

U.S. Department of Transportation
Pipeline and
Hazardous Materials Safety Administration
400 Seventh Street, S.W. Washington, D.C. 20590

January 12, 2006

Mr. William H. Stevens, Jr.
Assistant General Counsel
The Commonwealth of Massachusetts
Department of Telecommunications & Energy One South Station
Boston, MA 02110

Dear Mr. Stevens:

We have considered your letter of November 18, 2005, notifying us that the Commonwealth of Massachusetts Department of Telecommunications and Energy (Department) granted the KeySpan Energy Delivery New England (KeySpan) a waiver from complying with 49 CFR 193.2801 Fire protection.

Section 193.2801 requires each operator to provide and maintain fire protection at LNG plants according to sections 9.1 through 9.7 and section 9.9 of NFPA 59A. However, LNG plants existing on March 31, 2000, need not comply with provisions on emergency shutdown systems, water delivery systems, detection systems, and personnel qualification and training until September 12, 2005.

The waiver grants a time extension allowing KeySpan until December 29, 2005 to comply with the requirements of 49 CFR 193.2801. The Department granted the waiver to KeySpan on the condition that:

- This waiver applies exclusively to KeySpan's LNG Plants located in Salem, Lynn, Boston, and Tewksbury, Massachusetts; and
- KeySpan is required to complete the installation of its fire detection systems by December 29, 2005.

The Department has concluded that granting KeySpan's waiver request is not inconsistent with pipeline safety. Therefore, we have no objection to the Department's Order.

Sincerely,
Theodore L. Willke
Deputy Associate Administrator for Pipeline Safety