

technology for the project. For this and other reasons, the Final EIS included a robust and detailed discussion and evaluation of both SCV and ORV technologies.

The applicant is now proposing in this application amendment to change the project to use SCV in the place of ORV. Although SCV/SCR was fully evaluated as a reasonable alternative in sufficient detail to provide an in-depth public interest review of that alternative, the SCV/SCR system described in the FEIS was a somewhat generic system based on an existing application of this technology at an onshore LNG facility. The application amendment contains the actual design that would be used, and while very similar to the more generic system described in the FEIS, the expanded and refined information regarding the SCV/SCR warrants development of additional environmental evaluation and review. Following review and coordination of the amendment between MARAD, the Coast Guard, EPA, NOAA, and the U.S. Army Corps of Engineers (USACE), MARAD and the Coast Guard have determined that an Environmental Assessment will provide the appropriate level of NEPA review and analysis. The decision is based upon a finding that the proposed amendment: (i) Does not make substantial changes in the proposed action that are relevant to environmental concerns; and, (ii) there are no significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts. Therefore, our evaluation confirms that the EA is an appropriate document to satisfy the DWPA and NEPA requirements in this situation. This process, preparation of an EA that describes the project changes and focuses the evaluation on the amendment, using and incorporating by reference the recently published FEIS, will meet the statutory requirements and intent of NEPA and the DWPA by providing a detailed environmental assessment of the changes. The process will allow ample opportunity for meaningful public comment and involvement. Our initial review of the changes proposed in the application amendment indicates a reduction in impacts in several key resource areas that were originally identified with the ORV technology. In addition, a number of comments from the public, and State and Federal agencies discussed and supported SCV as a preferred alternative.

The Coast Guard will consider comments on the application amendment, the proposed changes (including the level of significance of

the changes), and on the determination and process of using an EA for the environmental evaluation. Following completion and release of the EA, there will be a second public notice and a 45 day public comment period where the Coast Guard and MARAD will receive comments on both the EA and the amended application. Public hearings in the adjacent coastal states will be held approximately 2 weeks after release of the EA. A 45 day comment period will follow the public hearings during which the Governors of the adjacent coastal states may approve, disapprove or remain silent on the application, and the EPA Administrator will also be afforded an opportunity to inform the MARAD Administrator if the deepwater port as proposed would not conform with the applicable provisions of the Clean Air Act, the Clean Water Act, or the Marine Protection, Research and Sanctuaries Act. Within 90 days of the final public hearing, MARAD will issue a record of decision (ROD) on the application.

You can address any questions about the proposed action or the EA process to the Coast Guard project manager identified in **FOR FURTHER INFORMATION CONTACT**.

#### Request for Comments

We request public comments or other relevant information on the application amendment and/or the environmental evaluation process described in this notice. Please reference the application amendment and the EIS that are available on the docket. You can submit material to the Docket Management Facility during the public comment period (see **DATES**). MARAD and the Coast Guard will consider all comments submitted during the public comment periods. Although MARAD and the Coast Guard have published a FEIS providing a full and complete evaluation of other aspects of the application, and this EA will focus on the application amendment, we will accept and consider comments on any aspect of the project or the process.

Submissions should include:

- Docket number USCG-2004-17696.
- 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, 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.

By Order of the Maritime Administrator.

Dated: August 7, 2006.

Joel C. Richard,

Secretary, Maritime Administration.

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Ex Parte No. 661]

#### Rail Fuel Surcharges

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

**ACTION:** Notice of proposed requirements regarding rail fuel surcharges.

**SUMMARY:** The Surface Transportation Board has instituted a proceeding to seek public comments on proposed measures regarding railroad practices involving fuel surcharges. These changes are intended to address concerns raised at the Board's public hearing on May 11, 2006, and in written comments received in this proceeding.

**DATES:** Comments are due on September 25, 2006.

**ADDRESSES:** Comments 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 the instructions found 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 paper copies of the filing (referring to STB Ex Parte No. 661) to: Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001.

**FOR FURTHER INFORMATION CONTACT:**

Joseph Dettmar, (202) 565-1609.  
[Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.]

**SUPPLEMENTARY INFORMATION:** The Surface Transportation Board has instituted a proceeding to seek public comments on the following proposed measures regarding railroad practices involving fuel surcharges. First, pursuant to the Board's proposed changes, a carrier wishing to assess what purports to be a fuel surcharge would need to develop a means of computing the surcharge that is more closely linked to the increases in the portion of its fuel costs that is attributable to the movement to which the fuel surcharge is applied. Second, carriers would be prohibited from "double dipping" by charging for the same increases in fuel costs for the same shipment both through a fuel surcharge

and through application of a rate escalator that is based on an index such as the Board's Railroad Cost Adjustment Factor without first subtracting out any fuel cost component from that index. Third, railroads would be required to use a single, uniform index for measuring increases in the fuel costs—the Energy Information Administration "U.S. No. 2 Diesel Retail Sales by All Sellers (Cents per Gallon)." Finally, each Class I railroad would submit a monthly report to the Board showing its actual total fuel costs, total fuel consumption and total fuel surcharge revenues, as well as how much of its total fuel surcharge revenues are shared with its shortline connections. The Board seeks public comment on these proposals.

In a decision served on August 3, 2006, the Board has discussed each of these proposals in detail and explained how each addresses concerns raised in this proceeding. Because these proposals have significance for rail

carriers and their shippers, all interested parties are invited to comment.

Additional information is contained in the Board's decision. To obtain a free copy of the full decision, visit the Board's <http://www.stb.dot.gov> Web site.

The Board certifies that the proposed rules would not have a significant economic impact on a substantial number of small entities.

These actions should not significantly affect the quality of the human environment. While we do not believe these actions would have a substantial effect on the conservation of energy resources, any effect they might have should be beneficial.

Decided: August 3, 2006.

By the Board, Chairman Buttrey and Vice Chairman Mulvey.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. E6-12982 Filed 8-9-06; 8:45 am]

**BILLING CODE 4915-01-P**