

(3) *Mail*: U.S. Department of Transportation, 1200 New Jersey Avenue SE., Docket Operations, M-30, Room W12-140, Washington, DC 20590-0001; or

(4) *Hand Delivery*: Room W12-140 on the first floor of the West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Instructions: All submissions must make reference to the "Federal Railroad Administration" and include docket number FRA-2012-0033. Due to security procedures in effect since October 2001, mail received through the U.S. Postal Service may be subject to delays. Parties making submissions responsive to this notice should consider using an express mail firm to ensure the prompt filing of any submissions not filed electronically or by hand. Note that all submissions received, including any personal information therein, will be posted without change or alteration to <http://www.regulations.gov>. For more information, you may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477), or visit <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Mr. John Johnson, Attorney-Advisor, FRA Office of Chief Counsel, 1200 New Jersey Avenue SE., Mail Stop 25, Washington, DC 20590, (202) 493-0078, John.Johnson@dot.gov.

SUPPLEMENTARY INFORMATION:

The letter granting Sacramento's request is quoted below:

Mr. Gregory Taylor
AIA, Supervising Architect/Project Manager
City of Sacramento, Department of Public Works
915 I Street
Room 2000
Sacramento, CA 95814-2604.

Re: Request for Waiver of Buy America Requirement

Dear Mr. Taylor:

As you are aware, on November 24, 2014, the City of Sacramento, California, Department of Public Works (Sacramento) requested a waiver from the Federal Railroad Administration's (FRA) Buy America requirement (49 U.S.C. 24405(a)) to purchase a variable refrigerant flow (VRF) heating, ventilation, and air conditioning (HVAC) system for use in the Sacramento Valley Station (SVS) Phase II intermodal project.¹

The SVS Phase II intermodal project is the rehabilitation of the historic 68,000 square

foot train station in downtown Sacramento, California. The \$30 million project is partially funded with a \$15 million 2012 Transportation Infrastructure Generating Economic Recovery (TIGER) grant. The U.S. Department of Transportation (DOT) selected each project for 2012 TIGER Grant funding based on whether it would, among other things, promote a more environmentally sustainable transportation system. 77 FR 4863, 4867 (January 31, 2012). After rehabilitation, the SVS will include Amtrak station facilities, commercial retail and office space.

FRA is granting Sacramento's waiver request. FRA concludes a waiver is appropriate under 49 U.S.C. 24405(a)(2)(B) for the VRF system because domestically-produced HVAC systems meeting the specific needs of Sacramento for this application (*i.e.*, energy efficiency and historic preservation) are not currently "produced in sufficient and reasonably available amount or are not of a satisfactory quality." 49 U.S.C. 24405(a)(2)(B).

With respect to historic building preservation and energy efficiency, FRA concludes that the VRF system is the only choice for the rehabilitation of the SVS for the following reasons:

- The VRF system has small distribution pipes instead of larger ductwork that would create problematic penetrations in the existing older structures.
- The VRF system has smaller equipment in the conditioned allowable space.
- The VRF system does not require heavy, large air handling units that would overburden an historic building's capacity.
- The VRF system has zone-to-zone heat recovery and high efficiency heating and cooling.

In addition to concluding that VRF is the only system meeting the project's needs, FRA also conducted due diligence with regard to determining the availability of domestic manufacturers of the VRF system. FRA concludes that no company manufactures VRF systems domestically. FRA bases this determination on the following facts:

- In 2010, the U.S. Department of Energy (DOE) issued a blanket non-availability waiver for VRF HVAC systems procured with American Reinvestment and Recovery Act funding. See 75 FR 35447, June 22, 2010.
- In 2014, the Federal Transit Administration (FTA) granted two non-availability waivers for VRF systems. See St. Louis' MetroLink, 79 FR 34653, June 17, 2014, and San Bernardino Associated Governments, 79 FR 61129, October 9, 2014. FTA is currently reviewing another non-availability waiver for a VRF system.
- On December 9, 2014, FRA provided public notice of this waiver request and a 15-day opportunity for comment on its Web site. FRA also emailed notice to over 6,000 persons who have signed up for Buy America notices through "GovDelivery." See <http://www.fra.dot.gov/Page/P0719>. FRA received one comment. The commenter supported granting the waiver and stated, "The efficiency of the VRF system cannot be matched by other types of conventional systems."

