

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 93****[Docket No. 25758; Amdt. No. 93-66]****RIN 2120-AD93****High Density Traffic Airports; Slot Allocation and Transfer Methods****AGENCY:** Federal Aviation Administration (FAA), Department of Transportation (DOT)**ACTION:** Final rule; delay of effective date.

**SUMMARY:** On August 12, 1992, the Federal Aviation Administration (FAA) issued a final rule amending the Federal Aviation Regulations governing the allocation and transfer of air carrier and commuter slots effective November 1, 1992 (57 FR 37308; August 18, 1992). Congress subsequently passed a bill postponing the effective date of the rule until January 1, 1993. In view of the pendency of this legislation, this action delays the rule's effective date until January 1, 1993, to remove uncertainty about when compliance will be required.

**EFFECTIVE DATE:** January 1, 1993.

**FOR FURTHER INFORMATION CONTACT:** Patricia R. Lane, Office of the Chief Counsel, AGC-230, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591. Telephone: (202) 267-3491.

**SUPPLEMENTARY INFORMATION:** On August 12, 1992, The Federal Aviation Administration (FAA) issued a final rule amending the Federal Aviation Regulations governing the allocation and transfer of air carrier and commuter slots effective November 1, 1992 (Amendment No. 93-65; 57 FR 37308; August 18, 1992). A "slot" is the authority to conduct an instrument flight rule (IFR) landing or takeoff during certain periods at four high density traffic airports: JFK International, LaGuardia, O'Hare International, and Washington National. The rule changes the slot lottery and withdrawal procedures to enhance the opportunities for carriers holding no or few slots at a high density airport to obtain the necessary authority to conduct landings and takeoffs at the airport. The rule also increases the minimum slot use requirements from 65% to 80%.

Section 206 of the FAA reauthorization bill (H.R. 6168), passed by Congress on October 8, 1992, provides that this rule shall take effect January 1, 1993. The pendency of this legislation renders uncertain the date when persons subject to the rule will

need to comply with the amended provisions. This action is needed to remove that uncertainty.

Because the public needs to be made aware of this postponement immediately, notice and public procedure are impracticable and good cause exists for making the postponement effective in less than 30 days.

In consideration of the foregoing, the effective date of Amendment No. 93-65 (57 FR 37308; August 18, 1992) is delayed from November 1, 1992, to January 1, 1993.

Issued in Washington, DC on October 30, 1992.

Thomas C. Richards,  
Administrator.

[FR Doc. 92-28799 Filed 10-30-92; 4:53 pm]

BILLING CODE 4910-13-M

**Office of the Secretary****14 CFR Part 205****[Docket No. 47939]****RIN 2105-AB84****Aviation Economic Rules****AGENCY:** Office of the Secretary, Transportation.**ACTION:** Correction to final rule.

**SUMMARY:** This document contains a correction to the final rule issued in Docket 47939, which was published Wednesday, September 2, 1992 (57 FR 40097). The rule relates to minimum aircraft accident liability coverage for air taxi operators in 14 CFR 205.5(c)(2).

**EFFECTIVE DATE:** November 4, 1992.

**FOR FURTHER INFORMATION CONTACT:** Carol A. Woods, Air Carrier Fitness Division, P-56, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366-9721.

**SUPPLEMENTARY INFORMATION:****Background**

The final rule that is the subject of this correction (14 CFR Part 205—Aircraft Accident Liability Insurance) was issued by the Department of Transportation on August 20, 1992 (57 FR 40097, September 2, 1992), in order to make technical corrections, eliminate obsolete terms and provisions, and provide better organization for a number of its aviation economic regulations. As part of this effort, the aircraft accident liability insurance regulations for air taxi operators, previously contained in subpart E of part 298, were amended and relocated to part 205. Specifically, § 205.5(c)(2), as amended, sets forth the

minimum aircraft accident liability insurance coverage that air taxi operators must maintain for bodily injury to or death of aircraft passengers.

**Need for Correction**

As published in the final rule, § 205.5(c)(2) requires air taxi operators to maintain passenger liability insurance with total minimum limits per involved aircraft for each occurrence of \$300,000 times 75 percent of the number of passenger seats installed in the aircraft. The number \$300,000 is incorrect and should read \$75,000. In proposing changes in the insurance regulations for air taxi operators, the Department specifically excluded any increase in the minimum limits required.

