

written information to each respondent about the procedures that will govern the hearing.

**DATES:** The first phase will begin on March 17, 2006 and will end September 18, 2006. The second phase will begin by November 14, 2006.

Issued on: March 13, 2006.

**Annette M. Sandberg,**  
Administrator.

[FR Doc. E6-3895 Filed 3-16-06; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket No: MARAD 2006-24149]

#### Availability of a Draft Environmental Assessment

**AGENCY:** Department of Transportation, Maritime Administration.

**ACTION:** Notice of the Availability of a Draft Environmental Assessment.

**SUMMARY:** The purpose of this Notice is to make available for public review and comment the Port of Anchorage Intermodal Expansion, North End Runway Material Extraction and Transport draft Environmental Assessment (EA). The draft EA analyzes the potential impacts on the human and natural environment associated with the proposed material extraction activities at the North End Borrow Site and potential transportation corridors located on Elmendorf Air Force Base (EAFB). This environmental documentation supports the proposed expansion of the Port of Anchorage (POA), which includes a variety of activities to enhance the transportation of goods and people within the State of Alaska.

**DATES:** Comments on this draft EA must be received by April 17, 2006.

**FOR FURTHER INFORMATION CONTACT:** Daniel E. Yuska, Jr., Environmental Protection Specialist, Office of Environmental Activities, U.S. Maritime Administration, 400 Seventh Street, SW., Washington, D.C. 20590; telephone (202) 366-0714, fax (202) 366-6988.

**SUPPLEMENTARY INFORMATION:** Comments may be submitted by mail to the Docket Clerk, U.S. DOT Dockets, Room PL-401, Department of Transportation, 400 Seventh St., SW., Washington, DC 20590-0001. Written comments should refer to docket number MARAD 2006-24149. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except

Federal holidays. An electronic version of this document and all documents entered into this docket are available at <http://dms.dot.gov>. No comments will be accepted after April 17, 2006. In addition, copies of the draft EA are available for public viewing on the Port of Anchorage web site (<http://www.portofanchorage.org>) or at the Loussac Library in Anchorage.

(Authority: 49 CFR 1.66)

Dated: March 13, 2006.

By Order of the Maritime Administrator.

**Joel C. Richard,**

Secretary, Maritime Administration.

[FR Doc. E6-3896 Filed 3-16-06; 8:45 am]

**BILLING CODE 4910-81-P**

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA-2006-24044; Notice 1]

#### Pipeline Safety: Request for Waiver; Dominion Transmission, Inc.

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA); DOT.

**ACTION:** Notice of intent to consider waiver request.

**SUMMARY:** Dominion Transmission, Inc. (DTI) requested a waiver of compliance from the pipeline safety regulation that requires each liquefied natural gas (LNG) facility constructed after March 31, 2000 to comply with the American National Standards Institute and National Fire Protection Association (ANSI/NFPA) standard for low-pressure welded storage containers.

**DATES:** Persons interested in submitting comments on the waiver request described in this Notice must do so by April 17, 2006.

**ADDRESSES:** Comments may be submitted in the following ways:

- DOT Web site: <http://dms.dot.gov>.

To submit comments on the DOT electronic docket site, click "Comment/Submissions," click "Continue," fill in the requested information, click "Continue," enter your comment, then click "Submit."

- Fax: 1-202-493-2251.

- Mail: Docket Management System: U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-0001.

- Hand Delivery: DOT Docket Management System; Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington,

DC between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- E-Gov Web site: <http://www.Regulations.gov>. This site allows the public to enter comments on any **Federal Register** notice issued by any agency.

**Instructions:** You should identify the docket number, PHMSA-2006-24044, at the beginning of your comments. If you submit your comments by mail, you should submit two copies. If you wish to receive confirmation that PHMSA received your comments, you should include a self-addressed stamped postcard. Internet users may submit comments at <http://www.regulations.gov>, and may access all comments received by DOT at <http://dms.dot.gov> by performing a simple search for the docket number. Note: All comments will be posted without changes or edits to <http://dms.dot.gov> including any personal information provided.

**Privacy Act Statement:** Anyone may search the electronic form of all comments received for any of our dockets. You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477) or you may visit <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** James Reynolds by telephone at 202-366-2786; by fax at 202-366-4566; by mail at DOT, Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety, 400 7th Street, SW., Washington, DC 20590; or by e-mail at [james.reynolds@dot.gov](mailto:james.reynolds@dot.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

Dominion Transmission, Inc. (DTI), requests a waiver of compliance from the regulatory requirements at 49 CFR 193.2301. This regulation requires each LNG facility constructed after March 31, 2000, to comply with 49 CFR 193 and ANSI/NFPA standard 59A (NFPA 59A).

NFPA 59A requires that welded containers designed for not more than 15 pounds per square inch gauge pressure (psig) comply with the Eighth Edition, 1990, of American Petroleum Institute standard 620 (API 620), *Design and Construction of Large, Welded, Low-Pressure Storage Tanks (Appendix Q)*. The Eighth Edition of API 620 requires inspection according to Appendix Q which calls for the full radiographic examination of all vertical and horizontal butt welds associated with the container.

DTI is proposing to use the current Tenth Edition, Addendum 1, of API 620. The Tenth Edition, Addendum 1, of API

620, allows ultrasonic examination—in lieu of radiography—as an acceptable alternative non-destructive testing method. DTI proposes to use ultrasonic examination on its project. The ultrasonic examination consists of full semi-automated and manual examination using shear wave probes, and volumetric examination using a combination of creep wave probes and focused angled longitudinal wave probes.

