

## § 552.6

will be considered at the discretion of the Administrator or his delegate.

### § 552.6 Technical review.

The appropriate Associate Administrator conducts a technical review of the petition. The technical review may consist of an analysis of the material submitted, together with information already in the possession of the agency. It may also include the collection of additional information, or a public meeting in accordance with § 552.7.

[60 FR 17267, Apr. 5, 1995]

### § 552.7 Public meeting.

If the Associate Administrator decides that a public meeting on the subject of the petition would contribute to the determination whether to commence a proceeding, he issues a notice of public meeting for publication in the FEDERAL REGISTER to advise interested persons of the time, place, and subject matter of the public meeting and invite their participation. Interested persons may submit their views and evidence through oral or written presentations, or both. There is no cross examination of witnesses. A transcript of the meeting is kept and exhibits may be accepted as part of the transcript. Sections 556 and 557 of title 5, U.S.C., do not apply to meetings held under this part. The Chief Counsel designates a member of his staff to serve as legal officer at the meeting.

### § 552.8 Notification of agency action on the petition.

After considering the technical review conducted under § 552.6, and taking into account appropriate factors, which may include, among others, allocation of agency resources, agency priorities and the likelihood of success in litigation which might arise from the order, the Administrator will grant or deny the petition. NHTSA will notify the petitioner of the decision to grant or deny the petition within 120 days after its receipt of the petition.

[60 FR 17267, Apr. 5, 1995]

### § 552.9 Grant of petition.

(a) If a petition for rulemaking with respect to a motor vehicle safety standard is granted, a rulemaking pro-

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ceeding is promptly commenced in accordance with applicable NHTSA and statutory procedures. The granting of such a petition and the commencement of a rulemaking proceeding does not signify, however, that the rule in question will be issued. A decision as to the issuance of the rule is made on the basis of all available information developed in the course of the rulemaking proceeding, in accordance with statutory criteria.

(b) If a petition with respect to a noncompliance or a defect is granted, a proceeding to determine the existence of the noncompliance or defect is promptly commenced by the initiation of an investigation by the Office of Standards Enforcement or the Office of Defects Investigation, as appropriate.

### § 552.10 Denial of petition.

If a petition is denied, a FEDERAL REGISTER notice of the denial is issued within 45 days of the denial, setting forth the reasons for denial of the petition.

## Subpart B—Petitions for Expedited Rulemaking To Establish Dynamic Automatic Suppression System Test Procedures for Federal Motor Vehicle Safety Standard No. 208, Occupant Crash Protection

SOURCE: 65 FR 30744, May 12, 2000, unless otherwise noted.

### § 552.11 Application.

This subpart establishes procedures for the submission and disposition of petitions filed by interested parties to initiate rulemaking to add a test procedure to 49 CFR 571.208, S28.

### § 552.12 Definitions.

For purposes of this subpart, the following definitions apply:

(a) *Dynamic automatic suppression system (DASS)* means a portion of an air bag system that automatically controls whether or not the air bag deploys during a crash by:

(1) Sensing the location of an occupant, moving or still, in relation to the air bag;