Description of Relief Sought/ Disposition: To permit type certification of the modifications to the thrust reverser type designs of Boeing Model 777 airplanes without a complete showing of compliance. These requirements relate to the structural strength, deformation and failure of the thrust reverser inner wall panels during a rejected takeoff related thrust reverser deployment at high engine power.

Time Limited Partial Grant of Exemption, 07/15/2004, Exemption No. 8329A.

[FR Doc. 04–17690 Filed 8–3–04; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2004–62]

Petitions for Exemption; Summary of Petitions Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption, part 11 of title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of certain petitions seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before August 24, 2004.

ADDRESSES: You may submit comments identified by DOT DMS Docket Number FAA–200X–XXXXX 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 20590–0001.
- *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.

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: John Linsenmeyer (202) 267–5174, Tim Adams (202) 267–8033, or Sandy Buchanan-Sumter (202) 267–7271, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85 and 11.91.

Issued in Washington, DC, on July 26, 2004.

Anthony F. Fazio,

Director, Office of Rulemaking.

Petitions for Exemption

Docket No.: FAA–2004–18242.

Petitioner: U.S. Airways, Inc.

Sections of 14 CFR Affected: 14 CFR 121.703(d).

Description of Relief Sought: To allow U.S. Airways to submit the report of major repairs, cracks, permanent deformation, or corrosion of aircraft structure, as required by 14 CFR 121.703, within 72 hours of the aircraft airworthiness release. U.S. Airways proposes to use this schedule instead of the reporting schedule required by the regulation.

Docket No.: FAA–2004–18662.

Petitioner: U.S. Department of Homeland Security.

Sections of 14 CFR Affected: 14 CFR 45.21, 45.23, 45.25, 45.27, 45.29.

Description of Relief Sought: To allow use of nationality and registration marks that conform to a livery developed by the Department of Homeland Security for their aircraft and which may not meet the location and size requirements of part 45.

[FR Doc. 04–17691 Filed 8–3–04; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Overflight Fee Notice

AGENCY: Federal Aviation Administration.

ACTION: Notice of agency plans to consult with users on Overflight Fees.

SUMMARY: The recently enacted statute reauthorizing the Federal Aviation Administration (FAA) contains a provision that, among other things, directs the FAA to consult with users and other interested parties regarding the consistency of the FAA's Overflight Fees with the international obligations of the United States. This Notice announces the FAA's plans for conducting those consultations, including the specific date(s), location, and advance registration procedures.

Registering for Consultations

These consultations will be held on Tuesday, September 14, 2004, and if necessary on Wednesday, September 15, 2004, in Washington, DC at the Holiday Inn Capitol, 550 C Street, SW., Washington DC, 20024. To facilitate discussion and allow for a meaningful dialogue, the FAA will limit the number of attendees at any one session to no more than 50 to 60, but will schedule an additional session if necessary to satisfy demand and accommodate all registered participants. The first, and possibly only, meeting will be held on Tuesday, September 14, 2004. A second meeting will be held if needed the following day.

We are uncertain as to the level of interest and the number of people who will want to participate. For this reason, although the consultations are open to all users and other interested parties, the FAA reserves the right to limit attendance to no more than two persons representing any one organization. Parties wishing to attend should register as soon as possible—and no later than Friday, August 20, 2004—by sending an e-mail reply to *9-AWA-ABA-Overflight-Fee-Consultations@FAA.Gov* or, if e-mail is not available, by calling Kristin Terrell at Phaneuf Associates at (703) 412–9100. Please provide your name and title and the name of the company or organization on whose behalf you will be attending. In the case of attorneys or consultants attending on behalf of clients, please provide (1) the name of your law firm or company; (2) the name of your client; and (3) the names and titles of those wishing to attend.

It is essential that anyone wishing to attend these consultations respond to this Notice so we can plan properly for the expected number of attendees. Whether or not a second session will be necessary will depend upon the number of interested parties requesting to attend. We will, as promptly as possible, inform all who have registered of the

exact date, time and location of the session they can attend, as well as other information about the Holiday Inn Capitol in case they want to stay there overnight. (The Hotel's phone number for reservations is (202) 479–4000.) We cannot guarantee that anyone not registered for the consultations in advance will be able to attend a session.

FOR FURTHER INFORMATION CONTACT: David Lawhead, Overflight Fee Program Manager (ABU–40), Federal Aviation Administration, 800 Independence Avenue, SW., Washington DC 20591, (202) 267–9759.

SUPPLEMENTARY INFORMATION:

History

The Federal Aviation Reauthorization Act of 1996 directs the FAA to establish by Interim Final Rule (IFR) a fee schedule and collection process for air traffic control and related services provided to aircraft, other than military and civilian aircraft of the U.S. Government or of a foreign government, that fly in U.S.-controlled airspace but neither take off from, nor land in, the United States (49 U.S.C. 45301, as amended by Pub. L. 104–264). Such flights are commonly referred to as ''Overflights.''

