

Amtrak operational software. FRA subsequently extended the relief period several times as Amtrak continued to make adjustments. The temporary operating protocols specified in paragraph 12 of this Order are no longer in effect, since the last of these extensions expired on July 1, 2002. For this reason, the temporary operating protocols specified in this amendment will be added to this Order in new paragraph 13.

The modifications contained in this amendment to the Order will run until development and testing of the operational software is complete and FRA has issued a subsequent notice. FRA is making this amendment effective upon publication instead of 30 days after the publication date in order to realize the significant safety and transportation benefits afforded by the ACSES system at the earliest possible time. All affected parties have been notified.

FRA is not reopening the comment period since the amendment to this Order is necessary to avoid disruption of rail service. Under these circumstances, delaying the effective date of the amendment to allow for notice and comment would be impracticable, unnecessary, and contrary to the public interest.

As mentioned above, the relief granted in the last amendment has expired. To prevent such recurrences, and to ensure that FRA has adequate time to consider all requests, any future requests for relief must be submitted no later than 10 working days before the requestor wishes the desired relief to take effect. FRA expects the parties to this Order to resolve any remaining issues quickly, since this is the seventh time that FRA has amended the Order to provide temporary relief from its requirements.

#### **New CSXT Temporary Operating Protocols**

The CSXT letter identified numerous "problem areas" in both the wayside and onboard portions of ACSES, with CSXT's recommended solutions. Many of the software and mechanical issues identified by CSXT have either been resolved through agreement with Amtrak or cannot be addressed by revisions to the order. One major issue, however, is CSXT's request to be allowed to continue trains operations with ACSES cut out in the event of a road failure, or a single nuisance penalty brake application. FRA will not allow this request. CSXT is in effect asking for permission to cut out ACSES en route, regardless of whether the system is on board and working as

intended. FRA believes that the protection ACSES provides to high speed trains and other trains on the NEC—North End is more important than its occasional impact on freight service. However, FRA is amending the Order to reduce the impact on CSXT operations by excepting nighttime operations as CSXT requested. In this amendment, FRA also addresses CSXT's request to remove the positive stop protections at two interlockings.

#### *(1) Nighttime Operations*

In its June 26 letter, CSXT stated that Amtrak had agreed to allow CSXT to operate freight trains on the NEC—North End with ACSES cut out during the low-volume hours of 12:00 a.m.–5:00 a.m. There are no high-speed train operations on the NEC—North End during these hours, and other passenger rail operations are very limited. This relief will allow CSXT to operate trains on the NEC—North End with ACSES cut out, without the current requirement that the Amtrak dispatcher be notified at the time of cut out.

FRA approves this request, provided that CSXT and Amtrak submit operating rules for FRA's approval before nighttime operations begin. The operating rules must indicate all the aspects and controls of these operations. This relief will continue until Amtrak has modified its software to eliminate the large number of unexpected penalty applications currently required and FRA has issued a subsequent notice rescinding the relief extended in this notice.

#### *(2) Retention of Positive Stop Requirements*

Currently, ACSES enforces positive stop requirements at the interlockings at Attleboro, and Mansfield, Massachusetts. In its June 26 letter, CSXT indicated that Amtrak had agreed to grant CSXT's request to remove the positive stop requirements at both interlockings, to reduce the number of penalty brake applications experienced during switching operations.

Even though Amtrak has agreed to these removals, FRA does not approve CSXT's request to remove the positive stop requirements at the Attleboro and Mansfield interlockings. The Order required Amtrak to put ACSES on high speed main tracks and tracks adjacent to them where speeds exceed 15 mph. This ACSES territory must also have perimeter protection. At the Attleboro interlocking, entry from the New Bedford Secondary is onto Track 4, a 60 mile per hour (mph) track used by cab car forward commuter trains where safety could be adversely affected by the

removal of the positive stops at the east and west bound home signals. Track 4 is required both to have ACSES and to be perimeter-protected, which benefits safety on the commuter main and the adjacent high speed line. At the Mansfield interlocking, entry is onto a high-speed (150 mph) track. Here too, FRA believes that safety would be better served by retaining positive stop protection.

