

- Improves weld inspection personnel safety.

For the reasons stated, FLNG is requesting a waiver from 49 CFR 193.2301 which requires compliance with 49 CFR part 193 and NFPA 59A. Moreover, FLNG is asking that it be allowed to use the ultrasonic examination method in the Tenth Edition, Addendum 1, of API 620 instead of the radiographic examination method in the Eighth Edition of API 620.

The NFPA 59A Technical Committee recently approved and recommended the acceptance of the 2002, Tenth Edition, Addendum 1 of API 620 with three limitations. PHMSA has only incorporated by reference the 2001 Edition of NFPA 59A, therefore a waiver is required for the 2006 Edition.

PHMSA will consider FLNG's waiver request and whether FLNG's proposal will yield an equivalent or greater degree of safety than that currently provided by the regulations.

This notice is PHMSA's only request for public comment before making a decision. After considering any comments received, PHMSA will make a determination to grant FLNG's waiver request as proposed or with modifications and conditions, or deny FLNG's request. If the waiver is granted and PHMSA subsequently determines that the effect of the waiver is inconsistent with pipeline safety, PHMSA may impose additional conditions on the operator or revoke the waiver at its sole discretion.

Issued in Washington, DC on September 19, 2006.

**Theodore L. Willke,**

*Acting Associate Administrator for Pipeline Safety.*

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## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA-06-25735; Notice 1]

#### Pipeline Safety: Request for Waiver; Sabine Pass LNG

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA); U.S. Department of Transportation (DOT).

**ACTION:** Notice of intent to consider waiver request.

**SUMMARY:** Sabine Pass Liquefied Natural Gas (SPLNG) facility requests a waiver of compliance from the regulation that requires every Liquefied Natural Gas

(LNG) facility constructed after March 31, 2000 to comply with the National Fire Protection Association's standard 59A (NFPA 59A), 2001 Edition.

**DATES:** Persons interested in submitting written comments on the waiver request described in this notice must do so by October 27, 2006. Late filed comments will be considered as far as practicable.

**ADDRESSES:** You may submit written comments by mailing or delivering an original and two copies to the Dockets Facility, U.S. Department of Transportation (DOT), Room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001. The Dockets Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except on Federal holidays when the facility is closed. Alternatively, you may submit written comments to the docket electronically at the following Web address: <http://dms.dot.gov>. All written comments should identify the docket and notice number stated in the heading of this notice. Anyone who wants confirmation of mailed comments must include a self-addressed stamped postcard. To file written comments electronically, after logging on to <http://dms.dot.gov>, click on "Comment/Submissions." You can also read comments and other material in the docket. General information about the Federal pipeline safety program is available at <http://phmsa.dot.gov>.

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete privacy Act Statement in the **Federal Register** published on April 11, 2000 (70 FR 19477) or you may visit <http://dms.dot.gov>.

#### FOR FURTHER INFORMATION CONTACT:

James Reynolds by telephone at 202-366-2786, by fax at 202-366-4566, by mail at DOT, Pipeline and Hazardous Materials Safety Administration (PHMSA), 400 7th Street, SW., Room 2103, Washington, DC 20590, or by e-mail at [james.reynolds@dot.gov](mailto:james.reynolds@dot.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

SPLNG requests a waiver of compliance from the regulatory requirement at 49 CFR 193.2301. This regulation requires each LNG facility constructed after March 31, 2000, to comply with 49 CFR Part 193 and paragraph 4.2.1 in NFPA 59A, 2001 Edition.

NFPA 59A requires that welded containers designed for not more than

15 pounds per square inch gauge (psig) comply with the eighth edition, 1990, of American Petroleum Institute standard 620 (API 620), *Design and Construction of Large, Welded, Low-Pressure Storage Tanks (Appendix Q)*. The Eighth Edition of API 620 requires inspection according to Appendix Q, which calls for the full radiographic examination of all vertical and horizontal butt welds associated with the container.

SPLNG is proposing to use the 2002 Tenth Edition, Addendum 1, of API 620. This Edition allows for ultrasonic examination, instead of radiography, as an acceptable alternative to examining butt welds associated with the container. SPLNG proposes to use ultrasonic examination on its project which consists of full semi-automated and manual ultrasonic examination using shear wave probes. The examination also consists of a volumetric ultrasonic examination using a combination of creep wave probes and focused angled longitudinal wave probes.