NFPA 59A Technical Committee recently approved and recommended the acceptance of the Tenth Edition, 2002 of API 620. PHMSA has not yet adopted the Tenth Edition, 2002 of API 620, and has not yet incorporated it by reference in Appendix A to Part 193; therefore, a waiver is required.

DTI asserts that ultrasonic examination is more sensitive than radiographic examination to detect the type of flaws most susceptible in the design and construction of large welded low pressure storage tanks. DTI further asserts that any potentially detrimental weld defect in the container walls will be identifiable using the ultrasonic examination method.

DTI concludes that the alternative method of inspection allowed by the current Tenth Edition, Addendum 1, of API 620, will not reduce the integrity of the installation, and will in fact enhance the quality of the inspection by using modern inspection technology while improving personnel safety and information sharing.

For the reasons stated, DTI is requesting a waiver from 49 CFR 193.2301, and is asking that it be allowed to use the ultrasonic examination method according to the Tenth Edition, Addendum 1, of API 620, in lieu of the radiographic examination method as specified by the Eighth Edition of API 620.

#### System Description

DTI's Cove Point LNG, liquid propane (LP) terminal is located on the Chesapeake Bay in Lusby, Maryland. DTI is engaged in an expansion project that will increase its plant daily output capacity from 1 billion cubic feet (Bcf) per day to 1.8 Bcf per day. DTI has sought approval from the Federal Energy Regulatory Commission for this project; and if granted, DTI's storage capacity at the terminal is expected to increase to approximately 14.5 Bcf.

DTI's Cove Point Expansion Project consists of two tanks each with a volume of approximately one million barrels. The outer wall of each container is constructed of carbon steel and the inner wall is constructed of 9% nickel steel.

PHMSA will consider DTI's waiver request and whether DTI's proposal will yield an equivalent or greater degree of safety than that currently provided by the regulations. This Notice is PHMSA's only request for public comment before making a decision. After considering any comments received, PHMSA will either grant DTI's waiver request as proposed or with modifications and conditions or deny DTI's request. If the waiver is granted and PHMSA subsequently determines that the effect of the waiver is inconsistent with pipeline safety, PHMSA may revoke the waiver at its sole discretion.

**Authority:** 49 U.S.C. 60118(c) and 49 CFR 1.53.

Issued in Washington, DC, on March 13, 2006.

**Joy Kadnar,**

*Director of Engineering and Engineering Support.*

[FR Doc. E6-3853 Filed 3-16-06; 8:45 am]

**BILLING CODE 4910-60-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Ex Parte No. 661]

#### Rail Fuel Surcharges

**AGENCY:** Surface Transportation Board, DOT.

**ACTION:** Notice of public hearing.

**SUMMARY:** The Surface Transportation Board (Board) will hold a public hearing beginning at 9 a.m. on Thursday, May 11, 2006, at its offices in Washington, DC, to provide interested persons an opportunity to express their views on the subject of fuel surcharges collected by railroads. Persons wishing to speak at the hearing should notify the Board in writing.

**DATES:** The public hearing will take place on May 11, 2006. Any person wishing to speak at the hearing should file with the Board a written notice of intent to participate, and should indicate a requested time allotment, as soon as possible but no later than April 20, 2006. Each speaker should also file with the Board his/her written testimony by April 27, 2006. Written submissions by interested persons who do not wish to appear at the hearing will also be due by April 27, 2006.

**ADDRESSES:** All notices of intent to participate and testimony may be submitted either via the Board's e-filing format or in the traditional paper format. Any person using e-filing should comply with instructions on the Board's <http://www.stb.dot.gov> Web site, at the

“E-FILING” link. Any person submitting a filing in the traditional paper format should send an original and 10 copies of the filing (referring to STB Ex Parte No. 661) to: Surface Transportation Board, Attn: STB Ex Parte No. 661, 1925 K Street, NW., Washington, DC 20423-0001.

#### FOR FURTHER INFORMATION, CONTACT:

Joseph H. Dettmar, (202) 565-1609. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at: (800) 877-8339.]

**SUPPLEMENTARY INFORMATION:** The Board will hold a public hearing to provide a forum for the expression of views by rail shippers, railroads, and other interested persons, on the manner in which fuel surcharges are calculated and charged by railroads. The cost of fuel is a significant component of the operating costs of providing rail service, and railroads can reasonably be expected to devise methods to collect increases in those costs from their shippers. However, the rail shipper community has voiced concerns that recent fuel surcharges collected by railroads are designed to recover amounts over and above increased fuel costs.

A surcharge is a separately identified component of the total rate that is charged for the transportation involved. The Board's authority to regulate the level of a railroad's rates is limited. The Board only has jurisdiction over a railroad's common carriage rates, not rates governed by a rail transportation contract negotiated by the shipper and railroad. 49 U.S.C. 10709. Even as to a railroad's common carriage rates, the Board can review the level of the rate only if there is no effective competition from other rail carriers or modes of transportation for the transportation to which the rate applies. 49 U.S.C. 10707(a). Moreover, Congress has precluded the Board from regulating rates which produce revenues that are less than 180% of the carrier's variable costs of providing the service involved. 49 U.S.C. 10707(d)(1)(A). Therefore, this hearing is not intended to address the level of surcharges.

On the other hand, the Board has broad authority over the reasonableness of a railroad's practices. 49 U.S.C. 10702(2). The Board cannot use its authority over the reasonableness of a carrier's practices to regulate the level of a carrier's rates. *See Union Pacific R.R. v. ICC*, 867 F.2d 646 (DC Cir. 1989). But, to the extent that shippers are complaining of the railroad practice of labeling a rate increase as a fuel surcharge when the increase is not directly and closely correlated to