

to notice and comment provisions of the APA. FTA personnel attempt to provide the most accurate information to interested persons. When errors occur, we will address those errors.

Application of MTA's suggestion, would effectively eliminate all oral or informal advice given by FTA to the industry, which would have a chilling effect on a grantee's ability to receive funds in a timely fashion.

Jones and Lester (representing Access Services Incorporated) commented that FTA's ADA interpretations were not widely disseminated and it was difficult for transit properties to access those interpretations.

As noted earlier, ADA interpretations flow from OST to FTA. Even so, because those interpretations involve many operating administrations within DOT, FTA works with the industry to apply those interpretations to transit. We are also working hard to ensure a wide dissemination of those interpretations by posting them on our Web site.

Smart Growth America (SGA) commented that our proposed standard of thirty days for comment is not long enough for stakeholders to review, discuss, and weigh in on FTA's binding obligations.

SGA should be aware that FTA will consider a request for an extension of any comment period when the request is supported with a reasonable basis for the extension.

One individual's comments urge FTA to refine its view of "rights, obligations, interests, and policies." She also noted that if FTA intends for a document to be "non-binding" then it should be labeled non-binding. The comment goes on to note that, regarding Americans With Disabilities Act (ADA), it is difficult to determine the stated agency policy and FTA practice and FTA should make clear whether a regulation is an FTA regulation or an OST regulation. Additionally, the comment suggests FTA provide training to staff so as to avoid making public or private statements that treat non-binding information as binding.

FTA is unclear as to what this individual is referring to by "rights, obligations, interests, and policies." As noted earlier, SAFETEA-LU provides FTA a definition of binding obligation and FTA will follow that definition. We disagree with the suggestion of marking non-binding documents as "non-binding" for a few reasons. First, a guidance document may restate statutory or legally binding regulatory language or may recite legally binding contract language. Thus, providing a statement that the guidance is not legally binding may mislead many

people concerning their legal obligations. Second, we may publish material that contains factual information such as census data and include guidance on how to use that information. While the document is not legally binding, a statute, rule, or even tort law may require someone to use that information before taking action. Telling people that it is not legally binding may confuse someone who has a duty to properly use the information in accordance with other requirements. Third, we may advise the public that they can rely on our guidance. Sometimes we issue guidance in response to a request from those who want to know whether, if they act in a certain way, they will be in compliance with a statute or rule. Our response may tell them "yes, you will be considered in compliance;" that is, based on what they have told us, we will not take enforcement action against them if they act in accordance with our guidance. Telling such an individual that, despite these statements, the guidance is not legally binding may defeat the very certainty they are seeking. At a minimum, it will create serious confusion over such things as whether we may take enforcement action even if they follow our guidance.

Regarding the difficulty in distinguishing FTA regulations from OST regulations, when we issue a regulation, it contains a four-digit identifier (2132) for FTA as part of the Regulatory Identification Number (RIN). This is also true for OST, whose four-digit identifier is 2105. In addition to the identifiers, the regulation will contain the name OST or FTA and will amend sections of the Code of Federal Regulations (CFR) pertaining to transit or to the Secretary's office. Thus, FTA currently makes a distinction between our regulations and OST regulations. The same holds true for FTA policies.

Regarding training for FTA staff, we routinely provide training sessions for staff to make them aware of whether a document is a requirement or guidance. If mistakes happen in this area, we will work with affected individuals to correct the error.

The Disability Rights Education and Defense Fund (DREDF) submitted comments in response to Patrisha Piras' comments. That comment contained no substantive statements on FTA's proposed policy statement.

Based on these comments, FTA believes that the approach proposed in the November 21, 2005 Notice is appropriate. Accordingly, when FTA issues circulars, guidance documents or interpretations, and policy statements in connection with the administration of

our grant programs which impose "binding obligations" as defined by SAFETEA-LU, before adopting such documents, we will provide notice and an opportunity for the public to comment. We will establish a docket in the Department's Docket Management System and post the entire document in the docket. We will also publish a notice in the **Federal Register** announcing the document's availability and the time period for providing public comment. FTA will not use "Dear Colleague" letters to impose "binding obligations." The Master Agreement or compliance, complaint, and audit findings are not documents which are subject to the requirement for notice and comment.

