

their respective periods of relief from the original terms of the order.

Amtrak and MBTA must determine the cause(s) of any equipment failure and remedy the cause as soon as practicable without delaying or disrupting rail passenger service. If necessary, determining the cause of the failure must include downloading data in the on-board memory unit and reviewing it to determine the sequence of events and the nature of the fault.

Amtrak may not cut over to ACSES implementation from Milepost 214.0, Canton Junction, Massachusetts to Milepost 228.0, Cove, Massachusetts, until the Regional Administrator for Region 1 of FRA's Office of Safety has determined that appropriate preparations have been made to support application of the Order to that territory. Operation under ACSES in this territory will require equipping of additional MBTA locomotives (including cab control cars) to avoid negative impacts on equipment availability. Amtrak and MBTA are working together to complete equipping of the MBTA fleet.

During the relief period, CSXT will test new Amtrak operational software on three CSXT ACSES-equipped locomotives. CSXT will then monitor the performance of these locomotives for mechanical and operational problems. After the software has been approved, CSXT will install it on the remaining CSXT locomotives.

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 11 is amended as follows:*

11. *Massachusetts Bay Transit Authority (MBTA) Temporary Operating Protocols.*

(a) Effective upon June 28, 2001 until February 1, 2002, Amtrak must adhere to the following procedures if it becomes necessary to dispatch an MBTA train from its initial terminal with inoperative onboard ACSES equipment:

(1) The train dispatcher must verbally authorize the movement;

(2) The train dispatcher must issue a temporary speed restriction to limit the speed of high speed trains (Amtrak trains hauled by electric locomotives or electric power cars) to 110 miles per hour (mph) in the ACSES territory where the MBTA train with inoperative ACSES equipment will operate; and

(3) Once the MBTA train with inoperative ACSES equipment is verified to have cleared the ACSES territory, the train dispatcher may cancel the 110 mph speed restriction.

(b) The procedures set forth in subparagraph (a) of this paragraph must also be followed if it becomes necessary to dispatch an MBTA train from its initial terminal with a locomotive or control car that is not equipped with onboard ACSES equipment, if no ACSES-equipped MBTA locomotive or control car is available.

(c) Amtrak must promptly notify the regional headquarters office for Region 1 of FRA's Office of Safety of any invocations of this protocol. Included in the notification must be the date, time, and location of the incident, and the reason for invoking the protocol.

(d) Amtrak and MBTA shall determine the cause(s) of any equipment failure and remedy the cause as soon as practicable without delaying or disrupting rail passenger service.

(e) Amtrak shall make periodic reports on the implementation process in an agreed-upon format to the FRA.

(f) Amtrak shall not place ACSES in service from Milepost 214.0, Canton Junction, Massachusetts, to Milepost 228.0, Cove, Massachusetts, until it has been determined that appropriate preparations have been made to support application of the Order to that territory. This determination will be made by the Regional Administrator for Region 1 of FRA's Office of Safety.

3. *Paragraph 12 is added to read as follows:*

12. *CSX Transportation (CSXT) Temporary Operating Protocols.*

(a) Effective upon June 28, 2001 until September 16, 2001, CSXT must adhere to the following protocols if it becomes necessary to dispatch a CSXT train from its initial terminal with inoperative onboard ACSES equipment:

(1) The train dispatcher must verbally authorize the movement; and

(2) The train dispatcher must issue a temporary speed restriction to limit the speed of high speed trains (Amtrak trains hauled by electric locomotives or electric power cars) to 110 mph in the ACSES territory where the CSXT train without operative ACSES equipment will operate.

(3) Once the CSXT train without operative ACSES equipment is verified to have cleared the ACSES territory, the train dispatcher may cancel the 110 mph speed restriction.

(b) Amtrak and CSXT shall make periodic reports on the implementation process in an agreed-upon format to the FRA.

Issued in Washington, DC on June 25, 2001.

S. Mark Lindsey,

Acting Deputy Administrator.

[FR Doc. 01–16281 Filed 6–27–01; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From Requirements

Pursuant to Title 49 Code of Federal Regulations (CFR) Part 235 and 49 U.S.C. 20502(a), the following railroads have petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR part 236 as detailed below.

*Docket No.:* FRA–2001–9841

*Applicants:* NJ Transit Rail Operations, Inc., Mr. William R. Knapp, Vice President and General Manager—Rail, One Penn Plaza East, Newark, New Jersey 07105–2246; Norfolk Southern Corporation, Mr. Tony L. Ingram, Vice President—Transportation, 185 Spring Street, SW, Atlanta, Georgia 30303.

