

**SUMMARY:** NOSAC will meet to discuss various issues relating to offshore safety. The meeting will be open to the public.

**DATES:** The NOSAC meeting will be held on Friday, March 29, 1996, from 9 a.m. to 3:30 p.m. Persons wishing to make oral presentations or provide written material during the meeting should notify the Executive Director, listed below under **ADDRESSES**, on or before March 15, 1996.

**ADDRESSES:** The NOSAC meeting will be held in Rooms 4436/4440, of the NASSIF Building, 400 7th Street, SW., Washington, DC. Written material should be sent to Captain R. L. Skewes, Executive Director, Commandant (G-MOS), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001.

**FOR FURTHER INFORMATION CONTACT:** Captain R. L. Skewes, Executive Director, or Mr. Jim Magill, Assistant to the Executive Director, Commandant (G-MOS-2), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, telephone (202) 267-0214, fax (202) 267-4570.

**SUPPLEMENTARY INFORMATION:** Notice of this meeting is given pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. The agenda for the NOSAC will include discussion of the following topics:

- (1) Revision of Subchapter "N";
- (2) Implementation of Subchapter "L" on Offshore Supply Vessels (OSVs) and Liftboats;
- (3) Establishment of Pipeline-free Anchorages for Mobile Offshore Drilling Units (MODUs), Liftboats and Vessels;
- (4) Implementation of "Prevention Through People" in the Offshore Industry;
- (5) Coordination of International Safety Management Code and Safety and Environmental Management Program for MODUs and platforms;
- (6) International Maritime Organization (IMO)/International Organization of Standardization Issues;
- (7) IMO Code of Safe Practice for OSVs.

Attendance at the meeting is open to the public. With advance notice, and at the Chairman's discretion, members of the public may make oral presentations during the meeting. Persons wishing to make oral presentations should notify the Executive Director, listed above under **ADDRESSES**, no later than March 28, 1996. Written material may be submitted at any time for presentation to NOSAC. However, to ensure advance distribution to each Committee member, persons submitting written material are asked to provide 20 copies to the

Executive Director no later than March 15, 1996.

Dated: February 28, 1996.  
Joseph J. Angelo,  
*Director for Standards, Office of Marine Safety, Security and Environmental Protection.*  
[FR Doc. 96-5061 Filed 3-4-96; 8:45 am]  
**BILLING CODE 4910-14-M**

### Federal Aviation Administration

#### Emergency cease and desist order and notice of enforcement policy

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Emergency Cease and Desist Order and Notice of Enforcement Policy.

**SUMMARY:** This order and policy statement is necessary to address safety concerns arising from the interception and destruction of two U.S. civilian aircraft in international airspace north of Cuba and the unauthorized operation of U.S. aircraft in Cuban territorial airspace.

**EFFECTIVE DATE:** February 29, 1996.

**FOR FURTHER INFORMATION CONTACT:** Peter J. Lynch, Assistant Chief Counsel for Enforcement, Enforcement Division, Office of the Chief Counsel, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-9956.

#### SUPPLEMENTARY INFORMATION:

##### Background

On February 24, 1996, Cuban military aircraft intercepted and destroyed two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba. These aircraft posed no credible threat to Cuba's security. The President directed his Administration to take immediate steps in response to the Cuban Government's actions. Among other steps, the United States sought condemnation of Cuba's actions by the United Nations Security Council and the International Civil Aviation Organization. The President also suspended all commercial charter flights to Cuba indefinitely.

On February 27, 1996, the United Nations Security Council strongly deplored the destruction of the two civil aircraft by the Cuban air force, and requested that the International Civil Aviation Organization investigate the incident in its entirety and reports its findings to the Security Council as soon as possible.

Unauthorized operation of U.S.-registered civil aircraft in Cuban territorial airspace is prohibited by the

Federal Aviation Regulations. The United States Government has issued statements warning of the serious consequences that could occur should any person conduct such operations.

Notwithstanding such advice and warnings of the United States Government and the unlawfulness of the conduct, operations without authorization in Cuban territorial airspace have occurred.

Based on the circumstance described above, I find that an emergency exists relating to safety in air commerce, and that there is an immediate need to take action for reasons of safety of flight in the vicinity of the Florida Straits and to ensure against the unauthorized entry of U.S. civil aircraft into Cuban territorial airspace. Unauthorized operation of U.S.-registered civil aircraft into the territorial airspace of the Republic of Cuba is prohibited.

#### Statement of Policy

Now, therefore, it is ordered that any person holding a U.S. airman certificate and/or operating U.S.-registered civil aircraft who has conducted unauthorized operations within Cuban territorial airspace Cease and desist from this unlawful activity.

It is further ordered that all persons holding U.S. airman certificates and/or operating U.S.-registered civil aircraft comply with the Federal Aviation Regulations prohibiting unauthorized operation within Cuban territorial airspace.

#### Enforcement Policy

Take notice that, effective immediately, any person who makes unauthorized entry into the territorial airspace of the Republic of Cuba in violation of the Federal Aviation Regulations will be subject to enforcement action to the maximum extent permitted by law, including, but not limited to the following: Immediate revocation of pilot certificate; maximum civil penalties; seizure of aircraft involved in such a violation; and appropriate judicial remedies.

(Authority: 49 U.S.C. Sections 40113(a), 44709, 46105(c), 46301, 46304(b), 46106, and 46107.)