**Correction of Publication**

Accordingly, the publication on September 2, 1992, of the final rule in Docket 47939 (57 FR 40097) is corrected as follows:

**§ 205.5 [Corrected]**

On page 40101, in the second column, in § 205.5(c)(2), line 10, the number "\$300,000" is corrected to read "\$75,000".

Issued in Washington, DC, on October 28, 1992.

Jeffrey N. Shane,  
Assistant Secretary for Policy and International Affairs.

[FR Doc. 92-26685 Filed 11-3-92; 8:45 am]

BILLING CODE 4910-62-M

**FEDERAL TRADE COMMISSION****16 CFR Part 305****RIN 3084-AA26****Rules for Using Energy Cost and Consumption Information Used in Labeling and Advertising of Consumer Appliances Under the Energy Policy and Conservation Act; Ranges of Comparability for Room Air Conditioners****AGENCY:** Federal Trade Commission.**ACTION:** Final rule.

**SUMMARY:** The Federal Trade Commission announces that the present ranges of comparability for room air conditioners will remain in effect until new ranges are published.

Under the Appliance Labeling Rule, each required label on a covered appliance must show a range, or scale, indicating the range of energy costs or efficiencies for all models of a size or capacity comparable to the labeled model. The Commission publishes the ranges annually in the Federal Register

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****(Docket No. 27026; Notice No. 92-16)****RIN 2120-AE77****Explosive Detection Systems;  
Proposed Criteria for Certification****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Notice of Proposed Criteria for Certification of Explosive Detection Systems.

**SUMMARY:** The Federal Aviation Administration is proposing to establish criteria for the certification of explosives detection systems to screen checked baggage for international flights. These criteria would establish minimum performance requirements for explosive detection systems. This action is being taken to implement Section 108 of the Aviation Security Improvement Act of 1990, which requires the Administrator to certify such systems prior to mandating their deployment. This notice includes those portions of the criteria that do not contain sensitive security information.

**DATES:** Comments must be received on or before January 4, 1993.

**ADDRESSES:** Comments on this notice should be mailed, in triplicate, to: Federal Aviation Administration, Office of Chief Counsel, Attention: Rules Docket (AGC-10), Docket No. 27026, 800 Independence Avenue, SW., Washington, DC 20591. All comments must be marked: "Docket No. 27026." Comments on this notice may be examined in room 915G on weekdays, except on Federal holidays, between 8:30 a.m. and 5 p.m.

Comments that include or reference national security information or sensitive security information should not be submitted to the public docket. Such comments should be sent to the following address in a manner consistent with applicable requirements and procedures for safeguarding sensitive security information: Federal Aviation Administration, Office of Civil Aviation Security Operations, Attention: FAA Security Control Point (ACO-320A), Docket No. ACP-27026-C, 800 Independence Avenue, SW., Washington, DC 20591.

**FOR FURTHER INFORMATION CONTACT:** Mr. Bruce Butterworth, Director (ACP-1), Office of Civil Aviation Security Policy and Planning, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC, 20591, telephone 202-267-8058.

**SUPPLEMENTARY INFORMATION:  
Comments Invited**

Interested persons are invited to comment on the notice by submitting such written data, views, or arguments as they may desire. Comments should identify the docket or notice number and be submitted in triplicate to either the Rules Docket or the FAA Security Control Point address specified above. All comments received, as well as a report summarizing each substantive unclassified public contact with FAA personnel on this notice, will be filed in the docket. The docket is available for public inspection before and after the comment closing date.

All comments received on or before the closing date will be considered by the Administrator before taking action on this notice. Late-filed comments will be considered to the extent practicable. The proposals contained in this notice may be changed in light of comments received.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must include with their comments a preaddressed stamped postcard on which the following statement is made: "Comments to Docket No. 27026." When the comment is received, the postcard will be dated, time stamped and mailed to the commenter.

**Availability of Notice**

Any person may obtain a copy of this notice by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center APA-200, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3484. Communications must identify the notice or docket number of this notice.

