

concerning activities relevant to Section 2225.

b. As appropriate, the Department will request claimants to provide additional information related to ownership and confiscation or expropriation of the property concerned.

c. The Department will consult as appropriate with other agencies of the U.S. government regarding the identity persons whose actions may be covered by Sec. 2225(a)(1) or Sec. 2225(a)(2).

5. *Determinations under Section 2225.* Determinations under Section 2225 will be made when facts or circumstances exist that lead the Department to conclude that a person has committed an act covered by Sec. 2225(a)(1) or Sec. 2225(a)(2).

6. *Prior Notification:*

a. An alien who is the subject of a determination under Sec. 2225 will be sent notification by registered mail that his/her name will be entered in the appropriate consular visa and immigration lookout systems, and that he/she will be denied a visa upon application and/or have his/her visa revoked, 45 days after the date of the notification letter. The Department may inform the government of the alien's country of nationality in confidence through diplomatic channels of the pending action.

b. If no information is received within the 45 day period above that leads the Department to conclude that the person should not be denied a visa pursuant to Sec. 2225(a), the Department will enter the alien's name, including the names of the alien's agents, if applicable, in the appropriate consular visa and immigration lookout systems. Any then-pending visa application from the named alien will be denied, and any visa previously issued to the alien will be revoked in accordance with law.

7. *Review of Determinations:* The Department may review a determination made under Section 2225 at any time, as appropriate in its discretion.

8. *Exceptions:* Section 2225 subsection (a) will not be applied to property in (1) any country established by international mandate through the United Nations; or (2) any territory recognized by the United States Government to be in dispute.

9. *Relationship to Section 527 of P.L. 103-236:* This section supplements Section 527 of the 1994-1995 Foreign Relations Authorization Act, P.L. 103-326 (April 30, 1994), and is not meant to revise or otherwise detract from the substantive requirements of that section of law.

Dated: May 27, 1999.

**Wesley S. Scholz,**

*Director, Office of Investment Affairs.*

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## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

#### Reports, Forms and Recordkeeping Requirements; Agency Information Collection Activity Under OMB Review

**AGENCY:** Maritime Administration, DOT

**ACTION:** Notice and request for comments.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The nature of the information collection is described as well as its expected burden. The Federal Register Notice with a 60-day comment period soliciting comments on the following collection of information was published on March 16, 1999 [64 FR 13048].

**DATES:** Comments must be submitted on or before July 2, 1999.

**FOR FURTHER INFORMATION CONTACT:**

Crawford Ellerbe, Office of Maritime Labor, Training and Safety, MAR-250, Maritime Administration, Room 7302, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202-366-5755 or FAX 202-493-2288. Copies of this collection can also be obtained from that office.

**SUPPLEMENTARY INFORMATION:** Maritime Administration (MARAD).

*Title:* Request for Waiver of Service Obligation/Request for Deferment of Service Obligation.

*OMB Control Number:* 2133-0510.

*Type of Request:* Extension of currently approved collection.

*Affected Public:* Students and graduates of the U.S. Merchant Marine Academy and subsidized students or graduates of the State Maritime Academies who request waivers of service obligations.

*Form (s):* MA-355; MA-528; MA-742; MA-828; and MA-942.

*Abstract:* This information collection is essential for determining if a student or graduate of the U.S. Merchant Marine Academy (USMMA) or subsidized student or graduate of a State Maritime Academy has a waivable situation preventing them from fulfilling the requirements of a service obligation

contract signed at the time of their enrollment in a Federal maritime training program.

*Annual Estimated Burden Hours:* 75.

**ADDRESSES:** Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503, Attention MARAD Desk Officer.

*Comments are invited on:* Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication.

Issued in Washington, D.C. on May 27, 1999.

**Joel C. Richard**

*Secretary, Maritime Administration.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA 99-5287; Notice 2]

#### Dailey Body Company; Grant of Application for Temporary Exemption From Federal Motor Vehicle Safety Standard No. 121

We have decided to grant the application by Dailey Body Company of Oakland, California, to exempt five trailers from Motor Vehicle Safety Standard No. 121 *Air Brake Systems*. The statutory basis for our action is that we have found that "compliance would cause substantial economic hardship to a manufacturer that has tried in good faith to comply with the standard." 49 U.S.C. 30113.

We published notice of receipt of the application on March 22, 1999, and afforded an opportunity to comment (64 FR 13843). However, no comments were received.

The discussion below is based upon the information that Dailey provided in its application.

### Why Dailey Needs an Exemption

Dailey requested an exemption for five "special reel hauling" trailers that it was unable to complete before March 1, 1998, because of changes requested by its customer, Pacific Gas & Electric Co., (PG&E) during construction of the trailers. On March 1, 1998, an amendment to Federal Motor Vehicle Safety Standard No. 121 *Air Brake Systems* became effective, requiring these trailers to be equipped with an anti-lock brake system. According to the company, there is no after market kit available to convert the air-over-hydraulic brake system to meet the new requirements of S5.1.6.

