

**DEPARTMENT OF TRANSPORTATION****Office of the Secretary****Aviation Proceedings, Agreements Filed the Week Ending June 4, 2004**

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (formerly Subpart Q) during the Week Ending June 4, 2004. The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart B (formerly Subpart Q) of the Department of Transportation's Procedural Regulations (See 14 CFR 301.201 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

*Docket Number:* OST-2004-18002.

*Date Filed:* June 2, 2004.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* June 23, 2004.

**Description:** Application of America West Airlines, Inc., requesting an experimental certificate of public convenience and necessity to engage in foreign air transportation of persons, property, and mail between Phoenix, AZ and the following eight points in Mexico: Cabo San Lucas, Puerto Vallarta, Cancun, Mexico City, Mazatlan, Acapulco, Ixtapa, and Manzanillo.

**Andrea Jenkins,**

*Program Manager, Docket Operations, Federal Register Liaison, (202) 366-0271.*

[FR Doc. 04-13718 Filed 6-16-04; 8:45 am]

BILLING CODE 4910-62-P

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****Policy Letter on the Use of Non-Original Equipment Manufacturers' Components in Certified Aviation Obstruction/Antenna Structure Lighting Systems**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of policy.

**SUMMARY:** The FAA has recently learned of a situation that may degrade aviation safety. The United States has approximately 44,375 antenna

structures registered requiring lighting and/or marking. Antenna structures from 200 feet to 500 feet tall number approximately 40,000, and broadcast type antenna structures from 501 feet to 2,000 feet tall number approximately 4,375. All of these structures are subject to maintenance. In some cases, during antenna structure lighting maintenance certified lighting systems are being modified by replacing internal components with untested non-original equipment manufacturers' (non-OEM) parts. Strobe light manufacturers have reported through replacement lamp tracking that at least 8,000 antenna structures in the 200-foot to 500-foot category have untested and unverified lamps in current operation. All obstruction lighting system manufacturers have indicated a similar problem in regard to replacement of critical components through their warranty programs. Original equipment is certified under Advisory Circular 150/5345-53B, the Airport Lighting Equipment Certification Program (ALECP), which ensures the safety of United States airspace by third party laboratory testing of lighting systems and compliance with the requirements of AC 150/5345-43E, Specification of Obstruction Lighting Equipment. AC 150/5345-43E is, by reference, included in Title 47 CFR § 17.23. Production testing and compliance by certified OEM's of obstruction lighting systems and components is a requirement of ALECP. Manufacturers of systems not certified in accordance with AC 150/5345-53B cannot guarantee the compliance of their products or components. Through discussions with obstruction lighting maintenance companies, it is apparent that some antenna structure owners are unaware of these potential violations of Title 47 CFR § 17.23. However, antenna structure owners must keep a record of lighting inspections, which include the date, time, and nature of adjustments, repairs, or replacements made (Title 47 CFR § 17.49(d)). The only way to ensure compliance with AC 150/5345-43E is to utilize original equipment manufacturers' parts or their authorized parts providers. It is FAA policy that aviation obstruction lighting systems that have been serviced using non-original equipment manufacturers' parts are no longer in compliance with FAA specifications of FCC regulations. To ensure United States air navigation safety, this notice is being issued to alert owners of registered antenna structures of required maintenance procedures.

**FOR FURTHER INFORMATION CONTACT:** Rick Marinelli, Manager, Airport Engineering

Division (AAS-100), Federal Aviation Administration, 800 Independence Ave, SW., Washington, DC 20591; telephone (202) 267-7669.

Issued in Washington, DC on June 8, 2004.

**David L. Bennet,**

*Director of Airport Safety and Standards.*

[FR Doc. 04-13718 Filed 6-16-04; 8:45 am]

BILLING CODE 4910-13-M

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****Proposed Technical Standard Order (TSO)-C164, Night Vision Goggles**

**AGENCY:** Federal Aviation Administration (DOT).

**ACTION:** Notice of availability and requests for public comment.

**SUMMARY:** This notice announces the availability of and requests comments on a proposed Technical Standard Order (TSO) C-164, Night Vision Goggles. This proposed TSO tells persons seeking a TSO authorization or letter of design approval what minimum performance standards (MPS) their Night Vision Goggles must meet to be identified with the applicable TSO marking.

**DATES:** Comments must be received on or before July 19, 2004.

**ADDRESSES:** Send all comments on the proposed technical standard order to: Federal Aviation Administration (FAA), Aircraft Certification Service, Aircraft Engineering Division, Avionic Systems Branch, AIR-130, 800 Independence Avenue, SW., Washington, DC 20591. ATTN: Mr. Richard Jennings. Or deliver comments to: Federal Aviation Administration, Room 815, 800 Independence Avenue, SW., Washington, DC 20591.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard Jennings, Federal Aviation Administration, c/o Atlanta Aircraft Certification Office, 1895 Phoenix Blvd., Suite 450, Atlanta, GA 30349. Telephone (770) 703-6090, FAX: (770) 703-6055.

