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 The temporary operating protocols specified in paragraph 12 of this Order are no longer in effect, since the last of these extensions expired on July 1, 2002.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 remove the 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 50 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
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.


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.


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.

<table>
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<th>Estimated date of completion</th>
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