

functionalities, describing available technologies, evaluating costs and benefits of potential systems, and considering implementation opportunities and challenges, including demonstration and deployment. Task 97-6—Revising various regulations to address the safety implications of processor-based signal and train control technologies, including communications-based operating systems. These three tasks were accepted on September 30, 1997, and assigned to a single Working Group.

(Report to the Administrator.) A Data and Implementation Task Force, formed to address issues such as assessment of costs and benefits and technical readiness, completed a report on the future of PTC systems. The report was accepted as RSAC's Report to the Administrator at the September 8, 1999, meeting.

(Regulatory development.) The Standards Task Force, formed to develop PTC standards assisted in developing draft recommendations for performance-based standards for processor-based signal and train control systems. The NPRM was approved by consensus at the full RSAC meeting held on September 14, 2000. The NPRM was published in the **Federal Register** on August 10, 2001. A meeting of the Working Group was held December 4-6, 2001, in San Antonio, Texas to formulate recommendations for resolution of issues raised in the public comments. Agreement was reached on most issues raised in the comments. A meeting was held May 14-15, 2002, in Colorado Springs, Colorado at which the working group approved creation of a team to further explore issues related to the "base case" issue. Briefing of the full RSAC on the "base case" issue was completed on May 29, 2002, and consultations continue within the working group. Full Working Group is scheduled to meet October 22-23, 2002. After Working Group approval, will present to the full RSAC for approval.

(Other program development activities.) Task forces on Human Factors and the Axiomatic Safety-Critical Assessment Process (risk assessment) continue to work toward development of a risk assessment toolkit, and the Working Group continues to meet to monitor the implementation of PTC and related projects. Contact: Grady Cothen (202) 493-6302.

Task 97-7—(Completed) Determining damages qualifying an event as a reportable train accident. This Task was accepted on September 30, 1997, and a group was formed to address this task. The working group designed a survey

form to collect specific data about damages to railroad equipment. The survey started on August 1 and ended January 31, 2001. A statistical analysis, using the survey data, was done to see if the method could be used to calculate property damages. The report was complete by the last week of April, 2001. A meeting was held May 21-23, 2001 to review the report. The Working Group agreed to terminate action on this task after reviewing the options. The Working Group reviewed a draft close-out report which was approved by the full RSAC on February 13, 2002, terminating this task. Contact: Robert Finkelstein (202) 493-6280.

Task 00-1—Determining the need to amend regulations protecting persons who work on, under, or between rolling equipment and persons applying, removing or inspecting rear end marking devices (Blue Signal Protection). The working group held its first meeting on October 16-18, 2000. Meetings have been held: February 27-March 1, 2001, March 19-21, 2001, May 1-3, 2001, June 19-21, 2001, October 23-25, 2001, and January 28-31, 2002. The Working Group has reached tentative consensus on several issues. FRA is preparing documents and planning a meeting in an effort to assist in moving toward resolution of several remaining issues. Contact: Doug Taylor (202) 493-6255.

Task 01-1—Developing conformity of FRA's regulations for accident/incident reporting (49 CFR part 225) to revised regulations of the Occupational Safety and Health Administration (OSHA), U.S. Department of Labor, and to make appropriate revisions to the FRA Guide for Preparing Accident/Incident Reports (Reporting Guide). This task was accepted April 23, 2001, by the full RSAC and assigned to the Accident/Incident Working Group. A target of September 15, 2001, was set for reporting the recommended changes. At a meeting of the Working Group, held May 21-23, 2001, the task was discussed, and four task forces were set up to review changes and/or modifications. These task forces identified a series of modifications to the Reporting Guide/regulations for consideration. The Working Group met September 11, 2001; meeting was dismissed due to national emergency. A meeting was held November 14-15, 2001 in St. Louis Missouri. A Task Force on Remote Control met on December 11, 2001. The working group met January 23-24, 2002, in Baltimore, Maryland, and March 12-13, 2002, in New Orleans, Louisiana. The Working Group reached consensus at a final meeting held April 24-25, 2002 in

Washington, DC. A briefing was held at the full RSAC meeting held on May 29, 2002 and agreement was reached to use a ballot for approval. The full RSAC approved the Working Group recommendations on the draft NPRM on July 19, 2002 by letter ballot. The NPRM and proposed Guide will be published for comment in September 2002. Contact: Robert Finkelstein (202) 493-6280.

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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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket No. FRA-2000-7257; Notice No. 29]

#### Railroad Safety Advisory Committee; Notice of Meeting

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Notice of Railroad Safety Advisory Committee ("RSAC") meeting.

**SUMMARY:** FRA announces the next meeting of the RSAC, a Federal Advisory Committee that develops railroad safety regulations through a consensus process. The meeting will address a wide range of topics, including possible adoption of specific recommendations for regulatory action.

**DATES:** The meeting of the RSAC is scheduled to commence at 9:30 a.m. and conclude at 4 p.m. on Thursday, September 19, 2002.

**ADDRESSES:** The meeting of the RSAC will be held at the Almas Temple Club, 1315 K Street, NW., Washington, DC 20005, (202) 898-1688. The meeting is open to the public on a first-come, first-served basis and is accessible to individuals with disabilities. Sign and oral interpretation can be made available if requested 10 calendar days before the meeting.

**FOR FURTHER INFORMATION CONTACT:** Trish Butera or Lydia Leeds, RSAC Coordinators, FRA, 1120 Vermont Avenue, NW., Stop 25, Washington, DC 20590, (202) 493-6212/6213 or Grady Cothen, Deputy Associate Administrator for Safety Standards and Program Development, FRA, 1120 Vermont

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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## 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.