C. Other Information

We also proposed that when we distribute material to assist grant recipients regarding specific topics of a non-binding nature, we will make those documents available on FTA's public Web site at <http://www.fta.dot.gov>.

APTA encouraged FTA to publish administrative decisions of a quasi-judicial nature, U.S. Department of Labor decisions, employee protective arrangements, charter bus decisions, and other administrative decisions (e.g. bid protests) on the FTA Web site. FTA currently posts ADA compliance reviews and Buy America waiver denials on our Web site. Bid protests in third-party contracts are routinely handled by grantees and not FTA. FTA only becomes involved in appeals when there is a Federal interest. FTA has plans in the new future to make charter bus decisions available on its Web site and FTA will consider the request to post other decisions on its Web site.

Issued in Washington, DC this 22nd day of May 2006.

Sandra K. Bushue,

Deputy Administrator.

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DEPARTMENT OF TRANSPORTATION

Maritime Administration

[USCG-2005-22611]

Neptune LNG, L.L.C., Liquefied Natural Gas Deepwater Port License Application; Preparation of Environmental Impact Statement

AGENCY: Maritime Administration, DOT.

ACTION: Notice of availability; notice of public meeting; request for comments.

SUMMARY: The Maritime Administration (MARAD) announces the availability of

the Draft Environmental Impact Statement (DEIS) for the Neptune LNG, L.L.C., Liquefied Natural Gas Deepwater Port license application. The application describes a project that would be located in Federal waters of Massachusetts Bay, in Block 125, approximately 8 miles southeast of Gloucester, MA and 22 miles northeast of Boston, MA. The Coast Guard and MARAD request public comments on the DEIS. Publication of this notice begins a 45 day comment period and provides information on how to participate in the process. As a point of clarification, there is another deepwater port application by Northeast Gateway Energy Bridge, L.L.C. in the same vicinity. These applications are being processed and reviewed independently. The Northeast Gateway Energy Bridge, L.L.C. DEIS was noticed May 19, 2006 and is available on the Docket at USCG-2005-22219.

DATES: Public meetings will be held in Salem, MA on June 21, 2006 and in Gloucester, MA on June 22, 2006. Both meetings will be from 6 p.m. to 8 p.m. and will be preceded by an informational open house from 4:30 p.m. to 6 p.m. The public meetings may end later than the stated time, depending on the number of persons wishing to speak. Material submitted in response to the request for comments on the DEIS must reach the Docket Management Facility by July 17, 2006.

ADDRESSES: The public meeting in Salem will be at the Salem State College Library, Charlotte Forten Hall, 360 Lafayette Street, Salem, MA, telephone: 978-542-7192. The public meeting in Gloucester will be held at the Gloucester High School Auditorium, 32 Leslie O. Johnson Road, Gloucester, MA, telephone: 617-635-4100.

The DEIS, the application, and associated documentation is available for viewing at the DOT's Docket Management System Web site: <http://dms.dot.gov> under docket number 22611. The DEIS is also available at public libraries in Beverly, MA, Boston, MA (Central Library), Gloucester, MA, Manchester-by-the-Sea, MA, Marblehead, MA, and Salem, MA.

Address docket submissions for USCG-2005-22611 to: Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590-0001.

The Docket Management Facility accepts hand-delivered submissions, and makes docket contents available for public inspection and copying at this address, in room PL-401, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The

Facility's telephone number is 202-366-9329, the fax number is 202-493-2251, and the Web site for electronic submissions or for electronic access to docket contents is <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT:

Roddy Bachman, U.S. Coast Guard, telephone: 202-372-1451, e-mail: rbachman@comdt.uscg.mil. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone: 202-493-0402.

SUPPLEMENTARY INFORMATION:

Public Meeting and Open House

We invite you to learn about the proposed deepwater port at an informational open house, and to comment at a public meeting on the proposed action and the evaluation contained in the DEIS.

In order to allow everyone a chance to speak at the public meeting, we may limit speaker time, or extend the meeting hours, or both. You must identify yourself, and any organization you represent, by name. Your remarks will be recorded or transcribed for inclusion in the public docket.

You may submit written material at the public meeting, either in place of or in addition to speaking. Written material must include your name and address, and will be included in the public docket.

