

[FR Doc. 03-5138 Filed 3-4-03; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Policy Statement No. ANM-03-111-12]

ATC Transponder Operation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed policy; request for comments.

SUMMARY: The Federal Aviation Administration (FAA) announces the availability of proposed policy on guidance for an acceptable means of showing compliance with the proposed requirements of 14 CFR 121.346, ATC Transponder Operation.

DATES: Send your comments on or before April 4, 2002.

ADDRESSES: Address your comments to the individual identified under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Kenneth Schroer, Federal Aviation Administration, Transport Airplane Directorate, Transport Standards Staff, Airplane and Flightcrew Interface Branch, ANM-111, 1601 Lind Avenue, SW., Renton, WA 98055-4056; telephone (425) 227-1154; fax (425) 227-1320; e-mail: kenneth.schroer@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The proposed policy is available on the Internet at the following address: <http://www.faa.gov/certification/aircraft/anminfo/devpaper.cfm>. If you do not have access to the Internet, you can obtain a copy of the policy by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

The FAA invites your comments on this proposed policy. We will accept your comments, data, views, or arguments by letter, fax, or e-mail. Send your comments to the person indicated in **FOR FURTHER INFORMATION CONTACT**. Mark your comments, "Comments to Policy Statement No. ANM-03-111-12."

Use the following format when preparing your comments:

- Organize your comments issue-by-issue.
- For each issue, state what specific change you are requesting to the proposed policy.
- Include justification, reasons, or data for each change you are requesting.

We also welcome comments in support of the proposed policy.

We will consider all communications received on or before the closing date for comments. We may change the proposed policy because of the comments received.

Background

The policy memorandum provides a summary of policy that should be applied when certificating the transponder installations pursuant to the proposed rule. Aircraft Certification Offices (ACO) should apply the policy summarized in the memorandum to such new and amended type certificate (TC) and supplemented type certificate (STC) certification programs. The memo ensures a standardized approach in certification independent of ACO or Designated Alteration Station (DAS) geographical location.

Issued in Renton, Washington, on February 25, 2003.

Mike Kaszycki,

Acting Manager, Transport Airplane Director, Aircraft Certification Service.

[FR Doc. 03-5131 Filed 3-4-03; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Denial of Motor Vehicle Defect Petition, DP02-010

AGENCY: National Highway Traffic Safety Administration (NHTSA), Transportation.

ACTION: Denial of petition for a defect recall.

SUMMARY: This notice sets forth the reasons for the denial of a petition submitted to NHTSA under 49 U.S.C. 30162, requesting that the agency initiate an investigation of model year (MY) 2000 and 2001 Suzuki GSX-R750 motorcycles to address an alleged safety-related defect. The petition is identified as DP02-010.

FOR FURTHER INFORMATION CONTACT: Mr. Leo Yon, Office of Defects Investigation (ODI), NHTSA, 400 Seventh Street, SW., Washington, DC 20590. Telephone: (202) 366-7028.

SUPPLEMENTARY INFORMATION: Mr. Scott M. Shannon of Clearwater, Florida, submitted a petition to NHTSA dated October 8, 2002, requesting that NHTSA open a defect investigation on MY 2000 and 2001 Suzuki GSX-R750 motorcycles (the subject R models). The petition alleges that the motorcycles' 6-speed manual transmission contains a safety-related defect, which causes the

vehicle to slip or shudder while under load in second gear.

The four cylinder 750cc Suzuki GS series motorcycles, for the years in question, were sold as two designated models: GSX-750 and GSX-R750. Approximately three times as many subject R models were sold in the U.S. as compared to the base model. Prior to MY 2000, the two models shared the same transmission components. For MY 2000, the R model received several design changes to enhance the motorcycle's performance. These changes include, but are not limited to, a revised overall final drive ratio through the use of a new transmission gear set. Other transmission modifications were also introduced in an effort to improve the motorcycle's perceived shift quality and feel.

To evaluate the petition, an information request was sent to the manufacturer, American Suzuki Motor Corporation (Suzuki), in November 2002. In its response, Suzuki submitted data for both models for MYs 1999 through 2001. The total population of the subject R models is 11,551 motorcycles. Following the introduction of the MY 2000 R model, Suzuki received a significant increase in the number of consumer complaints relating to the motorcycle's transmission. Suzuki reported that it received 248 consumer complaints about the subject R models where the key words "second gear" or "shifting" were found in the description field. This compares to 7 similarly-derived consumer complaints for both MY 1999 models. A corresponding increase occurred in warranty-related claims. Suzuki reported that, according to claims submitted by dealers on transmission parts, there were 439 claims attributed to the subject R models. This compares to 7 for both MY 1999 models. Field reports and calls by dealers to Suzuki's technical hotline for advice on this topic accounted for 492 contacts for the subject R models, compared to 10 for both MY 1999 models.

