• Provisions in the current regulation that prevent repair stations from performing desired business practices; and
• Enforcement problems associated with the current regulations.
• Draft a Technical Report that—
• Presents a review of the existing system of ratings and classes;
• Identifies various options for rating systems;
• Identifies the advantages and disadvantages of each option;
• Provides economic information for each of the alternative rating systems; and
• Recommends a preferred system of ratings.

Task 2—Repair Station Quality Assurance Program Recommendations

Task Summary

Recommend a quality assurance program that reflects the industry requirements of aeronautical repair stations and accounts for the varying scope of repair station operations.

Committee Activity

• Review the discussion about quality assurance in the June 1999 Notice of Proposed Rulemaking (Notice No. 99–09).
• Review comments relating to quality assurance submitted to FAA in response to the public meetings held in 1989 and the quality assurance program requirements proposed in Notice No. 99–09.
• Review current industry practices relating to quality assurance issues to—
• Identify quality assurance systems currently used by some repair stations, and
• Analyze the elements of the systems used by the aviation industry.
• Develop a Technical Report that—
• Presents a review of regulatory requirements that comprise a quality assurance program;
• Identifies various options for regulating quality assurance programs;
• Identifies the advantages and disadvantages of each option;
• Provides information on the economic impacts of applying a quality assurance system to various segments of the repair station industry; and
• Recommends a preferred quality assurance program/system.

Delivery Date: The Committee must complete this task by February 28, 2002.

ARAC Acceptance of Task

The Committee has accepted these tasks and elected not to establish working groups to assist in analyzing these tasks because the tasks are time critical.

The new tasks and a plan for accomplishing these tasks will be discussed at the next meeting on Air Carrier and General Aviation Maintenance Issues. The Committee may be required to meet every 4 to 6 weeks to accomplish the tasks within the scheduled completion date. Meeting attendance is open to the interested public but space may be limited. The FAA will arrange teleconference capability for individuals wishing to participate in meetings if we receive notification within the time specified in each notice of meeting.

The Secretary of Transportation determined that the information and use of the ARAC is necessary and in the public interest in connection with the performance of duties imposed on the FAA by law.

Issued in Washington DC, on October 15, 2001.

James Ballough,

Assistant Executive Director, Air Carrier and General Aviation Maintenance Issues, Aviation Rulemaking Advisory Committee.

[FR Doc. 01–26460 Filed 10–18–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Guidance on Instructions for Continued Airworthiness (ICA)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for comments on withdrawal of policy memoranda, clarification of regulatory intent, and implementation guidance.

SUMMARY: The FAA invites public comment on its intent to rescind two policy memoranda issued in 1982 and 1983 regarding ICA submittals, and to clarify that ICA are required for all design approvals applied for after January 28, 1981, per Title 14, Code of Federal Regulations (CFR), section 21.50(b). Lastly, a six-point implementation plan is included.

DATES: Comments must be received by November 19, 2001.

FOR FURTHER INFORMATION CONTACT: Ruth Harder, FAA, Aircraft Certification Service, Aircraft Engineering Division, Delegation and Airworthiness Programs Branch, AIR–140, ARB Room 304, 6500 S. MacArthur Boulevard, Oklahoma City, Oklahoma 73169; telephone: (405) 954–7073; fax: (405) 954–4104; e-mail *ruth.harder@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites interested parties to comment on this notice. Comments should identify the subject, and be submitted to the address specified under **FOR FURTHER INFORMATION CONTACT.** The FAA will consider all comments received by the closing date before issuing final guidance.

Background

The FAA Aircraft Certification Service (AIR) has recently had several certification projects in which the applicability of the requirement to develop Instructions for Continuing Airworthiness (ICA) was a matter of contention. The FAA staff wanted clarity as to whether 14 CFR 21.50(b) requires ICA for supplemental type certificates (STCs) for products for which the the original type certificate (TC) was applied for before January 28, 1981. The language of 14 CFR 21.50(b) is clear, stating, in relevant part:

> The holder of a design approval, including either the type certificate or supplemental type certificate for an aircraft, aircraft engine, or propeller for which application was made after January 28, 1981, shall furnish at least one set of complete Instructions for Continued Airworthiness * * *

Both STCs and amended TCs (ATCs) are design approvals. Under 14 CFR 21.50(b), all STCs and ATCs for which application was filed after January 28, 1981, must provide ICA. This is regardless of the date of application for the original TC.

FAA's AIR predecessor, the Office of Airworthiness, issued memoranda dated August 3, 1982 and August 8, 1983. Both stated that:

> 14 CFR 21.50(b) applies only to type certification, supplemental type certification, and amended type certification projects, whose original certification basis includes a requirement for ICA as amended on September 11, 1980 (effective January 28, 1981).

The 1983 memorandum further states that a project to amend 14 CFR 21.50(b) was initiated to reflect this interpretation. An amendment was never issued. These memoranda have sometimes been relied on as a basis for not requiring ICA for some STC projects.

FAA Policy

FAA legal counsel has determined that these memoranda did not change the plain meaning of 14 CFR 21.50(b). The 1982 and 1983 memoranda are hereby rescinded. AIR's policy is to require adherence to 14 CFR 21.50(b) by submittal of ICA for all design approvals (TC, STC, and ATC) for which application is made after January 28, 1981.

In response to comments already received from Aircraft Certification Offices (ACOs) and Aircraft Evaluation Groups (AEGs), points one through six below provide interim guidance in applying this requirement. AIR–100 will work with ACOs and AEGs to provide follow-on guidance on development and submittal of ICA.

