

concerning the safety records of these drivers submit comments by February 9, 2009.

FMCSA believes that the requirements for a renewal of an exemption under 49 U.S.C. 31136(e) and 31315 can be satisfied by initially granting the renewal and then requesting and evaluating, if needed, subsequent comments submitted by interested parties. As indicated above, the Agency previously published notices of final disposition announcing its decision to exempt these 9 individuals from the vision requirement in 49 CFR 391.41(b)(10). The final decision to grant an exemption to each of these individuals was based on the merits of each case and only after careful consideration of the comments received to its notices of applications. The notices of applications stated in detail the qualifications, experience, and medical condition of each applicant for an exemption from the vision requirements. That information is available by consulting the above cited **Federal Register** publications.

Interested parties or organizations possessing information that would otherwise show that any, or all of these drivers, are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

Issued on: December 29, 2008.

Larry W. Minor,

Associate Administrator for Policy and Program Development.

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DEPARTMENT OF TRANSPORTATION

Maritime Administration

[USCG-2007-28535]

Atlantic Sea Island Group LLC, Safe Harbor Energy Liquefied Natural Gas Deepwater Port License Application

AGENCY: Maritime Administration, DOT.

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

SUMMARY: The Maritime Administration announces that the Coast Guard, in coordination with the Maritime Administration, will prepare an environmental impact statement (EIS) as part of the environmental review of this

license application. The application describes a project that would be located approximately 13.5 miles south of the City of Long Beach, New York, 19 miles east of Highlands, New Jersey, and 23 miles southeast of the Ports of New York and New Jersey. The proposed port would consist of a 60.5 acre island at the surface, 116 to 140 acres at its base and constructed in approximately 60 to 70 feet of water covering the area known as Cholera Bank.

The EIS will be prepared with the New York State Department of Environmental Conservation (NYSDEC) as a cooperating agency in the environmental review with the Coast Guard. The EIS will meet the requirements of both the National Environmental Policy Act (NEPA) and the New York State Environmental Quality Review Act (SEQRA). In addition, the Coast Guard and the Maritime Administration will be working with appropriate state agency representatives from New Jersey to ensure potential impacts and concerns of New Jersey are addressed in the EIS.

Publication of this notice begins a 30 day scoping process that will assist in the identification and determination of the environmental issues to be addressed in the EIS. This notice requests public participation in the scoping process and provides information regarding how to participate in the process. It announces a public meeting to be held in connection with the EIS; requests for public comment on the scope of the EIS; and also serves as a notice of public scoping sessions as provided for under SEQRA, 6 NYCRR § 617.8. At least one public meeting will take place in each adjacent coastal state. For purposes of the Deepwater Port Act (Act), New York and New Jersey are adjacent coastal states for this application.

DATES: Public meetings will be held in Eatontown, New Jersey on January 27, 2009; and in Long Beach, New York on January 29, 2009. The public meetings will be held from 6 p.m. to 8 p.m. and will be preceded by an open house from 4:30 p.m. to 6 p.m. The public meeting 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 license application must reach the Docket Management Facility by February 9, 2009 (30 days after NOI is published in the FR).

ADDRESSES: The open house and public meeting on January 27, 2009 will be held at: The Sheraton of Eatontown, 6

Industrial Way East, Eatontown, NJ 07724; 732-542-6500.

The open house and public meeting on January 29, 2009 will be held at: The Jackson by the Beach Hotel, 405 East Broadway, Long Beach, NY 11561; 516-431-3700.

The license application, comments and associated documentation is available for viewing at the Federal Docket Management System (FDMS) Web site: <http://www.regulations.gov> under docket number USCG-2007-28535.

Docket submissions for USCG-2007-28535 should be addressed to: Department of Transportation, Docket Management Facility, West Building, Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., 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 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The facility 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://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT:

Mark Prescott, U.S. Coast Guard, telephone: 202-372-1440, e-mail: Mark.A.Prescott@uscg.mil; or LT Hannah Kawamoto, U.S. Coast Guard, telephone: 202-372-1438, e-mail: Hannah.K.Kawamoto@uscg.mil; or Yvette Fields, U.S. Maritime Administration, telephone: 202-366-0926, e-mail: Yvette.Fields@dot.gov; or John Ferguson, New York State Department of Environmental Conservation, telephone: 518-402-9167, e-mail: jffergus@gw.dec.state.ny.us. 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 environmental issues related to the proposed deepwater port. Your comments will help us identify and refine the scope of the environmental issues to be addressed in the EIS.

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 Federal Docket Management Facility (see Request for Comments).

