



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

CESAM-RD-C
PUBLIC NOTICE NO. SAM-2005-4601-TMZ

August 19, 2009

SPECIAL PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS AND
STATE OF ALABAMA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

NOTICE OF APPLICATION AMENDMENT
PROPOSED BIENVILLE LIQUID NATURAL GAS (LNG)
OFFSHORE ENERGY TERMINAL

GULF OF MEXICO, 62 MILES SOUTH OF FORT MORGAN, ALABAMA

TO WHOM IT MAY CONCERN: This District has received a Notice of Amended Application/Notice of Intent to prepare a Supplemental Environmental Impact Statement (SEIS) concerning TORP Terminal LP's deepwater port license application amendment for the Bienville Offshore Energy Terminal (BOET). A Department of the Army permit application pursuant to Section 10 of the Rivers and Harbors Act and Section 4(f) of the Outer Continental Shelf Lands Act of 1953 as amended {43 U.S.C. 1333(e)} is currently under review. Please communicate this information to interested parties.

APPLICANT: TORP Terminal LP
Attention: Mr. John P. Harvat
15995 North Barkers Landing, Suite 310
Houston, Texas 77079

WATERWAY: Gulf of Mexico, 62.6 miles south of Fort Morgan, Alabama; Latitude N 29-19-34; Longitude W 87-58-25.

WORK: The applicant proposes to own, construct and operate an offshore deepwater port to process and transfer liquified natural gas (LNG) in the Gulf of Mexico, Main Pass 258, approximately 62.6 miles south of Fort Morgan, Alabama (water depth 425 feet). The project will require construction of appropriate facilities for receiving LNG, re-gasifying LNG, and interconnecting the facility to the existing transmission pipeline systems which would distribute the natural gas from Alabama, Mississippi, and Louisiana to reach appropriate markets within the United States.

Purpose and Need: The purpose for licensing LNG deepwater ports is to provide a reliable and timely supply of natural gas for residential, industrial, and electric energy generation in the United States.

This Special Public Notice announces the intent to prepare a Draft Supplemental Environmental Impact Statement describing a change from the originally proposed open-loop LNG vaporization system to a closed-loop system. Evaluations of other aspects of the application have already been completed in the Draft and Final Environmental Impact Statement, which has been published in the Federal Register under Docket Number USCG-2006-24644, and previously advertised under USACE Public Notice No. SAM-2005-4601-TMZ dated July 23, 2007. The Notice of Amended Application/Notice of Intent to prepare a SEIS was published in the Federal Register: August 5, 2009 (Volume 74, Number 149), Pages 39136-39138. A copy of this Notice of Amended Application is attached and can also be found along with the Draft and Final EIS on the Federal Docket Management System at www.regulations.gov under docket number USCG-2006-24644.

The DEIS is also available at public libraries in Mobile (Ben May Main Library and Spring Hill College Library), Bayou La Batre (Mose Hudson Tapia Public Library), Orange Beach (Orange Beach Public Library), Daphne (Daphne Public Library), and Gulf Shores (Thomas B. Norton Public Library).

Summary of the Application: *For the complete project description, please refer to the DEIS.* The Bienville Offshore Energy Terminal (BOET) Deepwater Port would be capable of mooring two liquefied natural gas carriers (LNGs) of up to 250,000 cubic-meter capacity by means of Single Anchor Leg Moorings.

The LNG carriers would be off loaded one at a time to HiLoad floating re-gasification facilities, which use four submerged shell-and-tube heat exchangers to vaporize the LNG before sending natural gas via 14-inch diameter flexible risers to a Pipeline End Manifold (PLEM) on the seafloor, then through a 30-inch diameter pipeline to the support platform, where the gas will be metered and further sent via interconnecting pipelines to four existing pipelines (Dauphin Island Gathering System Feedline, Transco Feedline, Destin Feedline, and Viosca Knoll Gathering System Feedline).

The major components of the proposed deepwater port would be the Support Platform, two HiLoad floating LNG transfer and re-gasification units, two PLEMs with ancillary risers and terminal pipelines, HiLoad parking line pilings, and approximately 25 miles of new subsea pipeline.

