

**DEPARTMENT OF TRANSPORTATION****Office of the Secretary****Aviation Proceedings, Agreements Filed the Week Ending July 2, 2004**

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days after the filing of the application.

*Docket Number:* OST–2004–18518.

*Date Filed:* June 28, 2004.

*Parties:* Members of the International Air Transport Association.

*Subject:* PTC3 0762 dated 28 June 2004, Mail Vote 395—Resolution 010m, TC3 Special Passenger Amending Resolution between Korea (Rep. of) and China (excluding Hong Kong SAR and Macao SAR) r1–r2, Intended effective date: 5 July 2004.

*Docket Number:* OST–2004–18529.

*Date Filed:* June 29, 2004.

*Parties:* Members of the International Air Transport Association.

*Subject:* PTC12 USA–EUR 0171 dated 22 June 2004, Mail Vote 392, TC12 North Atlantic USA–Europe (between USA and Austria, Belgium, Czech Republic, Finland, France, Germany, Italy, Netherlands, Scandinavia, Switzerland), PTC12 USA–EUR 0172 dated 25 June 2004, Mail Vote 391, TC12 North Atlantic USA–Europe (except between USA and Austria, Belgium, Czech Republic, Finland, France, Germany, Iceland, Italy, Netherlands, Scandinavia, Switzerland) r1–r34, Minutes—PTC12 USA–EUR 0173 dated 25 June 2004, Tables—PTC12 USA–EUR Fares 0090 dated 29 June 2004, Intended effective date: 1 November 2004.

*Docket Number:* OST–2004–18531.

*Date Filed:* June 29, 2004.

*Parties:* Members of the International Air Transport Association.

*Subject:* MV/PSC/080—AMENDED VERSION, RP 1724c / Resolution 724c—Notice of Liability Limitations, Air Carrier Liability for Passengers and Their Baggage—EC, Regulation 889/2002 r1, Intended effective date: 5 July 2004.

*Docket Number:* OST–2004–18532.

*Date Filed:* June 29, 2004.

*Parties:* Members of the International Air Transport Association.

*Subject:* PTC12 CAN–EUR 0104 dated 25 June 2004, Mail Vote 390, TC12 North Atlantic Canada–Europe r1–r16, Minutes: PTC12 CAN–EUR 0105 dated 25 June 2004, Tables: PTC12 CAN–EUR Fares 0039 dated 29 June 2004, Intended effective date: 1 November 2004.

*Docket Number:* OST–2004–18537.

*Date Filed:* June 30, 2004.

*Parties:* Members of the International Air Transport Association.

*Subject:* PTC2 ME 0136 dated 2 July 2004, TC2 Within Middle East Expedited Resolution 002m, Intended effective date: 15 August 2004.

*Docket Number:* OST–2004–18539.

*Date Filed:* June 30, 2004.

*Parties:* Members of the International Air Transport Association.

*Subject:* PTC2 EUR–ME 0186 dated 2 July 2004, TC2 Europe–Middle East Expedited Resolution 002gg r1–r9, Intended effective date: 15 August 2004.

**Andrea M. Jenkins,**

*Program Manager, Docket Operations,*

*Federal Register Liaison.*

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**BILLING CODE 4910–62–P**

**DEPARTMENT OF TRANSPORTATION****Office of the Secretary****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 July 2, 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–2004–18468.

*Date Filed:* June 28, 2004.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* July 19, 2004.

*Description:* Application of Arrow Air, Inc., requesting a certificate of Public Convenience and Necessity to engage in scheduled foreign air transportation of property and mail between any point or points in the U.S. via intermediate points to a point or points in the People's Republic of China and to points beyond with full traffic rights. Arrow requests designation as the third U.S.–China scheduled all-cargo airline and allocation of seven (7) weekly frequencies commencing August

1, 2004 and an additional six (6) weekly frequencies commencing March 25, 2005.

*Docket Number:* OST–2004–18468.

*Date Filed:* June 28, 2004.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* July 19, 2004.

*Description:* Application of Evergreen International Airlines, Inc., requesting a certificate of public convenience and necessity authorizing Evergreen to engage in scheduled foreign air transportation of property and mail between a point or points in the U.S., via intermediate points, and the co-terminal points of Beijing and Shanghai, China. Evergreen also requests authority to integrate this authority with its existing Certificate and exemption authority and to commingle traffic consistent with applicable aviation agreements. Further, Evergreen requests the new all-cargo designation to China available August 1, 2004 along with an allocation of seven weekly round trip frequencies available beginning on August 1, 2004.

*Docket Number:* OST–2004–18468.

*Date Filed:* June 28, 2004.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* July 19, 2004.

*Description:* Application of Gemini Air Cargo, Inc., requesting a certificate of public convenience and necessity to engage in scheduled foreign air transportation of property and mail from points in the U.S.; via intermediate points; to points in the People's Republic of China open to scheduled international operations; and beyond. Gemini Air Cargo seeks designation as the third scheduled all-cargo carrier to China and allocation of six (6) all-cargo frequencies in 2004 and six (6) additional frequencies in March 2005.

*Docket Number:* OST–2004–18468.

*Date Filed:* June 28, 2004.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* July 19, 2004.