Persons interested in being placed on a mailing list for future proposals should request from the above office a copy of Advisory Circular No. 11-2A, which describes the application procedure.

**Release of National Security and Sensitive Information**

The Assistant Administrator for Civil Aviation Security has determined that certain portions of the proposed criteria are of national security concern and require safeguarding from unauthorized disclosure pursuant to Executive Order 12356 (National Security Information). Further, pursuant to 14 CFR part 191 (Withholding Security Information from Disclosure Under the Air Transportation Security Act of 1974), certain unclassified information has been determined to be sensitive security information. Upon request, the complete

criteria will be provided to prospective manufacturers of explosive detection equipment, and other interested parties with a bona fide need to have the complete criteria, provided such persons have appropriate authorization for access to U.S. Government national security information and/or security sensitive information.

**Availability of Criteria**

Persons requesting access to, or a copy of, the complete text (including all classified and sensitive security information) of the "Criteria for Certification of Explosive Detection Systems (EDS)," may write to the Federal Aviation Administration, Office of Civil Aviation Security Operations, Attention: FAA Security Control Point (ACO-320A), Docket No. ACP-27026-C, 800 Independence Avenue, SW., Washington, DC 20591.

Requestors must include information regarding authorizations and security clearances for access to U.S. Government national security information, and sufficient explanatory information supporting the request to demonstrate a bona fide need to know the information contained in the criteria.

**Background**

The FAA invested in early explosive detection research and development (R&D) efforts beginning in 1977. In conjunction with these early R&D efforts, in 1983 the FAA established its first formal, internal statement of detection and false alarm performance goals for explosive detectors for checked baggage, air cargo, carry-on baggage and passengers. In 1986, based upon additional information and further evaluation, these FAA explosive detector goals were revised and upgraded to reflect the changing terrorist threat to civil aviation. Portions of these performance requirements were further revised in August 1989 in anticipation of the use of explosive detection systems (EDS) for screening international checked baggage.

As a result of the tragic bombing of Pan American World Airways Flight 103 over Lockerbie, Scotland, in December 1988, there was an increased focus on explosive detection capabilities and the desire to prevent in an expedient manner recurrences of such an event. This tragedy also prompted Congressional action, which resulted in Public Law 101-45 (June 30, 1989). Public Law 101-45 provides in pertinent part that—

Not later than thirty days after the date of enactment of this Act, the Federal Aviation Administrator shall

initiate action, including such rulemaking or other actions as necessary, to require the use of explosive detection systems that meet minimum performance standards requiring the application of technology equivalent to or better than thermal neutron analysis technology at such airports (whether located within or outside the United States) as the Administrator determines that the installation and use of such system is necessary to ensure the safety of air commerce. The Administrator shall complete these actions within sixty days of enactment of the Act.

As a result, on July 10, 1989, the FAA issued a notice of proposed rulemaking to amend 14 CFR part 108 to require U.S. air carriers to use EDS to screen checked baggage on international flights (54 FR 28985). On September 5, 1989, the FAA promulgated a final rule (14 CFR 108.20, effective on October 5, 1989) on the deployment by air carriers of such systems for screening checked baggage (54 FR 36938), when their security programs are amended by the FAA. Section 108.20 provides that—

When the Administrator shall require an amendment under § 108.25, each certificate holder required to conduct screening under a security program shall use an explosive detection system that has been approved by the Administrator to screen checked baggage on international flights in accordance with the certificate holder's security program.

In August 1989, the President's Commission on Aviation Security and Terrorism was established by Executive Order 12686 to " \* \* \* review and evaluate policy options in connection with aviation security, with particular reference to the destruction \* \* \* of Pan Am Flight 103 over Lockerbie, Scotland. In May 1990, the final report of the President's Commission generally criticized the FAA's explosive detection requirements, and specifically criticized the detection capabilities and false alarm rates of the thermal neutron analysis explosive detection system. The report went on to recommend that the FAA " \* \* \* should undertake a vigorous effort to marshal the necessary expertise to develop and test effective explosive detection systems."

