

These previous studies identified the need for a new location, multiple lane roadway with full control of access; however, these DEIS's were never finalized. Much of the relevant information developed for these studies will be utilized during the project development process for proposed SH 45.

Major considerations in the EIS will include an analysis of the costs of right-of-way, the numbers and types of relocations necessary, engineering constraints and limitations due to topography, and potential environmental impacts involving land use, socioeconomic conditions, water resources, air quality, noise, traffic, ecological/cultural resources, and hazardous materials sites. Multiple alignment alternatives will be studied for the new location sections. At the present stage of the EIS process, no preferred alternative has been selected.

A public meeting was held on September 23, 1997, at the Cedar Valley Middle School in Round Rock, Texas. In addition, a public hearing will be held after the Draft EIS has been completed and made available to the agencies and public. Other public involvement opportunities include a newsletter to be sent periodically to update the public on the EIS progress and the dates, times, and locations of public meetings and hearings; and news releases to be prepared at appropriate times during the EIS process to inform the public about the EIS status and relevant dates, time, and locations of public meetings and hearings. In addition, at appropriate times over the course of the EIS process, presentations will be made to the Round Rock City Council, Williamson County Commissioner's Court, numerous resource protection agency personnel, and the Austin Transportation Study, which serves as the region's Metropolitan Planning Organization.

To ensure that the full range of issues related to this 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 or TxDOT 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 intergovernmental consultation on Federal programs and activities apply to this program)

Issued on: October 21, 1997.

**John Mack,**

*Acting District Engineer Austin, Texas.*

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## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

**[Docket No. RSPA-97-2707; Notice 2] - 3**

#### Pipeline Safety; Liquefied Natural Gas Facilities, Grant of Waiver; Applied LNG Technologies

Applied LNG Technologies (ALT) petitioned the Research and Special Programs Administration (RSPA) for a waiver from compliance with certain provisions of 49 CFR Part 193 for its Needle Mountain Liquefied Natural Gas (LNG) storage and truck loading facility at Topock, Arizona. This facility consists of two, 50,000 gallon LNG storage tanks and a truck transfer system. The LNG is piped a short distance to a liquefaction facility owned and operated by a subsidiary of El Paso Natural Gas. A transmission pipeline, owned by El Paso Natural Gas Company, supplies Part 192 regulated gas to the El Paso Field Services, a liquefaction facility. Petitioner alleges that the Needle Mountain LNG storage and loading facility (NMF) is non-jurisdictional in accordance with Sections 193.2001(a) and (b)(1) because the facility would not be transporting natural gas by pipeline, but rather would be loading LNG into tank trucks for delivery to commercial and industrial customers. ALT claims that it's NMF is the ultimate consumer of LNG.

On May 16, 1997, the RSPA issued a Interpretation of Part 193 as it applies to the NMF facility. In that interpretation, RSPA stated that regardless of who owns or operates different sections of an LNG facility, it is subject to Part 193 in its entirety. Part 193 encompasses all parts of an LNG facility from the point at which it receives gas from a Part 192 regulated gas transmission pipeline through the liquefaction process, storage, and transfer into a motor carrier vehicle.

Petitioner then requested a waiver from compliance with certain sections of Part 193 and proposed to ensure equivalent safety through compliance with the National Fire Protection Association (NFPA) standard 59A. The specific sections of Part 193 for which Petitioner sought a waiver are:

**(1) § 193.2173—Water Removal:**  
§ 193.2173(a) requires that except for

Class 1 systems, impounding systems must have sump pumps and piping over the dike to remove water collecting in the sump basin.

NFPA 59A section 2-2.2.7 requires either sump pumps or gravity drainage for water removal, provided there is means to prevent the escape of LNG by way of the drainage system.

Petitioner's rationale for noncompliance: The impoundment area in this facility drains to a sump basin. A sump dump is not provided due to the arid location. In the rare event of rain in Topock, AZ, Petitioner does not expect to have standing water for any length of time.