BOET will have an average throughput capacity of 1.2 billion standard cubic feet per day (Bscfd) of natural gas. No new onshore pipelines or LNG storage facilities are proposed with this action. A shore based facility will be used to facilitate movement of personnel, equipment, supplies, and disposable materials between the Terminal and shore.

Construction of the deepwater port would be expected to take 30 months; with startup of commercial operations in 2012, should a license be issued. The deepwater port, if licensed, would be designed, constructed and operated in accordance with applicable codes and standards and would have an expected operating life of approximately 25 years.

The applicant has applied for state water quality (WQ) certification in accordance with Section 401(a)(1) of the Clean Water Act, and for coastal zone (CZ) consistency in accordance with the State Coastal Zone Management Program. Upon completion of the required advertising and public comment review, a determination relative to WQ certification and CZ consistency will be made by the Alabama Department of Environmental Management.

This public notice is being distributed to all known interested persons in order to assist in developing facts on which a decision by the U.S. Army Corps of Engineers can be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition. The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and use of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production, and in general, the needs and welfare of the people.

The Corps is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state with particularity the reasons for holding a public hearing.

Evaluation of the probable impacts involving deposits of dredged or fill material into waters of the United States will include the application of guidelines established by the Administrator of the U.S. Environmental Protection Agency.

In accordance with Section 106 of the National Historic Preservation Act, and Appendix C of 33 CFR 325, the undertaking defined in this notice is being considered for the potential to effect cultural and historic properties within the permit area. Although the extent of federal control and responsibility for these considerations are confined to the limits of the permit area for this particular project, the potential indirect effects that may occur to historic properties as a result of this undertaking are also being considered. We are seeking comment from the State Historic Preservation Officer, federally-recognized American Indian tribes, local historical societies, museums, universities, the National Park Service, and concerned citizens regarding the existence or the potential for existence of significant cultural and historic properties within the permit area. Historic architectural or archaeological investigations may be necessary to ascertain the existence of such resources. Efforts will be made through the consultation process to avoid, minimize, or mitigate any adverse effects to significant cultural and historic properties that may occur as a result of this undertaking. The district engineer remains the final decision authority.

Preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants indicates that the proposed activity may affect listed endangered or threatened species, and their critical habitat. The National Marine Fisheries Service and the U. S. Fish & Wildlife Service are developing appropriate mitigation measures as the consultation process proceeds.

The Mobile District has determined that the proposed action may impact Essential Fish Habitat or associated fisheries managed by the Gulf of Mexico Fishery Management Council or the National Marine Fisheries Service. This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act.

Correspondence concerning this Public Notice should refer to Public Notice Number SAM-2005-4601-TMZ and should be directed to:

District Engineer
U.S. Army Engineer District, Mobile
Post Office Box 2288, Mobile, Alabama 36628-000
Attention: Regulatory Division

with a copy to the:

Alabama Department of Environmental Management
4171 Commanders Drive
Mobile, Alabama 36615

Comments should be received no later than **30 days** from the date of this Public notice.

If you have any questions concerning this publication, you may contact the project manager via e-mail at tad.m.zebryk@sam.usace.army.mil or by telephone at **(251) 690-2658**. Please refer to the above Public Notice number.

For additional information about our Regulatory Program, please visit our web site at www.sam.usace.army.mil/RD/reg, and please take a moment to complete our customer satisfaction survey while you're there. Your responses are appreciated and will allow us to improve our services.