Public docket materials will be made available to the public on the Docket Management Facility's Docket Management System (DMS). See "Request for Comments" for information about DMS and your rights under the Privacy Act.

All of our public meeting locations are wheelchair-accessible. If you plan to attend the open house or public hearing, and need special assistance such as sign language interpretation or other reasonable accommodation, please notify the Coast Guard (see **FOR FURTHER INFORMATION CONTACT**) at least 3 business days in advance. Include your contact information as well as information about your specific needs.

Request for Comments

We request public comments or other relevant information on the DEIS. The public meeting is not the only opportunity you have to comment. In addition to or in place of attending a meeting, you can submit comments to the Docket Management Facility during the public comment period (see **DATES**). We will consider all comments and materials received during the comment period and prepare the Final EIS (FEIS). We will announce the availability of the

FEIS and once again give you the opportunity to review and comment. If you want a notice sent directly to you, please contact representatives at the public hearing or the Coast Guard representative identified in **FOR FURTHER INFORMATION CONTACT**.

Submissions should include:

- Docket number USCG-2005-22611.
- Your name and address.
- Your reasons for making each comment or for bringing information to our attention.

Submit comments or material using only one of the following methods:

- Electronic submission to DMS, <http://dms.dot.gov>.
- Fax, mail, or hand delivery to the Docket Management Facility (see **ADDRESSES**). Faxed or hand delivered submissions must be unbound, no larger than 8½ by 11 inches, and suitable for copying and electronic scanning. If you mail your submission and want to know when it reaches the Facility, include a stamped, self-addressed postcard or envelope.

Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the DMS Web site (<http://dms.dot.gov>), and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy Act notice that is available on the DMS Web site, or the Department of Transportation Privacy Act Statement that appeared in the **Federal Register** on April 11, 2000 (65 FR 19477).

You may view docket submissions at the Docket Management Facility (see **ADDRESSES**), or electronically on the DMS Web site.

Background

Information about deepwater ports, the statutes, and regulations governing their licensing, and the receipt of the current application for a liquefied natural gas (LNG) deepwater port appears at 70 FR 58729, October 7, 2005. The Notice of Intent to Prepare an EIS for the proposed action was published in the **Federal Register** at 70 FR 61151, October 20, 2005. Application materials and associated comments are available on the docket. Information from the "Summary of the Application" from previous **Federal Register** notices is included below for your convenience.

Proposed Action and Alternatives

The proposed action requiring environmental review is the Federal licensing of the proposed deepwater port described in "Summary of the Application" below. The alternatives to

licensing the proposed port are: (1) Licensing with conditions (including conditions designed to mitigate environmental impact), and (2) denying the application, which for purposes of environmental review is the "no-action" alternative. These alternatives are more fully discussed in the DEIS. The Coast Guard is the lead Federal agency for the preparation of the EIS/EIR. You can address any questions about the proposed action or the DEIS to the Coast Guard project manager identified in **FOR FURTHER INFORMATION CONTACT**.

Summary of the Application

Neptune LNG, L.L.C. proposes to own, construct, and operate a deepwater port, named Neptune, in the Federal waters of the Outer Continental Shelf on blocks NK 19-04 6525 and NK 19-04 6575, approximately 8 miles southeast of Gloucester, MA and 22 miles northeast of Boston, MA, in a water depth of approximately 250 feet. The Neptune deepwater port would be capable of mooring up to two approximately 140,000 cubic meter capacity LNG carriers by means of a submerged unloading buoy system.

The LNG carriers, or shuttle and regasification vessels (SRVs), would be equipped to store, transport and vaporize LNG, and to odorize and meter natural gas which would then be sent out by conventional subsea pipelines. Each SRV would have insulated storage tanks located within its hull. Each tank would be equipped with an in-tank pump to circulate and transfer LNG to the vaporization facilities located on the deck of the SRV. The proposed vaporization system would be a closed-loop water-glycol heat exchanger heated by steam from natural gas-fired boilers.

The major fixed components of the proposed deepwater port would be an unloading buoy system, eight mooring lines consisting of wire rope and chain connecting to anchor points on the seabed, eight suction pile anchor points, approximately 2.3 miles of natural gas flow line with flexible pipe risers and risers manifolds, and approximately 11 miles of 24-inch natural gas transmission line to connect to the existing Algonquin HubLine.