**RSPA proposed granting waiver from § 193.2173 only if petitioner could demonstrate that there would be no standing water (i.e., proving ground is permeable) in the sump for any significant period.**

**(2) § 193.2209(b)(2)—Instrumentation for LNG storage tanks:** For LNG tanks with capacity of 70,000 gallons or less, § 193.2209(b)(2) requires pressure gages and recorders with high pressure alarm. NEPA 59A 7-2.1 requires only a pressure gage.

Petitioner does not believe that safety has been compromised by requiring only a pressure gage, because any high pressure in the storage tank is controlled by a recompressor system within the "facility" that maintains the storage pressure at 20 psig. Any failure of this system places the entire storage facility in a "fail safe" (shut down) mode.

**RSPA proposed not granting a waiver from § 193.2209(b)(2) because, in our view recorders (at the storage tank site and possibly at the control center) and a high pressure alarm (at the control center) are essential in the event of the failure of the recompressor system. Although the entire storage facility will be placed in a shut down mode, there appears to be no way to prevent pressure from increasing in the LNG storage tank. This is especially important because this LNG storage facility will be an unattended operation.**

**(3) § 193.2321(a)—Nondestructive tests, Circumferential butt welds:**  
§ 193.2321(a) requires that 100 percent of circumferential butt welded pipe joints in the cryogenic piping and 30 percent of circumferential butt welded pipe joints in the non-cryogenic piping be nondestructively tested.

NEPA 59A 6-6.3.2 requires all circumferential butt welds to be nondestructively tested, except that liquid drain and vapor vent piping with an operating pressure that produces a hoop stress of less than 30 percent of specified minimum yield stress (SMYS) need not be nondestructively tested,

provided it has been inspected visually in accordance with the American Society of Mechanical Engineers (ASME) standard B31.3, Chemical Plant and Petroleum Refinery Piping, 344.2.

RSPA considered granting a waiver from 193.2321(a) for the liquid drain and vapor vent piping with operating pressures that produce hoop stresses of less than 20 percent SMYS, if that piping complies with the NFPA 59A 6-6.3.2. We believe that safety is not comprised.

(4) § 193.2321(e)—*Nondestructive test, Circumferential and longitudinal welds in metal shells of storage tanks:* § 193.2321(e) requires 100 percent of both longitudinal and circumferential butt welds in metal shells of storage tanks that are subject to cryogenic temperatures, and are under pressure, to be radiographically tested.

NFPA 59A 4-2.2.2 requires welded construction for shell in accordance with the ASME Code section VIII, and shall be ASME-stamped and registered with the National board of Boiler and Pressure Vessels (NBBI)

Petitioner's rationale for requesting a waiver is that safety in this case is not comprised as storage tanks at NMF facility are small, shop fabricated, and built to ASME Code. ASME Section VIII is an accepted standard to which cryogenic pressure vessels are built all over the world.

RSPA proposed to grant a waiver from § 193.2321(e), because we believe that safety is not compromised for smaller pressure vessels (less than 70,000 gallons) which are designed and built to ASME Code VIII (greater than 15 psig). Tanks built to this code are shop fabricated under strict quality control and are inspected and stamped by the Authorized Inspectors of the NBBI. Storage tanks at the NMF facility are built to ASME code Section VIII and have a capacity of 50,000 gallons (relatively small).

(5) §§ 193.2329 (a) and (b)—*Construction Records:* § 193.2329(a) requires that an operator shall retain records of specifications, procedures, and drawings consistent with this part, and § 193.2329(b) requires that an operator shall retain records of results of tests, inspections and quality assurance program required by this subpart.

Petitioner requested a waiver for records for design and manufacture of the pressure vessels, because they are built to the ASME code as referenced in NFPA 59A. Petitioner would comply with all other recordkeeping requirements in accordance with §§ 193.2329 (a) and (b).

RSPA proposed to grant waiver from §§ 193.2329 (a) and (b) for those parts of

the NMF facility where the petitioner has requested.

(6) § 193.2431 (c)—*Vents:*

§ 193.2431(c) requires that venting of natural gas/vapor under operational control which could produce a hazardous gas atmosphere must be directed to a flare stack of heat exchanger.

NFPA 59A 3-4.5 also requires safe discharge of boil-off and flash gas to the atmosphere or into a closed system. NFPA 10-12.4.4 requires that safety relief valve discharge stacks or vents shall discharge directly into the atmosphere.