**SUPPLEMENTARY INFORMATION:****Comments Invited**

Interested persons are invited to comment on the proposed TSO listed in this notice by submitting such written data, views, or arguments as they desire to the above specified address.

Comments received on the proposed TSO may be examined, before and after the comment closing date, in Room 815, FAA Headquarters Building, 800 Independence Avenue, SW.,

Washington, DC 20591, weekdays except Federal holidays, between 8:30 a.m. and 4:30 p.m. All communications received on or before the closing date will be considered by the Director of the Aircraft Certification Service before issuing the final TSO.

## Background

This TSO prescribes the minimum performance standards for night vision goggle equipment intended to provide the aircraft operator with a means of acquiring an enhanced view of the scene outside the aircraft in night visual meteorological conditions (VMC) operations, under current Title 14 CFR 91.155 basic visual flight rules (VFR) weather minimums, thus enhancing situation awareness. The equipment is portable (*i.e.*, battery powered), with no interface to aircraft systems.

## How To Obtain Copies

You may get a copy of the proposed TSO from the Internet at: <http://av-info.faa.gov/tso.Tsopro/Proposed.htm>. See section entitled **FOR FURTHER INFORMATION CONTACT** for the complete address if requesting a copy by mail. You may inspect the RTCA document at the FAA office location listed under **ADDRESSES**. Note however, RTCA documents are copyrighted and may not be reproduced without the written consent of RTCA, Inc. You may purchase copies of RTCA, Inc. documents from: RTCA, Inc., 1828 L Street, NW., Suite 815, Washington, DC 20036, or directly from their Web site <http://www.rtca.org/>.

Issued in Washington, DC, on June 14, 2004.

**Susan J.M. Cabler,**

Assistant Manager, Aircraft Engineering Division, Aircraft Certification Service.

[FR Doc. 04-13717 Filed 6-16-04; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2004-17984]

### Qualification of Drivers; Exemption Applications; Vision

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of applications for exemption from the vision standard; request for comments.

**SUMMARY:** This notice publishes the FMCSA's receipt of applications from 30 individuals for an exemption from the vision requirement in the Federal

Motor Carrier Safety Regulations. If granted, the exemptions will enable these individuals to qualify as drivers of commercial motor vehicles (CMVs) in interstate commerce without meeting the vision standard prescribed in 49 CFR 391.41(b)(10).

**DATES:** Comments must be received on or before July 19, 2004.

**ADDRESSES:** You may submit comments identified by any of the following methods. Please identify your comments by the DOT Docket Number FMCSA-2004-17984.

- **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 20590-0001.

• **Hand Delivery:** Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 am and 5 pm, Monday through Friday, except Federal Holidays.

• **Federal eRulemaking Portal:** Go to <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

**Instructions:** All submissions must include the agency name and docket number for this notice. For detailed instructions on submitting comments and additional information on the rulemaking process, see the Public Participation heading of 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. Please see the Privacy Act heading under Regulatory Notices.

**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 am and 5 pm, Monday through Friday, except Federal Holidays.

**FOR FURTHER INFORMATION CONTACT:** Ms. Teresa Doggett, Office of Bus and Truck Standards and Operations, (202) 366-2990, FMCSA, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590-0001. Office hours are from 7:45 a.m. to 4:15 p.m., *e.t.*, Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:** *Public Participation:* The DMS is available 24

hours each day, 365 days each year. You can get electronic submission and retrieval help guidelines under the "help" section of the DMS web site. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

**Privacy Act:** 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 the Department of Transportation'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>.

## Background

Under 49 U.S.C. 31315 and 31136(e), the FMCSA may grant an exemption for a 2-year period if it finds "such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption." The statute also allows the agency to renew exemptions at the end of the 2-year period. The 30 individuals listed in this notice have recently requested an exemption from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce. Accordingly, the agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by the statute.

## Qualifications of Applicants

### 1. Robert L. Aurandt

Mr. Aurandt, 51, has amblyopia in his right eye. His visual acuity in the right eye is 20/100 and in the left, 20/20. Following an examination in 2004, his ophthalmologist certified, "As far as I can see, there is no evidence on his examination or driving record to suggest that he should not be able to continue commercial driving." Mr. Aurandt reported that he has driven straight trucks for 5 years, accumulating 73,500 miles, and tractor-trailer combinations for 8 years, accumulating 1.1 million miles. He holds a Class AM CDL from Pennsylvania. His driving record for the last 3 years shows no crashes and two convictions for speeding in a CMV. He exceeded the speed limit by 16 mph in one instance and 10 mph in the other.