Encls

MOBILE DISTRICT
U.S. Army Corps of Engineer

U.S. Department of
Homeland Security

United States
Coast Guard



Commandant
United States Coast Guard

2100 Second Street, S.W.
Washington, DC 20593-0001
Staff Symbol: CG-5225
Phone: (202) 372-1440
Fax: (202) 372-1926
Email: Mark.A.Prescott@uscg.mil

16613
August 5, 2009

Dear Interested Party:

The U.S. Department of Transportation (DOT), Maritime Administration recently published a Notice of Amended Application/Notice of Intent (NOI) to prepare a Supplemental Environmental Impact Statement (SEIS) on TORP Terminal LP's deepwater port license application amendment for the Bienville Offshore Energy Terminal (BOET). BOET is a proposed liquefied natural gas (LNG) deepwater port to be located in the Gulf of Mexico, in Main Pass Block MP 258, approximately 63 miles south of Fort Morgan, Alabama. The amended application proposes the use of a "closed-loop" LNG vaporization system known as ambient air vaporization (AAV) in place of the "open-loop" vaporization system proposed in the original application. A copy of the Federal Register Notice of Application Amendment/Notice of Intent is included as Enclosure 1.

The application amendment describes the proposed change to the project's regasification technology from the "open-loop" LNG vaporization system originally proposed for TORP BOET to a "closed-loop" LNG vaporization system. The proposed vaporization system consists of a floating regasification unit (FRU) that contains ambient air vaporization (AAV) equipment to heat an intermediate fluid that would be sent via flexible pipes to a HiLoad floating regasification unit. The HiLoad would dock to a LNG carrier to provide station-keeping, vaporization of the LNG on the HiLoad, and transfer of natural gas back to the FRU in a closed-loop system. An overview of the main project components is included as Enclosure 2.

The focus of the Supplemental EIS will be the amendment to the application for use of the "closed-loop" AAV alternative. Evaluations of other aspects of the application have already been completed in the Final Environmental Impact Statement (FEIS). A Draft and Final Environmental Impact Statement were published on the original BOET application on July 6, 2007 and August 8, 2008, respectively. While the AAV alternative and potential environmental impacts were covered briefly in the FEIS to allow the public and agencies to contemplate, understand and evaluate this alternative, the exact details and design of the system now before us were not known. Therefore, the expanded and refined information regarding the actual design warrants development of additional NEPA documentation and review. We believe the process of using a Supplemental EIS that focuses on the amended portion of the application, in conjunction with and as a supplement to the existing FEIS, meets the requirements and intent of NEPA and the DWPA. This will provide a detailed environmental assessment of the changes and enables sufficient opportunities for public comment and participation. Please reference the application amendment and the original Draft and Final EIS, both available on the Docket Management System at www.regulations.gov under docket number USCG-2006-24644, for detailed information.

AUG 10 2009

Following completion and release of the Draft Supplemental EIS, there will be a Federal Register Notice and a 30 day comment period where the Coast Guard and Maritime Administration will receive public comments on both the amended application and the Draft SEIS. A public meeting will be held in Alabama approximately two weeks after release of the Draft SEIS. The Coast Guard and Maritime Administration will consider all comments and address them in the Final SEIS. After the public release of the Final SEIS, there will be public notice and a 30 day comment period where the Coast Guard and Maritime Administration will receive comments on the Final SEIS. A final license hearing will be held in Alabama approximately two weeks after the release of the Final SEIS. A 45-day comment period will follow the final license hearing during which Federal agencies may provide input to the Maritime Administrator, and the Governor of Alabama may advise the Maritime Administrator of his decision to approve or disapprove the license application. Within 90 days of the final license hearing, the Maritime Administration will issue a record of decision (ROD) on the application.

In an effort to reduce paper waste, we intend to send a CD copy of the Supplemental EIS to all parties that requested and were sent a copy of the FEIS for the original Bienville Offshore Energy Terminal (BOET) application. However, if you wish to obtain a hard paper copy of the Supplemental EIS, or do not wish to receive a CD or hard copy, please contact us at the phone number or e-mail address below.

If you have any questions about the TORP BOET Supplemental EIS or application amendment, please contact LT Hannah Kawamoto of my staff at Hannah.K.Kawamoto@uscg.mil, or at (202) 372-1438.

Sincerely,



Mark A. Prescott
Chief, Deepwater Ports Standards Division
U.S. Coast Guard
By direction



Yvette M. Fields
Director, Office of Deepwater Port Licensing
and Offshore Activities
Maritime Administration

- Enclosures: (1) Federal Register Notice of Amended Application
(2) Overview of main project components

general categories such as 'small airplane' or 'engine.' The subscription service sends ADs and SAIBs to the e-mail address of each subscriber within minutes after publication in the RGL.