Petitioner requested a waiver from § 193.2431(c) which requires flare stacks. Petitioner's reasons for noncompliance are that (i) safety relief valves relieve under emergency conditions, and (ii) there will be no boil-off venting at this facility because LNG storage vessels are maintained at a storage pressure of 20 psi by a recompressor system.

RSPA agrees that at the NMF facility recompressor system will maintain a pressure of 20 psi in the LNG storage tanks. Therefore, no continuous discharge of boil-off to atmosphere is expected. We believe that relief valves discharge only under emergency conditions. Therefore, it is safe to discharge them to the atmosphere through a stack without flaring. Based on that information, RSPA proposed to grant a waiver from compliance with § 193.2431(c), as long as relief valves discharge through stacks were higher than surrounding structures at this facility.

(7) § 193.2817(b)(2)—*Fire Equipment:* § 193.2817(b)(2) requires fire control equipment and supplies to include a water supply and associated delivery system, if the total inventory of LNG is 70,000 gallons.

NFPA 59A 9-5.1 similarly requires a water system except where an evaluation in accordance with 9-1.2 indicates the use of water is unnecessary or impractical. Section 9-1.2 also requires evaluation of the methods necessary for protection of the equipment and structures from the effects of fire exposure.

Petitioner requested a waiver from § 193.2817(b)(2), citing exemption in paragraph 9-5.1 of the NFPA 59A. Petitioner's rationale for such a waiver was that this facility is remotely located, generally unattended, and is equipped with fire detection sensors which will annunciate fire detection to the control center, as well as initiate a facility shutdown to a fail-safe condition.

RSPA disagreed with Petitioner's rationale that water was unnecessary

and impractical at this facility and proposed not to grant waiver from § 193.2817(b)(2). RSPA argued that a fire protection water system was necessary for protection of the components and for controlling unignited leaks and spills at the NMF facility. RSPA also believed that providing a water system at this facility was feasible.

After reviewing the petition, the RSPA published a notice inviting interested persons to comment on this waiver (Notice 1) (62 FR 41993; August 4, 1997). RSPA received no comments in response to the notice.

On August 12, 1997, two pipeline safety inspectors from the Arizona Public Utility Commission, one inspector from the Office of Pipeline Safety (OPS), Southwest Region office and one representative from the OPS headquarters visited the NMF facility. The purpose of this trip was to get more facts and discuss the above issues with the representatives of the ALT, El Paso Natural Gas Company and its subsidiary. At this meeting ALT was advised to provide a formal report addressing firewater requirements and a letter from the NFPA confirming the fact that an exception to this requirement is allowed when the evaluation required by Section 9-1.2 of the NFPA 59A indicates the use of water is unnecessary or impractical. All other issues in this petition were verified and agreed by all parties.

Subsequently, Petitioner in support of its waiver, has provided: (1) a report of the "percolation test", proving the ground near the facility is permeable, dated August 12, 1997, prepared by Western Technologies, Inc.; (2) drawings and data report on "heat flux exclusion zones" and "Degadis Analysis"; (3) a formal report on "fire water requirement determination" dated September 30, 1997, developed by CH-IV Corporation; and (4) an interpretation letter from the NFPA dated October 1, 1997.

After a thorough review of the CH-IV Corporation's report, RSPA is not convinced with the conclusions that the lack of a fire water supply may not significantly increase foreseeable consequences of fires, including the failure of components or buildings within the facility.

RSPA notes that the above referenced NFPA interpretation letter states that Standard 59A permits the use of other fire protection systems (exclusive of a fixed water system) if an evaluation of the facility shows that the use of water is unnecessary or impractical. The NFPA letter further states that fire protection must be provided for all LNG facilities, and that water is the preferred

fire protection agent, but it is not mandated. The CH-IV report on the need for LNG fire fighting protection systems at the ALT facility describes fire detection, equipment shutdown and control systems. However, it does not address what other fire protection systems (in lieu of fixed water system) be utilized to prevent fire from spreading. Thus, it does not satisfy paragraph 9-1.2(c) of NFPA 59A, which states "The methods necessary for protection of the equipment and structures from the effects of fire exposure." RSPA has also concerns about safety of the Mojave Compressor Station (MCS) and its day-shift personnel. According to ALT's drawings MCS lies clearly within the "lower explosive limit" of the ALT facility. Therefore, it lies within the perimeter where fire could occur as result of vapor dispersion.