*Description:* Application of Polar Air Cargo, Inc., requesting: (1) issuance of a certificate of public convenience and necessity authorizing it to engage in scheduled foreign air transportation of property and mail between a point or points in the U.S. and a point or points in the People's Republic of China, via intermediate points, and beyond China to any point or points; (2) designation as the additional U.S. flag all cargo carrier permitted by the Protocol effective August 1, 2004; (3) allocation of six (6) of the 21 weekly frequencies that become available August 1, 2004; and (4) the additional allocation of three (3)

of the 18 weekly frequencies that become available March 25, 2005.

*Docket Number:* OST-2004-18574.

*Date Filed:* July 2, 2004.

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

*Description:* Application of Sunworld International Airlines, Inc., requesting to resume operations, and requests that the 45-day advance filing requirement be waived in light of the difficulty and expense of maintaining an aircraft and paying salaries and rent without being able to conduct revenue operations.

**Andrea M. Jenkins,**

*Program Manager, Docket Operations, Federal Register Liaison.*

[FR Doc. 04-16721 Filed 7-21-04; 8:45 am]

**BILLING CODE 4910-62-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

#### Qualification of Drivers; Exemption Applications; Diabetes

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

**ACTION:** Notice of denials.

**SUMMARY:** The FMCSA announces its denial of 39 applications from individuals who requested an exemption from the Federal diabetes standard applicable to interstate truck drivers and the reasons for the denials. The FMCSA has statutory authority to exempt individuals from the diabetes standard if the exemptions granted will not compromise safety. The agency has concluded that granting these exemptions does not provide a level of safety that will equal or exceed the level of safety maintained without the exemptions for these commercial motor vehicle drivers.

**FOR FURTHER INFORMATION CONTACT:** Ms. W. Teresa Doggett, Office of Bus and Truck Standards and Operations (MC-PSD), (202) 366-2990, Department of Transportation, FMCSA, 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:

##### Background

Under 49 U.S.C. 31315 and 31136(e), FMCSA may grant an exemption from the Federal diabetes standard for commercial drivers with insulin-treated diabetes mellitus for a renewable 2-year period if it finds such an exemption would likely achieve a level of safety

that is equivalent to, or greater than, the level that would be achieved absent such an exemption (49 CFR 381.305(a)).

Accordingly, FMCSA evaluated 39 individual exemption requests on their merits and made a determination that these applicants do not satisfy the criteria established to demonstrate that granting an exemption is likely to achieve an equal or greater level of safety than exists without the exemption. Each applicant has, prior to this notice, received a letter of final disposition on his/her individual exemption request. Those decision letters fully outline the basis for the denial and constitute final agency action. The list published today summarizes the agency's recent denials as required under 49 U.S.C. 31315(b)(4) by periodically publishing names and reasons for denials.

The following 22 applicants lacked sufficient recent driving experience under normal highway operating conditions over the previous three years that would serve as an adequate predictor of future safe performance:

Broderick, James A., Christensen, Gary C., Clemens, Stephen R., Curtis, James T., Eudy, Charles K., Ewen, Rex C., Fernald, Frank L., Goodman, Timothy L., Hankel, Jr., Charles T., Hansen, Gerald P., Kingston, Franklin P., Koenig-Warren, Linda L., Kruse, Edward V., Leisgang, Gregory A., Monroe, Tommie A., McClafin, David E., Nelson, Ronald W., Pflugler, Jr., Robert L., Ruhmann, Wayne, Schooler, Michael D., Stock, Anthony E., Wright, Darryl L.

One applicant, Mr. Ken Greer, does not have any experience operating a commercial motor vehicle (CMV) and therefore presented no evidence from which FMCSA can conclude that granting the exemption is likely to achieve a level of safety equal to that existing without the exemption.

The following 5 applicants do not have 3 years of experience driving a CMV on public highways with insulin-treated diabetes mellitus: Choy, Jorge L., Sewell, Dean A., Thiel, Samuel G., Walters, Leonard D., Zoller, Steven R.

Three applicants, Mr. Ronald G. Gross, Mr. Israel Hernandez, and Mr. Thomas E. Richards, do not have recent experience driving a CMV. Applicants must have driven for at least the three years preceding their filing of an application for an exemption.

One applicant, Mr. John C. Nickles, does not have insulin-treated diabetes mellitus and does not need the exemption.

One applicant, Mr. Lowell T. Tucker, contributed to a crash while operating a CMV, which is a disqualifying offense.

Two applicants, Mr. Joseph C. McMasters and Mr. Nicholas C. Stanley, did not hold a license that allowed operation of vehicles over 10,000 pounds for all or part of the 3-year period.

One applicant, Mr. Brian F. Beebe was denied for multiple reasons.

Two applicants, Mr. Alfred Gjaltema and Mr. Cory L. Swanson, provided false documentation during the application process.

The commercial driver's license of one applicant, Mr. James G. Arnoldussen, was suspended during the 3-year period because of a moving violation. Applicants do not qualify for an exemption with a suspension during the 3-year period.

Issued on: July 14, 2004.

**Pamela M. Pelcovits,**

*Director of Policy, Plans and Regulations.*

[FR Doc. 04-16688 Filed 7-21-04; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

#### Office of Hazardous Materials Safety; Notice of Applications for Modification of Exemption

**AGENCY:** Research and Special Programs Administration, DOT.

**ACTION:** List of applications for modification of exemption.

**SUMMARY:** In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Material Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Request of modifications of exemptions (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) are described in footnotes to the application number. Application numbers with the suffix "M" denote a modification request. There applications have been separated from the new application for exemption to facilitate processing.

**DATES:** Comments must be received on or before August 9, 2004.