

fully set the locomotive consist's independent brakes. After being stopped for approximately 3 hours, the engineer and conductor, located in the lead locomotive cab, observed the train roll towards the signal interlocking displaying a stop indication. This train experienced an unintended automatic brake release. The locomotive consist's independent brakes remained fully applied but due to the grade, tonnage and wet rail could not solely hold the train without the automatic air brakes also being applied.

At that time, an opposing train on the same track was preparing to cross through the interlocking in front of the rolling train. The locomotive engineer of the rolling train applied full-service airbrakes and full dynamic braking but was not satisfied that the brakes were working effectively or fast enough. The conductor operated the emergency brake valve and stopped the train short of the signal and the train that was preparing to cross through the interlocking.

The crew then contacted the dispatcher and railroad management to report the unintended brake release and the conductor set a sufficient number of car handbrakes to hold the train on the grade.

FRA's investigation of the rolling train's event recorder, positive train control (PTC) system, and engine data logs, revealed: the PTC system had operated properly and would have initiated an emergency brake application upon reaching the signal; the Trip Optimizer was off; and the lead locomotive and consist did not cause the unintended brake release. Instead, FRA determined that, after approximately three hours with the air brakes set, the air pressure slowly bled down from some of the cars' auxiliary reservoirs, likely causing localized brake releases.<sup>1</sup> The initiation of the brake release would enable the accelerated release functionality by taking some air from the emergency brake reservoirs and directing it back into the brake pipe resulting in a substantial number of adjacent car brakes releasing. Potentially contributing factors causing the train's unintended movement included the downhill grade, wet rail, and the train's tonnage.

Due to the potential for air brake system leaks, FRA prohibits unattended trains from depending solely on air brakes to hold equipment.<sup>2</sup> While the aforementioned rolling train was

attended, it nevertheless engaged in an unintended movement.

Based on FRA's review of this incident, and its awareness of other train incidents involving an unintended air brake release under similar circumstances, FRA believes operating guidance is warranted to help reduce the likelihood of similar unintended air brake releases, and therefore makes the following recommendations.

#### Recommendations

1. Train crews should not expect a service rate or emergency brake application to indefinitely maintain application of a train's air brakes.
  2. If a train is stopped with air brakes set, and the train begins moving, the crew should immediately apply the emergency brake. After the train is stopped, the crew should set a sufficient number of handbrakes to secure the train from further unintended movement before releasing the brakes and recharging the train's air brake system.
  3. Each railroad should adopt and implement an air brake procedure consistent with Recommendations 1 and 2 that addresses unintended brake releases.
  4. Each railroad should have an operating supervisor conduct a face-to-face meeting with each locomotive engineer and conductor to explain and reinforce the contents of this advisory.
- FRA may modify Safety Advisory 2022-02, issue additional safety advisories, or take other appropriate necessary action to ensure the highest level of safety on the Nation's railroads.

Issued in Washington, DC.

**John Karl Alexy,**

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

[FR Doc. 2022-28336 Filed 12-28-22; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2021-0096; Notice 2]

#### Hercules Tire & Rubber Company, Receipt of Petition for Decision of Inconsequential Noncompliance; Correction

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

**ACTION:** Notice; correction.

**SUMMARY:** NHTSA published a document in the **Federal Register** of August 10, 2022, concerning request for

comments on a petition for a decision of inconsequential noncompliance submitted by Hercules Tire & Rubber Company, (Hercules), for certain radial trailer tires that do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 119, *New Pneumatic Tires for Motor Vehicles with a GVWR of More Than 4,536 Kilograms (10,000 Pounds), Specialty Tires, and Tires for Motorcycles*. The document contained the incorrect docket number and the incorrect FMVSS in section "III. Noncompliance."

**DATES:** The comment period for the notice published August 10, 2022, at 87 FR 48760, is extended. Comments should be received on or before January 30, 2023.

**ADDRESSES:** Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited in the title of this notice and may be submitted by any of the following methods:

- **Mail:** Send comments by mail addressed to the U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

- **Hand Delivery:** Deliver comments by hand to the U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except for Federal Holidays.

- **Electronically:** Submit comments electronically by logging onto the Federal Docket Management System (FDMS) website at <https://www.regulations.gov/>. Follow the online instructions for submitting comments.
- Comments may also be faxed to (202) 493-2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to <https://www.regulations.gov/>, including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated

<sup>1</sup> FRA notes this type of prolonged pressure release would likely not be identified during a periodic single car air brake test.

