

APR 19 1978

Title 49 - Transportation

Chapter II - Federal Railroad Administration

Department of Transportation

(Emergency Order No. 7; Notice No. 2)

Removal of High Carbon Cast Steel Wheels From Service;

Interim Restrictions On Their Use

Amendment of Emergency Order

AGENCY: Federal Railroad Administration (FRA), Department of Transportation

ACTION: Amendment of Emergency Order

SUMMARY: FRA is amending paragraph 8 of Emergency Order No. 7 published March 27, 1978 (43 FR 12691) to provide more flexibility in the timing and method of destroying 70-ton one percent carbon cast steel wheels (commonly referred to as "70T U-1 wheels"). If these wheels are not demounted from the axle immediately after they have been removed from under a car, they must be stenciled "Scrap FRA EO 7". When these wheels are demounted from the axle, they must be made permanently unusable by cutting a hole through the plate, notching the hub or by some other destructive and disfiguring measure.

BACKGROUND INFORMATION: On March 27, 1978, the FRA issued Emergency Order No. 7 (43 FR 12691) under section 203 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 432). This emergency order restricts the use of freight cars with "70T U-1 wheels", prescribes a mandatory program for locating

those wheels and removing them from under cars, and requires that all these wheels be found and removed from service before January 1, 1979.

Paragraph 8 of Emergency Order No. 7 now provides that each railroad shall immediately destroy "70T U-1 wheels" by cutting a hole through the plate of each wheel. Since the issuance of the emergency order, a number of railroads have expressed concern that this procedure may endanger railroad employees. They indicated that a "stressed" or brittle wheel which has been further weakened by such a hole, may shatter violently while it is being demounted from the axle. One carrier reported a recent incident in which this occurred. Fortunately, no one was injured in this incident.

The purpose of Paragraph 8 of Emergency Order No. 7 is to assure that none of these wheels will ever be returned to service. Cutting a hole through the plate provides this assurance; stenciling of the wheel does not. Stenciling can be removed after a railroad has sold the wheels as scrap and the wheel might subsequently be returned to service. On the other hand, the safety of railroad employees engaged in removing these wheels must also be assured.

Accordingly, FRA has decided to amend Paragraph 8 of Emergency Order No. 7 to provide that if the wheels are not immediately demounted from the axle when they are removed from under a car, the back plate of each wheel shall

be stenciled in white letters at least two inches high "Scrap FRA EO 7". However, immediately after the wheel is demounted from the axle, the wheel must be made permanently unusable by cutting a hole through the plate, notching the hub or by some other destructive and disfiguring measure.

FRA believes that this amendment will provide railroads with sufficient flexibility to provide for the safety of their employees and at the same time make certain that none of these wheels is ever returned to service.

Therefore, pursuant to the authority of section 203 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 432), delegated to the Federal Railroad Administration by the Secretary of Transportation (49 CFR 1.49(n)), it is hereby ordered that paragraph 8 of Emergency Order No. 7 (43 FR 12691) be amended to read as follows:

8. Each railroad shall immediately destroy supply of "70T U-1 wheels" in addition to those it removes from cars. This shall be accomplished in the following manner: a) the back plate of each wheel that is not immediately demounted from the axle shall be stenciled in white letters at least two inches high ("Scrap FRA EO 7"); and b) immediately after each wheel is demounted from the axle, the wheel shall also be made permanently unusable by cutting

a hole through the plate, notching the hub or by
some other destructive and disfiguring measure.

Issued in Washington, D.C. on

John M. Sullivan
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