

**EMERGENCY ORDER**

**UNITED STATES DEPARTMENT OF TRANSPORTATION  
Federal Railroad Administration  
Office of Chief Counsel**

**Conference Notice No. 2**

This notice states the schedule agreed to by petitioners seeking review of Emergency Order No. 15 and FRA for conducting the conference process required by 49 CFR § 211.47(a).

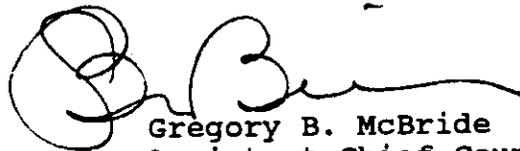
The conference began with a meeting on Friday, September 13, 1991, in Miami, Florida. The following petitioners attended that meeting with FRA: City of Hollywood, John A. Cavalier, Project Whistle Stop, Inc., Northeast Dade Coalition, Inc., City of Miami Springs, City of Fort Lauderdale, City of Palm Bay, City of Lake Worth, City of Melbourne, Indian River County, City of Boca Raton, Town of Jupiter, Martin County, and Florida East Coast Railway Company.

At this meeting, FRA explained the procedures that govern consideration of petitions for review of an FRA emergency order, made a detailed presentation of the basis for issuance of Emergency Order No. 15, answered questions posed by the petitioners, and committed to answer any further questions posed in writing. Petitioners then made oral presentations describing the burden posed by the Order, questioning the validity of the FRA analysis, suggesting alternative approaches to safety, and objecting to the administrative process that preceded issuance of the Order.

FRA proposed (1) that petitioners have ten days from the September 13 meeting to make written submissions to FRA, presenting facts, arguments, and proposals for modification or withdrawal of the Emergency Order, and (2) that FRA then have ten days to respond in writing. At the request of petitioners, these ten-day periods were extended to target dates of October 15, and November 15, 1991, respectively. In addition, petitioners requested another target date of December 2 by which they may, if they wish, request a second meeting in the nature of the September 13 meeting at which oral discussion of petitioners' submissions and FRA's response could take place. The parties agreed that any such second meeting would be held before January 1, 1992, and that it is the goal of the parties to conclude the conference process by that date.

FRA requests that any petitioner wishing to withdraw its petition do so in writing to this office. Once again, in the interest of an expeditious conference process, FRA encourages joint submissions. Please direct any questions or comments to Mr. Kyle M. Mulhall, of my staff, at (202) 366-0635.

September 18, 1991



Gregory B. McBride  
Assistant Chief Counsel  
for Safety

(FRA) from any Canadian civil aviation

## EMERGENCY ORDER No. 15

*GRANT, July 28, 1991, Exemption No. 5583.*

### Good Cause

*Docket No.: 25882.*

*Petitioner: British Aerospace, Inc.*

*Sections of the FAR Affected: 14 CFR part 61.*

*Description of Relief Sought:* To extend Exemption No. 5110 which allows British Aerospace, Inc. to continue to allow those persons who contract with BAE to use Federal Aviation Administration (FAA)-approved Phase II simulators to meet certain experience, training, and checking requirements of part 61. Exemption No. 5110 expires November 30, 1991.

*Docket No.: 20609.*

*Petitioner: Jet Exam.*

*Sections of the FAR Affected: 14 CFR 61.57 and 61.157 and appendix H of part 121.*

*Description of Relief Sought/Disposition:* To allow Jet Exam to provide recency of experience, training, and certification tests in advance simulators.

[FR Doc. 91-19576 Filed 8-15-91; 8:45 am]

BILLING CODE 4910-12-M

### Federal Railroad Administration

[FRA Emergency Order No. 15, Notice No. 2]

#### Petition To Review Emergency Order 15

On August 6, 1991, the Federal Railroad Administration (FRA) received a petition from the City of Hollywood, Florida, requesting review of this agency's Emergency Order No. 15. That Order, issued July 26, and published in the Federal Register on July 31, requires that trains operated by the Florida East Coast Railway Company sound train-borne audible warning devices when approaching public highway-rail grade crossings.