Further, any person who operates or attempts to operate an aircraft after pilot certificate revocation, or otherwise without a valid airman certificate, is subject to criminal penalties of up to 3 years in prison, and/or fines (49 U.S.C. Section 46306(b)(7)).

Issued in Washington, DC, on February 29, 1996.

David R. Hinson,  
Administrator.

[FR Doc. 96-5183 Filed 3-1-96; 10:22 am]

BILLING CODE 4910-13-M

## Federal Railroad Administration

[FRA Emergency Order No. 20, Notice No. 2]

### Commuter and Intercity Passenger Railroads, Including Public Authorities Providing Passenger Service, and Affected Freight Railroads; Clarification of Emergency Order Requiring Enhanced Operating Rules and Plans for Ensuring the Safety of Passengers Occupying the Leading Car of a Train With Appropriate Amendments

#### Introduction

On February 20, 1996, the Federal Railroad Administration (FRA) issued Emergency Order No. 20 (Notice No. 1). The order required prompt action to immediately enhance passenger train operating rules and emergency egress and to develop a more comprehensive interim system safety plan addressing cab car forward and multiple unit (MU) operations that do not have either cab signal, automatic train stop, or automatic train control systems. Subsequent to issuance of the order, FRA and the Federal Transit Administration (FTA) recognized that the original order's safety measures, while establishing requirements to abate the safety risks at issue, would benefit from refinements increasing their effectiveness. Three aspects of the original order are being refined in this notice. FRA is: (1) More sharply focusing and strengthening the provisions relating to the delay in block rule; (2) tailoring the signal calling provisions to reflect more diverse operating situations; and (3) providing more detailed guidance on the emergency egress sampling provision. FRA is also clarifying measures that apply to defective cab signal, automatic train stop (ATS) and automatic train control (ATC).

Emergency Order No. 20 generally applies to commuter and intercity passenger railroads using push-pull and MU operations where cab signal, ATS, or ATC is not in operation and trains are operating in excess of 30 miles per hour. Although enroute failures are rare events, if cab signals, ATS or ATC fail, the relevant safety measures of this order apply. The only exception would be when cab signal, ATS or ATC fail on

track that is not governed by wayside signals. In those instances, adherence to existing federal standards and applicable operating rules provide a comparable level of safety. It is important to note, however, that railroads are not expected to conduct efficiency testing when cab signal, ATS, or ATC is the normal method of operation and there is an occasional failure. Therefore, railroads are not expected to interfere with normal operation of the cab signal, ATS, or ATC systems for such efficiency testing. All changes and the clarification addressed above reflect discussions that FRA and FTA held with the commuter and intercity railroads subsequent to issuance of the order.

#### (1) Delayed in Block

The original order required application of the delay-in-block provisions regardless of the train's location on the railroad although, in the relevant accidents that formed the basis for the order, the trains involved were operating in a block immediately preceding an interlocking or controlled point. Additionally, the original order provided no maximum speed for delayed-in-block movements other than that provided in relevant railroad rules. The FRA's refined approach will limit the order's applicability to blocks immediately preceding interlockings and controlled points and require that the train reduce speed in accordance with applicable operating rules, but in no case may speed exceed 40 miles per hour. FRA established the maximum speed of 40 miles per hour in accordance with the reduced speed imposed under its regulations addressing failure of cab signal, ATS, or ATC devices (see 49 CFR 236.567, 236.811). This will more clearly focus the rule on the situations intended to be addressed by the original order and ensure that the maximum reduced speed permitted where the rule applies is standardized and is based on a known standard. In other words, the maximum speed where the rule applies will be 40 miles per hour or less, depending upon the railroad's rules. FRA is also strengthening the delay-in-block rule by adding a measure requiring that appropriate signs be installed at each affected signal and at the departure end of stations. This will prevent confusion as to where the rule applies.

#### (2) Signal Calling

The modification to the signal calling provision reflects the reality that designated crew members will be positioned in varying locations when receiving the verbal communication

identifying the signal indication. Although the initial version of the order specified a particular location on the train (i.e. in a trailing unit or car), the underlying safety concern can be satisfied by having the crew member receive and acknowledge the communication regardless of the responder's physical location on the train.

#### (3) Emergency Egress

The original order required but did not set parameters for testing a representative sample of emergency exits. The alteration to the emergency egress provisions requires that sampling of emergency window exits be conducted in conformity with either of two alternate methods commonly recognized for such efforts. This modification provides a degree of uniformity industry wide. These methods require sampling meeting a 95 percent confidence level that all emergency window exits operate properly (i.e., the methods do not accept a defect rate of 5 percent). Although the original order would have required testing all exits on a specific series or type of car if one such car had a defective window exit, the amended order permits the use of these commonly accepted sampling techniques to determine how many additional windows in test. In general, these principles require that the greater the percentage of windows initially found defective, the greater the percentage of windows that will have to be tested.

In addition, FRA has modified the emergency egress portion of the order to clarify that the exterior marking requirement applies to those windows that may be employed for access by emergency responders, which may be windows other than, or in addition to, those designed for emergency egress for passengers. In addition, FRA has modified the interim system safety plan portion of the order to require discussion of the railroad's programs and plans for liaison with and training of emergency responders with respect to emergency access to passengers. The original order required discussion only of methods used to inform passengers of the location and method of emergency exits.

#### Finding and Order

FRA concludes that certain current conditions and practices on commuter and intercity passenger railroads pose an imminent and unacceptable threat to public and employee safety. Of greatest concern are push-pull and MU operations lacking the protection