

c. What are the changes in the environment when highways enhance the natural environment? How can these changes be measured? Would increasing the number or percentage of highway projects that accommodate or enhance environmental concerns be an adequate measure? Would decreasing the number or percentage of Americans living in air quality, non-attainment areas be an adequate measure? Should the number of acres of wetlands or the number of historic sites restored or avoided be a measure?

d. Do national and localized surveys of environmental partners and the general public on satisfaction with highways' impact on the environment provide useful information to measure accomplishments?

5. *National security*: Improve the Nation's ability to respond to emergencies and enhance national defense.

a. Following a natural disaster, quickly restoring the transportation system to minimal service, and then full service, is a key factor in rebuilding a community. Would appropriate measures of this goal be: (1) How long it takes to provide access to disaster areas for emergency relief?; (2) How long does it take to provide emergency funding following a disaster?; and (3) How long does it take to complete repairs of highways and bridges and restore full service following a disaster?

b. The FHWA provides direct service to the Department of Defense (DOD) to ensure highway access for national defense. In addition to working directly with DOD to establish its needs and measures, the FHWA would like comments from other partners and customers on this issue. For example, would increasing the percentage of highways designated for defense purposes that meet the requirements of DOD be an adequate measure? Would the number of highway movements by DOD that are on-time or the percentage of miles traveled by DOD that are on-time be good measures?

The following optional format is provided for commenters:

The FHWA'S Strategic Planning Process: Optional Format for Comments on Performance Objectives and Indicators

This is an optional form offered to facilitate comments. Commenters are invited to provide recommendations on one or all of the five strategic goals (mobility, productivity, safety, human and natural environment, and national security). For each strategic goal on which comments are provided, please recommend performance objectives and

performance indicators for that strategic goal. In addition, please prioritize the factors that are proposed and include any data sources that would be most appropriate.

Name: _____
Date: _____
Organization: (optional) _____
Address: _____

Strategic Goal: _____
(*Mobility, Productivity, Safety, Human and Natural Resources, or National Security*)

Performance Objectives:

Priority

(*What should be accomplished to reach this goal?*)

(*1=highest/3=lowest*) _____

1. _____

PERFORMANCE INDICATOR:

(*How can these changes best be measured?*)

Possible source of data:

Additional performance objectives and indicators for each strategic goal may be presented in the same format.

Authority: 23 U.S.C. 315; 49 U.S.C. 322; 49 CFR 1.48.

Issued on: April 25, 1997.

Jane Garvey,

Acting Federal Highway Administrator.

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

[Docket No. RSPA-97-2346; Notice 1]

Pipeline Safety: Liquefied Natural Gas Facilities Petition for Waiver; Northern Eclipse, Inc.

Northern Eclipse, Inc. (NE) has petitioned the Research and Special Programs Administration (RSPA) for a waiver from compliance with 49 CFR Part 193, Liquefied Natural Gas (LNG) Facilities: Federal Safety Standards. The petition applies to the Northern Eclipse's proposed Gas Treating and Liquefaction (GTL) unit to be located 20 miles north of Anchorage, Alaska. NE provides assurance that an equivalent

level of safety will be achieved through compliance with alternative safety requirements for portable LNG facilities and, the siting requirements for liquefaction units. The alternative requirements are described in paragraph 2-3.4 of the National Fire Protection Association Standard (NFPA) 59A, Standard for Production, Storage, and Handling of Liquefied Natural Gas (1996).

The petitioner's rationale for the waiver rests on the following:

1. The NE GTL unit will be supplied with gas from the Beluga-Anchorage pipeline through a 2,500 foot, privately-owned service pipeline installed by NE downstream of the sales meter.
2. The NE GTL unit will have minimal LNG surge capacity, and there will be no storage at the NE GTL facility.
3. The NE GTL unit's output will be trucked from the GTL unit to end users, including one or more local distribution companies.

4. The NE GTL unit will not be used by the Beluga-Anchorage pipeline in any way to transport gas on their behalf.

5. DOT does not assert similar jurisdiction over liquefiers connected to the local distribution companies' (LDCs) that fuel motor vehicles. The GTL unit would fulfil essentially the same function.

6. The NE GTL unit will be no different from other consumers of gas. For example, chemical plants, power plants, and other end users are not regulated even though they are supplied with gas from a pipeline.

7. The NE GTL unit would be exempt under Section 193.2001(b)(2) because it would be a natural gas treatment facility without any storage.

8. The NE GTL unit will be a transportable unit mounted on skids.

In view of the above, NE alleges that an extension of Part 193 jurisdiction to the proposed facility would be inconsistent with the language and purpose of the regulation. However, NE proposes to ensure equivalent safety through compliance with the alternative safety provisions for portable LNG facilities as described in paragraph 2-3.4 of the NFPA 59A and with the siting requirements for liquefaction units.

The Research and Special Programs Administration (RSPA) considers the 2,500 foot, NE-installed gas pipeline supplying gas to the NE GTL facility (a large volume customer) a transmission line. Therefore, the gas line is subject to 49 CFR Part 192, *Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards*. Recent revision of the definition of Transmission pipeline in Section 192.3 (61 FR 28783; June 6, 1996) includes

pipelines transporting gas to a large volume customer.

RSPA considers the proposed NE GTL facility to be subject to Part 193 regulation, because it receives gas from a Part 192 regulated pipeline. In general, Part 192 applies to the pipeline transportation of gas between producers and consumers. Although the LNG is transported by truck after liquefaction, RSPA believes that the NE GTL facility nonetheless is part of the overall operation of transporting gas, in this case from the Beluga-Anchorage transmission line to LDCs and other users at Fairbanks.

Because of the unusual features at the proposed NE GTL facility, including its remote location, lack of a storage tank, and skid-mounted transportable liquefaction unit, it poses low risk to public safety. Therefore, RSPA believes

that granting a waiver from the requirements of 49 CFR Part 193 would not be inconsistent with pipeline safety, as long as the operator complies with alternative requirements for portable LNG facilities described in paragraph 2-3.4 of the NFPA Standard 59A and meets the siting requirements for the liquefaction unit. Therefore, RSPA proposes to grant the waiver.

Interested parties are invited to comment on the proposed waiver by submitting in duplicate such data, views, or arguments as they may desire. Comments should identify the docket number and the RSPA rulemaking number. Comments should be addressed to the Docket Facility, US Department Of Transportation, Plaza 401, 400 Seventh Street SW., Washington, DC 20590-0001.

All comments received before June 2, 1997 will be considered before final

action is taken. Late filed comments will be considered so far as practicable. No public hearing is contemplated, but one may be held at a time and place set in a notice in the **Federal Register** if required by an interested person desiring to comment at a public hearing and raising a genuine issue. All comments and other docketed material will be available for inspection and copying in room Plaza 401 between the hours of 10:00 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Authority: 49 App. U.S.C. 2002(h) and 2015; and 49 CFR 1.53.

Issued in Washington, D.C. on April 29, 1997.

Cesar DeLeon,

Deputy Associate Administrator for Pipeline Safety.

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