Our public meeting locations are wheelchair-accessible. If you plan to attend the open house or public meeting, 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 environmental issues related to the proposed deepwater port. The public hearing is not the only opportunity you have to comment. In addition to or in place of attending a hearing, you can submit comments to the Docket Management Facility during the public comment period (see **DATES**). We will consider all comments and material received during the comment period.

Submissions should include:

- Docket number USCG–2007–28535.
- Your name and address.

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

- Electronic submission to FDMS, <http://www.regulations.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 FDMS Web site (<http://www.regulations.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 FDMS Web site, or the Department of Transportation Privacy Act Statement that appeared in the **Federal Register** on April 11, 2000 (65 FR 19477), see PRIVACY ACT.

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

Background

Information about deepwater ports, the statutes, and regulations governing their licensing, and the receipt of the current application for the proposed Safe Harbor Energy liquefied natural gas (LNG) deepwater port appeared in the **Federal Register** on August 27, 2007 (72 FR 49041), which can be accessed at: edocket.access.gpo.gov/2007/pdf/E7-16857.pdf. The “Summary of the Application” from that publication is reprinted below for your convenience.

Consideration of a deepwater port license application includes review of the proposed deepwater port’s natural and human environmental impacts. The Coast Guard is the lead agency for determining the scope of this review, and in this case the Coast Guard has determined that review must include preparation of an EIS. This notice of intent is required by 40 CFR 1501.7, and briefly describes the proposed action, possible alternatives, and our proposed scoping process.

The New York State Department of Environmental Conservation has determined that the proposed port and subsea pipeline may result in significant adverse environmental impacts, as defined under the State Environmental Quality Review Act (SEQRA) and that compliance with SEQRA requires preparation of an Environmental Impact Statement (EIS). Because of the many similarities in requirements, the Coast Guard, Maritime Administration and NYS Department of Environmental Conservation (NYSDEC) have agreed to cooperate in preparing a single document that satisfies both the NEPA and SEQRA.

The EIS will be consistent with the Deepwater Port Act (DWPA) of 1974, as amended (33 U.S.C. 1501 *et seq.*); the NEPA (Section 102[2][c]), as implemented by Council on Environmental Quality regulations (40 Code of Federal Regulations 1500 to 1508); and SEQRA (6 NYCRR Part 617). The environmental review and analysis will be completed according to the timeline prescribed by the DWPA, which requires a decision within 356 days of the publication of the Notice of Application. The period to complete all NEPA/SEQRA documents is approximately 240 days. This timeline will govern the activities related to the processing of the license application and the completion of all NEPA and SEQRA related actions needed to support the Maritime Administrator’s

decision regarding whether to approve, approve with conditions, or disapprove the proposed license.

This notice of intent provides compliance with the requirements of the NEPA regulations and also serves as the notice of a scoping session under SEQRA. It briefly describes the proposed action, possible alternatives, and our proposed scoping process. Address any questions about the proposed action, the scoping process, or the EIS to the Coast Guard (see **FOR FURTHER INFORMATION CONTACT**).

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), or (2) denying the application, which for purposes of environmental review is the “no-action” alternative.

Scoping Process

Public scoping is an early and open process for identifying and determining the scope of issues to be addressed in the EIS. Scoping begins with this notice, continues through the public comment period (see **DATES**), and ends when the Coast Guard, Maritime Administration and NYSDEC have completed the following actions:

- Invites the participation of Federal, State, and local agencies, any affected Indian tribe, the applicant, and other interested persons;
- Determines the actions, alternatives, and impacts described in 40 CFR 1508.25;
- Identifies and eliminates, from detailed study, those issues that are not significant or that have been covered elsewhere;
- Allocates responsibility for preparing EIS components;
- Indicates any related environmental assessments or environmental impact statements that are not part of the EIS;
- Identifies other relevant environmental review and consultation requirements;
- Indicates the relationship between timing of the environmental review and other aspects of the application process; and
- At its discretion, exercises the options for scoping provided in 40 CFR 1501.7(b).

Once the scoping process is complete, the Coast Guard, Maritime Administration, and NYSDEC will prepare a draft EIS, and we will publish

a **Federal Register** notice announcing its public availability. (If you want that notice to be sent to you, please contact the Coast Guard project manager identified in **FOR FURTHER INFORMATION CONTACT**). You will have an opportunity to review and comment on the draft EIS. The Coast Guard, Maritime Administration, and NYSDEC will consider those comments and then prepare the final EIS. As with the draft EIS, we will announce the availability of the final EIS and once again give you an opportunity for review and comment.

