



U.S. Department of Transportation
**Pipeline and Hazardous Materials
Safety Administration**

1200 New Jersey Ave, S.E.
Washington, D.C. 20590

DEC - 9 2010

Mr. Bruce F. Kiely
Baker Botts L.L.P.
The Warner
1299 Pennsylvania Avenue, NW
Washington, DC 20004-2400

RE: November 16, 2010, Letter on Behalf of Weaver's Cove Energy, LLC

Dear Mr. Kiely:

You have asked for additional information on the processing of a request that you submitted to the Administrator on September 29, 2010, on behalf of Weaver's Cove Energy, LLC. That request concerned the design-spill criteria that Weaver's Cove should use in determining the exclusion zone for a waterfront liquefied natural gas plant in the City of Fall River, Massachusetts.

As the Administrator indicated in her letter dated November 1, 2010, the Pipeline and Hazardous Materials Safety Administration (PHMAS) intends to treat your submission as a request for written interpretation under 49 CFR Part 190. PHMSA is considering a similar request on this issue from the City and plans to issue a consolidated response to both parties.

Please be advised that my office will deem your request as filed on September 29, 2010, and that an allowance of at least 120 days should be made for any response under 49 CFR § 190.11(b)(1). Please be further advised that my office has agreed to allow the City until December 13, 2010, to submit additional information in support of its request on this issue.

If you have any questions, please feel free to contact me at (202) 366-4046.

Sincerely,

John A. Gale
Director, Office of Standards
and Rulemaking