Neptune would have an average throughput capacity of 500 million standard cubic feet per day (MMscfd) and a peak capacity of approximately 750 MMscfd. Natural gas would be sent out by means of two flexible risers and subsea flowlines leading to a 24-inch gas transmission pipeline. The transmission pipeline would connect the deepwater port to the existing 30-inch Algonquin HubLine. No onshore components or storage facilities are

associated with the proposed deepwater port application. Construction of the deepwater port components would be expected to take 36 months, with a startup of commercial operations in late 2009. The deepwater port would be designed, constructed and operated in accordance with applicable codes and standards and would have an expected operating life of approximately 20 years.

As required by their regulations, the U.S. Army Corps of Engineers (USACE) will maintain a permit file. The USACE New England District phone number is 978-318-8338 and their Web site is <http://www.nae.usace.army.mil>.

Comments sent to the USACE will also be incorporated into the DOT docket and EIS to ensure consistency with the NEPA process. The USACE among others are cooperating agencies and will assist in the NEPA process as described in 40 CFR 1501.6 and will conduct joint public hearings with the Coast Guard and MARAD.

Massachusetts Environmental Policy Act (MEPA)

Through a Special Review Procedure established by the Massachusetts Executive Office of Environmental Affairs (EOEA), the USCG and the MEPA Office are conducting a coordinated NEPA/MEPA review allowing a single document to serve simultaneously as both the EIS under NEPA and the Environmental Impact Report (EIR) under MEPA. The Certificates establishing the Special Review Procedure and the Scope for the Draft Environmental Impact Report can be viewed at <http://www.mass.gov/envir/mepa/secondlevelpages/recentdecisions.htm>. The Secretary of Environmental Affairs will accept written comments on the Draft Environmental Impact Report through July 17, 2006. Comments may be submitted electronically, by mail, via FAX, or by hand delivery. Please note that comments submitted on MEPA documents are public records. The mailing address for comments is: Secretary Stephen R. Pritchard, EOEA, Attn: MEPA Office, Richard Bourre, EOEA No. 13373/13374, 100 Cambridge Street, Suite 900, Boston, MA 02114.

(Authority: 49 CFR 1.66).

By Order of the Maritime Administrator.

Dated: May 30, 2006.

Joel C. Richard,

Secretary, Maritime Administration.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34846]

Pennsylvania Northeast Regional Railroad Authority¹—Acquisition Exemption—Lackawanna County Railroad Authority

Pennsylvania Northeast Regional Railroad Authority (PNRRA), a political subdivision of the State of Pennsylvania and a non-operating Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to acquire from Lackawanna County Railroad Authority (LCRA) approximately 65 miles of rail lines it owns in Lackawanna, Monroe and Wayne Counties, PA, including the Carbondale Line from Fell Township to the Borough of Moosic (milepost 174.6 to milepost 196.9); Vine St. Branch in the City of Scranton (milepost 2.0 to milepost 0.3); Strawberry Hill Running Track in the City of Scranton (approximately 2,000 ft); the Pocono Line from Scranton to Mt. Pocono (milepost 134 to milepost 101); the Laurel Line and Brady Lead (milepost 0.0 to milepost 4.81); the Diamond Branch of the former Delaware Lackawanna & Western Railroad extending 0.85 miles from milepost 144.75 to milepost 145.6 in Scranton; and the Minooka Industrial Track in the City of Scranton extending 2.1 miles from Little Virginia to end of track including all sidings and spurs. The lines will continue to be operated by Delaware-Lackawanna Railroad Co. pursuant to contract.

PNRRA certifies that its projected revenues as a result of this transaction will not result in the creation of a Class II or Class I rail carrier and will not exceed \$5 million annually.

The transaction was expected to be consummated on or after May 20, 2006.

If the verified 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 10 copies of all pleadings, referring to STB Finance Docket No. 34846, 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 Keith G. O'Brien, 1050 Seventeenth Street, NW., Suite 600, Washington, DC 20036.

¹ Formerly Monroe County Railroad Authority (MCRA). The corporate name change was effective on the consummation date of this transaction.