

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-2002-13808) and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PL-401 (Plaza Level), 400 Seventh 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.

Issued in Washington DC on December 23, 2002.

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

*Deputy Associate Administrator for Safety Standards and Program Development*

[FR Doc. 02-32945 Filed 12-27-02; 8:45 am]

**BILLING CODE 4910-06-P**

## 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) 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.

#### Locomotive and Tower Preservation, Ltd.

[Docket Number FRA-2002-13810]

The Locomotive and Tower Preservation, Ltd. seeks a waiver of compliance, number FRA-2002-13810, with 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, must request a Special Consideration to come under the new requirements by January 18, 2001, or have a 1,472-service-day inspection [49 CFR 230.17] performed

prior to being allowed to operate under the requirements. The Locomotive and Tower Preservation, Ltd. seeks an extension of time beyond January 18, 2001, to file for a Special Consideration for Soo Line steam locomotive number 2719, which had the flue tubes replaced and was returned to service July 28, 1998.

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-2002-13810) and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, 700 4th Street, SW., Room PL-401 (Plaza Level), 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>.

Issued in Washington, DC on December 23, 2002.

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

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

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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) 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.

#### Montana Rail Link, Inc.

[Docket Number FRA-2002-13967]

Montana Rail Link, Inc. (MRL) seeks a waiver of compliance from the provisions of the Track Safety Standards, 49 CFR Section 213.121(b), regarding cracked or broken joint bars in Classes 3 through 5 track.

The MRL is petitioning for a waiver which would provide relief from cracks which can develop between the outermost bolt holes of a specified six-hole skirted joint bar in use on 115-pound rail. The petitioner states that the cracks develop from spike notches on the skirted portion of the bar and in some cases penetrate the entire bar, producing a complete end failure.

The petitioner states that these six-hole bars which develop cracks between the outermost bolt holes are comparable in strength and stability to their conventional 115-pound, four-hole unskirted joint bars and present no additional safety hazards. The trackage subject to this waiver consists of approximately 20 miles of MRL main line between Billings and Laurel, Montana and between Helena and Tobin, Montana. Trackage and joint bars were formerly Burlington Northern (BNSF) trackage prior to MRL purchasing the property in 1987. MRL submits that the bars are very similar or exactly the same as the BNSF in their waiver under Docket Number FRA-2001-10653. BNSF has submitted laboratory test results to support their request for a waiver.

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 communication concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number 2002-13967) 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>.

Issued in Washington, DC on December 23, 2002.

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

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

[FR Doc. 02–32942 Filed 12–27–02; 8:45 am]

**BILLING CODE 4910–06–P**

## DEPARTMENT OF TRANSPORTATION

[Docket No. FRA–2002–11809]

### Notice of Public Hearing; the North County Transit District

**AGENCY:** Federal Railroad Administration.

**ACTION:** Correction.

**SUMMARY:** In notice document FRA–2002–11809, **Federal Register** Vol. 67, No. 235 on page 72718 in the issue of Friday, December 6, 2002, make the following correction:

The date previously published in the **Federal Register** for the North County Transit District (NCTD), public hearing in Oceanside, California is January 23, 2002. On page 72718, second column in the fourth paragraph, the date of the public hearing should read January 23, 2003.

Issued in Washington, DC on December 23, 2002.

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

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

[FR Doc. 02–32941 Filed 12–27–02; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Notice of Safety Advisory

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

**ACTION:** Notice of safety advisory.

**SUMMARY:** FRA is issuing Safety Advisory 2002–03 addressing potential catastrophic failure of 100-ton truck bolsters manufactured by National Castings of Sahagun, Mexico, with Association of American Railroads' (AAR) Identification #B–2410 and National Pattern #52122 used in 286,000 pound gross rail load freight cars.

**FOR FURTHER INFORMATION CONTACT:** Ronald Newman, Motive Power and

Equipment Division Staff Director, Office of Safety Assurance and Compliance RRS–14, FRA, 1120 Vermont Avenue NW., Mail Stop 25, Washington, DC 20590 (telephone 202–493–6241) or Thomas Herrmann, Office of Chief Counsel, FRA, 1120 Vermont Avenue, SW., Washington, DC 20590, (telephone (202) 493–6036).