In separate reports issued subsequent to the report of the President's Commission, both the National Academy of Sciences and the Congressional Office of Technology Assessment recommended that FAA set standards for EDS equipment that require detection of substantially smaller amounts of explosives than previously specified. In addition, they made recommendations regarding false

alarm rates, throughput and other parameters, and stated that it is generally accepted that no single technology can currently, or in the near future be expected to, meet these substantially more stringent requirements.

In the context of this ongoing evaluation of how to implement 14 CFR 108.20, Congress enacted the Aviation Security Improvement Act of 1990 (Act) Public Law 101-604. The Act implements many of the recommendations contained in the report of the President's Commission. Section 108 of the Act amends Title III of the Federal Aviation Act of 1958 (49 U.S.C. App. 1341-1358) by adding, among others, a new section 320, deployment of explosive detection equipment. Section 320 provides in pertinent part that—

No deployment or purchase of any explosive detection equipment pursuant to section 108.7(b)(8) and 108.20 of title 14, Code of Federal Regulations, or any similar rule, shall be required after the date of the enactment of this section, unless the Administrator certifies that, based on the results of tests conducted pursuant to protocols developed in consultation with expert scientists from outside the Federal Aviation Administration, such equipment alone or as part of an integrated system can detect under realistic air carrier operating conditions the amounts, configurations, and types of explosive material which would be likely to be used to cause catastrophic damage to commercial aircraft.

The Act further mandates that the FAA complete an intensive review of security threats to civil aviation, and establish and carry out a program to accelerate R&D efforts. As evidence of the concern for prompt action, section 107 of the Act states in pertinent part that—

It shall be the purpose of the [accelerated research and development] program to develop and have in place not later than 36 months such new equipment and procedures as are needed to meet the technological challenges presented by terrorism.

#### Development of the Proposed Criteria

The proposed criteria contained in this notice are responsive to the statutory mandate for testing and certifying EDS equipment. In October 1991, the FAA completed an internal review of all previous studies, reviews, analyses and other related materials. The review was the most extensive examination yet conducted of previous technical reviews and available (and often highly classified) information on the amounts, types and configurations of

explosives used in attempted or successful acts of sabotage against civil aviation.

The review provided the basis for developing proposed criteria that are conservative and consistent with the Act. The proposed criteria are based upon the best scientific, intelligence and investigative information currently available. The amounts and types of explosives specified in the proposed criteria reflect the advice and counsel of the intelligence community, including, among others, the Federal Bureau of Investigation, the Central Intelligence Agency, the Department of Defense, and the Department of State. Also, the FAA consulted with a number of independent experts in the scientific community (both from within and outside the Federal government) in early 1992, including prominent scientists on the Aviation Security R&D Subcommittee of the FAA Research, Engineering and Development Advisory Committee, as well as the National Academy of Sciences.

The FAA continues to work with the intelligence and scientific communities to analyze potential changes in the methods used by terrorists. Further, the FAA is engaged in an aggressive research program to develop additional scientific and analytical data to more precisely quantify the elements of the criteria, and to perform laboratory and field test validations of those elements. Although the FAA anticipates final decisions on certification criteria in early 1993, it is possible that at some future time these ongoing projects may identify changes in the amounts, configurations, and types of explosive material which would be likely to be used to cause catastrophic damage to commercial aircraft. In that case, the criteria will be amended.

The FAA recognizes the requirement of the Act to move expeditiously to put in place new equipment to combat the technological challenges of terrorism. The development of these proposed certification criteria is the first essential step in the process of deploying effective explosive detection systems to improve aviation security. It is critical to facilitating efforts of manufacturers and system integrators to develop, combine and test such systems. The FAA believes that there may be combinations of technologies available now (or in the near future) that can be effectively integrated to meet these proposed criteria, and encourages potential vendors to combine their resources to build systems as rapidly as possible.

These are proposed criteria. After public comment, FAA will put them in

final (or interim final) form in early 1993. FAA also acknowledges there may be some uncertainty that depends on the results of ongoing projects. The FAA solicits comments and information from vendors that will identify systems, and related certification criteria, that will effectively achieve the required levels of detection. In this manner, the combination of ongoing research and vendor development efforts is expected to achieve rapid development of available technologies that will be most cost-effective.

