

RESPONSES TO FERC COMMENTS ON PRE-FILING DRAFT - RESOURCE REPORT 11		
DATE/NO.	FERC STAFF COMMENT DATED 13 OCTOBER 06	RESPONSE
11/20 1	Provide Appendix 11D, Appendices 1 to 8 inclusive of Appendix 11D, the "Proof of Concept Simulation Study" undertaken by MSI on behalf of Downeast LNG on 27th to 31st July 2006. The main MSI report has been provided (Appendix 11D) but the above appendices are absent and should be provided to enable a proper review.	Appendix 11D contains a copy of the "Proof of Concept Simulation Study".
11/20 2	Provide evidence of Downeast LNG's ability to exercise legal control over the activities that occur within the portions of the thermal exclusion zones that fall outside of the LNG terminal property line in compliance with 49 CFR 193 and NFPA 59A.	49 CFR Part 193 (Liquefied Natural Gas Facilities: Federal Safety Standards) requires that an operator or a government agency legally control all activities within an exclusion zone "for as long as the facility is in operation." 49 CFR § 193.2007. Downeast LNG presently has a vested and exclusive option to purchase an 80-acre parcel of land comprising the Import Terminal site and will exercise this option prior to the commencement of construction of the Import Terminal. In addition, there is a small parcel of land, comprised of approximately 228,500 ft ² (5.25 acres) enclosed by the 1,600 btu line, which is located outside the 80-acre Import Terminal site but which falls within the thermal exclusion zone of the Import Terminal's second LNG Storage Tank. Downeast LNG has been engaged in communications with the entity which controls this parcel of property, and will seek to obtain legal control of such property prior to the commencement of construction of the Import Terminal. In the event it is unable to obtain legal control of the above-referenced parcel of land, Downeast LNG either will seek a partial waiver of the Department of Transportation ("DOT") exclusion zone regulations (such a waiver would be consistent with the public interest in that the area in question is uninhabited forest land and constitutes a very small portion of the exclusion zone) or will modify the LNG tank design and/or layout of its Project so as to bring the exclusion zone entirely within the property controlled by Downeast LNG.