

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 July 15, 2005.

ADDRESSES: Comments should refer to docket number MARAD-2005-21431.

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:

Sharon Cassidy, U.S. Department of Transportation, Maritime Administration, MAR-830 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202-366-5506.

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel *JANIE'S LOFT* is:

Intended Use: "sail tours of Barnegat Bay."

Geographic Region: "near coastal waters of NJ."

Dated: June 7, 2005.

By order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 05-11756 Filed 6-14-05; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number 2005 21428]

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 LUCKY STAR.

SUMMARY: As authorized by Pub. L. 105-383 and Pub. L. 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 2005-21428 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 Pub. L. 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 July 15, 2005.

ADDRESSES: Comments should refer to docket number MARAD-2005 21428. 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:

Sharon Cassidy, U.S. Department of Transportation, Maritime Administration, MAR-830 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202-366-5506.

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel LUCKY STAR is:

Intended Use: "Occasionally giving sailing lessons, or day charters/rides."

Geographic Region: U.S. Northeast Coastal waters, mostly inland."

Dated: June 7, 2005.

By order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 05-11755 Filed 6-14-05; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number 2005 21430]

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 VEGA.

SUMMARY: As authorized by Pub. L. 105-383 and Pub. L. 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 2005-21430 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 Pub. L. 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 July 15, 2005.

ADDRESSES: Comments should refer to docket number MARAD-2005 21430. 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:

Sharon Cassidy, U.S. Department of Transportation, Maritime Administration, MAR-830 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202-366-5506.

SUPPLEMENTARY INFORMATION:

As described by the applicant the intended service of the vessel VEGA is:

Intended Use: "Provide day and multi-day sail/auxiliary passenger service for up to six passengers."

Geographic Region: "South Central Alaska from Prince William Sound west to include Kenai Fiord, Afornak Island and Kodiak Island."

Dated: June 7, 2005.

By order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 05-11757 Filed 6-14-05; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION**National Highway Traffic Safety Administration**

[Docket No. NHTSA 2005-21467]

Two- and Three-Wheeled Vehicles

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice of draft interpretation; request for comments.

SUMMARY: This document sets forth a draft interpretation concerning whether certain two- and three-wheeled vehicles are "motor vehicles" and thus subject to the Federal motor vehicle safety standards and to other vehicle safety requirements. Physical characteristics previously relied upon by the agency are no longer reliable determinants of whether a two- or three-wheeled vehicle is a "motor vehicle." Additionally, the vehicles that were the subject of past agency interpretations are no longer representative of the two- and three-wheeled vehicles on the market today. For these reasons, and because vehicle designs continue to change and proliferate, manufacturers, importers, and import specialists from U.S. Customs and Border Protection (Customs) are requesting interpretations from NHTSA as to whether various two- and three-wheeled vehicles are "motor vehicles." This document would address the issues raised in those types of requests.

DATES: You should submit comments early enough to ensure that Docket Management receives them not later than August 15, 2005.

ADDRESSES: You may submit comments (identified by the DOT DMS Docket Number above) by any of the following methods:

- Web Site: <http://dms.dot.gov>.

Follow the instructions for submitting comments on the DOT electronic docket site.

- 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 20590-001.

• 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. For detailed instructions on submitting comments, see the Submission of Comments heading under the Supplementary Information section of this document.

Note that all comments received will be posted without change to <http://dms.dot.gov>, including any personal information provided. 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 65, Number 70; Pages 19477-78) or you may visit <http://dms.dot.gov>.

Docket: For access to the docket 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.

FOR FURTHER INFORMATION CONTACT:

Christopher Calamita, Vehicle Safety Rulemaking and Harmonization Division, Office of Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, telephone: (202) 366-2992, Fax: (202) 366-3820.

SUPPLEMENTARY INFORMATION:

I. Background

II. Draft Interpretation

- Vehicles with Speed Capabilities of Less than 20 mph
- Off-road Two- and Three-wheeled vehicles

III. Reliance on Draft Interpretation

IV. Submission of Comments

I. Background

Under 49 U.S.C. Chapter 301, NHTSA has authority to establish safety standards for "motor vehicles." "Motor vehicle" is defined at 49 U.S.C. 30102(a) as:

[A] vehicle driven or drawn by mechanical power and manufactured primarily for use on the public streets, roads, and highways, but does not include a vehicle operated only on a rail line.

NHTSA has issued regulations to define various types of motor vehicles, e.g., passenger car, multipurpose passenger vehicle, truck, and motorcycle, recognizing that different types of motor vehicles present different safety problems and that the standards that are reasonable, practicable and appropriate for one type of vehicle may not be for another type (see definitions at 49 CFR 571.3). The agency has relied on these regulatory definitions to ensure that vehicles are correctly classified and made subject to the appropriate set of safety requirements.

The agency has defined the term "motorcycle," as a motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground (49 CFR 571.3). Recognizing that small, low-powered motorcycles should be regulated differently than larger, higher-powered motorcycles, we established a sub-classification of "motorcycle," the "motor-driven cycle."¹ However, in order for a two- or three-wheeled vehicle to be regulated as a motorcycle or a motor-driven cycle, it must still come within the statutory definition of "motor vehicle."

The agency's interpretations of the term "motor vehicle," have centered on the word "primarily" used in the statutory definition. We have generally interpreted "primarily" to mean that a significant portion of a vehicle's use must be on public roads in order for the vehicle to be considered a "motor vehicle." Vehicles that cannot be operated on public roads, such as vehicles with tracks, are not "motor vehicles" and are not regulated by this agency. Conversely, we have held that the ability to operate on public roads is indicative that a vehicle is a motor vehicle.

The agency has long recognized that not all two- and three-wheeled, motorized vehicles with on-road capabilities are motor vehicles. In 1969,

¹ "Motor-driven cycle" is defined as "a motorcycle with a motor that produces 5-brake horsepower or less." 49 CFR 571.3.