**SUPPLEMENTARY INFORMATION:** Six recent derailments have been reported by the AAR which are attributed to the failure of truck bolsters manufactured by National Castings of Mexico with AAR ID #B–2410 and National Pattern #52122 used in 286,000 pound gross rail load freight cars. All of the failed bolsters were in Barber S–2–HD trucks on 286,000 pound gross rail load freight cars. Most of the bolsters had evidence of welded repair during their manufacture. Full details are not yet available on all of the failures; however, preliminary investigation indicates that one failure was caused by an inclusion and the others were surface initiated. The incident that is best documented indicates that the failure occurred inboard of the truck side frame between the side bearing cage mounting pad and the inside gibs, initiating from the underside of the bolster. This was a catastrophic failure resulting in a clean break between the pieces. The other known failures appear to be similar in nature.

Information gathered by AAR indicates that there were 29,673 suspect bolsters produced between January 1995 and May 1999. Most of these were shipped to car builders and have since been placed into revenue service. AAR has been actively engaged in producing a list showing where each of the bolsters were installed. Approximately 13,000–15,000 cars may ultimately be affected including double stack, hopper, and tank cars as well as other types of cars. AAR has issued a maintenance advisory (MA–81) and two early warning letters (EW–5191 and EW–5191–S1) which identify some of the series of cars which may be equipped with the involved bolsters. Currently, AAR has identified approximately 348 tank cars in its early warning letters which may be affected. AAR is continuing its efforts to identify any car potentially equipped with these bolsters.

AAR also issued a second supplement to the initial early warning letter (EW–5191–S2) that reports progress toward the identification of a cost-effective x-ray technique to allow safe bolsters to remain in service while insuring that any defective bolsters are removed from the freight car fleet. The supplement endorses segregation of those removed

bolsters which have no obvious defects pending possible issuance of instructions for requalification. The supplement further requests notification to [eec@aar.com](mailto:eec@aar.com) if a cracked or broken National Pattern #52122 bolster is found.

#### Action Recommended by FRA

- FRA recommends that all railroads and car repair shops diligently adhere to the instructions provided in AAR's maintenance advisory MA–81 and early warning letters EW–5191, EW–5191–S1, and EW–5191–S2. AAR has specifically identified the following cars in the above noted advisory and letters as being potentially equipped with the involved bolster:

Car numbers from MA–81	Tank car numbers from EW–5191 and EW–5191–S1
AGPX 98000–98099	NATX 33500–33531
CSXT 487700–487999	NATX 33533–33535
MHFX 5600–5799 ..	NATX 33538
TFM 60000–60299	NATX 33544
TR 527800–528099	NATX 33549–33552
UP 28000–28639 ....	NATX 33554–33557
WEPX 2375–2624 ..	NATX 33559–33560
WEPX 2875–3024 ..	NATX 33562
	ECUX 259000–259129
	ECUX 281000–381082
	ECUX 281084–281086
	ECUX 281088–281093
	ECUX 281095–281097
	ECUX 281100–281108
	UTLX 662506–662565
	UTLX 662795–662800

- FRA also recommends that the bolsters on the above identified cars be inspected as thoroughly as possible by visual or other means and/or removed from service as prescribed in AAR's maintenance advisory and early warning letters. Proper precautions must be taken to protect the safety of the employees making the inspections, including proper blue signal protection in accordance with existing Federal regulations contained at 49 CFR part 218.

- FRA further recommends that all railroads and car shops remain alert for the issuance of future AAR early warning letters and/or FRA Safety Advisories which may contain a listing of additional cars potentially equipped with the involved bolster and instructions for the handling of such cars.

FRA may modify Safety Advisory 2002–03, issue additional safety advisories, or take other appropriate action necessary to ensure the highest level of safety on the Nation's railroads.