



**Billing Code: 4910-60-W**

**DEPARTMENT OF TRANSPORTATION**

**Pipeline and Hazardous Materials Safety Administration**

**[Docket No. PHMSA-2008-0213]**

**Pipeline Safety: Request for Special Permit; Empire Pipeline, Inc.**

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

**ACTION:** Notice.

**SUMMARY:** PHMSA is publishing this notice to solicit public comment on a request from Empire Pipeline, Inc., to renew a previously issued special permit. The special permit renewal request is seeking continued relief from compliance with certain requirements in the Federal pipeline safety regulations. At the conclusion of the 30-day comment period, PHMSA will review the comments received from this notice as part of its evaluation to grant or deny the special permit renewal request.

**DATES:** Submit any comments regarding this special permit request by **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

**ADDRESSES:** Comments should reference the docket number for this special permit request and may be submitted in the following ways:

- *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.
- *Fax:* 1-202-493-2251.
- *Mail:* Docket Management System: U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE, Washington, DC 20590.

- *Hand Delivery:* Docket Management System: U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE, Washington, DC 20590, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

*Instructions:* You should identify the docket number for the special permit request you are commenting on at the beginning of your comments. If you submit your comments by mail, please submit two (2) copies. To receive confirmation that PHMSA has received your comments, please include a self-addressed stamped postcard. Internet users may submit comments at <http://www.Regulations.gov>.

*Note:* There is a privacy statement published on <http://www.Regulations.gov>. Comments, including any personal information provided, are posted without changes or edits to <http://www.Regulations.gov>.

*Confidential Business Information:* Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this notice, it is important that you clearly designate the submitted comments as CBI. Pursuant to 49 Code of Federal Regulations (CFR) § 190.343, you may ask PHMSA to give confidential treatment to information you give to the agency by taking the following steps: (1) mark each page of the original document submission containing CBI as “Confidential”; (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information you are submitting

is CBI. Unless you are notified otherwise, PHMSA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this notice.

Submissions containing CBI should be sent to Kay McIver, DOT, PHMSA-PHP-80, 1200 New Jersey Avenue, SE, Washington, DC 20590-0001. Any commentary PHMSA receives that is not specifically designated as CBI will be placed in the public docket for this matter.

**FOR FURTHER INFORMATION CONTACT:**

*General:* Ms. Kay McIver by telephone at 202-366-0113, or by e-mail at [kay.mciver@dot.gov](mailto:kay.mciver@dot.gov).

*Technical:* Mr. Steve Nanney by telephone at 713-272-2855, or by e-mail at [steve.nanney@dot.gov](mailto:steve.nanney@dot.gov).

**SUPPLEMENTARY INFORMATION:**

PHMSA received a special permit renewal request from Empire Pipeline, Inc. (Empire), owned by National Fuel Gas Company, to continue its operations of the Empire State Pipeline as defined in the original special permit issued on May 20, 2010, and renewed on May 20, 2015. An additional special permit segment was added to the special permit on March 28, 2017. The present special permit term is through May 20, 2020. Empire's special permit renewal request submitted on November 22, 2019, seeks to waive compliance from the requirements of 49 CFR § 192.611, "Change in class location: Confirmation or revision of maximum allowable operating pressure". This special permit renewal is being requested in lieu of pipe replacement or pressure reduction for six (6) special permit segments totaling 10,475 feet of 24-inch diameter Empire State Pipeline located in Genesee, Monroe, Niagara, and Wayne Counties, New York. The special permit renewal will allow the continued operation of the original Class 1 pipe in Class 3 locations.

The Empire State Pipeline is comprised of 157 miles of 24-inch diameter pipeline and transports natural gas from the Canadian and United States international border in Niagara County, New York to Oswego County, New York. The Empire State Pipeline was installed in 1993 and has a maximum allowable operating pressure of either 1,440 pounds per square inch gauge (psig) or 1,000 psig in the special permit segments.

The special permit renewal request, existing special permit with conditions, and Environmental Assessment and Finding of No Significant Impact (EA/FONSI) for the Empire State Pipeline is available for review and public comment in Docket No. PHMSA-2008-0213. We invite interested persons to review and submit comments on the special permit renewal request and EA/FONSI in the docket. Please include any comments on potential safety and environmental impacts that may result if the special permit renewal is granted. Comments may include relevant data.

Before issuing a decision on the special permit renewal request, PHMSA will evaluate all comments received on or before the comment closing date. Comments received after the closing date will be evaluated, if it is possible to do so without incurring additional expense or delay. PHMSA will consider each relevant comment it receives in making its decision to grant or deny this special permit renewal request.

Issued in Washington, DC under authority delegated in 49 CFR 1.97.

**Alan K. Mayberry,**

*Associate Administrator for Pipeline Safety.*

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