In September of 2007, the FAA stopped mailing paper copies of ADs and SAIBs to all owners and operators of transport airplanes and engines installed on transport airplanes.

Full Electronic Distribution

a. We will stop mailing paper copies of the remaining products according to the following schedule:

Product	Date
Transport rotorcraft and rotorcraft engines	October 1, 2009.
All other rotorcraft and rotorcraft engines	January 1, 2010.
All aircraft, engines, and propellers	March 1, 2010.

b. Owners and operators should use the following resources to obtain AD and SAIB information electronically:

- (1) *Regulatory and Guidance Library (RGL) Web site: <http://rgl.faa.gov>.*
- (2) *Federal Register Web site: <http://www.gpoaccess.gov/fr/>*
- (3) *GovDelivery e-mail service*—ADs are automatically e-mailed to subscribers who sign-up through the RGL homepage.

c. For those people who might not have computer access or who still desire paper copies, the FAA will continue to provide the AD Biweekly, which is a paid subscription of all ADs issued in the **Federal Register** over the previous 2-week period. The AD Biweekly is printed and mailed by the Government Printing Office (GPO) and does not include SAIBs. Contact the GPO directly at phone: (202) 512-1806 to subscribe.

d. We will continue to fax and or mail paper copies of Emergency ADs until further notice.

Issued in Washington, DC, on July 30, 2009.
Susan J. M. Cabler,
Assistant Manager, Aircraft Engineering Division, Aircraft Certification Service.
 [FR Doc. E9-18646 Filed 8-4-09; 8:45 am]
 BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION
Federal Railroad Administration
Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) has received a request for a waiver of compliance from certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

American Short Line and Regional Railroad Association

[Waiver Petition Docket Number FRA-2009-0078]

The American Short Line and Regional Railroad Association (ASLRRA), on behalf of its members, seeks a comprehensive waiver of relief from (1) the statutory rest requirements of 49 U.S.C. 21103(a)(1) for certain management employees who engage in limited train service for no more than 25% of their monthly hours in the service to the railroad; (2) the statutory rest requirements contained in 49 U.S.C. 21103(a)(4)(A); and approval of a pilot project to demonstrate the safety of adopting fatigue mitigation plans on class II and class III railroads in lieu of strict compliance with the requirements of these statutory provisions. The entire ASLRRA petition may be reviewed at <http://www.regulations.gov> under the docket number listed above.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA-2009-0078) and may be submitted by any

- *Web site: <http://www.regulations.gov>.* Follow the online instructions for of the following methods: submitting comments.
- *Fax: 202-493-2251.*
- *Mail: Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12-140, Washington, DC 20590.*
- *Hand Delivery: 1200 New Jersey Avenue, SE., Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.*

Communications received within 20 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.-5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at <http://www.regulations.gov>.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78).

Issued in Washington, DC on July 30, 2009.
Grady C. Cothen, Jr.,
Deputy Associate Administrator for Safety Standards and Program Development.
 [FR Doc. E9-18746 Filed 8-4-09; 8:45 am]
 BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION
Maritime Administration
[USCG-2006-24644]

TORP Terminal LP, Bienville Offshore Energy Terminal Liquefied Natural Gas Deepwater Port License Application Amendment; Preparation of Supplemental Environmental Impact Statement

AGENCY: Maritime Administration, DOT.
ACTION: Notice of Amended Application; Notice of Intent.

SUMMARY: The Maritime Administration and the U.S. Coast Guard announce receipt of an application amendment for the licensing of the TORP Terminal LP, Bienville Offshore Energy Terminal (BOET) liquefied natural gas (LNG)

deepwater port. The application amendment contains the information required to continue processing the application. This notice summarizes the applicant's plans and the procedures that will be followed in considering this application amendment. The Coast Guard, in coordination with the Maritime Administration, will prepare a Supplemental Environmental Impact Statement (SEIS) as part of the environmental review of this license application amendment.

