

**ACTION:** Notice of petitions for exemption received and of dispositions of prior petitions.

**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, dispositions of certain petitions previously received, and corrections. 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 27, 2004.

**ADDRESSES:** You may submit comments [identified by DOT DMS Docket Number FAA-200X-XXXX] by any of the following methods:

- Web site: <http://www.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 am 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://www.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.

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

Issued in Washington, DC, on August 11, 2004.

**Anthony F. Fazio,**  
Director, Office of Rulemaking.

#### Petitions for Exemption

Docket No.: FAA-2004-17448.

*Petitioner:* USA Jet Airlines, Inc.  
*Section of 14 CFR Affected:* 14 CFR appendix I to part 121.

*Description of Relief Sought:* To permit USA Jet to use mechanics who are covered under their employer's Federal Aviation Administration-approved antidrug program on an independent basis to perform emergency maintenance on USA Jet aircraft when company personnel are unavailable.

[FR Doc. 04-18837 Filed 8-16-04; 8:45 am]

**BILLING CODE 4910-13-P**

#### DEPARTMENT OF TRANSPORTATION

##### National Highway Traffic Safety Administration

[Docket No. NHTSA-2004-18647]

##### Notice of Receipt of Petition for Decision That Nonconforming 2004 360 Series Ferrari Passenger Cars Are Eligible for Importation

**AGENCY:** National Highway Traffic Safety Administration, DOT

**ACTION:** Notice of receipt of petition for decision that nonconforming 2004 360 series Ferrari passenger cars are eligible for importation.

**SUMMARY:** This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that nonconforming 2004 360 series Ferrari passenger cars that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because (1) they are substantially similar to vehicles that were originally manufactured for importation into and sale in the United States and that were certified by their manufacturer as complying with the safety standards, and (2) they are capable of being readily altered to conform to the standards.

**DATES:** The closing date for comments on the petition is September 16, 2004.

**ADDRESSES:** Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL-401, 400 Seventh St., SW., Washington, DC 20590. [Docket hours are from 9 a.m. to 5 p.m.]

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>.

**FOR FURTHER INFORMATION CONTACT:** Coleman Sachs, Office of Vehicle Safety Compliance, NHTSA (202-366-3151).

#### SUPPLEMENTARY INFORMATION:

##### Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR Part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

J.K. Technologies of Baltimore, Maryland ("JK") (Registered Importer 90-006) has petitioned NHTSA to decide whether nonconforming 2004 360 series Ferrari passenger cars are eligible for importation into the United States. The vehicles which JK believes are substantially similar are 2004 360 series Ferrari passenger cars that were manufactured for importation into, and sale in, the United States and certified by their manufacturer as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared non-U.S. certified 2004 360 series Ferrari passenger cars to their U.S.-certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

JK submitted information with its petition intended to demonstrate that non-U.S. certified 2004 360 series Ferrari passenger cars as originally manufactured, conform to many Federal

motor vehicle safety standards in the same manner as their U.S. certified counterparts, or are capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that non-U.S. certified 2004 360 series Ferrari passenger cars are identical to their U.S. certified counterparts with respect to compliance with Standard Nos. 102 *Transmission Shift Lever Sequence*, 103 *Defrosting and Defogging Systems*, 104 *Windshield Wiping and Washing Systems*, 106 *Brake Hoses*, 109 *New Pneumatic Tires*, 113 *Hood Latch System*, 116 *Brake Fluid*, 118 *Power-operated Window, Partition, and Roof Panel Systems*, 124 *Accelerator Control Systems*, 135 *Passenger Car Brake Systems*, 202 *Head Restraints*, 203 *Impact Protection for the Driver from the Steering Control System*, 204 *Steering Control Rearward Displacement*, 205 *Glazing Materials*, 206 *Door Locks and Door Retention Components*, 207 *Seating Systems*, 210 *Seat Belt Assembly Anchorages*, 212 *Windshield Retention*, 214 *Side Impact Protection*, 216 *Roof Crush Resistance*, 219 *Windshield Zone Intrusion*, and 302 *Flammability of Interior Materials*.

The petitioner also contends that the vehicles are capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays*: (a) Modification of the existing instrument cluster, or installation of entire U.S.-model instrument cluster assembly; (b) downloading of U.S.-version software information so that the vehicle complies with the standard.

