

Committee's Executive Director or by bringing the copies to the meeting. Public statements will only be considered if time permits.

Issued in Washington, DC on March 29, 2001.

**Anthony F. Fazio,**

*Director, Office of Rulemaking.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket No. FRA-2001-8698]

#### Petition for Special Approval of Alternative Fuel Tank Safety Standard Petition for Waiver of Compliance

In accordance with Title 49 of the Code of Federal Regulations (CFR), part 238 (Passenger Equipment Safety Standards), and 49 CFR part 211 (Rules of Practice), notice is hereby given that the Federal Railroad Administration (FRA) has received a request captioned as a petition for special approval to use an alternative fuel tank safety standard. FRA is hereby providing the public an opportunity to comment on this petition.

As specified in 49 CFR part 238.223 (Locomotive fuel tanks), paragraph (a), external passenger locomotive fuel tanks must comply with safety requirements contained in appendix D to 49 CFR part 238, or an industry standard providing at least an equivalent level of safety if approved by FRA under 49 CFR part 238.21. The American Public Transportation Association (APTA) has petitioned FRA for special approval to use industry standard APTA SS-C&S-007-98 Rev. 1, Standard for Fuel Tank Integrity on Non-Passenger Carrying Passenger Locomotives, as an alternative standard to fulfill the requirements of 49 CFR part 238.223. APTA's petition, including a copy of APTA SS-C&S-007-98 Rev. 1 and a comparison of this standard to FRA's requirements specified in 49 CFR part 238.223, is available for public examination as explained below.

APTA's petition for special approval appears to encompass both the external passenger locomotive fuel tank safety standards in 49 CFR part 238.223, paragraph (a), and the internal passenger locomotive fuel tank safety standards specified in 49 CFR part 238.223, paragraph (b).

FRA notes that 49 CFR part 238.223, paragraph (b), does not expressly provide the opportunity to seek special approval of an alternative, internal fuel

tank safety standard. Insofar as a portion of APTA's request relates to the internal fuel tank safety standard specified in 49 CFR part 238.223, paragraph (b), FRA will consider that portion of the request a request for a waiver of compliance to be evaluated under the requirements of 49 CFR part 211. Otherwise, FRA will evaluate APTA's request as a petition for special approval of an alternative, external locomotive fuel tank safety standard to be evaluated under the requirements of 49 CFR part 238.

Interested parties are invited to participate in this proceedings by submitting written views, data, or comments as to the safety of APTA's alternative fuel tank safety standard. FRA does not anticipate scheduling a public hearing in connection with this proceeding. If any interested party desires an opportunity for oral comment, he or she should notify FRA, in writing, before the end of the comment period and specify the basis for the request. All communications concerning this proceeding should identify the appropriate docket number, Docket Number FRA-2001-8698, and must be submitted to the DOT Docket Management Facility, Room PL-401 (Plaza Level), 400 Seventh Street SW., Washington, DC. 20590.

Communications received within 30 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 this proceeding 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 March 26, 2001.

**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 Guilford Rail System (GRS) has petitioned the Federal Railroad Administration (FRA) for a waiver of the Federal Track Safety Standards, Section 213.113, Defective

Rails, which requires specific remedial actions for various types of rail flaws.

#### The Guilford Rail System

[Docket Number FRA-2000-8623]

GRS states that it voluntarily instituted a program to perform continuous searches for internal defects on certain lower speed branch lines when the Track Safety Standards do not mandate those inspections to be made. The standards require internal flaw inspections at various frequencies on Class 3 through 9 track.

In the event that rail defects are located during the additional rail inspections, which are not required by the safety standards, GRS requests that the railroad be able to use its discretion to decide whether operational safety would be protected by applying speed restrictions as the remedial action, or whether the specific remedial actions required by Section 213.113 are warranted. According to GRS, the goal of the program is to discover and address defects in rails before those conditions reach a level that may affect the safety of trains.

GRS states that the effect of the program would be to promote safety by allowing it to perform more comprehensive rail inspections. GRS expects the waiver to increase the safety on branch lines, with the expectation of fewer instances of derailments due to track conditions.

Interested parties are invited to participate in this proceeding by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with this proceeding, however, 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 this proceeding should be identified with Docket Number FRA-2000-8623 and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PL-401, 400 7th Street, SW., 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 to the extent possible. GRS's petition and all written communications concerning this proceeding are available for examination during regular business hours (9 a.m.-5 p.m.) at the DOT Docket Management Facility, Room PL-401 (Plaza Level), 400 7th Street, SW., Washington, DC 20590. All documents in the public docket are also available