

All communications concerning these proceedings should identify the appropriate docket number and may be submitted at <http://www.regulations.gov>. Follow the online instructions for submitting comments.

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Issued in Washington, DC.

**John Karl Alexy,**

Associate Administrator for Railroad Safety,  
Chief Safety Officer.

[FR Doc. 2020-17028 Filed 8-4-20; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-2016-0018]

#### Petition for Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that on June 8, 2020, Union Pacific Railroad Company (UP) petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 232, Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End-Of-Train Devices. In addition, UP requests an exemption from the requirements of title 49, United States Code (U.S.C.), section 20303, which prohibits the movement of a rail vehicle with defective or insecure equipment beyond the nearest available place at which the repairs can be made. See 49 U.S.C. 20306. FRA assigned the petition to existing Docket Number FRA-2016-0018.

Specifically, UP seeks a waiver of compliance from 49 CFR 232.213, *Extended haul trains*; 49 CFR 232.15, *Movement of defective equipment*; and 49 CFR 232.103(f), *General requirements for all train brake systems*. UP is requesting a 5-year waiver from these requirements for intermodal trains (and other train types as permitted and authorized by FRA) to demonstrate that the use of wheel temperature detectors (WTD) to determine brake effectiveness improves safety and eliminates unnecessary costs to the industry.

UP has collected performance data for approximately two years of the five-year pilot period granted by FRA in this docket for unit coal trains between the Powder River Basin in Wyoming and White Bluff, Arkansas. UP states that this pilot waiver has demonstrated significant positive trends in the expected areas of observation. See Petition, Appendix 2, <https://www.regulations.gov/document?D=FRA-2016-0018-0015>. UP further states that while the White Bluffs pilot is limited in scope, expansion of operations with a similar type of pilot program at this juncture, given the favorable observations, would advance operating safety and improve other fleet conditions.

UP explains that wayside WTDs offer an alternative means to verify good braking performance. WTDs directly measure the rise in wheel temperature as a result of a brake application. Such a measure of performance is objective and quantifiable, and is independent of conditions that can impair a visual inspection; such as weather, lighting and human fatigue, inexperience, or error. A monitoring system using WTD data as an alternative to the intermediate brake inspections, whether Class IA or extended haul, while still retaining all other brake system safety assurance procedures, is expected to substantially improve the reliability of brake inspections, and thus the safety performance of brake systems.

For the White Bluff pilot test waiver trains to date, UP reports WTD alerts per million miles has reduced by 74% from October 2018 through May 2020, indicating significant improvement in the overall condition of train braking systems. Wayside alerts have driven 1.5 times more “bad orders” for brakes to the repair track than have non-waivered cars operating outside of cold wheel alert allowances. As a result, cold wheel alerts have driven attention to “key” repairs (which include control valves, miscellaneous valve subsystems, air components, brake rigging, and slack adjusters) to 25% higher than other cars.

UP also requested an exemption from 49 U.S.C. 20303. FRA may grant an exemption from the requirements of § 20303 only based on (1) evidence developed at a hearing; or (2) an agreement between national railroad labor representatives and the developer of the equipment or technology at issue. See 49 U.S.C. 20306. FRA notes that the public hearing previously held to address UP’s similar request for exemption in this docket addresses substantially the same issues as its current request. See <https://www.regulations.gov/document?D=FRA-2016-0018-0011>. In considering UP’s present request, FRA intends to rely on the findings of the hearing conducted in this docket.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at [www.regulations.gov](http://www.regulations.gov).

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 parties desire an opportunity for oral comment and a public hearing, 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 and may be submitted by any of the following methods:

- *Website:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Fax:* 202-493-2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation (DOT), 1200 New Jersey Ave. SE, W12-140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Ave. SE, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

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without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacyNotice> for the privacy notice of [www.regulations.gov](http://www.regulations.gov).

Issued in Washington, DC.

**John Karl Alexy,**

*Associate Administrator for Railroad Safety,  
Chief Safety Officer.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-2020-0063]

#### Petition for Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that on July 14, 2020, the American Short Line and Regional Railroad Association (ASLRRA) petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR parts 213, 214, 217, 218, 220, 228, 232, 236, 240, 242, and 243. FRA assigned the petition Docket Number FRA-2020-0063.

ASLRRA, on behalf of itself and its member railroads, requests to renew emergency relief to allow for social distancing and workforce shortages, which was previously granted by FRA by letter dated May 22, 2020, in its emergency relief docket (Docket Number FRA-2020-0002). See <https://www.regulations.gov/document?D=FRA-2020-0002-0072>. FRA renewed this relief for an additional 60 days on July 20, 2020. See <https://www.regulations.gov/document?D=FRA-2020-0002-0095>.

ASLRRA also requests relief from the annual continuous welded rail training requirement at 49 CFR 213.7(c)(2). Short lines have postponed in-person training due to social distancing requirements, but based on the rise of coronavirus disease 2019 (COVID-19), it is unlikely that training will be possible. Additionally, ASLRRA requests clarification regarding refresher/recurrent training requirements for roadway workers under 49 CFR 214.343-214.357.

In support of its petition, ASLRRA states that continuing the relief to comply with guidance on social

distancing from the Centers for Disease Control and Prevention (CDC) is necessary to protect railroad employees. ASLRRA further states that extending the relief will enable railroads and their employees to maintain safe workplace practices. ASLRRA explains it anticipates needing such relief so long as CDC guidance recommending social distancing remains in place.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at [www.regulations.gov](http://www.regulations.gov) (Docket Number FRA-2020-0063).

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. If any interested parties desire an opportunity for oral comment and a public hearing, 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 and may be submitted at <http://www.regulations.gov>. Follow the online instructions for submitting comments.

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Issued in Washington, DC.

**John Karl Alexy,**

*Associate Administrator for Railroad Safety,  
Chief Safety Officer.*

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## DEPARTMENT OF VETERANS AFFAIRS

### Health Services Research and Development Service Scientific Merit Review Board, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act that a meeting of the Health Services Research and Development Service Scientific Merit Review Board will be held September 3, 2020, by teleconference. The meeting will be held between 12:00 p.m. and end at 1:00 p.m. EST. The meeting will be partially closed to the public from 12:15-1:00 p.m. EST for the discussion, examination, and reference to the research applications and scientific review. Discussions will involve reference to staff and consultant critiques of research proposals. Discussions will deal with scientific merit of each proposal and qualifications of personnel conducting the studies, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Additionally, premature disclosure of research information could significantly obstruct implementation of proposed agency action regarding the research proposals. As provided by Public Law 92-463 subsection 10(d), as amended by Public Law 94-409, closing the committee meeting is in accordance with 5 U.S.C. 552b(c)(6) and (9)(B).

The objective of the Board is to provide for the fair and equitable selection of the most meritorious research projects for support by VA research funds and to offer advice for research program officials on program priorities and policies. The ultimate objective of the Board is to ensure the high quality and mission relevance of VA's legislatively mandated Health Services Research and Development program. Board members advise the Director, Health Services Research and Development Service and the Chief Research and Development Officer on the scientific and technical merit, the mission relevance, and the protection of human subjects of Health Services Research and Development proposals. The Board does not consider grants, contracts, or other forms of extramural research.

Members of the public who wish to attend the open portion of the teleconference session from 12-12:15 p.m. EST may dial 1-800-767-1750, participant code 27960#.

Written comments from the public must be sent to Liza Catucci, Designated Federal Officer, Health Services Research and Development Service,