FRA is providing notice of receipt of this petition to potentially interested parties to expedite the administrative proceedings required by federal law. To avoid the duplication of cost, logistic burden, and delay that would be caused by separately adjudicating each petition,

and in recognition of the similarity of the facts and issues in dispute, all petitions received by August 30, 1991, requesting modification or withdrawal of the Emergency Order will be merged for decision in a single administrative proceeding.

Petitions for modification or withdrawal of the Order based on facts in existence at the time the Order was issued, shall be filed by August 30. Any subsequent petition based on such facts will be denied as untimely unless the petitioner demonstrates good cause for the delay.

Petitions should be filed with the FRA Docket Clerk, 400 Seventh Street, SW., room 8201, Washington, DC 20590.

By agreement of FRA and the petitioner, City of Hollywood, the conference provided for in 49 CFR 211.47 is tentatively scheduled for September 13, 1991, to be held at a Federal facility in Florida. That conference is among counsel and is closed to the public and the press. Informal procedures for conducting the conference will be issued after August 30.

By agreement of FRA and the City of Hollywood, the three-month period for decision of the petition will begin to accrue on the first date of the conference.

Issued in Washington, DC, on August 13, 1991.

S. Mark Lindsey,

Chief Counsel.

[FR Doc. 91-19576 Filed 8-15-91; 8:45 am]

BILLING CODE 4910-02-M

### National Highway Traffic Safety Administration

[Docket No. 88-08; Notice 12]

#### Federal Motor Vehicle Safety Standards; Side Impact Protection; Laboratory Test Procedure

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

**ACTION:** Notice of public availability and request for comment.

**SUMMARY:** On October 30, 1990, NHTSA published in the Federal Register a final rule adding dynamic test procedures and performance requirements to Federal Motor Vehicle Safety Standard No. 214 (55 FR 45722). The dynamic requirements will be phased-in over a three-year period, beginning on September 1, 1993. At the same time, NHTSA also published final rules (1) establishing the specifications for the side impact dummy to be used in the dynamic crash test (55 FR 45757), (2)

establishing the attributes of the moving deformable barrier (MDB) to be used in the dynamic crash test (55 FR 45770), and (3) establishing the reporting and recordkeeping requirements necessary for NHTSA to enforce the phase-in of the new requirements (55 FR 45768).

NHTSA anticipates contracting with laboratories to obtain test data to determine whether particular motor vehicles or items of motor vehicle equipment comply with the side impact dynamic requirements just as it does with the agency's other standards. NHTSA has prepared a draft Laboratory Test Procedure for use by contractors in testing vehicles for compliance with the side impact dynamic performance requirements. Because of the unusual complexity of and public interest in issues associated with the test procedure, NHTSA is making the draft available to the public and requesting comment on it. NHTSA will consider any public comments before adopting a final Laboratory Test Procedure.

**DATES:** Comment closing date:

Comments on this notice must be received on or before October 15, 1991.

**ADDRESSES:** All comments on this notice should refer to the above docket and notice numbers and be submitted to the following: Docket Section, room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. It is requested that 10 copies be submitted. The Docket is open from 9:30 a.m. to 4 p.m., Monday through Friday. The draft Laboratory Test Procedure is available in the docket.

**FOR FURTHER INFORMATION CONTACT:**

Thomas Grubbs, Office of Vehicle Safety Compliance, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590 (202-386-5323).

**SUPPLEMENTARY INFORMATION:** On October 30, 1990, NHTSA published in the Federal Register a final rule adding dynamic test procedures and performance requirements to Federal Motor Vehicle Safety Standard No. 214, Side impact protection (55 FR 45722). The dynamic test requirements of Standard No. 214 are applicable to passenger cars and will be phased-in over a three-year period, beginning on September 1, 1993. At the same time, NHTSA also published final rules (1) establishing the specifications for the side impact dummy to be used in the dynamic crash test (55 FR 45757), (2) establishing the attributes of the moving deformable barrier to be used in the dynamic crash test (55 FR 45770), and (3) establishing the reporting and