### Why Compliance Would Cause Dailey Substantial Economic Hardship

Since there is no aftermarket kit available to convert the trailers to a conforming brake system, Dailey would be unable to sell them absent an exemption. It has \$250,000 of its operating capital tied up in the trailers, and would have to absorb the loss. This figure is almost equal to its combined net income for the years 1996 and 1997, \$252,519.

### How Dailey Tried in Good Faith To Comply With Standard No. 121

Dailey's total trailer production in the 12-month period preceding the filing of its application was 43. It was also the final-stage manufacturer and certifier of 938 "chassis with bodies." Other than the five trailers for which it requests exemption, its trailers manufactured since March 1, 1998, comply with Standard No. 121.

### Why an Exemption for Dailey Would Be in the Public Interest and Consistent With the Objectives of Motor Vehicle Safety

Dailey believes that it would be in the public interest "to keep from imposing a hardship, that could adversely affect employment, on a company that has been successfully building truck body equipment for over 50 years." Because only five trailers will be exempted, the risk to the public will be small. The trailers were manufactured to conform with regulations that existed at the time production was scheduled.

### Our Finding That Compliance Would Cause Substantial Economic Hardship to a Manufacturer That Has Tried in Good Faith To Comply With Standard No. 121

If we denied Dailey's application, the company would be unable to sell the five trailers. We assume that some of the \$250,000 of its operating capital tied up in the vehicles would not be totally lost

as Dailey indicates, but, in large part, could be reclaimed over time by sales of components of the trailers as replacement parts. Nevertheless, it is evident that the company's net income has been marginal in recent years, and that recoupment of \$250,000 plus profit from the sales of the five trailers would make an immediate and material improvement in its income statements. These trailers represent over 10 percent of its annual trailer production.

With the exception of these trailers, Dailey's vehicles are complying with Standard No. 121. These trailers also would have complied had not the customer ordered changes during their production. Dailey has sought, but not found, a means of bringing them into conformity.

### Our Finding That an Exemption Would Be in the Public Interest and Consistent With the Objectives of Motor Vehicle Safety

Dailey argued that an exemption would be in the public interest as avoiding an adverse effect upon employment. We agree that full employment is in the public interest, and also conclude that the fact that the vehicles are intended for work-performing use by a public utility is also a factor in favor of an exemption. The presence of five reel-hauling trailers on the public roads will not have a discernable effect on motor vehicle safety. Further, the trailers will be certified as meeting all other applicable Federal motor vehicle safety standards.

For the reasons discussed in the two sections above, it is hereby found that compliance would cause substantial economic hardship to a manufacturer that has tried in good faith to comply with the standard from which it has requested exemption. It is further found that a temporary exemption would be in the public interest and consistent with the objectives of motor vehicle safety.

Accordingly, Dailey Body Company is hereby granted NHTSA Temporary Exemption No. 99-6, from S5.1.6 of 49 CFR 571.121 *Air Brake Systems*, to cover the manufacture for sale, sale, offer for sale, introduction into interstate commerce, and delivery for introduction into interstate commerce, of five reel-hauling trailers manufactured for Pacific Gas & Electric Co., said exemption to expire when the last of the acts stated above occurs with respect to the last trailer exempted by this notice, or August 1, 1999, whichever first occurs.

**Authority:** 49 U.S.C. 30113; delegation of authority at 49 CFR 1.50.

Issued on: May 26, 1999.

**Ricardo Martinez,**  
Administrator.

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA 98-3343; Notice 2]

### Mercedes-Benz U.S. International, Inc.; Grant of Application for Temporary Exemption From Five Federal Motor Vehicle Safety Standards

Mercedes-Benz U.S. International, Inc., of Vance, Alabama ("MBUSI"), applied for a temporary exemption from five Federal motor vehicle safety standards on behalf of the Mercedes-Benz M Class vehicle. The basis of the application was that, in the absence of an exemption, MBUSI would be prevented from selling a motor vehicle whose overall level of safety equals or exceeds that of a non-exempted vehicle. The company asked for an exemption of 2 years.

We published notice of receipt of the application on February 2, 1998, and afforded an opportunity for comment (63 FR 5415), receiving two of them. James C. Walker of JCW Consulting, Ann Arbor, Michigan, supported MBUSI. Advocates for Highway and Auto Safety ("Advocates") opposed granting the requested exemptions for the reasons set forth below. Subsequently, MBUSI submitted a rebuttal of Advocates' comments. We also asked MBUSI to submit a photo of the M Class showing its nighttime illumination from the side, and later requested information pertaining both to German and U.S. tourist delivery programs.

Under the authority of 49 U.S.C. 30113(b)(3)(iv), as implemented by 49 CFR 555.6(d), we may exempt motor vehicles, on a temporary basis of up to 2 years, from compliance with a Federal motor vehicle safety standard upon a finding that "(iv) compliance with the standard would prevent the manufacturer from selling a motor vehicle with an overall safety level at least equal to the overall safety level of nonexempt vehicles" (We must also find that the exemption is in the public interest and consistent with objectives of traffic safety). The exemption covers up to 2,500 vehicles for any 12-month period that it is in effect.

MBUSI manufactures the Mercedes-Benz M Class sport utility vehicle. It has developed a version of the M Class for