Accordingly, for the reasons stated in the preamble, the Final Order of Particular Applicability published at 63 FR 39343, July 22, 1998 (Order) is amended as follows:

1. The authority for the Order continues to read as follows: 49 U.S.C. 20103, 20107, 20501–20505 (1994); and 49 CFR 1.49(f), (g), and (m).

2. Paragraph 13 is added to read as follows:

13. CSX Transportation (CSXT) Temporary Operating Protocols.

Effective upon [July 22, 2002] until further notice:

CSXT may operate trains along the NEC—North End between the hours of 12 a.m. to 5 a.m. with ACSES cut out, without prior notification to the Amtrak dispatcher. This temporary relief is contingent upon FRA approval of Amtrak and CSXT operating rules concerning these operations.

Issued in Washington, DC, on July 15, 2002.

**Allan Rutter,**

*Federal Railroad Administrator.*

[FR Doc. 02–18346 Filed 7–19–02; 8:45 am]

BILLING CODE 4910–06–P

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Transit Administration**

#### **Notice of Granted Buy America Waiver**

**AGENCY:** Federal Transit Administration (FTA), DOT.

**ACTION:** Notice of granted Buy America waiver.

**SUMMARY:** This waiver was granted to Webasto Thermosystems, Inc., Teleflex Thermal Technology, and Espar Products for the manufacture of an auxiliary heater to be used in bus heating systems and will allow vehicle manufacturers to count the auxiliary heater as domestic when calculating domestic content. This notice shall ensure that the public, particularly potential manufacturers, is aware of this waiver. FTA requests that the public notify it of any relevant changes in the domestic market of auxiliary heaters.

**FOR FURTHER INFORMATION CONTACT:** Meghan G. Ludtke, FTA Office of Chief

Counsel, Room 9316, (202) 366-1936 (telephone) or (202) 366-3809 (fax).

**SUPPLEMENTARY INFORMATION:** The above referenced waiver is as follows:

May 15, 2002

Mr. Patrick Lock, Transit OEM Account Manager, Webasto Theromsystems Inc., 3333 John Conley Dr., Lapeer, Michigan 48446.

Mr. Scott Winton, Sales & Marketing Manager, Thermal Division, Teleflex Thermal Technology, 3831 No. 6 Road, Richmond, BC, Canada V6V 1P6.

Mr. John Dennehy, Vice President of Marketing and Communications, Espar Products, Inc., 6435 Kestrel Road, Mississauga, Ontario, Canada L5T128.

Dear Messrs. Lock, Winton, and Dennehy: This is in response to Mr. Lock's letters of March 5, 2002, and April 1, 2002, in which he requested a Buy America component waiver. The request is based on the domestic non-availability of auxiliary heaters used in bus heating systems. For the reasons below, I have determined that a waiver is appropriate here.

We received a similar request from Teleflex on July 28, 2001, which was ultimately denied. The reason for that denial was discussed in our September 28, 2001, letter. We considered the fact that the auxiliary heaters comprised a small percentage of the overall material content of the vehicle and FTA's unwillingness to create a competitive advantage where there might be more than [sic] one foreign manufacturer. In that case, no further information was provided concerning the market or other manufacturers, and therefore, we were not presented with enough information on which to base a waiver.

However, the request by Webasto contained the information needed to grant this waiver; specifically, we were given information about all known auxiliary heater manufacturers. We then verified this information with many vehicle manufacturers and were told that the three companies listed here were, in fact, the only known manufacturers of such auxiliary heaters and that all three companies supply foreign products. We are now confident that no domestic manufacturer of this product currently exists.

