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]

BILLING CODE 4910–13–M

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

wheels and production motorcycles on a closed track.

The agency agrees with Cooper's rationale that a motorcycle equipped with the mis-labeled tires and loaded per the incorrect maximum load rating would not cause an unsafe condition, because the motorcycle would carry a lighter load than the load for which the tires are designed and be inflated to a pressure level below the tire's designed maximum inflation pressure.

In consideration of the foregoing, NHTSA has decided that the applicant has met its burden of persuasion that the noncompliance it describes is inconsequential to motor vehicle safety. Accordingly, Cooper's application is hereby granted, and the applicant is exempted from the obligation of providing notification of, and a remedy for, the noncompliance.

(49 U.S.C. 30118; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: October 15, 2001.

Stephen R. Kratzke,

Associate Administrator for Safety Performance Standards.

[FR Doc. 01–26463 Filed 10–18–01; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. MC–F–20982]

Americanos U.S.A., L.L.C., et al.—Acquisition—Autobuses Adame, Inc.

AGENCY: Surface Transportation Board.

ACTION: Notice tentatively approving finance transaction.

SUMMARY: Americanos U.S.A., L.L.C. (Americanos), a motor passenger carrier, and Americanos Acquisition Co., L.L.C. (Acquisition), a noncarrier, seek approval under 49 U.S.C. 14303 for acquisition, by either Americanos or Acquisition, of the operating authority and certain other properties of Autobuses Adame, Inc. (Adame), a motor passenger carrier. Additionally, Sistema Internacional de Transporte de Autobuses, Inc. (SITA), Greyhound Lines, Inc. (Greyhound), and Laidlaw, Inc. (Laidlaw), through their control of Americanos and Acquisition, seek approval to acquire control of the operating rights and properties of Adame and to continue in control of Acquisition if and when it becomes a motor passenger carrier. Persons wishing to oppose the application must follow the rules under 49 CFR 1182.5 and 1182.8. The Board has tentatively approved the transaction, and, if no opposing comments are timely filed, this notice will be the final Board action.

DATES: Comments must be filed by December 3, 2001. Applicants may file a reply by December 18, 2001. If no comments are filed by December 3, 2001, this notice is effective on that date.

ADDRESSES: Send an original and 10 copies of any comments referring to STB Docket No. MC–F–20982 to: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001. In addition, send one copy of comments to applicants' representative: Fritz R. Kahn, 1920 N Street, NW. (8th floor), Washington, DC 20036–1601.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 565–1600. [TDD for the hearing impaired: 1–800–877–8339.]

SUPPLEMENTARY INFORMATION: Americanos (MC–309813) is authorized to conduct regular-route passenger operations between certain points in the Southwestern States, focusing particularly on the Mexican border crossing points at El Paso, Laredo, and McAllen, TX. Americanos and Acquisition are controlled by SITA, which, in turn is controlled by Greyhound. Laidlaw, a noncarrier, indirectly controls Greyhound,[1] which holds nationwide operating authority (MC–1515).[2] SITA holds no operating authority but also controls two other motor passenger carriers: Autobuses Amigos, L.L.C. (MC–340462), operating between Brownsville and Houston, TX; and Gonzalez, Inc., d/b/a Golden State Transportation (MC–173837), operating between Mexican border points and points in various Western States. Adame holds operating authority (MC–237411) to conduct regular-route passenger operations between the Mexican border points at Roma, Hidalgo, and Brownsville, TX, and such cities as Houston, TX, Chamblee, GA, Charlotte, NC, Wilson, NC, Tallahassee, FL, and Immokalee, FL.

Acquisition has entered into an agreement to purchase the operating assets of Adame, including its operating authority. At some point at or before the time of closing, it is expected that Acquisition will be merged with Americanos, leaving Americanos as the surviving corporation. However, if the merger has not been completed at the time of closing, Acquisition will be the entity acquiring Adame's properties. Accordingly, authority is sought to permit either Acquisition or Americanos to be the purchaser, and to permit the merger of Acquisition and Americanos, if necessary.

Under 49 U.S.C. 14303(b), we must approve and authorize a transaction that we find consistent with the public interest, taking into consideration at least: (1) The effect of the proposed transaction on the adequacy of transportation to the public; (2) the total fixed charges that result; and (3) the interest of affected carrier employees.

Applicants have submitted the information required by 49 CFR 1182.2, including information to demonstrate that the proposed transactions are consistent with the public interest under 49 U.S.C. 14303(b). Specifically, applicants have shown that the proposed transaction will have a positive effect on the adequacy of transportation to the public and will result in no increase in fixed charges. As to the effect on employees (*see* 49 CFR 1182.2(a)(7)), applicants state that the proposed transaction will have no significant adverse effect on employees. Applicants state that Americanos will be able to offer employment to qualified Adame employees, who they say will be needed to operate the expanded operations of the combined entities.

On the basis of the application, we find that the proposed transactions are consistent with the public interest and should be authorized. If any opposing comments are timely filed, this finding

[1] In addition to Greyhound (Delaware), Laidlaw (Canada) controls (through its subsidiaries Laidlaw Investments, Ltd. (Ontario) and Laidlaw Transportation, Inc. (Delaware)) Hotard Coaches, Inc. (Louisiana) (MC–143881), Coastliner d/b/a Mississippi Coast Lines (Mississippi) (MC–14388), Laidlaw Transit, Inc. (Delaware) (MC–161299), Chatham Coach Lines, Inc. (Delaware) (MC–172751), Willett Motor Coach Co. (New Jersey) (MC–16073), and (through noncarrier Laidlaw Transit Holdings, Inc. (Delaware)) Laidlaw Transit Services, Inc. (Delaware) (MC–163344), and Safe Ride Services, Inc. (Arizona) (MC–246193). In addition Laidlaw controls, through Laidlaw Transit Ltd. (Ontario) (MC–102189), a number of other motor passenger carriers conducting special and charter operations in the United States, including: (a) Greyhound Canada Transportation Corp. (Ontario) (MC–304126), which also controls Voyageur Corp. (Canada) (MC–360339); and (b) Gray Line of Vancouver Holdings Ltd. (Canada) (MC–357855), The Gray Line of Victoria Ltd. (Canada) (MC–380234), J. I. DeNure (Chatham) Limited (Canada) (MC–111143 (Sub-No. 1)), and Penetang-Midland Coach Lines Limited (Canada) (MC–139953 and MC–139953 (Sub-No. 1)).

[2] Greyhound also controls several regional motor passenger carriers: Carolina Coach Company, Inc. (MC–13300), operating in Delaware, Maryland, North Carolina, Pennsylvania, and Virginia; Continental Panhandle Lines, Inc. (MC–8742), operating in Kansas, Oklahoma, and Texas; Peoria Rockford Bus Lines, L.L.C. (MC–66810), operating in Illinois; Texas, New Mexico & Oklahoma Coaches, Inc. (MC–61120), operating in Colorado, Kansas, New Mexico, Oklahoma, and Texas; Valley Transit Company, Inc. (MC–74), operating in Texas; and Vermont Transit Co., Inc. (MC–45626), operating in Maine, Massachusetts, New York, and Vermont.