No. 108 *Lamps, Reflective Devices and Associated Equipment*: (a) Installation of U.S.-model front and rear sidemarker lamp assemblies that incorporate side reflex reflectors; (b) installation of U.S.-model headlamp assemblies; (c) installation of U.S.-model taillamp assemblies, or modification of the existing taillamp assemblies to comply with the requirements of this standard.

Standard No. 110 *Tire Selection and Rims*: Installation of a tire information placard.

Standard No. 111 *Rearview Mirror*: Inscription of the required warning statement on the face of the passenger side rearview mirror, or replacement of the passenger side mirror with a U.S.-model component.

Standard No. 114 *Theft Protection*: Downloading of U.S.-version software information so that the vehicle complies with the requirements of this standard.

Standard No. 201 *Occupant Protection in Interior Impact*: Inspection of all vehicles and installation, on

vehicles that are not already so equipped, of trim components that are necessary to comply with the upper interior impact requirements of the standard.

Standard No. 208 *Occupant Crash Protection*: (a) Inspection of all vehicles and replacement of non-compliant seat belt assemblies with U.S.-model components; (b) downloading of U.S.-version software information so that the vehicle complies with the seat belt audible warning requirements of this standard.

Standard No. 209 *Seat Belt Assemblies*: Inspection of all vehicles and replacement of the seat belt assemblies with U.S.-model components on vehicles that are not already so equipped.

Standard No. 225 *Child Restraint Anchorage Systems*: Installation of U.S.-model tether anchorages in coupe model.

Standard No. 301 *Fuel System Integrity*: Replacement of any non U.S. model components with U.S.-model components so that the vehicle complies with the requirements of this standard.

Standard No. 401 *Interior Trunk Release*: Installation of U.S. model components to permit the trunk lid to be released from inside the trunk, so that the vehicle complies with the requirements of this standard.

In addition, the petitioner states that front and rear bumper reinforcements must be added to the vehicles to comply with the Bumper Standard found in 49 CFR Part 581. The petitioner states that it will use components that have already been tested to the requirements of the Bumper Standard when installed on 2001 360 Ferrari passenger cars that it believes are the same as 2004 360 Ferrari passenger cars with respect to conformity with this standard (As part of a Petition for a decision that nonconforming 2001 360 Series Ferrari Passenger Cars are eligible for importation (see NHTSA docket 2001-9628), JK submitted a report from MGA Research of Burlington, Wisconsin, dated March 7, 2002, which indicates that it tested a Ferrari 360 Spider to the requirements of Part 581 and that there was no damage to the vehicle during this testing. JK has represented this vehicle to be a non-U.S. certified 2001 Ferrari 360 that it modified to conform to the requirements of Part 581.).

In addition, a supplemental visible label must be affixed to the vehicles near the left windshield post to meet the requirements of 49 CFR Part 565, and a reference and certification label must be affixed to the edge of the driver's side

door to ensure compliance with the requirements of 49 CFR Part 567.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Management, Room PL-401, 400 Seventh St., SW., Washington, DC 20590. [Docket hours are from 9 a.m. to 5 p.m.]. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

**Authority:** 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

**Claude H. Harris,**

*Director, Office of Vehicle, Safety Compliance.*

[FR Doc. 04-18823 Filed 8-16-04; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Ex Parte No. 552 (Sub-No. 8)]

### Railroad Revenue Adequacy—2003 Determination

**AGENCY:** Surface Transportation Board.

**ACTION:** Notice of decision.

**SUMMARY:** On August 12, 2004, the Board served a decision announcing the 2003 revenue adequacy determinations for the Nation's Class I railroads. No carrier is found to be revenue adequate.

**EFFECTIVE DATE:** This decision is effective August 12, 2004.

**FOR FURTHER INFORMATION CONTACT:** Leonard J. Blistein, (202) 565-1529. (Federal Information Relay Service (FIRS) for the hearing impaired: 1 (800) 877-8339.)

**SUPPLEMENTARY INFORMATION:** The Board is required to make an annual determination of railroad revenue adequacy. A railroad is considered revenue adequate under 49 U.S.C. 10704(a) if it achieves a rate of return on net investment equal to at least the current cost of capital for the railroad industry for 2003, determined to be 9.4% in *Railroad Cost of Capital—2003*, STB Ex Parte No. 558 (Sub-No. 7) (STB served June 28, 2004). This revenue