The Federal Transit Administration's (FTA) requirements concerning domestic preference for federally funded transit

projects are set forth in 49 U.S.C. 5323(j). Section 5323(j)(2)(C) contains the general requirements for the procurement of rolling stock. This section provides that when rolling stock is procured with FTA funds, the cost of the components and subcomponents produced in the United States must be at least 60 percent of the cost of the components of the rolling stock, and the vehicle must undergo final assembly in the U.S. See also, 49 CFR 661.11. Section 5323(j)(2)(B) states that those requirements shall not apply if the item is not produced in sufficient and reasonably available amounts in the U.S. See also, 49 CFR 661.7(c). The implementing regulation allows a bidder or supplier to request a non-availability waiver for a component or subcomponent of rolling stock. 49 CFR 661.7(f) and 661.9(d).

Based on the above-referenced information, I have determined that the grounds for a "non-availability" waiver do exist for Webasto, Teleflex, and Espar. Therefore, pursuant to the provisions of 49 U.S.C. 5323(j)(2)(B), the waiver is hereby granted for all contracts for auxiliary heaters entered into within two years of the date of this letter, or until such time as a domestic source for this type of product becomes available, whichever occurs first. In order to ensure that the public is aware of this waiver, particularly potential manufacturers, it will be published in the **Federal Register**.

If you have any questions, please contact Meghan G. Ludtke at (202) 366-1936.

Very truly yours,

Gregory B. McBride,  
*Deputy Chief Counsel.*

Dated: Issued July 16, 2002.

**Jennifer L. Dorn,**  
*Administrator.*

[FR Doc. 02-18347 Filed 7-19-02; 8:45 am]

**BILLING CODE 4910-57-M**

## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

#### Office of Hazardous Materials Safety; Notice of Delays in Processing of Exemption Applications

**AGENCY:** Research and Special Programs Administration, DOT.

**ACTION:** List of applications delayed more than 180 days.

**SUMMARY:** In accordance with the requirements of 49 U.S.C. 5117(c), RSPA is publishing the following list of exemption applications that have been in process for 180 days or more. The reason(s) for delay and the expected completion date for action on each application is provided in association with each identified application.

**FOR FURTHER INFORMATION CONTACT:** J. Suzanne Hedgepeth, Director, Office of Hazardous Materials, Exemptions and Approvals, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590-0001, (202) 366-4535.

#### Key to "Reasons for Delay"

1. Awaiting additional information from applicant
2. Extensive public comment under review
3. Application is technically complex and is of significant impact or precedent-setting and requires extensive analysis
4. Staff review delayed by other priority issues or volume of exemption applications

#### Meaning of Application Number Suffixes

N—New application

M—Modification request

PM—Party to application with modification request

Issued in Washington, DC, on July 16, 2002.

**J. Suzanne Hedgepeth,**

*Director, Office of Hazardous Materials Exemptions and Approvals.*

Application No.	Applicant	Reason for delay	Estimated date of completion
<b>New Exemption Applications</b>			
11862-N .....	The BOC, Group Murray Hill, NJ .....	4	8/30/2002
11927-N .....	Alaska Marine Lines, Inc., Seattle, WA .....	4	8/30/2002
12381-N .....	Ideal Chemical & Supply Co., Memphis, TN .....	4	8/30/2002
12412-N .....	Great Western Chemical Company, Portland, OR .....	4	8/30/2002
12440-N .....	Luxfer Inc., Riverside, CA .....	4	8/30/2002
12571-N .....	Air Products & Chemicals, Inc., Allentown, PA .....	4	8/30/2002
12630-N .....	Chemetall GmbH Gesellschaft Langelsheim, DE .....	4	8/30/2002
12648-N .....	Stress Engineering Services, Inc., Houston, TX .....	4	9/30/2002
12676-N .....	Hawks Logistics, Edmond, OK .....	4	9/30/2002
12701-N .....	Fuel Cell Components & Integrators, Inc., Hauppauge, NY .....	1	8/30/2002
12706-N .....	Raufoss Composites AS, Raufoss, NO .....	4	8/30/2002