The application amendment describes the proposed change in project regasification technology from the "open-loop" LNG vaporization system originally proposed for TORP BOET to a "closed-loop" LNG vaporization system. The proposed vaporization system consists of a floating regasification unit (FRU) that contains ambient air vaporization (AAV) equipment to heat an intermediate fluid that would be sent via flexible pipes to a HiLoad floating regasification unit. The HiLoad would dock to a LNG carrier to provide station-keeping, vaporization of the LNG on the HiLoad, and transfer of natural gas back to the FRU in a closed-loop system. The proposed facility would be located in the Gulf of Mexico, in Main Pass Block MP 258, approximately 63 miles south of Fort Morgan, Alabama. This location is the same as that proposed in the original application. The Draft and Final Environmental Impact Statements were published on the original application on July 6, 2007 and August 8, 2008, respectively.

ADDRESSES: Copies of the original license application, the Draft and Final Environmental Impact Statements (DEIS/FEIS), the application amendment and associated comments and documentation are available for viewing at the Federal Docket Management System (FDMS) Web site: <http://www.regulations.gov> under docket number USCG-2006-24644.

FOR FURTHER INFORMATION CONTACT: LT Hannah Kawamoto, U.S. Coast Guard, telephone: 202-372-1437, e-mail: Hannah.K.Kawamoto@uscg.mil. 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 Amendment

On June 30, 2009, the Coast Guard and Maritime Administration received an amendment for the Bienville Offshore Energy Terminal (BOET) deepwater port license application from TORP Terminal LP.

Background

The construction and operation of a deepwater port must be authorized by the Secretary of Transportation (as delegated to the Administrator of the Maritime Administration). The Coast Guard and Maritime Administration are the lead federal agencies for reviewing the sufficiency of deepwater port license applications and assessing the proposed project's environmental impact on the quality of the human environment (see 33 CFR part 148 *et seq.*).

After receiving the original application, the Maritime Administration and the Coast Guard completed a Draft EIS released on July 6, 2007. An informational open house and a public meeting were held in Mobile, Alabama to allow public comment and involvement. The Final EIS was released on August 8, 2008, and the final license hearing was held on August 26, 2008, in Alabama, the designated adjacent coastal state.

During the original application's public interest review process, public and agency comments were submitted. Several comments were received that discussed ambient air vaporization (AAV) technology as a reasonable alternative for the project's regasification technology. The Final EIS included a brief discussion and evaluation of the AAV technology. The Final EIS also included a brief discussion and evaluation of a floating storage and regasification unit (FSRU). In the application amendment, the applicant is proposing to use a floating regasification unit (FRU). The difference between a FSRU and FRU system is that the FRU would not have any LNG storage capability.

In the application amendment, the applicant proposes to amend the project to use AAV on a FRU to indirectly heat LNG on a single HiLoad in a closed-loop system. The original application proposed to operate an open-loop system using two HiLoads and a support platform. As stated above, AAV was discussed in the original application's FEIS as a generic system based on an existing application of this technology at an onshore LNG facility. The application amendment contains a diagram of the actual AAV design that is proposed to be used.

After consulting with cooperating Federal agencies, the Coast Guard and Maritime Administration have determined that a Supplemental Environmental Impact Statement (SEIS) will provide the appropriate level of information for the National Environmental Policy Act (NEPA) review and analysis. The decision to

produce a SEIS was based upon the finding that the proposed application amendment: (i) Makes substantial changes in the proposed action that are relevant to environmental concerns; and (ii) contains significant new circumstances or information relevant to environmental concerns and which bear on the proposed action or its impacts. The SEIS will describe the project's changed regasification system. As much as possible, the SEIS will incorporate by reference the recently published Bienville Offshore Energy Terminal (BOET) FEIS.

The SEIS process will allow ample opportunity for meaningful public comment and involvement. The Coast Guard and Maritime Administration's initial review of the proposed project changes indicate a reduction in impacts in several key resource areas that were originally identified with the open-loop system. In addition, comments from cooperating Federal agencies and the public on the original EIS discussed and supported the closed-loop AAV technology as an environmentally preferred alternative.

