

Avenue, NW., Mailstop 25, Washington, DC 20590, (202) 493-6302.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), FRA is giving notice of a meeting of the Railroad Safety Advisory Committee ("RSAC"). The meeting is scheduled to begin at 9:30 a.m. and conclude at 4 p.m. on Thursday, September 19, 2002. The meeting of the RSAC will be held at the Almas Temple Club, 1315 K Street, NW., Washington, DC., 20005, (202) 898-1688. All times noted are Eastern Standard Time.

RSAC was established to provide advice and recommendations to the FRA on railroad safety matters. The Committee consists of 48 individual voting representatives and five associate representatives drawn from among 32 organizations representing various rail industry perspectives, two associate representatives from the agencies with railroad safety regulatory responsibility in Canada and Mexico and other diverse groups. Staffs of the National Transportation Safety Board and Federal Transit Administration also participate in an advisory capacity.

The RSAC meeting topics will include Railroad-Highway Grade Crossing and Trespasser Prevention Programs That Are Making a Difference, Fatigue Pilot Programs, Positive Train Control Demonstration Projects, and a Cab Working Conditions Noise Briefing. There will also be status reports on working group activities. The FRA Administrator will make remarks in the afternoon.

See the RSAC Web site for details on pending tasks at: <http://rsac.fra.dot.gov/>. Please refer to the notice published in the **Federal Register** on March 11, 1996 (61 FR 9740) for more information about the RSAC.

Issued in Washington, DC, on August 27, 2002.

**George A. Gavalla,**

*Associate Administrator for Safety.*

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**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 allows North American Bus Industries to count a foreign-manufactured articulating joint

system used in its low floor bus as a domestic component for purposes of calculating the aggregate domestic content of the vehicle and was predicated on the non-availability of the item in the domestic market. The waiver was granted on July 9, 2002. This notice shall insure that the public, particularly potential manufacturers, is aware of the waiver. FTA requests that the public notify it of any relevant changes in the domestic articulating joint market.

**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:** See waiver below.

Issued: August 26, 2002.

**Robert D. Jamison,**

*Deputy Administrator.*

August 9, 2002.

Mr. Bill Coryell,

*Vice President, Sales, North American Bus Industries, 20350 Ventura Blvd., Suite 205, Woodland Hills, California 91364.*

Dear Mr. Coryell: This letter responds to your correspondence of April 5 and June 26, 2002, in which you request a non-availability waiver of the Buy America requirements for the procurement of the Hubner Manufacturing Corporation (Hubner) articulating joint system for use in North American Bus Industries' (NABI) low floor and standard floor articulated buses. The system is comprised of a mechanical articulating joint incorporating an electronically controlled, hydraulic damping subsystem.

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) addresses the general requirements for the procurement of rolling stock. This section provides that all rolling stock procured with FTA funds must have a domestic content of at least 60 percent and must undergo final assembly in the U.S.

A non-availability waiver would allow NABI to count the joint as domestic for the purposes of calculating the aggregate domestic content of the vehicle. You request a waiver under 49 U.S.C. 5323(j)(2)(B), which states the Buy America requirements shall not apply if the item or items being procured are not produced in the U.S. in sufficient and reasonably available quantities or are not of a satisfactory quality. The regulation provides that non-availability waivers "may be granted for a component or subcomponent in the case of the procurement of the items governed by [49 U.S.C. 5323(j)(2)(C)] (requirements for rolling stock). If a waiver is granted for a component or subcomponent, that component or subcomponent will be considered to be of domestic origin for the purposes of section 661.11 of this part." 49 C.F.R. 661.7(f).

You state that the Hubner articulating joint system is necessary for the production of articulated buses and is not available from a

domestic source. It was also noted that FTA granted a similar waiver to New Flyer on April 24, 2001. We posted a request for comments on this matter on our website and we received no comments from domestic manufacturers of this product, though we did receive comments from another foreign manufacturer who claims that they make an equivalent product and would be disadvantaged by a waiver for the Hubner product. FTA will follow-up separately with that party.

Based on the information you have provided, I have determined that the grounds for a non-availability waiver do exist. Therefore, pursuant to the provisions of 49 U.S.C. 5323(j)(2)(B), the waiver is granted for the procurement of Hubner's articulating joint system for NABI's articulated buses. In order to insure that the public is aware of this waiver, particularly potential manufacturers, this waiver will be published in the **Federal Register**.

However, as FTA told New Flyer in a January 17, 2001, letter, we expect NABI to work with domestic suppliers to attempt to develop alternative sources for these products. For that reason, we will grant this waiver to NABI for all solicitations responded to until April 24, 2003, which is when New Flyer's waiver expires. We will then evaluate the situation with respect to all vehicle and articulating joint manufacturers.

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

Very truly yours,

Gregory B. McBride,

*Deputy Chief Counsel.*

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## 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, granted August 9, 2002, allows Orion Bus Industries (Orion) to count the axle used in the Orion II paratransit vehicle as a domestic component for the purposes of calculating overall domestic content and was predicated on the non-availability of the item domestically. A similar waiver was granted by FTA to Orion on February 28, 2000, for the period of two years. Because the market has not changed in the intervening two years, Orion requested that FTA grant another waiver. This notice shall insure that the public, particularly potential manufacturers, is aware of the waiver. FTA requests that the public notify it of any relevant changes in the domestic market of heavy-duty axles.