#### Certification Test Plan

The FAA is preparing a separate management plan outlining the framework for EDS certification testing. This draft management plan for certification testing, which is based upon the general testing protocols being developed independently for the FAA by the National Academy of Sciences, is expected to be completed within 90 days after final approval of the general testing protocols by the Academy. Upon completion of this document, a Notice of Availability of the draft management plan for certification testing will be published in the *Federal Register*.

#### Executive Order 12291 (Federal Regulation)

The FAA has determined that the establishment of criteria for certification of explosives detection systems and related steps such as the certification test plan are preliminary to decisions on the deployment of approved EDS under 14 CFR 108.20. Any final deployment decision will be the subject of further review, according to the requirements of E.O. 12291. In this regard, the Department determined that the rule authorizing deployment of an EDS for screening international flights was a major rule as defined in the Executive Order. Based upon circumstances and information available at the final rule stage in 1989, the FAA determined that the EDS available at that time, but which may not meet the criteria proposed in this notice (the Thermal Neutron Analysis (TNA) device), would be cost-beneficial. The FAA's deployment strategy has been to require deployment of effective EDS equipment in the most cost-effective manner.

However, as the certification process and policies affecting deployment of any EDS proceed, further review will be given to all relevant considerations, including changed circumstances, that should bear on the ultimate decisions on the timing and scope of deployment.

Some information relevant to decisions on deployment was developed in the 1989 final rule (54 FR 36946) in

terms of the development, installation, and annual operating costs of 2 TNA device. The FAA invites comments on estimates of the cost of manufacturing, installing and operating systems which would meet the proposed (or alternative) criteria. Comments received will be considered in updating the regulatory impact analysis of the 1989 final rule which, along with other circumstances at the time, will influence future decisions on the scope and timing of deployment.

#### Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily burdened by government regulations. The RFA requires agencies to review rules that may have a "significant economic impact on a substantial number of small entities." Small entities are independently owned and operated small businesses and small not-for-profit organizations.

Under FAA Order 2100.14A, the criterion for a "substantial number" is a number that is not less than 11 and that is more than one third of the small entities subject to the rule. This Order indicates size and "significant impact" thresholds for specific entity types related to the aircraft industry. There is no entity categorization in this Order for manufacturers of this type of equipment. The closest applicable Standard Industrial Classification for these manufacturers is No. 3728, which is for "manufacturers of aircraft parts and auxiliary equipment not elsewhere classified." For such small entities, the applicable size threshold is 175 employees. The FAA's criteria for "significant impact" for each of these manufacturers is \$13,130 per year.

The small entities that could be potentially affected by the implementation of this proposed action are small business enterprises that are or might seek to become manufacturers of EDS equipment. The number of small business enterprises that are in, or might seek to enter, this market cannot be determined.

The proposed action would impose minimal costs on those small business enterprises. These costs are primarily for obtaining access to or copies of the classified and sensitive security information portions of these criteria. Because the incremental cost imposed by this proposed action is expected to be small and certainly less than the aforementioned threshold level (\$13,130 per year), the FAA finds that this proposed action would not have a significant economic impact on a substantial number of small entities.

#### Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96-511), There are no requirements for information collection associated with this proposal.

#### The Proposed Criteria (Excluding Sensitive Portions)

The following sets forth the entire text of the proposed criteria except those portions of the document that contain either national security information that requires safeguarding pursuant to Executive Order 12356, or sensitive security information that requires safeguarding pursuant to 14 CFR part 191.

Note: Paragraph markings (U) indicate that the content of the paragraph is unclassified consistent with standard procedures for paragraph markings in the original classified document.)

#### "Criteria for Certification of Explosives Detection Systems"

##### Introduction

(U) Prior to any requirement for the deployment or purchase of explosive detection equipment under 14 CFR 108.7(b)(8) and 14 CFR 108.20, Section 108 of the Aviation Security Improvement Act of 1990, Public Law 101-604, mandates the FAA to certify that, based upon the results of tests conducted pursuant to protocols developed in consultation with expert scientists from outside the FAA, such equipment can detect under realistic air carrier operating conditions the amounts, configurations and types of explosive material likely to be used to cause catastrophic damage to commercial aircraft.

