

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 and with the siting requirements for liquefaction units as described in the applicable sections of the NFPA 59A.

After reviewing the petition, the Research and Special Programs Administration (RSPA) published a notice inviting interested persons to comment on whether a waiver should be granted (Notice 1)(62 FR 24157; May 2, 1997). In the notice, RSPA explained that the 2,500 foot, NE-installed gas pipeline supplying gas to the NE GTL facility (a large volume customer) is a transmission line. Therefore, the gas pipeline 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. In addition, RSPA explained that the proposed NE GTL facility is 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.

Nevertheless, RSPA considered granting the requested waiver 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, which, RSPA believes, poses low risk to public safety. RSPA also stated the operator must comply with alternative requirements for portable LNG facilities and meet the siting requirements for the liquefaction unit described in the applicable sections of the NFPA Standard 59A. RSPA received two comments in response to the notice, both of which were subsequently withdrawn.

RSPA, for the reasons explained above and in Notice 1, finds that the requested waiver of 49 CFR 193 is appropriate and is consistent with pipeline safety, as long as the operator complies with alternative requirements for portable LNG facilities and meets the siting requirements for the liquefaction units described in the applicable sections of the NFPA Standard 59A. Therefore, Northern Eclipse's petition for waiver from compliance with 49 CFR 193 is granted, effective July 17, 1997.

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

Issued in Washington, D.C. on July 14, 1997.

Cesar DeLeon,

Deputy Associate Administrator for Pipeline Safety.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33423]

Pickens Railway Company— Acquisition and Operation Exemption—Norfolk Southern Railway Company

Pickens Railway Company, a Class III rail common carrier, has filed a notice of exemption under 49 CFR 1150.41 to acquire and operate 18.47 miles of rail line in Anderson County, SC, from Norfolk Southern Railway Company from milepost V-109.5, near Honea Path, to milepost V-117.77, near Belton, and from milepost Z-0.0, near Belton, to milepost Z-10.2, near Anderson.

The transaction was expected to be consummated on or after July 8, 1997.

If the notice 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 does not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33423, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Jo A. DeRoche, Esq., Weiner, Brodsky, Sidman & Kider, P.C., 1350 New York Avenue, N.W., Suite 800, Washington, DC 20005-4797.

Decided: July 10, 1997.

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

Vernon A. Williams,

Secretary.

[FR Doc. 97-18861 Filed 7-16-97; 8:45 am]

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