

be used. Because a more generic SCV/SCR system was fully evaluated as a reasonable alternative in sufficient detail in the EIS to provide an opportunity for in-depth public review, the Coast Guard and MARAD determined, in coordination with other involved Federal agencies, including the U.S. Environmental Protection Agency, that an Environmental Assessment that incorporates by reference and tiers from the FEIS would provide the appropriate level of NEPA review and analysis. After the EA was completed, we determined that a FONSI for the amended application was applicable for the action and that the applicant's change in preferred regassification technology from ORV to SCV/SCR that was previously evaluated in the FEIS would not have a significant effect on the environment in addition to or different from those impacts previously assessed and disclosed in the FEIS.

The EA describes the project changes and focuses on the evaluation of the amendment, incorporating by reference and tiering from the FEIS. Our review indicates the SCV/SCR proposal provides a reduction in impacts in several key resource areas. In addition, a number of comments from the public, and from State and Federal agencies discussed and supported closed-loop SCV as a preferred alternative.

On August 10, 2006, (71 FR 45899) we provided notice of the availability of the amended application; the intent to prepare an EA; and request for comments.

### Summary of the Application Amendment

In the original application, the applicant proposed open rack vaporization (ORV) as their preferred alternative. In this application amendment, the applicant is now proposing a "closed-loop" vaporization system known as submerged combustion vaporization with selective catalytic reduction (SCV/SCR). This change would eliminate seawater usage; replace water-cooled generators with low emission, air-cooled gas turbine generators; propose use of sodium hydroxide to neutralize the SCV process water; would move Platform No. 3 from its current position to the Terminal to support vaporization equipment; and make other minor changes to Terminal operations and infrastructure to support SCV/SCR operations. Proposed non-Terminal construction and operations were not changed by the amended application. All other aspects of the original application and environmental analysis contained in the EIS continue

to apply, including facilities, pipelines, and salt cavern gas storage.

SCV/SCR vaporization was analyzed in detail in the EIS as an alternative technology (EIS Option 1d). In summary, the key differences in this proposed change from the original ORV proposal (EIS Option 2b) include:

- Elimination of 134 million gallons per day of seawater intake and discharge. Elimination of seawater intakes and outfall structures. The SCV/SCR system uses no seawater.
- Elimination of potential biological impacts from vaporization seawater intake due to impingement or entrainment and reduced discharge temperature plume.
- Elimination of the use of sodium hypochlorite chlorination requirements.
- Discharge of 345,000 gallons per day (at peak 1.6 bcf/d vaporization) process water produced through SCV/SCR operation. Ph would be managed between 6 and 9 through injection of 20% by weight caustic soda solution (sodium hydroxide) into the stream. The neutralization reaction produces sodium carbonate and water. This would also require the addition of a 50,000 gallon storage tank.
- Installation of eight SCV/SCR units (EIS Option 1d) as replacements for the six ORV units previously proposed (EIS Option 2b).
- Relocation and remodeling the existing MPEH Platform No. 3 to a position north of Bridge 11 between Platforms BS-8 and BS-Y7 to accommodate three of the eight SCV/SCR vaporizers and three gas turbine generators relocated from Platform No. 1. Existing well conductors and jacket main piles would be removed and the jacket installed on the new site. Structural and system modifications to the deck of existing Platform BS-8 and existing Bridge No. 11 would also be required.
- Injection of 240 gallons per day of 19.5% (by weight) aqueous ammonia solution into the gas stream of the SCR. This would require installation of a 7200 gallon tank.
- Operational air emissions of the SCV/SCR amendment are reduced from the original proposal. Total emissions attributed to construction over 5 years would be approximately 7% higher than the original proposal due to the need to move one platform.
- Direct burning of 1–1.5% of natural gas for LNG vaporization—removing this resource from the nation's energy supply.

### Federal Energy Regulatory Commission Certificate of Public Convenience and Necessity

The onshore portion of this project shoreward of the mean high water line falls under the jurisdiction of the Federal Energy Regulatory Commission (FERC). Freeport-McMoRan has received FERC authorization to construct and operate the Coden pipeline conditioned on receiving the license for the DWP from MARAD (FERC Order Issuing Certificate issued May 18, 2006, FERC Docket Nos. CP04-68 and CP04-69). This is the 5.1 mile Bayou La Batre alternative in the FEIS.

### Department of Army Permits

On July 22, 2005, the New Orleans District, Army Corps of Engineers issued a joint public notice advising all interested parties of the proposed activity for which Department of the Army Section 404 and Section 10 permits are being sought, and solicited comments and information necessary to evaluate the probable impact on the public interest. This comment period is now closed. As this amendment falls under the environmental review of the DWPA, and not Section 10 of the Rivers and Harbors Act and does not change the Section 404 and Section 10 reviews, an additional comment period is not required by the Army Corps of Engineers.

Dated: September 21, 2006.

By order of the Maritime Administrator.

**Joel C. Richard,**

*Secretary, Maritime Administration.*

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34930]

### Brandon Railroad LLC—Acquisition Exemption—Brandon Corp.

Brandon Railroad, LLC (BRR), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 for the acquisition of approximately 17.3 miles of rail line from the Brandon Corporation (Brandon) in the former Omaha-South Omaha switching district in Omaha, NE. Prior to 1978, the lines were operated by the South Omaha Terminal Railroad Company and have no mileposts associated with them. The lines were expected to be conveyed by Brandon to BRR on or shortly after September 8, 2006.

