

Accordingly, a public hearing is hereby set for 9 a.m. on Thursday, June 5, 2003, in the Ada City Hall West Annex, 210 West 13th Street, Ada, Oklahoma 74820. Interested parties are invited to present oral statements at the hearing.

The hearing will be an informal one and will be conducted in accordance with Rule 25 of the FRA rules of practice (49 CFR part 211.25), by a representative designated by the FRA.

The hearing will be a non adversary proceeding and, therefore, there will be no cross-examination of persons presenting statements. The FRA representative will make an opening statement outlining the scope of the hearing. After all initial statements have been completed, those persons wishing to make brief rebuttal statements will be given the opportunity to do so in the same order in which they made their initial statements. Additional procedures, if necessary for the conduct of the hearing, will be announced at the hearing.

Issued in Washington, DC on May 1, 2003.

George A. Gavalla,

Associate Administrator for Safety.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA-2003-15100]

Notice of Informal Safety Inquiry

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Notice of informal safety inquiry; technical conference.

SUMMARY: Pursuant to 49 CFR 211.61, FRA is issuing this document to notify all interested parties that FRA is conducting an informal safety inquiry and technical conference related to the application of safety appliances on passenger equipment. The primary focus of this informal safety inquiry and technical conference is to elicit views and information from interested parties to aid FRA in its safety oversight of existing passenger equipment with safety appliance arrangements that are mechanically affixed to brackets or plates that are welded onto the equipment. FRA intends for this informal inquiry to clarify further both the safety concerns and economic considerations involved in the various approaches available to FRA for addressing this existing equipment. The technical conference may also include a

general discussion of the safety issues and practical concerns related to FRA's general prohibition on the weldment of safety appliances and safety appliance brackets or supports.

DATES: *Technical Conference:* A technical conference will be held on the date and at the location listed below to provide interested parties the opportunity to provide information and discuss the safety and economic issues related to the agency's handling of existing passenger equipment with safety appliances that are attached to the vehicles with some form of welded brackets, plates, or direct fixation. The date of the technical conference is as follows: June 17, 2003, at 10 a.m. in Washington, DC.

Comments: In addition to, or in lieu of, participation in the technical conference, interested parties may submit comments and information relevant to the issues identified in this notice or discussed at the technical conference to the address noted below. Such written materials should be received within 30 days after the date of the technical conference, noted above.

ADDRESSES: (1) *Technical Conference:* The technical conference will be held in the Adams Room at the Washington Plaza Hotel, 10 Thomas Circle, NW., Washington, DC 20005.

(2) *Attendance:* Notification to FRA's Docket Clerk must identify the name, address, and telephone number of each participant or attendee at the technical conference. This notification should be submitted to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, RCC-10, 1120 Vermont Avenue, NW., Stop 10, Washington, DC 20590.

(3) *Comments:* Anyone wishing to file a comment related to this informal safety inquiry should refer to the FRA docket number (Docket No. FRA-2003-15100). You may submit your comments and related material by only one of the following methods:

(i) By mail to the Docket Management System, United States Department of Transportation, room PL-401, 400 7th Street, SW., Washington, DC 20590-0001; or

(ii) Electronically through the Web site for the Docket Management System at <http://dms.dot.gov>. For instructions on how to submit comments electronically, visit the Docket Management System Web site and click on the "help" menu.

The Docket Management Facility maintains the public docket for this rulemaking. Comments and documents as indicated in this preamble will become part of this docket and will be

available for inspection or copying at room PL-401 on the Plaza Level of the Nassif building at the same address during regular business hours. You may also obtain access to this docket on the Internet at <http://dms.dot.gov>.

FRA wishes to inform all potential commenters that anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78) or you may visit <http://dms.dot.gov>.

FOR FURTHER INFORMATION, CONTACT:

Steve Carullo, Safety Specialist, Motive Power and Equipment Division, FRA Office of Safety Assurance and Compliance, RRS-14, 1120 Vermont Avenue, NW., Stop 25, Washington, DC 20950 (telephone 202-493-6480), or Thomas Herrmann, Trial Attorney, FRA Office of the Chief Counsel, RCC-10, 1120 Vermont Avenue, NW., Stop 10, Washington, DC 20950 (telephone 202-493-6053).

SUPPLEMENTARY INFORMATION: The purpose of the technical conference is to permit the exchange of information and concerns regarding FRA's safety oversight of existing passenger equipment containing safety appliances that are attached to the equipment by some form of weldment, typically the weldment of a bracket or plate to which the safety appliance is then mechanically fastened. Historically, FRA has required that safety appliances be mechanically fastened to the car structure. FRA has also historically required that any brackets or supports applied to a car structure solely for the purpose of securing a safety appliance must be mechanically fastened to the car body. See MP&E Technical Bulletin 98-14. FRA's prohibition on the weldment of safety appliances and their supports is based on its longstanding administrative interpretation of the regulatory "manner of application" provisions contained in 49 CFR part 231 which require that safety appliances be "securely fastened" with a specified mechanical fastener. See e.g., 49 CFR 231.12(c)(4); 231.13(b)(4); 231.14(b)(4) and (f)(4). FRA's prohibition on the welding of safety appliances is based on its belief that welds are not uniform, are subject to failure, and are very difficult to inspect to determine if the weld is broken or cracked. Mechanical fasteners, by contrast, are generally