(U) These criteria establish the minimum acceptable performance requirements for an EDS to meet the mandate of Public Law 101-604 for certification by the FAA, and supersede previous EDS performance requirements established by the FAA.

##### Explosive Detection System (EDS) Definition

(U) An EDS is an automated device, or combination of devices, which has the ability to detect, in passenger checked baggage, the amounts of different types of explosives as specified by the Federal Aviation Administration. The term "automated" means that the ability of the system to detect explosives, prior to the initial automated system alarm, does not depend on human skill, vigilance, or judgement.

[Sensitive Portion of Document Deleted: In the full text of the classified

EDS Certification Criteria document, this portion of the document addresses alarm resolution requirements subsequent to the initial automated alarm.]

#### *General Operational Requirements*

(U) The EDS must detect explosives from among all other materials found in checked baggage.

(U) The detection must not be dependent on the shape, position, or orientation of the explosive, or the configuration of an improvised explosive device (IED).

(U) The EDS must not pose a health hazard to the operators or the public (e.g., see 10 CFR 20, 51 [Nuclear Radiation] and 21 CFR 1020 [Ionizing Radiation]).

(U) The EDS must not cause damage or significant residual change to the luggage or its contents.

#### *Detection Requirements*

(U) The detection of commercial and military explosives in baggage is affected by the type, quantity, and configuration of explosive, as well as the bag and its contents. The EDS must reliably detect a mix of threat types and quantities of explosives selected by the FAA when any of these explosive materials are present in checked baggage.

(U) The CLASSIFIED tables on the following page set forth the explosive detection criteria for checked baggage.

#### *Checked Baggage—Explosives Detection Criteria*

##### *[Sensitive Portion of Document Deleted]*

In the full text of the classified EDS Certification Criteria document, this portion of the document contains two tables that establish: (1) The types and quantities of explosive material that must be detected, and the minimum detection rate for each category of explosive; and (2) the system performance requirements for minimum detection rate and maximum false alarm rate. The throughput requirement that follows appears in these tables, and is quoted below because it is the only item that is not sensitive security information.]

(U) Throughput: Minimum Automated Processing Rate of 450 bags/hour

#### *Overall Performance Requirements*

(U) All the criteria pertaining to detection rate, false alarm rate and throughput are based exclusively on the fully automated component(s) or element(s) of the system.

##### *[Sensitive Portion of Document Deleted]*

In the full text of the classified EDS Certification Criteria document,

this portion of the document includes information regarding requirements for no human intervention, detection rate, and false alarm rate. The throughput requirement that follows appears in this section, and is included below because it is not considered sensitive security information.]

(U) The cumulative system throughput processing rate during the certification tests must be at least 450 bags/hour.

#### *Other Operational Considerations*

(U) In addition to the mandatory criteria discussed above, there are a number of other operational considerations that will influence any future FAA decision to require the purchase, deployment and use of EDS equipment for screening international baggage. While these considerations are not mandatory for certification of EDS equipment, they should be factored into development and design decisions made by potential manufacturers and vendors of EDS equipment.

(U) The FAA has not yet established precise EDS parameters which would serve to define what is practical or cost-effective under realistic air carrier operating conditions (e.g., the precise physical characteristics such as unit weight and size, or the precise unit cost). Given the variety of airport and air carrier operating environments, the FAA does not wish to foreclose the development of technologies which may work under some, but not all, air carrier operating conditions.

(U) The FAA can, however, provide potential manufacturers and vendors, as well as air carriers, and airports with the following guidance. In general, EDS equipment that is less costly, smaller and lighter is more practical for use in a variety of airports than a system that is more expensive, larger and heavier—especially if such equipment would require separate structures or substantial modifications of existing terminal structures for installation or operation. Also, systems which are easily operated and maintained, and proven to be reliable, will be more acceptable than systems that require extensive specialized training for operation, calibration and maintenance.

(U) In addition, systems with throughput rates that substantially exceed the minimum rate established in the certification criteria are operationally more efficient in many applications, and are less likely to cause delays and congestion when large numbers of passenger bags must be screened in short periods of time. Further, systems that can be more easily integrated into existing passenger and baggage processing systems would

presumably be more acceptable to potential users.

