

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

BILLING CODE 4910-62-C

## 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](mailto: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]

BILLING CODE 4910-13-M

## 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