Suzuki reported only one claim of an injury that may have been caused by this condition in the subject R models. Five Suzuki technical hotline reports allege a crash that may, or may not, relate to the alleged defect. Suzuki stated that there is insufficient information concerning these alleged incidents to allow it to assess these reported incidents. Suzuki has no lawsuits or subrogation claims pertaining to the alleged defect regarding the MY 2000-2001 R model motorcycles.

NHTSA has received 30 "transmission" complaints involving

the MY 2000 R models, with one injury allegation and one crash allegation.

To address consumer complaints about this condition, Suzuki redesigned the second driven gear for the R model. In November 2000, a newly-developed second driven gear was introduced as a running change to the MY 2001 R model and released as the recommended service part for all subject motorcycles. A technical training video was released to Suzuki dealers to help their mechanics diagnose the symptoms before disassembling the transmission. A copy of this tape was supplied with Suzuki's reply to ODI's information request.

Suzuki's Quality Assurance group examined several warranty return parts for mechanical integrity, noting that several displayed signs of abuse consistent with "incomplete or abusive shifting practices." Suzuki alleged that these practices will produce high impact shock loads between the gears' engagement surfaces, leading to localized deformation. Eventually, the deformation helps to create a force between the two gears, in this case second and sixth, pushing them apart. If the magnitude of the separating force between the gears exceeds the force generated by the shifting mechanism to hold them together, the two momentarily disconnect, and then are forced back together by the shifting mechanism. This momentary disconnect-reconnect as the motorcycle is accelerated gives the operator a slipping or popping sensation as the transmission delivers torque to the rear wheel. Under rapid acceleration, the operator can experience a quick, hesitation-like feeling when second gear momentarily disengages, accompanied by a change in the pitch of the sound generated by the engine. Left unattended, the slippage can increase in frequency and duration.

To reproduce and demonstrate the failure consequences to ODI, Suzuki prepared one subject motorcycle with parts intended to represent worst-case conditions on the engagement surfaces of the second gear. Additional instrumentation was installed on the shifting mechanism to record the resultant forces and the momentary disconnect of the second gear. Normal operation of the motorcycle, accelerating through a series of turns and straight roadways, was digitally taped (video) to allow analysis of the condition and its consequences, both from an observer's perspective and that of the operator. Review of the video clips did not identify an increased risk to safety or a loss of vehicle control.

Based on this analysis, it is unlikely that NHTSA would issue an order for the notification and remedy of a safety-related defect in the subject vehicles at the conclusion of the investigation requested in the petition. Therefore, in view of the need to allocate and prioritize NHTSA's limited resources to best accomplish the agency's safety mission, your petition is denied.

Authority: 49 U.S.C. 30162(d); delegations of authority at CFR 1.50 and 501.8

Issued on: February 26, 2003.

Kenneth N. Weinstein,

Associate Administrator for Enforcement.

[FR Doc. 03-5137 Filed 3-4-03; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-6 (Sub-No. 400X)]

The Burlington Northern and Santa Fe Railway Company—Abandonment Exemption—in Franklin and Webster Counties, NE

The Burlington Northern and Santa Fe Railway Company (BNSF) has filed a notice of exemption under 49 CFR part 1152 Subpart F—*Exempt Abandonments* to abandon a 19.8-mile line of railroad between milepost 216.95 near Franklin, NE, and milepost 197.15 near Red Cloud, NE, in Franklin and Webster Counties, NE. The line traverses United States Postal Service Zip Codes 68972, 68939, 68952 and 68970.

BNSF has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected

employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on April 4, 2003, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,¹ formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),² and trail use/rail banking requests under 49 CFR 1152.29 must be filed by March 14, 2003. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by March 25, 2004, with: Surface Transportation Board, 1925 K Street NW., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to applicant's representative: Michael Smith, Freeborn & Peters, 311 S. Wacker Dr., Suite 3000, Chicago, IL 60606-6677.

If the verified notice contains false or misleading information, the exemption is void ab initio.

BNSF has filed an environmental report which addresses the abandonment's effects, if any, on the environment or historic resources. SEA will issue an environmental assessment (EA) by March 10, 2003. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423-0001) or by calling SEA, at (202) 565-1552. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339]. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), BNSF shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by BNSF's filing of a notice of

¹ The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

² Each OFA must be accompanied by the filing fee, which currently is set at \$1,100. See 49 CFR 1002.2(f)(25).