(U) Trade-offs are often made among these and other operational considerations during the course of system design. For example, reliability, maintainability and availability can usually be improved, but often at the expense of an increase in purchase price. Such trade-offs will be considered in decisionmaking to require deployment of certified EDS systems.

#### *System Certification*

(U) The FAA will certify EDS equipment based upon the mandatory detection criteria for the purpose of developing a list of equipment that would be eligible for use by air carriers at the point deployment is made mandatory. Actions must be taken under 14 CFR 108.25 to establish a requirement to deploy EDS to screen international checked baggage.

(U) The FAA will not require air carriers to purchase and deploy certified EDS equipment unless it is demonstrated that such equipment is available in sufficient quantities to satisfy air carrier needs, adaptable to various air carrier and airport operating environments, practical for use under realistic air carrier operating conditions (e.g., cost, size, weight, reliability, maintainability, availability, etc.), and cost-effective.

(U) The FAA will only certify complete systems. It will not certify or approve for use, individual component devices. Prior to final certification, the FAA will require manufacturers and vendors to provide full system documentation including, but not limited to, recommended system installation and calibration procedures, minimum essential test equipment and devices, routine field testing procedures and test objects to be used, routine and emergency operating procedures, field preventative maintenance and repair procedures, and training programs.

#### *Certification Testing*

(U) Testing of EDS equipment presented to the FAA for certification will be performed in accordance with the FAA Explosives Detection System Certification Test Plan based upon A General Testing Protocol for Bulk Explosive Detection Systems (National Academy of Sciences, Materials Testing Board, final draft August 1991). The FAA Technical Center in Atlantic City, New Jersey will perform certification tests for producers of candidate explosive detection systems. The EDS Certification Test Director at the Aviation Security Research and

Development Service is the point of contact. The Test Director can be reached at (609) 484-4840; Facsimile (609) 383-1973

[Note: The draft certification test plan for evaluating candidate EDS against the criteria will be available from the Test Director in the near future following publication of a Notice of Availability in the Federal Register.]

(U) Manufacturers seeking FAA certification for their candidate EDS must submit complete descriptive data and their test results to the FAA prior to receiving permission to ship their equipment to the FAA Technical Center. The FAA reserves the right to visit the manufacturers' facilities for technical quality assurance purposes, require and/or monitor in-house tests, and review associated data prior to granting permission to ship equipment for certification testing.

(U) All direct costs associated with testing and certification (e.g., insurance, shipping, installation, set-up, technical operation, maintenance, calibration, disassembly, and FAA laboratory testing costs) must be borne by the manufacturers or vendors.

#### Component Testing

(U) As part of the FAA Security R&D program, the FAA Technical Center has evaluated, and continues to evaluate, devices whose capabilities do not meet all of these performance criteria. For instance, some of the devices that the FAA has or is evaluating have relatively low throughput rates and higher false alarm rates than the maximum acceptable rate. Similarly, the FAA will continue to evaluate detection devices that are designed to search for one or more components of an IED other than the explosive materials. It will be possible, under certain circumstances, for a manufacturer of an explosive detection device (EDD) to have the FAA test and evaluate the device, even when it is not expected to fully meet the EDS performance criteria (e.g., false alarm rate or throughput).

(U) Although only complete systems can be certified, FAA may attest to the performance of, but not certify or approve for use, EDDs or individual components. Attesting to the performance of EDDs is intended to assist manufacturers and vendors who

are seeking partners with whom they can create a functioning EDS composed of multiple devices.

(U) Testing of EDDs will only be conducted: (1) On a first come, first served basis; (2) if adequate resources and facilities are available at the FAA Technical Center to permit such testing; (3) at a lower precedence than EDS certification testing; and (4) if the FAA determines from the manufacturer's test data that there is a substantial likelihood that the device will meet the minimum detection criteria for one or more categories of explosives specified in these criteria.

(Authority: 49 U.S.C. App. 1354, 1356, 1357, 1358a, 1358c, 1421, 1424, and 1511; 49 U.S.C. 106(g).)

Issued in Washington, D.C. on October 23, 1992.

O.K. Steele,

Assistant Administrator for Civil Aviation Security.

[FR Doc. 92-26299 Filed 10-30-92; 8:45 am]

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