

material transportation law, 49 U.S.C. 5101 *et seq.*, and FMCSA regulations, 49 CFR part 397, preempt routing requirements contained in the Terrorism Prevention in Hazardous Materials Transportation Emergency Act of 2005 [D.C. Act 16-43, February 15, 2005, 52 CDR 3048] (“DC Act”), passed by the Council of the District of Columbia on February 1, 2005, and signed by the Mayor on February 15, 2005.

FMCSA published notice of ATA’s application in the **Federal Register** on April 20, 2005, at 70 FR 20630. Title 49 U.S.C. 5125(d) requires FMCSA to issue a decision on ATA’s application “within 180 days after the date of the publication of the notice of having received such application, or the Secretary shall publish a statement in the **Federal Register** of the reason why the Secretary’s decision on the application is delayed, along with an estimate of the additional time necessary before the decision is made.”

ATA’s application for a preemption determination is still under consideration by FMCSA. The Agency currently is conducting fact-finding in response to the application. Because of this additional fact-finding, it is impracticable to issue a decision within the 180-day timeframe. In order to allow time for appropriate consideration of the issues raised by ATA’s application, FMCSA delays issuance of its determination, and estimates a decision will be published in the spring of 2006.

Issued on: December 14, 2005.

Annette M. Sandberg,

Administrator.

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DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number 2005-23311]

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 TI AMO.

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 2005-23311 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 January 20, 2006.

ADDRESSES: Comments should refer to docket number MARAD-2005 23311. 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 TI AMO is:

Intended Use: “Pleasure cruises, day sails and longer, licensed skipper plus mate.”

Geographic Region: California, USVI, Puerto Rico, FL, NY, ME, MA, NH, RI, and CT depending on time of year.

Dated: December 13, 2005.

By order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

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DEPARTMENT OF TRANSPORTATION

Maritime Administration

Voluntary Intermodal Sealift Agreement (VISA)/Joint Planning Advisory Group (JPAG)

AGENCY: Maritime Administration, DOT.

ACTION: Synopsis of December 5, 2005 meeting with VISA participants.

The VISA program requires that a notice of the time, place, and nature of each JPAG meeting be published in the **Federal Register**. The program also requires that a list of VISA participants be periodically published in the **Federal Register**. The full text of the VISA program, including these requirements, is published in 70 FR 55947-55955, dated September 23, 2005.

On December 5, 2005, the Maritime Administration (MARAD) and the U.S. Transportation Command co-hosted a meeting of the VISA JPAG at the Military Sealift Command in Washington, DC. Meeting attendance was by invitation only, due to the nature of the information discussed and the need for a government-issued security clearance. Of the 51 U.S.-flag carrier corporate participants enrolled in the VISA program at the time of the meeting, 15 companies whose vessels were modeled in the Department of Defense’s Mobility Capabilities Study (MCS) participated in the meeting. In addition, representatives from MARAD and the Department of Defense attended the meeting.

Richard Haynes, Executive Director for the Military Sealift Command opened the meeting with a welcome to all attendees. Remarks were offered by Earl Boyanton, Jr., Assistant Deputy Under Secretary (Transportation Policy) of the Office of the Under Secretary of Defense, James Caponiti, Associate Administrator for National Security for MARAD and Margaret LeClaire, Deputy Director, Strategy, Plans, Policy and Programs for USTRANSCOM.

Dr. Laura Williams from the Office of the Secretary of Defense (Program Analysis and Evaluation) presented an overview of the overall structure and findings of the Department of Defense’s MCS. Following Ms. Williams’ overview there was an open dialogue about the utilization of commercial sealift in the MCS. As a result of the discussion, industry participants provided DOD many useful comments and suggestions to consider in future analyses, and indicated a willingness to address future requirements as they emerge.

As of December 5, 2005, the following commercial U.S.-flag vessel operators