Based on the above discussion, RSPA is not granting a waiver from the firewater requirements in § 193.2817(b)(2). RSPA, however, may consider any other alternative fire protection systems satisfying Section 9-1.2(c) of NFPA 59A.

Except for the sections for which RSPA is granting a waiver, this LNG facility must meet all the other requirements of Part 193. For the sections for which RSPA is granting a waiver, RSPA believes that the granting of a waiver from these requirements would not be inconsistent with pipeline safety, as long as Petitioner follows alternative provisions in the NFPA 59A. Therefore, ALT's petition for waiver from compliance with above specified sections of 49 CFR 193 is granted, effective October 31, 1997.

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

Issued in Washington, D.C. on October 27, 1997.

**Richard B. Felder,**

*Associate Administrator for Pipeline Safety.*

[FR Doc. 97-28959 Filed 10-30-97; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 33475]

#### C&NC Railroad Corporation—Lease and Operation Exemption—Lines of the Norfolk and Western Railway Company and Indiana Hi Rail Corporation

C&NC Railroad Corporation (CNUR), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to

lease and operate the Connersville Line (Line) in the State of Indiana, consisting of 27.62 miles of rail line. CNUR will lease from the Norfolk and Western Railway Corporation (NW) and operate the 22.42-mile portion of the rail line that is owned by NW: (1) from Beesons, (N&W milepost 4.80), to New Castle, (N&W milepost 25.30—Thornburg Street); and (2) from milepost 0.0 to 1.92, in New Castle, (the New Castle Industrial Track). R. Franklin Unger, Trustee of the Indiana Hi Rail Corporation (Hi Rail) currently leases and operates the NW portion of the Line.

The remaining 5.2 miles of the Line, from Beesons, milepost 5.2, to Connersville, milepost 0.0, is owned and operated by Hi Rail and is the subject of a separate acquisition exemption in STB Finance Docket No. 33476, *C&NC, L.L.C.—Acquisition Exemption—Indiana Hi Rail Corporation*. CNUR has entered into an agreement with C&NC, L.L.C. (CLLC) to lease from CLLC and operate the Beesons to Connersville portion of the Line.

CNUR will grant to NW incidental trackage rights over the main and auxiliary tracks of CNUR for non-revenue operations between mileposts CB-25.30 (through C.B. 25.00=R-00) and R-0.80.

The transaction was scheduled to be consummated on or after the October 15, 1997 effective date of the exemption. The transaction is related to the Hi Rail Trustee's filing of an Amended Plan of Reorganization with the Board in STB Finance Docket No. 33491 on October 3, 1997.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to reopen the proceeding 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. 33475, 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 Richard R. Wilson, Esq., 1126 Eighth Avenue, Suite 403, Altoona, PA 16002.

Decided: October 21, 1997.

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

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 97-28786 Filed 10-30-97; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 33476]

#### C & NC, L.L.C.—Acquisition Exemption—Indiana Hi Rail Corporation

C & NC, L.L.C. (CLLC), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire a line of railroad owned and operated by R. Franklin Unger, Trustee of the Indiana Hi Rail Corporation (Hi Rail) from Connersville, IN (milepost 0.0), to Beesons, IN (milepost 5.2), a distance of approximately 5.2 route miles.

The line will be operated by C&NC Railroad Corporation under a lease and operating agreement with CLLC, which is the subject of a separate lease and operation exemption in STB Finance Docket No. 33475, *C&NC Railroad Corporation—Lease and Operation Exemption—Lines of the Norfolk and Western Railway Company and Indiana Hi Rail Corporation*.

The transaction was scheduled to be consummated on or after the October 15, 1997 effective date of the exemption. The transaction is related to the Hi Rail Trustee's filing of an Amended Plan of Reorganization with the Board in STB Finance Docket No. 33491 on October 3, 1997.

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Decided: October 21, 1997.

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

**Vernon A. Williams,**

*Secretary.*

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