Availability of EIS

A notice of availability (NOA) will be published in the **Federal Register** when the DEIS is available, and NYSDEC will publish a notice of completion of Draft EIS, prepared in accordance with 6 NYCRR § 617.12, in NYSDEC's online Environmental Notice Bulletin (ENB). The ENB is accessible on NYSDEC's Web site at: dec.state.ny.us. The DEIS in hardcopy or electronic format will be distributed to agencies, local public libraries and interested parties that have requested copies. Anyone who wishes to comment on the draft report will be provided with an opportunity to review the DEIS and to offer comments on the environmental effects of the proposed project. Comments received during the DEIS review period will be available in the public docket and responded to in the FEIS. A Notice of Availability of the FEIS will also be published in the **Federal Register**, and NYSDEC will publish a notice of completion of the final EIS and file copies of the final EIS in accordance with 6 NYCRR § 617.12. Additional public meetings will be held after the draft and final documents are published.

Summary of the Application

Atlantic Sea Island Group LLC (ASIG), proposes to own, construct, and operate a deepwater port, named Safe Harbor Energy, in the Federal waters of the Atlantic Outer Continental Shelf in the area known as the New York Bight region in MMS lease area NK18-12 block 6655. The proposed location is approximately 13.5 miles south of the City of Long Beach, 19 miles east of Highlands, New Jersey, and 23 miles southeast of the Ports of New York and New Jersey, in an area between the Ambrose-to-Nantucket and Hudson Canyon-to-Ambrose shipping lanes, located at approximately 40°23' N and 73°36' E, in water depth of between 60 and 70 feet covering an area known as Choler Bank.

The deepwater port, Safe Harbor Energy, consists of three components: A 60.5 acre island to be constructed of

natural sand, gravel, and rock materials surrounded by armored breakwaters, consisting of prefabricated caissons, armor units, and rock; an LNG receiving, storage, and regasification facility; and a subsea pipeline that would transport the natural gas to an offshore connection with the Transcontinental Gas Pipeline Corporation's pipeline system. The pipeline would consist of two parallel 36-inch diameter pipe segments extending 12.8 miles from the island. Safe Harbor Energy will include berthing and offloading space for two conventional LNG vessels with capacity of 70,000 m³ to 270,000 m³. Additionally, it will accommodate support vessels including docking/firefighting tugs and crew support launches. The storage portion would include four (4) 180,000 m³ full-containment storage tanks. The regasification equipment would be an ambient air heat exchange type. Safe Harbor Energy would have an average throughput capacity of approximately 1.15 billion cubic standard feet per day (bscfd).

A shore based facility would be used to facilitate movement of personnel, equipment, supplies, and disposable materials between the port and shore.

Construction of the deepwater port would be expected to take approximately five (5) years; with startup of commercial operations following construction, should a license be issued. 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 25 years.

Privacy Act

The electronic form of all comments received into the Federal Docket Management System can be searched by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). The DOT Privacy Act Statement can be viewed in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70, pages 19477-78) or you may visit <http://www.regulations.gov>.

(Authority 49 CFR 1.66)

Dated: January 6, 2009.

By order of the Maritime Administrator.

Leonard Sutter,

Secretary, Maritime Administration.

[FR Doc. E9-291 Filed 1-8-09; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Maritime Administration

[USCG-2008-1239]

Texas Offshore Port System Crude Oil Deepwater Port License Application

AGENCY: Maritime Administration, DOT.

ACTION: Notice of application.

SUMMARY: The Maritime Administration and the Coast Guard announce that they have received an application for the licensing of a crude oil deepwater port and that the application contains the required information. This notice summarizes the applicant's plans and the procedures that will be followed in considering the application.

DATES: The Deepwater Port Act of 1974, as amended, requires a public hearing on this application within 240 days of the publication of this notice, and a decision on the application not later than 90 days after the final public hearing.

ADDRESSES: The public docket for USCG-2008-1239 is maintained by the: Department of Transportation, Docket Management Facility, West Building, Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001.

The Federal Docket Management Facility accepts hand-delivered submissions, and makes docket contents available for public inspection and copying at this address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Facility 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://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Ray Martin, U.S. Coast Guard, telephone: 202-372-1449, e-mail: Raymond.W.Martin@uscg.mil or Linden Houston, U.S. Maritime Administration, telephone: 202-366-4839, e-mail: Linden.Houston@dot.gov. If you have questions on viewing the Docket, call Renee V. Wright, Program Manager, Docket Operations, telephone: 202-493-0402.

SUPPLEMENTARY INFORMATION:

Receipt of application

On December 8, 2008, the Coast Guard and the Maritime Administration received an application from Texas Offshore Port System for all Federal authorizations required for a license to own, construct, and operate a deepwater port authorized under the Deepwater Port Act of 1974, as amended, 33 U.S.C.