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel SIRIUS.

**SUMMARY:** As authorized by Public Law 105-383 and Public Law 107-295, the Secretary of 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 brief description of the proposed service, is listed below. The complete application is given in DOT docket 2005-20710 at <http://dms.dot.gov>. 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, in accordance with Public Law 105-383 and MARAD's regulations at 46 CFR part 388 (68 FR 23084; April 30, 2003), 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 in that business, a waiver will not be granted. 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.

**DATES:** Submit comments on or before April 28, 2005.

**ADDRESSES:** Comments should refer to docket number MARAD-2005-20710. 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-830, Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone (202) 366-0760.

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel SIRIUS is:

*Intended Use:* "Bareboat and Captained Charters."

*Geographic Region:* "Florida Keys."

Dated: March 21, 2005.

By order of the Maritime Administrator.

**Joel C. Richard,**

*Secretary, Maritime Administration.*

[FR Doc. 05-6191 Filed 3-28-05; 8:45 am]

**BILLING CODE 4910-81-P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket Number 2005 20711]

#### Requested Administrative Waiver of the Coastwise Trade Laws

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel DECEPTION.

**SUMMARY:** As authorized by Public Law 105-383 and Public Law 107-295, the Secretary of 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 brief description of the proposed service, is listed below. The complete application is given in DOT docket 2005-20711 at <http://dms.dot.gov>. 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, in accordance with Public Law 105-383 and MARAD's regulations at 46 CFR part 388 (68 FR 23084; April 30, 2003), 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 in that business, a waiver will not be granted. 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.

**DATES:** Submit comments on or before April 28, 2005.

**ADDRESSES:** Comments should refer to docket number MARAD-2005 20711. 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-830 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone (202) 366-0760.

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel DECEPTION is:

*Intended Use:* "Occasional passenger for hire, incidental to main business of exclusive Grand Banks bare boat charters in Bellingham, Washington.

*Geographic Region:* "Puget Sound".

Dated: March 21, 2005.

By order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 05-6180 Filed 3-28-05; 8:45 am]

BILLING CODE 4910-81-P

**DEPARTMENT OF TRANSPORTATION**

**National Highway Traffic Safety Administration**

[Docket No. NHTSA-2005-20455, Notice 1]

**Spyker Automobielen B.V.; Receipt of Application for a Temporary Exemption From Federal Motor Vehicle Safety Standard No. 208 and Part 581 Bumper Standard**

In accordance with the procedures of 49 CFR part 555, Spyker Automobielen B.V. ("Spyker") has applied for a Temporary Exemption from S4.2.3 of Federal Motor Vehicle Safety Standard (FMVSS) No. 208, *Occupant Crash Protection*, and part 581 *Bumper Standard* for its C-8 vehicle. 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.<sup>1</sup>

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**

Spyker is a small publicly traded Dutch vehicle manufacturer established in 2002. Spyker manufactures hand-build high-performance automobiles similar to vehicles manufactured by Ferrari, Lamborghini, Saleen, and other high-performance vehicle

manufacturers.<sup>2</sup> Spyker has manufactured between 40 and 45 automobiles in 2004, and has a back order approaching 80 vehicles.<sup>3</sup> Spyker anticipates sales of less than 50 vehicles per year in the United States.

Spyker indicates that it anticipated entering the U.S. market in 2008 with a fully compliant vehicle. Due to a recent racing success and consequent surge in public interest, the applicant wants to begin selling cars in the U.S. immediately. Further, the applicant indicates that "market and investment pressure require introduction for the 2005 model year."

**II. Why Spyker Needs a Temporary Exemption and How Spyker Has Tried in Good Faith to Comply With FMVSS No. 208 and the Bumper Standard**

Spyker indicates that it has invested significant resources into making the C-8 compliant with applicable Federal regulations. However, because of the limited resources as well as the fluctuating value of the U.S. dollar, the petitioner argues that it cannot bring the C-8 into compliance with S4.2.3 of FMVSS No. 208 and Part 581 without generating immediate U.S. sales revenue. Specifically, Spyker's financial information submission shows a net operating loss of €343,000 (≈\$452,760) for the fiscal year 2001; a net operating loss of €1,245,000 (≈\$1,643,400) for the fiscal year 2002; a net operating loss of €4,808,000 (≈\$6,346,560) for the fiscal year 2003; and a projected net operating loss of €4,500,000 (≈\$5,940,000) for fiscal year 2004. This represents a cumulative net loss for a period of 4 years of €10,896,000 (≈\$14,382,720).<sup>4</sup>

In short, the petitioner indicates that the cost of making the C-8 compliant with FMVSS No. 208 and Part 581 is beyond the company's current capabilities. Spyker requests a three-year exemption in order to develop compliant bumpers and advanced air bags. The petitioner anticipates the funding necessary for these compliance efforts will come from immediate sales of the C-8 in the United States.

**A. Federal Motor Vehicle Safety Standard No. 208**

The petitioner states that the company's current assets cannot support air bag development at this time and that testing expenses, as well as reengineering and re-design delays would bankrupt the company. The

petitioner states that a denial of the air bag exemption request will lead to the same losses as in 2004 for 2005, 2006 and 2007 (€4,500,000 per year). Granting of the petitioner's request would lead to a net operating loss of 2,500,000 in 2005, but a net gain of €375,000 in 2006 and a net gain of €4,534,000 in 2007. The estimated cost of designing an air bag system is \$800,000 and the process takes six to twelve months.

Petitioner indicates that it had contacted at least two air bag manufacturers without success, and now plans on concentrating their efforts on designing advanced air bags that become mandatory in 2006.

**B. Part 581—Bumper Standard**

Spyker indicates that it attempted to design compliant bumpers. Specifically, the petitioner investigated installing molded fiberglass bumpers with aluminum reinforcements. According to the petitioner, however, this design could alter the crashworthiness of the C-8. Thus, meeting the low impact damage criteria of Part 581 could reduce the high impact crashworthiness of the entire vehicle. The petitioner provided no discussion of additional efforts to develop compliant bumpers, or evaluation of other alternatives.

**III. Why an Exemption Would Be in the Public Interest**

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

1. The petitioner argues that Part 581 is not a safety standard, but a standard designed to reduce costs associated with minor impacts.
2. With respect to air bags, the petitioner argues that the vehicles are designed with a "frontal crush structure and occupant protection cell for use as a race vehicle."
3. The vehicle would be equipped with labels reminding drivers to buckle up.
4. Spyker's engineering analysis shows that at impact speeds of less than 5 mph, there is no damage to the C-8's safety equipment (other than license plate lights).
5. The likelihood of minor damage is very low. The vehicle costs in excess of \$200,000, and it is reasonable to assume that it would not be subject to normal "wear-and-tear" associated with typical bumper impacts.
6. Spyker does not anticipate selling more than 250 vehicles for a period of 3 years covered by the requested exemption. Thus, the impact of the exemption is expected to be minimal.

<sup>2</sup> For more information on Spyker, see <http://www.spykercars.com/>.

<sup>3</sup> [http://www.spykercars.com/meta/investors/pdf/Financieel/first\\_halfjaar\\_report\\_2004.pdf](http://www.spykercars.com/meta/investors/pdf/Financieel/first_halfjaar_report_2004.pdf).

<sup>4</sup> All dollar values are based on an exchange rate of €1 = \$1.32.

<sup>1</sup> To view the application using the Docket number listed above, please go to: <http://dms.dot.gov/search/searchFormSimple.cfm>.