

aesthetic impacts. Natural impact analysis will include impacts to Outstanding Florida Waters and Wild and Scenic Rivers, aquatic preserves, wetlands, and threatened or endangered species. In addition, within the study limits, I-4 crosses the St. John's River which is a navigable waterway. Consequently, navigation impacts will be evaluated as part of the natural impact analysis. Physical impact analysis will include evaluating impacts to noise, air quality, water quality, floodplain, potentially contaminated sites, and coastal zone. The environmental evaluation will consider both short-term and long-term impacts associated with the alternatives. Measures to mitigate any significant adverse impacts will also be considered.

Environmental issues raised from responses to the Advanced Notification Letter include neighborhood protection, aesthetics, bicycle facilities, recreational greenways, alternative modes of transportation, lake protection, hydrology and stormwater management, cultural features, wildlife corridors, and rare habitat and listed species.

#### Scoping

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have expressed interest in this proposal. Interested parties may request project information by contacting Mr. Harold Webb, Florida Department of Transportation, District Five, 719 South Woodland Boulevard, Florida 32720 or by calling him at (904) 943-5554. A series of public meetings will be held in Orange, Seminole, and Volusia Counties between August 1997 and December 1998. In addition, public hearings will be held in Orange, Seminole, and Volusia Counties. Public notice will be given of the time and place of the meetings and hearings. The Draft EIS will be made available for public and agency review and comment. A formal scoping meeting will be held at 8:00 a.m. on Tuesday, April 15, 1997 and Wednesday, April 16, 1997 at the Eastmonte Park Recreation & Civic Center located at 830 Magnolia Drive, Altamonte Springs, Florida.

To ensure that the full range of issues related to the proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research,

Planning and Construction. The regulations implementing Executive Order 12372 regarding inter-governmental consultation on Federal programs and activities apply to this program)

Issued on February 27, 1997.

J.R. Skinner,

*Division Administrator, Tallahassee.*

[FR Doc. 97-5530 Filed 3-5-97; 8:45 am]

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### Research and Special Programs Administration

[Docket No. P-97-2W; Notice 1]

#### 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 storage tank impounding system. Section 193.2155(c) requires a Class 1 impounding system whenever an LNG storage tank is located within 20,000 feet from the nearest runway serving large aircraft. The petition applies to the Northern Eclipse's proposed LNG storage facility at Fairbanks, Alaska.

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

1. Fairbanks does not currently have natural gas service, and given the distance to gas fields and the size of the market, petitioner believes that LNG is the only feasible way to provide natural gas service in the community.

2. Fairbanks is a small town by a lower-48 states standards, however, due to international air transport and reliance of Alaskans on air travel, Fairbanks has an international airport (FIA) with a 11,050 foot long runway. In addition, Fairbanks has a similar runway for a U.S. military base (Fort Wainwright), and other smaller runways in the area. The 20,000 foot restriction requirement eliminates any reasonable site in Fairbanks for an LNG storage tank and it would not be economically feasible to build an impounding system which would withstand a direct impact from a 747, in order to provide gas service to the Fairbanks community.

3. NE does not propose to locate its storage tank in the approach/departure corridor for heavy aircraft. The areas under consideration are approximately two miles to the side of the FIA runway.

4. NE proposes the use of a shop fabricated, heavy outer wall storage tank of less than 70,000 gallon capacity, built to National Aeronautical and Space Administration specifications, and

likely to survive even a direct impact from small aircraft.

5. Similar LNG storage tanks and dispensing facilities are routinely allowed at airports without impoundment as they are not subject to Part 193 requirements, but they pose precisely the same risk in the event of a collision, and due to their location at the airport pose a much greater risk of impact from an aircraft. To support this fact, NE provided pictures of an above ground NFPA 59A LNG storage tank at the Dallas/Fort Worth airport.

6. Part 193 contains special provisions for LNG tanks with less than a 70,000 gallon capacity. However, Section 193.2155(c) fails to reflect the vastly different risks posed by different sized LNG storage tanks. A small LNG tank like that proposed by NE poses no significant risk, and certainly no more than any other similar small energy storage tank, such as a propane tank or a non-Part 193 LNG tank.

