

*Alcohol and Drug Use*, 49 CFR part 219, which is FRA's alcohol and drug regulation that governs prohibitions, post-accident testing, testing for cause, identification of troubled employees, pre-employment testing, and random testing. The petitioner states that the railroad is a small non-profit membership based tourist operation with nine miles of track, 11 hours of service employees, and infrequent joint operations with the Puget Sound and Pacific Railroad, and Tacoma Rail.

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-2003-15753) and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PL-401, Washington, DC 20590-0001. Communications received within 45 days of the date of this notice will be considered by 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 the above facility. 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 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>.

Issued in Washington, DC, on August 27, 2003.

**Michael Logue,**

*Deputy Associate Administrator for Compliance and Program Implementation.*  
[FR Doc. 03-22469 Filed 9-3-03; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Petition for Waiver of Compliance

In accordance with part 211 of title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) has received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

#### Sumpter Valley Railroad Restoration, Inc.

[Docket Number FRA-2003-15641]

The Sumpter Valley Railroad seeks a waiver of compliance from the Inspection and Maintenance Standards for Steam Locomotives, 49 CFR part 230, published November 17, 1999. Section 230.3(c)(1) of the standards requires steam locomotives having flue tubes replaced after September 25, 1995 to request Special Consideration to come under the new requirements by January 18, 2001 or undergo a one thousand four hundred seventy-two service day inspection (49 CFR 230.17) prior to being allowed to operate under the requirements. The Sumpter Valley Railroad Restoration, Inc. (SVRY) seeks an extension of time beyond January 18, 2001 to file for Special Consideration for SVRY steam locomotive number 19 which had the flue tubes replaced and was returned to service in May of 1996.

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 (FRA-2003-15641) and must be submitted to the Docket Clerk, DOT Docket Management Facility, Room PL-401 (Plaza Level), 400 7th Street SW., Washington, DC 20590. Communications received within 45 days of the date of this notice will be considered by 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 the above facility. 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>.

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 at <http://dms.dot.gov>.

Issued in Washington, DC on August 27, 2003.

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

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

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Notice of Safety Advisory

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

**ACTION:** Notice of FRA Safety Advisory 2003-02.

**SUMMARY:** FRA is issuing Safety Advisory 2003-02 advising all persons involved in loading and unloading products from railroad tank cars that they cannot rely on internal excess flow valves to stop the flow of product except under the limited conditions for which these valves were designed and installed.

#### FOR FURTHER INFORMATION CONTACT:

Thomas A. Phemister, Hazardous Materials Specialist, Office of Safety, RRS-12, Mail Stop 25, Federal Railroad Administration, Department of Transportation, 1120 Vermont Avenue, NW., Washington, DC 20590 (telephone 202-493-6050).

#### SUPPLEMENTARY INFORMATION:

##### Factual Background

On July 14, 2001, at the Atofina Chemicals, Inc., plant in Riverview, Michigan, a pipe attached to an unloading fitting on a railroad tank car fractured and separated, causing the release of methyl mercaptan, a poisonous, flammable gas. The ensuing fire led to the rupture of hoses on an adjacent tank car containing chlorine, a poisonous, corrosive gas. Before the fire