Correction

In the Federal Register of April 3, 2015, in FR Doc. 2015–07656, on page 18292, in the second column, correct the paragraph to read:

In addition, FRA is extending the comment period for this waiver petition to June 21, 2015, to allow adequate time for any additional comments to be submitted following the public hearing on May 21, 2015.

Issued in Washington, DC, on April 11, 2015.

Ron Hynes,
Director, Office of Technical Oversight.

SUMMARY:
FRA is issuing this notice to advise the public that it intends to grant the New York Metropolitan Transportation Authority (MTA) on behalf of its commuter railroad subsidiaries, Long Island Rail Road (LIRR) and Metro-North Commuter Railroad Company (Metro-North), a waiver from FRA’s Buy America requirement for the use of transponders and Temporary Speed Restriction Safety servers.

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

ACTION:
Notice of intent to grant Buy America waiver.

SUMMARY:
MTA requested the waiver, stating that the components were not produced in the U.S. in sufficient and reasonably available amounts or are not of a satisfactory quality. The transponders and TSR safety servers are manufactured in Sweden. The two non-domestic components represent approximately 1% of the total value of the PTC system integrator contracts (PTC Contracts). MTA values the TSR safety servers at less than $1 million and the transponders at approximately $4 million. Total contract costs are approximately $428 million. For the reasons set forth below, FRA is granting a waiver for the purchase of the transponders and TSR safety servers.

A waiver is appropriate because domestically-produced transponders and TSR safety servers meeting MTA’s technical and schedule requirements are not currently “produced in sufficient and reasonably available amount or are not of a satisfactory quality.” Coordinating with FRA, MTA engaged the U.S. Department of Commerce’s National Institute of Standards and Technology’s Hollings Manufacturing Extension Partnership (NIST–MEP) to conduct market research for the transponders and TSR safety servers. In conducting that research, MTA contacted several potential manufacturers identified by NIST–MEP. None produced the transponders or TSR safety servers.

For further information contact: Mr. John Johnson, Attorney-Advisor, FRA Office of Chief Counsel, 1200 New Jersey Avenue SE., Mail Stop 25, Washington, DC 20590, (202) 493–0078, John.Johnson@dot.gov.

SUPPLEMENTARY INFORMATION:
The letter granting MTA’s request is quoted below: Mr. Richard L. Gans
Vice President—General Counsel & Secretary
Long Island Rail Road
Jamaica Station
Jamaica, NY 11435–4380
Re: Request for Waiver of Buy America Requirement

Dear Mr. Gans:
As you are aware, on February 19, 2015, the New York Metropolitan Transportation Authority (MTA) on behalf of its commuter railroad subsidiaries, Long Island Rail Road (LIRR) and Metro-North Commuter Railroad Company (Metro-North), requested a waiver from the Federal Railroad Administration’s (FRA) Buy America requirement to purchase (a) transponders and (b) Temporary Speed Restriction (TSR) safety servers for use in LIRR’s and Metro-North’s Positive Train Control system (PTC). The Rail Safety Improvement Act of 2008 requires certain railroads, including LIRR and Metro-North, to implement a PTC system on all nonexempt commuter main-line tracks by December 31, 2015. Facilitating PTC implementation is one of FRA’s top priorities.

MTA requested the waiver, stating that the components were not produced in the U.S. in sufficient and reasonably available amounts or are not of a satisfactory quality. The transponders and TSR safety servers are manufactured in Sweden. The two non-domestic components represent approximately 1% of the total value of the PTC system integrator contracts (PTC Contracts). MTA values the TSR safety servers at less than $1 million and the transponders at approximately $4 million. Total contract costs are approximately $428 million. For the reasons set forth below, FRA is granting a waiver for the purchase of the transponders and TSR safety servers.

A waiver is appropriate because domestically-produced transponders and TSR safety servers meeting MTA’s technical and schedule requirements are not currently “produced in sufficient and reasonably available amount or are not of a satisfactory quality.” Coordinating with FRA, MTA engaged the U.S. Department of Commerce’s National Institute of Standards and Technology’s Hollings Manufacturing Extension Partnership (NIST–MEP) to conduct market research for the transponders and TSR safety servers. In conducting that research, MTA contacted several potential manufacturers identified by NIST–MEP. None produced the transponders or TSR safety servers.

On February 20, 2015, FRA provided public notice of this waiver request and a 15-day opportunity for comment on its Web site. FRA also emailed notice to over 6,000 persons who have signed up for Buy America notices through “GovDelivery.” See http://www.fra.dot.gov/Page/P0784. FRA received one comment, which was not responsive to this waiver request. FRA will publish this letter granting MTA’s request in the Federal Register and provide notice of such finding and an opportunity for public comment after which this waiver will become effective.

Question about this letter can be directed to Mr. Johnson at John.Johnson@dot.gov or (202) 493–0078.

Sincerely,
Sarah Feinberg
Acting Administrator
need to annually test and calibrate the new synthesized radio. Essentially, if the radio is transmitting, the signal is within the proper specifications.

In the most recent letter dated November 25, 2014, Wabtec stated that it still offers this radio (Wabtec TrainLink II) in certain new manufactured end-of-train/head-of-train (EOT/HOT) products today, although it has largely been replaced by a more modern radio design. However, there is a large fielded population in service in North America. Wabtec further stated that in order to meet the needs of customers, the company plans to continue to manufacture Wabtec digitally synthesized radios (Wabtec TrainLink series) for replacement use in HOT and EOT equipment, as well as limited use in new production deliveries.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at www.regulations.gov and in person at the U.S. Department of Transportation’s (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE, W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request. All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA–2004–18895) and may be submitted by any of the following methods:

- Web site: http://www.regulations.gov. Follow the online instructions for submitting comments.
- Hand Delivery: 1200 New Jersey Avenue SE, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- Communications received by June 1, 2015 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.