The FAA began charging Overflight Fees in May 1997. The IFR under which the fees were established was challenged in court by the Air Transport Association of Canada (ATAC) and seven foreign air carriers. On January 30, 1998, the U.S. Court of Appeals for the District of Columbia Circuit issued an opinion in *Asiana Airlines* v. *FAA*, 134 F.3d 393 (D.C. Cir. 1998), vacating the IFR, finding that FAA's methodology for allocating certain costs did not comport with statutory requirements. The FAA subsequently refunded all fees (nearly $40 million) collected under the IFR.

Although the 1997 IFR was withdrawn, the statutory requirement that FAA establish Overflight Fees by IFR remained in effect. In 1998, the FAA began developing a new IFR on Overflight Fees using a different methodology. The fees were derived from cost data produced by the FAA's new Cost Accounting System. FAA issued a new IFR in May 2000 and began charging fees again on August 1, 2000. Thereafter, the ATAC and seven foreign air carriers (six of the original seven, plus one new one) challenged the IFR and the legality of the fees assessed thereunder and petitioned the U.S. Court of Appeals for the District of Columbia Circuit to invalidate the new IFR. The petitions were consolidated into a single case (*ATAC* v. *FAA*, No. 00–1334).

While this case was ongoing, the FAA issued a Final Rule that became effective on August 20, 2001. The rule reduced fees more than 15%, reflecting accounting adjustments, and provided additional information that the Court had stated should appear in the administrative record to support the agency's schedule of Overflight Fees. The eight Petitioners sought judicial review to invalidate the Final Rule, which became the second case captioned *ATAC* v. *FAA* (No. 01–1446) and was combined with the first. On April 8, 2003, the Court of Appeals issued a decision setting aside both the IFR and the Final Rule, finding that the FAA had failed to demonstrate that the Overflight Fees were directly related to FAA's costs (*ATAC* v. *FAA*, 323 F.3d 1093 (D.C. Cir. 2003)). The decision did not address any international agreements or commitments of the United States.

Vision 100 Legislation

On December 12, 2003, the President signed into law H.R. 2115, the ''Vision 100—Century of Aviation Reauthorization Act'' (Pub. L. 108–176; 117 Stat. 2490). Section 229 of that Act contains several provisions relating to Overflight Fees. One of those provisions in effect clarifies that, under earlier legislation the Overflight Fees need only be ''reasonably,'' not ''directly'' related to FAA's costs of providing the services, and shields the Administrator's determinations of such costs from judicial review. Another provision of section 229 provides that the IFR and Final Rule are ''adopted, legalized, and confirmed'' by Congress ''as of the date those rules were originally issued,'' that is, May 30, 2000, and August 13, 2001, respectively.

Section 229 of the Act also provides that before the FAA may resume the actual collection of Overflight Fees, it must first report to Congress on the issues raised by the Court in *ATAC* v. *FAA* and ''consult with users and other interested parties regarding the consistency of the fees under such section with the international obligations of the United States.'' With this Notice, the FAA is establishing the process of consultation required by the new statute.

Future Actions

In addition to the September 2004 consultations announced in this Notice, which will be narrowly focused on the consistency of the current fees with the international obligations of the United States, the FAA is now in the process of establishing an aviation rulemaking committee (ARC) on Overflight Fees. The purpose of the Overflight Fees ARC will be to provide a forum for in-depth review and discussion of the data and analytic framework used by the FAA in establishing Overflight Fees. Representatives of air carriers, foreign air carriers, other system users, and aviation associations will be members of the ARC. The ARC will be tasked with providing advice and recommendations to the FAA regarding possible changes to Overflight Fees in light of methodological improvements, more recent data on costs, changes in the scope of the services provided by the FAA, and other factors that may be relevant to revising fees.

Dated: July 28, 2004.

Ramesh K. Punwani,

Assistant Administrator for Financial Services and Chief Financial Officer.

[FR Doc. 04–17743 Filed 8–3–04; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Finance Docket No. 34391]

New England Transrail, LLC, d/b/a Wilmington and Woburn Terminal Railroad Co.—Construction, Acquisition, and Operation Exemption—in Wilmington and Woburn, MA

ACTION: Notice of availability of Environmental Assessment and Request for Comments.

SUMMARY: On December 3, 2003, New England Transrail, LLC d/b/a the Wilmington and Woburn Terminal Railroad Company (Applicant or W&WTR) filed a petition with the Surface Transportation Board (Board) pursuant to 49 United States Code (U.S.C.) 10502 seeking exemption from the formal application procedures of 49 U.S.C. 10901 for authority to acquire 1,300 feet of existing track, construct 2,700 feet of new line, and to operate the entire approximately 4,000 feet of track located on and adjacent to a parcel of land owned by Olin Corporation (Olin) in Wilmington, Massachusetts, upon which Olin had in the past operated a chemical plant. The Olin-owned parcel is located in Wilmington, Massachusetts, but a portion of the line to be constructed and operated by W&WTR also would be located in Woburn, Massachusetts. The Board's Section of Environmental Analysis (SEA) has prepared an Environmental Assessment (EA) for this proposed