BRR certifies that its projected annual revenues as a result of the transaction

will not result in BRR becoming a Class II or Class I rail carrier, and will not exceed \$5 million.

The exemption became effective on September 8, 2006 (7 days after the exemption was filed).

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 will not automatically stay the transaction.

An original and ten copies of all pleadings, referring to STB Finance Docket No. 34930, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Karl Morell, Of Counsel., Ball Janik LLP, 1455 F Street, NW., Suite 225, Washington, DC 20005.

Board decisions and notices are available on our Web site at [www.stb.dot.gov](http://www.stb.dot.gov).

Decided: September 19, 2006.

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

**Vernon A. Williams,**

*Secretary.*

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

#### The No FEAR Act Notice

**AGENCY:** Surface Transportation Board.

**ACTION:** Notice.

**SUMMARY:** The Surface Transportation Board (Board) gives notice of the "Notification and Federal Employee Antidiscrimination Act of 2002," the No FEAR Act, to former and current STB employees and to applicants for STB employment.

**FOR FURTHER INFORMATION CONTACT:** Vernon A. Williams, Secretary to the Board (202) 565-1718.

**SUPPLEMENTARY INFORMATION:** On May 15, 2002, Congress enacted the "Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002," which is now known as the No FEAR Act. One purpose of the Act is to "require that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws." Public Law 107-174, Summary. In support of this purpose, Congress found that "agencies cannot be run effectively if those agencies practice or tolerate discrimination." Public Law

107-174, Title I, General Provisions, section 101(1).

The Act also requires agencies, including the Board to provide this notice to Board employees, former Board employees and applicants for Board employment to inform you of the rights and protections available to you under Federal antidiscrimination and whistleblower protection laws.

#### Antidiscrimination Laws

A Federal agency cannot discriminate against an employee or applicant with respect to the terms, conditions or privileges of employment on the basis of race, color, religion, sex, national origin, age, disability, marital status or political affiliation. Discrimination on these bases is prohibited by one or more of the following statutes: 5 U.S.C. 2302(b)(1), 29 U.S.C. 206(d), 631, 633a and 791, and 42 U.S.C. 2000e-16.

If you believe that you have been the victim of unlawful discrimination on the basis of race, color, religion, sex, national origin or disability, you must contact an Equal Employment Opportunity (EEO) counselor within 45 calendar days of the alleged discriminatory action, or, in the case of a personnel action, within 45 calendar days of the effective date of the action, before you can file a formal complaint with your agency (see contact information below). *See, e.g.* 29 CFR 1614. If you believe that you have been the victim of unlawful discrimination on the basis of age, you must either contact an EEO counselor as noted above or give notice of intent to sue to the Equal Employment Opportunity Commission (EEOC) within 180 calendar days of the alleged discriminatory action. If you are alleging discrimination based on marital status or political affiliation, you may file a written complaint with the U.S. Office of Special Counsel (OSC) (*see* contact information below). In the alternative (or in some cases in addition), you may pursue a discrimination complaint by filing a grievance through your agency's administrative or negotiated grievance procedures, if such procedures apply and are available.

#### Whistleblower protection Laws

A Federal employee with authority to take, direct others to take, recommend or approve any personnel action must not use that authority to take or fail to take, or threaten to take or fail to take, a personnel action against an employee or applicant because of disclosure of information by that individual that is reasonably believed to evidence violations of law, rule or regulation; gross mismanagement; gross waste of

funds; an abuse of authority; or a substantial and specific danger to public health or safety, unless disclosure of such information is specifically prohibited by law and such information is specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs.

Retaliation against an employee or applicant for making a protected disclosure is prohibited by 5 U.S.C. 2302(b)(8). If you believe that you have been the victim of whistleblower retaliation, you may file a written complaint (Form OCC-11) with the U.S. Office of Special Counsel at 1730 M Street, NW., Suite 218, Washington, DC 20036-4505 or online through the OSC Web site: <http://www.osc.gov>.

#### Retaliation for Engaging in Protected Activity

A Federal agency cannot retaliate against an employee or applicant because that individual exercises his or her rights under any of the Federal antidiscrimination and whistleblower protection laws listed above. If you believe that you are the victim of retaliation for engaging in protected activity you must follow, as appropriate, the procedures described in the Antidiscrimination Laws and Whistleblower Protection Laws or, if applicable, in administrative or negotiated grievance procedures in order to pursue any legal remedy.

#### Disciplinary Actions

Under existing laws, each agency retains the right, where appropriate, to discipline a Federal employee for conduct that is inconsistent with Federal Antidiscrimination and Whistleblower Protection Laws up to and including removal. If OCS has initiated an investigation under 5 U.S.C. 1214, however, according to 5 U.S.C. 1214(f), agencies must seek approval from the Special Counsel to discipline employees for, among other activities, engaging in prohibited retaliation. Nothing in the No FEAR Act alters existing laws or permits an agency to take unfounded disciplinary action against a Federal employee or to violate the procedural rights of a Federal employee who has been accused of discrimination.

#### Additional Information

For further information regarding the No FEAR Act regulations, refer to 5 CFR part 724, as well as the appropriate offices within the Board (*e.g.*, EEO or human resources office). Additional information regarding Federal antidiscrimination, whistleblower