SPLNG asserts that ultrasonic examination has several advantages over radiographic examination, namely it:

- Produces faster examination rates with equal reliability;
- Yields higher weld productivity rates and overall lower project cost;
- Employs a linear scanning process and allows both sides of the weld to be examined simultaneously;
- Offers results reviewable by personnel both on-site and off-site;
- Utilizes inspection data which can be stored, analyzed, and shared digitally;
- Eliminates hazardous materials disposal issues; and
- Improves weld inspection personnel safety.

For the reasons stated, SPLNG is requesting a waiver from 49 CFR 193.2301 which requires compliance with 49 CFR part 193 and NFPA 59A. Moreover, SPLNG is asking that it be allowed to use the ultrasonic examination method in the Tenth Edition, Addendum 1, of API 620 instead of the radiographic examination method in the Eighth Edition of API 620.

The NFPA 59A Technical Committee recently approved and recommended the acceptance of the 2002, Tenth Edition, Addendum 1 of API 620 with three limitations. PHMSA has only incorporated by reference the 2001 Edition of NFPA 59A, therefore a waiver is required for the 2006 Edition.

PHMSA will consider SPLNG's waiver request and whether SPLNG's proposal will yield an equivalent or greater degree of safety than that

currently provided by the regulations. This notice is PHMSA's only request for public comment before making a decision. After considering any comments received, PHMSA's will make a determination to grant SPLNG's waiver request as proposed or with modifications and conditions or deny SPLNG's request. If the waiver is granted and PHMSA subsequently determines that the effect of the waiver is inconsistent with pipeline safety, PHMSA may impose additional conditions on the operator or revoke the waiver at its sole discretion.

Issued in Washington, DC on September 19, 2006.

**Theodore L. Willke,**

*Acting Associate Administrator for Pipeline Safety.*

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-290 (Sub-No. 275X)]

#### **Norfolk Southern Railway Company— Abandonment Exemption—in Gaston County, NC**

Norfolk Southern Railway Company (NSR) has filed a notice of exemption under 49 CFR part 1152 Subpart F—*Exempt Abandonments* to abandon a 2.0-mile line of railroad between milepost HG 45.0 and milepost 47.0 in Gastonia, in Gaston County, NC. The line traverses United States Postal Service Zip Codes 28052, 28054, and 28056 and includes the former station of North Gastonia.

NSR has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) no overhead traffic has moved over the line for at least 2 years and overhead traffic, if there were any, could be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending

with the Surface Transportation Board or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements of 49 CFR 1105.7 (environmental report), 49 CFR 1105.8 (historic report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication) and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.*—

*Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on October 27, 2006, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>1</sup> formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>2</sup> and trail use/rail banking requests under 49 CFR 1152.29 must be filed by October 10, 2006.<sup>3</sup> Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by October 17, 2006, with the Surface

<sup>1</sup> The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

<sup>2</sup> Each OFA must be accompanied by the filing fee, which was increased to \$1,300 effective on April 19, 2006. See *Regulations Governing Fees for Services Performed in Connection with Licensing and Related Services—2006 Update*, STB Ex Parte No. 542 (Sub-No. 13) (STB served Mar. 20, 2006).

<sup>3</sup> NSR states that the City of Gastonia (the City) is interested in acquiring a 1.8-mile segment of the right-of-way between milepost HG 45.0 and milepost 46.8 for interim trail use under the National Trails System Act and for the creation of a greenway. NSR indicates that it is agreeable to conveying this segment to the City.

Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to NSR's representative: James R. Paschall, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

NSR has filed environmental and historic reports which address the effects, if any, of the abandonment on the environment and historic resources. SEA will issue an environmental assessment (EA) by October 2, 2006. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423-0001) or by calling SEA, at (202) 565-1539. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.] Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), NSR shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by NSR's filing of a notice of consummation by September 27, 2007, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: September 18, 2006.

By the Board, David M. Konschnik,  
Director, Office of Proceedings.

**Vernon A. Williams,**  
*Secretary.*

[FR Doc. 06-8167 Filed 9-26-06; 8:45 am]

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