- In February 2015, FTA engaged National Institute of Standards and Technology's Hollings Manufacturing Extension Partnership (NIST-MEP) to scout for Buy America-compliant VRF systems. NIST-MEP did not locate any domestic VRF systems. In fact, Carrier Corporation responded to NIST-MEP's scouting efforts, stating "VRF system is a new technology . . . there are no current domestic manufacturers of VRF systems."

Pursuant to 49 U.S.C. 24405(a)(4), FRA will publish this letter granting Sacramento's request in the **Federal Register** and provide notice of such finding and an opportunity for public comment after which this waiver will become effective.

Question about this letter can be directed to, John Johnson, Attorney-Advisor, at John.Johnson@dot.gov or (202) 493-0078.

Sincerely,

Sarah Feinberg
Acting Administrator

Melissa L. Porter,
Chief Counsel.

[FR Doc. 2015-14887 Filed 6-16-15; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-2015-0045]

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 of the Code of Federal Regulations (CFR), this provides the public notice that by a document dated May 4, 2015, Canadian Pacific Railway, Ltd. (CPR) has 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. Specifically, CPR requests relief from 49 CFR 232.305(b)(2), which requires that a single car air brake test (SCABT) be performed when a car is on a shop or repair track, as defined in section 232.303(a), for any reason and has not received a SCABT within the previous 12-month period. FRA assigned the petition docket number FRA-2015-0045.

In its petition, CPR requests relief allowing for replacements of wheels condemnable by all applicable Association of American Railroads (AAR) Field Manual Rule 41 defects at Battle Creek Yard, St. Paul, MN, on a track designated for minor repairs using a drop table. CPR identifies these defects either by the Wheel Impact Load Detector (WILD) or visually by a qualified inspector designated under 49 CFR 215.11 and verified by that

¹ Sacramento also requested a waiver for Marmoleum flooring. However, FRA has chosen to bifurcate the waiver requests since the VRF waiver is more advanced in terms of processing and in urgent need by Sacramento. FRA is still deciding whether a waiver for the flooring is warranted.

inspector before being repaired using the drop table on a track designated for minor repairs. CP will continue to perform SCABTs as required in sections 232.305(b)(1), (4), (5) and 232.305(c)–(e). CPR states that this request is consistent with 49 CFR 232.303(a)(2) which allows for an exception to the definition of “major repair” for wheels changed on an intermodal loading ramp. Similar to changing wheels on an intermodal loading ramp, wheel replacements using a drop table are completed in a short period of time and with no disruption to the other car components, including the brake system. The wheelset change-out takes an average of 0.337 person-hours. Besides the drop table, the repair requires only the use of hand tools and does not require additional specialized equipment.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at www.regulations.gov and in person at the Department of Transportation’s Docket Operations Facility, 1200 New Jersey Ave. SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

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 and may be submitted by any of the following methods:

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

Communications received by August 3, 2015 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written

communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at www.dot.gov/privacy. See also <http://www.regulations.gov/#!privacyNotice> for the privacy notice of regulations.gov.

Issued in Washington, DC, on June 11, 2015.

Ron Hynes,

Director of Technical Oversight.

[FR Doc. 2015–14858 Filed 6–16–15; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2015–0050]

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System

In accordance with Part 235 of Title 49 of the Code of Federal Regulations (CFR) and 49 U.S.C. 20502(a), this provides the public notice that by a document dated March 27, 2015, the Union Pacific Railroad Company (UP) petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of a signal system. FRA assigned the petition Docket Number FRA–2015–0050.

Applicant: Union Pacific Railroad Company, Mr. Neal Hathaway, AVP Engineering—Signal, 1400 Douglas Street, MS 0910, Omaha, NE 68179.

The UP seeks approval of the modification of the traffic control system (TCS) at control point (CP) T342, at milepost 342.20, on the Baird Subdivision, by the conversion of dispatcher controlled signals, 45L and 45R, to intermediate signals. The CP was installed to hold trains clear of switching operations which took place at a yard which is no longer there.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at www.regulations.gov and in person at the U.S. Department of Transportation’s Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140,

Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

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 and may be submitted by any of the following methods:

- *Web site:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
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Communications received by August 3, 2015 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at www.dot.gov/privacy. See also <http://www.regulations.gov/#!privacyNotice> for the privacy notice of regulations.gov.

Issued in Washington, DC, on June 11, 2015.

Ron Hynes,

Director, Office of Technical Oversight.

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