<sup>2</sup> 49 CFR 232.103(n)(2).

above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

When the petition is granted or denied, notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the internet at <https://www.regulations.gov> by following the online instructions for accessing the dockets. The docket ID number for this petition is shown in the heading of this notice.

DOT's complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000 (65 FR 19477-78).

**FOR FURTHER INFORMATION CONTACT:** Jayton Lindley, General Engineer, NHTSA, Office of Vehicle Safety Compliance, (325) 655-0547.

**SUPPLEMENTARY INFORMATION:**

*Correction:* In the **Federal Register** of August 10, 2022, in FR Doc. 2022-17131, appearing at 87 FR 48760, on page 48760, in the first column, correct the docket number heading to read: [Docket No. NHTSA-2021-0096; Notice 1]

On page 48761, in the first column, correct the "III. Noncompliance" section to read:

*III. Noncompliance:* Hercules explains that the noncompliance is due to a mold error in which the subject tires contain a tire identification number (TIN) with the second and third numerical symbols in the date code transposed and therefore, do not meet the requirements of paragraph S6.5(b) of FMVSS No. 119. Specifically, the TIN on the subject tires incorrectly states the date code as "4280," when it should state "4820."

**Otto G. Matheke III,**

*Director, Office of Vehicle Safety Compliance.*  
[FR Doc. 2022-28335 Filed 12-28-22; 8:45 am]

**BILLING CODE 4910-59-P**

**DEPARTMENT OF TRANSPORTATION**

**Pipeline and Hazardous Materials Safety Administration**

[Docket No. PHMSA-2006-24058]

**Pipeline Safety: Request for Special Permit; Portland Natural Gas Transmission System**

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA); DOT.

**ACTION:** Notice.

**SUMMARY:** PHMSA is publishing this notice to solicit public comments on a request for special permit renewal received from the Portland Natural Gas Transmission System (PNGTS). The special permit request is seeking relief from compliance with certain requirements in the Federal pipeline safety regulations and proposes to add two (2) new pipeline segments to the existing special permit. At the conclusion of the 30-day comment period, PHMSA will review the comments received from this notice as part of its evaluation to grant or deny the special permit request.

**DATES:** Submit any comments regarding this special permit request by January 30, 2023.

**ADDRESSES:** Comments should reference the docket number for this special permit request and may be submitted in the following ways:

- *E-Gov Website:* <http://www.Regulations.gov>. This site allows the public to enter comments on any **Federal Register** notice issued by any agency.
- *Fax:* 1-202-493-2251.
- *Mail:* Docket Management System: U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Docket Management System: U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

*Instructions:* You should identify the docket number for the special permit request you are commenting on at the beginning of your comments. If you submit your comments by mail, please submit two (2) copies. To receive confirmation that PHMSA has received your comments, please include a self-addressed stamped postcard. Internet users may submit comments at <http://www.Regulations.gov>.

**Note:** There is a privacy statement published on <http://www.Regulations.gov>. Comments, including any personal information provided, are posted without changes or edits to <http://www.Regulations.gov>.

*Confidential Business Information:* Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this notice, it is important that you clearly designate the submitted comments as CBI. Pursuant to 49 Code of Federal Regulations (CFR) section 190.343, you may ask PHMSA to give confidential treatment to information you give to the agency by taking the following steps: (1) mark each page of the original document submission containing CBI as "Confidential"; (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information you are submitting is CBI. Unless you are notified otherwise, PHMSA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this notice. Submissions containing CBI should be sent to Kay McIver, DOT, PHMSA-PHP-80, 1200 New Jersey Avenue SE, Washington, DC 20590-0001. Any commentary PHMSA receives that is not specifically designated as CBI will be placed in the public docket for this matter.

**FOR FURTHER INFORMATION CONTACT:**

*General:* Ms. Kay McIver by telephone at 202-366-0113, or by email at [kay.mciver@dot.gov](mailto:kay.mciver@dot.gov).

*Technical:* Mr. Steve Nanney by telephone at 713-272-2855, or by email at [steve.nanney@dot.gov](mailto:steve.nanney@dot.gov).

**SUPPLEMENTARY INFORMATION:** PHMSA received a special permit renewal request from PNGTS, operated by TC Energy, Inc., seeking a waiver from the requirements of 49 CFR 192.611: Change in class location: Confirmation or revision of maximum allowable operating pressure and 49 CFR 192.619(a): Maximum allowable operating pressure: Steel or plastic pipelines.

This special permit is being requested in lieu of pipe replacement, pressure reduction, or new pressure tests for a Class 1 to 3 location change on two (2)