

## Background

Section 4007 of the Transportation Equity Act for the 21st Century (Pub. L. 105-178, June 9, 1998, 112 Stat. 107) amended 49 U.S.C. 31315 and 31136(e) to provide authority to grant exemptions from the motor carrier safety regulations. On August 20, 2004, FMCSA published a final rule (69 FR 51589) on section 4007. Under the regulations, FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). FMCSA must provide the public with an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted, and it must provide an opportunity for public comment on the request.

FMCSA reviews the safety analyses and the public comments and determines whether granting the exemption would achieve a level of safety equivalent to or greater than the level that would be achieved by the current regulation (49 CFR 381.305). FMCSA's decision must be published in the **Federal Register** (49 CFR 381.315(b)). If FMCSA denies the request, it must state the reason for doing so. If FMCSA grants the exemption, the notice must specify the person or class of persons receiving the exemption and the regulatory provision or provisions from which exemption is being granted. The notice must also specify the effective period of the exemption (up to 2 years) and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

## Application for Exemption

Isuzu has applied for an exemption from the FMCSR provision requiring that drivers of certain CMVs in interstate or intrastate commerce obtain a CDL from a State (49 CFR 383.23). Isuzu requests the exemption because its drivers are residents of Japan and therefore are ineligible to obtain a CDL from a State. The Isuzu CMVs are prototypes which require testing under U.S. climatic conditions prior to being placed on the U.S. market. It is expected that each driver would operate CMVs about 5,000 miles per year. A copy of Isuzu's application is in Docket No. FMCSA-2006-25290.

## Japanese Drivers Included in Application

The exemption would enable the following 76 drivers to operate CMVs that will be manufactured, assembled, sold or primarily used in the United States: Aihara Hirokazu, Akira Iiduka,

Akira Yoshino, Atsushi Hirotsu, Atsushi Yamazaki, Chito Agatsuma, Fuki Yokoyama, Fumiaki Kubo, Fumiaki Takei, Fuyuki Hamanaka, Go Shinozuka, Hideki Shibata, Hiroaki Kurata, Hiroaki Takahashi, Hiromasa Narita, Hiroshi Osada, Hiroyoshi Morohoshi, Hisashi Hashiguchi, Ichiro Watanabe, Jirou Arai, Junichi Yamada, Jyunichi Suda, Kakuya Sekimoto, Kazuhiro Itou, Kazuhiro Teraguchi, Kazuyoshi Tateishi, Ken Ueda, Kenji Takashima, Kiyoshi Nokura, Kiyoshi Toshima, Kohki Natsumi, Manabu Andou, Masaaki Toriyama, Masahiko Gotou, Masahito Katou, Masayuki Tanaka, Minoru Endou, Misturu Denpouy, Mitsugu Sugiura, Motoyuki Kamo, Naoki Morimoto, Naomi Uchida, Naoyuki Itou, Noboru Azuma, Nobuhisa Okuda, Nobuyuki Iwao, Ryo Sato, Ryouji Matsuzawa, Satoshi Yatomi, Shigeo Shimada, Shinya Ishida, Syouji Takahashi, Tadao Shibuya, Tadashi Shoda, Takahiro Maemoto, Takashi Oguma, Takatomo Omukai, Takauki Asaoka, Takayuki Kaneda, Takeshi Kamei, Tatsumi Wakamori, Tatsuya Kawase, Tatsuya Sakata, Tetsuji Oshima, Tetuya Hiromatsu, Toshiaki Shimizu, Toshihiko Sudo, Tsuchida Minoru, Tsugio Fujita, Yasuhiro Sakai, Yasuo Tamamoto, Yasuyuki Fujita, Yoshiaki Miyamoto, Yoshinori Kunieda, Yoshinori Ugai and Youichi Kurita.

Isuzu presents evidence of the comprehensive driver training and testing which precedes issuance of a Japanese CDL. Isuzu also provides evidence of the background of each of the 76 drivers. They are automotive engineers and technicians, and each holds a valid Japanese CDL. They are experienced CMV operators, and Isuzu states in its application that none of these drivers has been cited for a traffic violation or has been involved in a traffic accident during the two years prior to the application.

## Request for Comments

In accordance with 49 U.S.C. 31315(b)(4) and 31136(e), FMCSA requests public comment from all interested persons, including those with specific data concerning the safety records of the drivers listed in this notice, on Isuzu's application for an exemption from the CDL requirements of 49 CFR 383.23. The Agency requests that comments be submitted by the close of business on August 24, 2006. Comments will be available for examination in the docket. FMCSA will review all comments received by this date, and will determine whether the exemption is consistent with requirements of 49 U.S.C. 31315(b)(4) and 31136(e). Comments received after

the closing date will be filed in the public docket and will be considered to the extent practicable, but FMCSA may make a final decision at any time after the close of the comment period.

**Authority:** 49 U.S.C. 31136 and 31315; and 49 CFR 1.73.

Issued on: July 19, 2006.

**David H. Hugel,**

*Acting Administrator.*

[FR Doc. E6-11766 Filed 7-24-06; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket Number 2006 25418]

### 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 CHARMER.

**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 2006-25418 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 August 24, 2006.

**ADDRESSES:** Comments should refer to docket number MARAD-2006 25418. 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:**

Joann Spittle, U.S. Department of Transportation, Maritime Administration, MAR-830 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202-366-5979.

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

*Intended Use:* "The intended commercial use is for private passenger yacht charters."

*Geographic Region:* The geographical locations of our intended charters are U.S. East Coast from Maine to Florida, including the states of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia and Florida.

Dated: July 18, 2006.

By order of the Maritime Administrator.

**Joel C. Richard,**

*Secretary, Maritime Administration.*

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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 2006-25416 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 August 24, 2006.

**ADDRESSES:** Comments should refer to docket number MARAD-2006 25416. 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:**

Joann Spittle, U.S. Department of Transportation, Maritime Administration, MAR-830 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202-366-5979.

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

*Intended Use:* "Uninspected passenger vessel carrying up to six passengers on liveaboard cruises for sailing instruction."

*Geographic Region:* Florida East Coast and Florida Keys.

Dated: July 19, 2006.

By order of the Maritime Administrator.

**Joel C. Richard,**

*Secretary, Maritime Administration.*

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## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket Number 2006 25417]

#### 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 LUNA DANNS.

**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 2006-25417 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 August 24, 2006.

**ADDRESSES:** Comments should refer to docket number MARAD-2006 25417. 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