7. During the December 9, 1996, meeting between NE and OPS on this issue, NE was informed that the origin of the distance of 20,000 feet from the airport was taken from the Federal Aviation Administration's (FAA) Regulations under 14 CFR part 77, which define a critical area surrounding a large airport. According to NE, only § 77.13(a)(2)(i) of 14 CFR part 77, addresses 20,000 ft. restriction, which exists where there are runways of over 3,200 feet in length, and that section refers only to the heights of structures. NE believes that the FAA may be concerned with the height of the structure rather than the contents.

Because of the unusual circumstances described above at NE's proposed LNG facility, relatively low risk to the public safety due to a smaller tank, and the operators's use of a shop fabricated heavy outer wall built to more stringent standards than those specified under part 193, RSPA believes that granting a waiver from the requirements of 49 CFR 193.2155(c) would not be inconsistent with pipeline safety, nor would it lessen public safety in this case. The operator must comply with all other requirements of part 193 including Class 2 impounding system for the storage tank. 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, U.S. Department Of Transportation, plaza 401, 400

Seventh Street SW., Washington, DC 20590-0001.

All comments received before April 7, 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 401 Plaza 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 March 3, 1997.

Richard B. Felder,

*Associate Administrator for Pipeline Safety.*

[FR Doc. 97-5552 Filed 3-5-97; 8:45 am]

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## Surface Transportation Board

[STB Finance Docket No. 33363]

### Burlington Northern and Santa Fe Railway Co.; Trackage Rights Exemption; Birmingham Southern Railway Co.

Birmingham Southern Railway Company has agreed to grant overhead trackage rights to The Burlington Northern and Santa Fe Railway Company (BNSF) from BNSF's rail yard at milepost 147 + 28.00 to milepost 225 + 51.51 in Birmingham, AL, for the purpose of moving loaded and empty cars to the American Cast Iron Pipe Company plant.

The transaction was scheduled to be consummated on February 26, 1997.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33363, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch,

1201 Constitution Avenue, N.W., Washington, DC 20423. <sup>1</sup> In addition, a copy of each pleading must be served on Michael E. Roper, Esq., The Burlington Northern and Santa Fe Railway Company, 3800 Continental Plaza, 777 Main Street, Forth Worth, TX 76102-5384.

Decided: February 27, 1997.

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

Vernon A. Williams,

*Secretary.*

[FR Doc. 97-5547 Filed 3-5-97; 8:45 am]

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[STB Docket No. AB-55 (Sub-No. 539X)]

### CSX Transportation, Inc.—Abandonment Exemption—in Harrison County, WV

CSX Transportation, Inc. (CSXT) has filed a notice of exemption under 49 CFR part 1152 subpart F—*Exempt Abandonments* to abandon 14.1 miles of its line of railroad between milepost 2.1 at Clarksburg and milepost 16.2 at McWhorter, in Harrison County, WV.

CSXT has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (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 (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 at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 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

<sup>1</sup> Due to the Board's scheduled relocation on March 16, 1997, any filings made after March 16, 1997, must be filed with the Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001.

received,<sup>1</sup> this exemption will be effective on April 5, 1997, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>2</sup> formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2), and trail use/rail banking requests under 49 CFR 1152.29<sup>3</sup> must be filed by March 19, 1997. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by March 26, 1997, with: Office of the Secretary, Case Control Branch, Surface Transportation Board, 1201 Constitution Avenue, N.W., Washington, DC 20423.<sup>4</sup>

A copy of any petition filed with the Board should be sent to applicant's representative: Charles M. Rosenberger, Senior Counsel, 500 Water Street, J150, Jacksonville, FL 32202.

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

CSXT has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by March 11, 1997. Interested persons may obtain a copy of the EA by writing to SEA (Room 3219, Surface Transportation Board, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEA, at (202) 927-6248. 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), CSXT shall file a notice of consummation with the Board to signify

<sup>1</sup> Under 49 CFR 1152.27(c)(2)(i), the expression of intent to file an OFA would normally be due 10 days after publication of notice in the Federal Register. However, due to the Board's scheduled relocation on March 16, 1997, expressions of intent in this proceeding may be filed as late as March 19, 1997.

<sup>2</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 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>3</sup> The Board will accept late-filed trail use requests as long as the abandonment has not been consummated and the abandoning railroad is willing to negotiate an agreement.

<sup>4</sup> Due to the Board's scheduled relocation on March 16, 1997, any filings made after March 16, 1997, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1925 K Street, N.W., Washington, DC 20423.