1. Effective immediately, each applicant for a TC, STC, or ATC must submit a complete set of ICA.

2. Design approvals for STCs and ATCs should not be issued until ACO and AEG personnel have accepted the ICA.

3. The FAA will not address certification projects previously approved without ICA at this time. We will not require development of ICA for those products unless ACO and AEG personnel determine that ICA are necessary to prevent or correct an unsafe condition.

4. The ICA for an STC or ATC need only address continued airworthiness with respect to the design change for which application is made, as well as parts or areas of the aircraft affected by the design change. We consider such ICA ''complete'' for the purposes of 14 CFR 21.50(b).

5. An applicant's submitted assessment of the need for ICA may satisfy the ''complete set of ICA.'' If the assessment shows that the certification project did not change any information, procedures, process, requirements, or limitations in the current ICA, or require new ICA, and the FAA concurs, no further ICA development is necessary.

a. A statement should be placed on the design approval indicating that additional ICA change is not required.

b. For an STC, that statement may be placed under the ''Limitations and Conditions'' section.

6. If previous ICA or maintenance documents do not exist, or were developed before January 28, 1981, the ICA submitted for a design change should follow the format and contents specified in the appropriate airworthiness standards (14 CFR parts 23–35) appendix to the extent possible. ACOs and AEGs should give consideration to any submittal of ICA containing the essential information to maintain the design change in an airworthy condition.

This guidance does not create any new requirements.

Issued in Washington, DC, on October 11, 2001.

Thomas E. McSweeny,

Associate Administrator for Regulation and Certification.

[FR Doc. 01–26461 Filed 10–18–01; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 2000–8247; Notice 2]

Cooper Tire & Rubber Company; Grant of Application for Decision of Inconsequential Noncompliance

Cooper Tire & Rubber Company (Cooper) has determined that approximately 8,824 motorcycle tires produced at the Melksham, England, tire manufacturing facility of Cooper-Avon Tyres Limited, do not meet the labeling requirements mandated by Federal Motor Vehicle Safety Standard (FMVSS) No. 119, ''New Pneumatic Tires for Vehicles Other than Passenger Cars,'' and has filed an appropriate report pursuant to 49 CFR Part 573, ''Defect and Noncompliance Reports.'' Cooper has also applied to be exempted from the notification and remedy requirements of 49 U.S.C. Chapter 301—''Motor Vehicle Safety'' on the basis that the noncompliance is inconsequential to motor vehicle safety.

Notice of receipt of the application was published, with a 30-day comment period, on January 2, 2001, in the **Federal Register** (66 FR 131). NHTSA received no comments.

The purpose of FMVSS No. 119, according to S2, is ''to provide safe operational performance levels for tires used on motor vehicles other than passenger cars, and to place sufficient information on the tires to permit their proper selection and use.'' Paragraph S6.5(d) of FMVSS No. 119 requires that each tire be marked with the maximum load rating and corresponding inflation pressure, and provides the following example ''Max Load _____ lbs at _____ psi cold.''

Cooper's noncompliance relates to the mislabeling of approximately 8,824 tires. The tires are the MT90–16 71H, Load Range B, motorcycle tires sold to one original equipment manufacturer/customer under the brand names AVON MT90–16 Roadrunnner, AVON MT90–16 Gangster, and Avon MT90–16 Indian. These tires were produced with the incorrect maximum load rating on the serial side of the tire during the first through the twentieth production weeks of 2000. Approximately 8,124 of the tires involved have been accounted for in either Cooper's inventory or the inventory of original equipment manufacturer/customer, leaving an estimated 700 tires not accounted for in either inventory. The incorrect plate read ''MAX LOAD 345 KG AT 2.9 BAR COLD, 760 LBS AT 42 PSI COLD.'' The correct information should have been ''MAX LOAD 770 LBS AT 36 PSI COLD.''

According to Cooper, this mislabeling does not present a safety-related defect. The tires involved are designed to carry a heavier load (770 lbs.) than the incorrect labeling specified (760 lbs.). Consequently, any misapplication of the tire would be for the user to carry a lighter load than the load for which the tires are designed. The tires produced from this mold during the aforementioned production periods comply with all other requirements of 49 CFR 571.119.

Based on the agency's telephone discussions with the petitioner, Cooper management has extensively reviewed the processes, the causes of these noncompliances have been isolated, and changes in the processes have been instituted to prevent any future occurrences. The noncompliance is limited to the equipment addressed in this notice. In addition, Cooper stated that all of its motorcycle tires assembled after this noncompliance were constructed in compliance with FMVSS No. 119 requirements.

The agency has reviewed Cooper's petition and believes this labeling noncompliance is inconsequential as it relates to motor vehicle safety. The primary safety purpose of this label is to ensure that the owners can select a tire appropriate for their motorcycle. In this case, Cooper understated the load carrying capability of the tire by labeling the maximum load on the tire as 760 pounds instead of 770 pounds. Cooper, in effect, produced a better tire than the label would indicate to the purchaser. Regarding the mis-marked inflation pressure, Cooper stated, in a telephone conversation, that the pressure was initially to be labeled on the tire as 36 psi, even though the tire was designed to accommodate a much higher inflation pressure. [Note: Per the Tire and Rim Association's 2000 Yearbook, page 7–09: A motorcycle tire of size MT–90–16, Load Range B, is 783 pounds at 36 psi. In addition, footnote no. 2 on that page states ''For special operating conditions, inflation pressure may be increased up to 40 psi maximum with no increase in load]. During the agency's technical discussions with Cooper, the tire manufacturer stated that the tires were designed to accommodate a higher inflation pressure than the mis-marked maximum inflation pressure of 42 psi. Cooper verified with the motorcycle manufacturer using the subject tire as a rear tire that when the tire is inflated to 40 psi, it could safely carry the maximum load. Cooper conducted a safety verification of these various inflation pressures with indoor test