

Background

The proposed policy provides an applicant with various certification options, which will require little or no on-aircraft evaluation of corded devices, provided that these devices meet certain basic criteria. Examples of corded electrical devices are telephone handsets and video system controllers. This guidance supersedes the previously issued guidance in this area.

Issued in Renton, Washington, on August 15, 2002.

Neil D. Schalekamp,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 02-22121 Filed 8-29-02; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Policy Statement No. ANM-02-113-016]

Guidance for the Certification of Honeywell Primus Epic® Systems

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 that clarifies current FAA policy with respect to certification of Honeywell Primus Epic® Systems.

DATE: Send your comments on or before September 30, 2002.

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

FOR FURTHER INFORMATION CONTACT: Connie Beane, Federal Aviation Administration, Transport Airplane Directorate, Transport Standards Staff, Standardization Branch, ANM-113, 1601 Lind Avenue SW., Renton, WA 98055-4056; telephone (425) 227-2796; fax (425) 227-1320; e-mail: connie.beane@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 statement 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 ANM-02-113-016."

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

In the past several years, new aircraft designs have introduced new technologies. These technologies are being combined and used in novel ways and may represent significant challenges with respect to the acceptability of the flightcrew interfaces and aircraft airworthiness.

Honeywell Primus Epic® systems are an avionics suite consisting of single or multiple racks/cabinets with circuit cards or modules that plug into the cabinets. Each racks/cabinets is configurable in that the number of modules can vary in each cabinet; the functions loaded into the cards can vary considerably, and there can be multiple racks/cabinets per aircraft. The functionality of the system is determined by the software loaded into the circuit cards. All the software on these circuit cards can be field-loaded, that is, loaded into the Honeywell Primus Epic® modules without removing the equipment from the aircraft.

Issued in Renton, Washington, on August 21, 2002.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 02-22273 Filed 8-29-02; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Denial of Motor Vehicle Defect Petition, DP02-001

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

ACTION: Denial of petition for a defect investigation.

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 commence a proceeding to determine the existence of a defect related to motor vehicle safety in certain Lexus LS 430 vehicles equipped with the Lexus Link System. After reviewing the petition and other information, NHTSA has concluded that further expenditure of the agency's investigative resources on the issues raised by the petition does not appear to be warranted. The agency accordingly has denied the petition. The petition is hereinafter identified as DP02-001.

FOR FURTHER INFORMATION CONTACT:

Jonathan White, Office of Defects Investigation (ODI), NHTSA, 400 Seventh Street, SW., Washington, DC 20590. Telephone: (202) 366-5226.

SUPPLEMENTARY INFORMATION: Mr. Jorge A. Gomez of Michael Best & Friedrich LLP in Milwaukee, Wisconsin, submitted a petition by letter dated November 16, 2001, requesting NHTSA to commence a proceeding to determine the existence of a defect related to motor vehicle safety in certain Lexus model vehicles equipped with the Lexus Link System (subject vehicles). The petitioner alleges that the Lexus Link System in the model year 2001 Lexus LS 430 (VIN JTHBN30F510023113—hereafter as "petition vehicle") leased by Sensient Technologies Corporation appeared to be activated by an automated voice message "The Lexus Link System is activated" when the ignition is turned on, but in fact was not. The petitioner further alleges that the driver of the vehicle was unable to place an emergency call to the Lexus Link Call Center after an accident, and that the Lexus Link System apparently requires manual activation by the dealership or the manufacturer.

The Lexus Link System is available as an option only on Lexus LS 430 vehicles beginning with model year 2001. This built-in, cellular-based communication system allows the vehicle occupant to communicate with the Lexus Link Call Center for safety, security, and convenience services. The Lexus Link System also is able to locate the vehicle using Global Position System (GPS) technology. The system is only operational in GPS and analog cellular coverage areas.

According to the response by Toyota Motor North America, Inc. (Toyota) to ODI's Information Request (IR) letter, there were 36,424 model year 2001-2002 Lexus LS 430 vehicles sold in the

United States equipped with a factory-installed Lexus Link System. Upon new vehicle purchase, the first year of the Lexus Link service is free unless the vehicle purchaser (or lessee) declines the service. However, in order for the Lexus Link System to be initially activated when a vehicle is sold (or leased), a dealer representative must complete a Service Subscription Agreement (SSA), which must be signed by the owner (or lessee). The SSA must be completed and signed before the service or sales department can activate the Lexus Link System. Toyota's IR response indicated that there was no Lexus Link SSA found for the petition vehicle, and therefore the petition vehicle never had the service activated.

Toyota acknowledged in its response that confusion may occur due to the current Lexus Link System's voice message, since it alerts the driver to its "active" status each time the ignition is turned on, even where the service is not available. This is especially the case when someone other than the owner operates the vehicle; the driver may misunderstand the system's availability in light of the voice message. In order to correct this potential misunderstanding, and to improve customer satisfaction with the Lexus Link System function, Toyota has indicated that they will make a prospective production change and will conduct a service campaign to change the system's voice message for vehicles already sold.

Toyota also indicated that it has received 54 complaints, 64 field reports, and one lawsuit (filed by the petitioner) concerning various malfunctions and reception concerns with the Lexus Link System. Of these complaints and field reports, none alleges that there was an aggravated medical condition because emergency medical help was not forthcoming as a result of the failure to communicate with the Lexus Link Center for assistance; and only three complainants indicated that they were misled into believing that the Lexus Link System was activated when, in fact, it was never activated at the time of vehicle purchase. ODI also reviewed its database and found no record of any related complaints.

Despite the fact that the system's voice message may potentially confuse the driver as to service availability, the available data does not appear to indicate that a safety-related defect exists. A subject vehicle occupant without the Lexus Link System service available for any reason is exposed to no greater risk than those who do not have the system.

In view of the foregoing, it is unlikely that NHTSA would issue an order for the notification and remedy of the alleged defect as defined by the petitioner 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, the petition is denied.

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

Issued on: August 22, 2002.

Kenneth N. Weinstein,

Associate Administrator for Safety Assurance.

[FR Doc. 02-22123 Filed 8-29-02; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-55 (Sub-No. 619X)]

CSX Transportation, Inc.- Abandonment Exemption-in Allegan County, MI

On August 12, 2002, CSX Transportation, Inc. (CSXT), filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon a portion of its line of railroad in its Western Region, Chicago Division, Grand Rapids Subdivision, Hamilton Industrial Track, extending from milepost CGB 19.00 in Holland, MI, to milepost CGB 12.90 in Hamilton, MI, a total distance of approximately 6.1 miles. The line traverses U.S. Postal Service Zip Codes 49423 and 49419.

The line does not contain federally granted rights-of-way. Any documentation in CSXT's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.-Abandonment-Goshen*, 360 I.C.C. 91 (1979).

By issuing this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by November 29, 2002.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each OFA must be accompanied by a \$1,100 filing fee. See 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of

rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than September 19, 2002. Each trail use request must be accompanied by a \$150 filing fee. See 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket No. AB-55 (Sub-No. 619X) and must be sent to: (1) Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001; and (2) Natalie S. Rosenberg, 500 Water Street—J150, Jacksonville, FL 32202. Replies to the CSXT petition are due on or before September 19, 2002.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 565-1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152.

Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565-1552. [Federal Information Relay Service (FIRS) for the hearing impaired is available at 1-800-877-8339.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Board decisions and notices are available on our website at WWW.STB.DOT.GOV.

Decided: August 22, 2002.

By the Board, David M. Konschnick,
Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 02-21913 Filed 8-29-02; 8:45 am]

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