NJ Transit Rail Operations, Incorporated (NJ TRANSIT) and Norfolk Southern Corporation (NS) seek relief from the requirements of Part 236 Section 236.566, of the Rules, Standards and Instructions, to the extent that NJ Transit and NS be permitted to operate non-equipped freight and work train locomotives in Advanced Speed Enforcement System (ASES) train control territory.

NJ Transit is installing ASES to enhance safety on its entire property beginning with the Pascack Valley Line, on the single main track from Pascack Jct., milepost 7.7 to Woodbine Yard, milepost 31.1, on the Hoboken Division.

Applicant's justification for relief: An initial incremental installation of ASES is planned for passenger trains only, while software development, verification, and validation proceed on the more complex functionality required for full implementation of freight and work train modes, as well as, interoperability with Amtrak's Advanced Civil Speed Enforcement System which is currently being installed on Amtrak's Northeast Corridor. All trains operating in the territory where Cab Signal System rules are in effect will continue to be equipped with operational cab signals. Passenger trains will be equipped with

the first-generation ASES. Freight and work trains operating rules will not be altered; they will not be permitted on the main track during hours when passenger operations are scheduled.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and contain a concise statement of the interest of the party in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PI-401, Washington, D.C. 20590-0001. Communications received within 45 days of the date of this notice will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.-5 p.m.) at DOT Central Docket Management Facility, Room PI-401 (Plaza Level), 400 Seventh Street, SW., Washington, DC 20590-0001. All documents in the public docket are also available for inspection and copying on the internet at the docket facility's Web site at <http://dms.dot.gov>.

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, DC on June 21, 2001.

**Grady C. Cothen, Jr.,**

*Deputy Associate Administrator for Safety Standards and Program Development.*

[FR Doc. 01-16280 Filed 6-27-01; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket Number: MARAD-2001-9994]

### Requested Administrative Waiver of the Coastwise Trade Laws

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel WINDSHEAR.

**SUMMARY:** As authorized by Public Law 105-383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. L. 105-383 and MARAD's regulations at 46 CFR part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

**DATES:** Submit comments on or before July 30, 2001.

**ADDRESSES:** Comments should refer to docket number MARAD-2001-9994. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL-401, Department of Transportation, 400 7th St., SW., Washington, D.C. 20590-0001. You may also send comments electronically via the Internet at <http://dms.dot.gov/submit/>. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at <http://dms.dot.gov>.

#### FOR FURTHER INFORMATION CONTACT:

Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR-832 Room 7201, 400 Seventh Street, S.W., Washington, DC 20590. Telephone 202-366-2307.

**SUPPLEMENTARY INFORMATION:** Title V of Public Law 105-383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to

properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD'S regulations at 46 CFR part 388.

### Vessel Proposed for Waiver of the U.S.-Build Requirement

(1) Name of vessel and owner for which waiver is requested. Name of vessel: WINDSHEAR. Owner: Sam J. Davidson.

(2) Size, capacity and tonnage of vessel. According to the applicant: "Hans Christian 41T, 41' LOD, 51' LOA, 13.0 Breadth, 9.2 Depth, 24 Gross Tons."

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant: "Day and evening sailboat charters, 1/2 or full 8 hour days, sunset cruises, in Pensacola Bay, and 50 miles east and west into the Gulf of Mexico. This would restrict my use of Mobile Bay, and limit my use of Choctawhatchee Bay in the Destin Area, as I cannot get under the 50' bridge clearance at Destin, Florida. I cannot travel east in the Intercoastal Waterway past Navarre Beach, Florida, due to the 50' bridge height; and Mobile Bay is more than 50 miles from Pensacola. I would like to be able to charter a two week trip to Key West, if some one wanted to take an extended trip of that nature from Pensacola, Florida."

(4) Date and Place of construction and (if applicable) rebuilding. Date of construction: 1986. Place of construction: Taipei, Taiwan, Republic of China.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant: "In the Pensacola Area, the listings of boat charters include 15 fishing charters, 54 scuba charter, 1 airboat charter, and 2 pontoon & catamaran charters. One sailboat charter is listed in Perdido Bay, Alabama. The sailboat charter I purpose would be the only 41 foot sailboat in the Pensacola Bay area, as best as I can determine. Being able to charter my sailboat would have no impact on the Pensacola Bay and Gulf of Mexico area, as to the other charters listed."

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant: "The only two shipyards listed in Pensacola Bay area are Patti Shipyards, which builds shrimp boats, U.S. Coast Guard Vessels, and Paddlewheel Riverboats, and Charter Marine Industrial Services reworks ships at the Pensacola Navy base. Four other boat builders are listed,