

easily inspectable and tend to become noticeably loose prior to failure.

Generally, FRA's longstanding interpretation of the regulation prohibiting the weldment of safety appliances has not been seriously questioned or opposed since its inception. Virtually all railcars manufactured for use in the United States have their safety appliances and their safety appliance brackets and supports mechanically fastened to the car body, unless a specific exception has been provided by FRA or the regulations. FRA acknowledges that it has permitted the weldment of certain safety appliances or their brackets and supports on locomotives and tank cars. See MP&E Technical Bulletins 98-48 and 00-06. Although, FRA intends for this safety inquiry and technical conference to address and discuss FRA's general prohibition on the weldment of safety appliances or their supports, FRA expects the primary focus of this proceeding to be specifically directed at the safety and economic implications related to the continued operation or modification of existing passenger equipment with welded safety appliances or safety appliance brackets or supports.

Although FRA has remained consistent in its prohibition on the weldment of safety appliances and their supports, some passenger equipment has been manufactured and used in revenue service for a number of years with safety appliances being attached to the car body with some form of weldment. Currently, FRA is aware of approximately 1,000 passenger cars or locomotives that have safety appliances or safety appliance brackets or supports welded to the body of the equipment. Some units of this equipment were introduced into service within the last few years; others have been in service for more than a decade. Some of the 1,000 units noted above have been the subject of formal waiver requests pursuant to the provisions contained in 49 CFR part 211. See FRA Docket Nos. 2000-8588 and 2000-8044. Although FRA's Safety Board has issued determinations in these two instances, FRA intends to stay those decisions until the completion of this informal safety inquiry. Based on its review of the information gathered during this inquiry and any other relevant information, FRA's Safety Board may reaffirm its previous decisions in these two waiver proceedings or modify them as necessary.

Based on the foregoing information, FRA expects the focus of the discussions at the technical conference and written comments submitted in

connection with this informal safety inquiry to include the following issues:

- The safety implications related to the continued use of existing passenger equipment with welded safety appliances or supports;
- Criteria for determining when an existing piece of passenger equipment with a welded appliance or support is defective or unsafe or both;
- The economic implications of any type of modification program on the subject cars;
- Alternative approaches to mandatory modification of existing equipment (e.g., notification of when the appliances become or replacement of the appliances when they become defective; mid-life over-hauls) and the economic implication of any suggested approach;
- The safety implications and standards that should and could be addressed, were FRA to reconsider its long-standing administrative interpretation related to the weldment of safety appliances and their supports, such as:
 - What part or parts of an appliance should FRA allow to be welded (e.g., just brackets and supports)?
 - To what base structure or material should these have to be welded (e.g., structural member, car sheathing)?
 - What quality control standards should apply to the welding process?
 - What qualifications/training should the individual performing the welding need to possess?
 - How should field or shop repairs or both be conducted on equipment with welded safety appliances or supports?
 - What are the safety implications of allowing such repairs?
 - When should a weld be considered defective?
 - What visual and non-destructive inspection techniques are appropriate for welds?
 - At what interval should welds be inspected?
 - What records, if any, should be maintained of these inspections?
- Other relevant issues or information.

Public Participation Procedures

Any person wishing to attend the technical conference should notify FRA's Docket Clerk by mail at the address provided in the **ADDRESSES** section at least five working days prior to the date of the meeting and submit three copies of the issues or materials they wish to present at the conference. The notification should identify the party the person represents, and the particular subject(s) the person plans to

address. The notification should also provide the Docket Clerk with the participant's mailing address. FRA reserves the right to limit participation in the conference of persons who fail to provide such notification.

Issued in Washington, DC, on May 2, 2003.

George A. Gavalla,

Associate Administrator for Safety.

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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 the Requirements of Title 49 Code of Federal Regulations Part 236

Pursuant to Title 49 Code of Federal Regulations (CFR) part 235 and 49 U.S.C. 20502(a), the following railroad has 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-2003-14647]

Applicant: Burlington Northern and Santa Fe Railway, Mr. William G. Peterson, Director Signal Engineering, 4515 Kansas Avenue, Kansas City, Kansas 66106.

Burlington Northern and Santa Fe Railway (BNSF) seeks approval of the proposed modification of the traffic control system on the single main track at South Joe, Texas, milepost 633.11, Texas Division, Madill Subdivision, consisting of the replacement of the power-operated switch with an electrically locked hand-operated switch, and removal of all associated controlled signals.

The reason given for the proposed changes is that the switch is at one end of what was a 4,500 foot connecting track between the Union Pacific Railroad (UP) and the BNSF. A derailment destroyed the UP switch, after which UP straight-railed their track, leaving approximately 2,200 feet of the BNSF connection. BNSF is using the track for storage and the control point is no longer needed.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and include 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.