The Council on Environmental Quality's NEPA Regulations (40 CFR 1502.9(c)(4)) provide that scoping is not required for a SEIS. Once completed, a Draft SEIS will be announced in the **Federal Register** and made available for public comment. Following completion and release of the Draft SEIS, there will be a public notice and a 30-day comment period where the Coast Guard and Maritime Administration will receive comments on both the amended application and the Draft SEIS. A public meeting will be held in Alabama approximately two weeks after release of the Draft SEIS. The Coast Guard and Maritime Administration will consider all comments and address them in the Final SEIS. Following completion and release of the Final SEIS, there will be public notice and a 30-day comment period where the Coast Guard and Maritime Administration will receive comments on the Final SEIS. A final license hearing will be held in Alabama approximately two weeks after the release of the Final SEIS. A 45-day comment period will follow the final license hearing during which Federal agencies may provide input to the Maritime Administrator, and the Governor of Alabama may advise the Maritime Administrator of his decision to approve or disapprove the license application. Within 90 days of the final license hearing, the Maritime Administration will issue a record of decision (ROD) on the application.

Questions about the proposed action or the SEIS process may be addressed to

the Coast Guard project manager identified in **FOR FURTHER INFORMATION CONTACT**.

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: July 28, 2009.

By order of the Maritime Administrator.

Murray Bloom,

Acting Secretary, Maritime Administration.

[FR Doc. E9-18682 Filed 8-4-09; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Value Pricing Pilot Program Participation, Fiscal Years 2009 and 2010

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice; solicitation for participation.

SUMMARY: This notice invites States, along with their local government partners and other public authorities, to apply to participate in the Value Pricing Pilot (VPP) program and presents guidelines for program applications for fiscal years 2009 and 2010. Unlike with previous notices, the purpose of this notice is to seek only applications for statewide, regionwide, or areawide transportation pricing studies and for transportation pricing implementation projects that do not entail tolling roadways. This notice seeks applications for fiscal year 2009 funding, and if Congress chooses to extend Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) VPP program funding, for such funds made available in fiscal year 2010.

DATES: 1. Applications for tolling authority only may be submitted at any time.

2. Formal grant applications, however, must be submitted no later than November 3, 2009, to be assured consideration.

3. Applicants may also submit an optional "sketch" or draft proposal by

September 21, 2009; which FHWA will review and provide general feedback on for the applicant to use in its formal grant application. Sketch or draft proposals received after this date may still be reviewed by and commented upon by FHWA at its discretion.

4. For applications that had been submitted under the September 16, 2008 (73 FR 53478) solicitation that were not funded (for a list of projects funded from that solicitation, see: <http://www.fhwa.dot.gov/pressroom/fhwa0913.htm>), and where such applications would still be eligible for funding under the criteria provided by this notice, applicants may submit a letter to the Department by September 4, 2009, requesting comments on their previous applications.

Application Submission: Applications may be submitted through <http://www.grants.gov>.

FOR FURTHER INFORMATION CONTACT: For questions about or to provide information to FHWA that responds to this notice, such as to submit a letter or sketch plan, please contact Ms. Angela Jacobs, FHWA Office of Operations, at (202) 366-0076, angela.jacobs@dot.gov. For technical questions related to the development of pricing projects not involving tolls, please contact Mr. Allen Greenberg, FHWA Office of Operations, at (202) 366-2425, allen.greenberg@dot.gov. For technical questions related to the development of regional pricing projects, please contact Mr. Patrick DeCorla-Souza, FHWA Office of Innovative Program Delivery, at (202) 366-4076, patrick.decorla-souza@dot.gov. For legal questions, please contact Mr. Michael Harkins, FHWA Office of the Chief Counsel, at (202) 366-4928, michael.harkins@dot.gov.

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this document may be downloaded from the Federal Register's home page at: <http://www.archives.gov> and the Government Printing Office's database at: <http://www.access.gpo.gov/nara>.

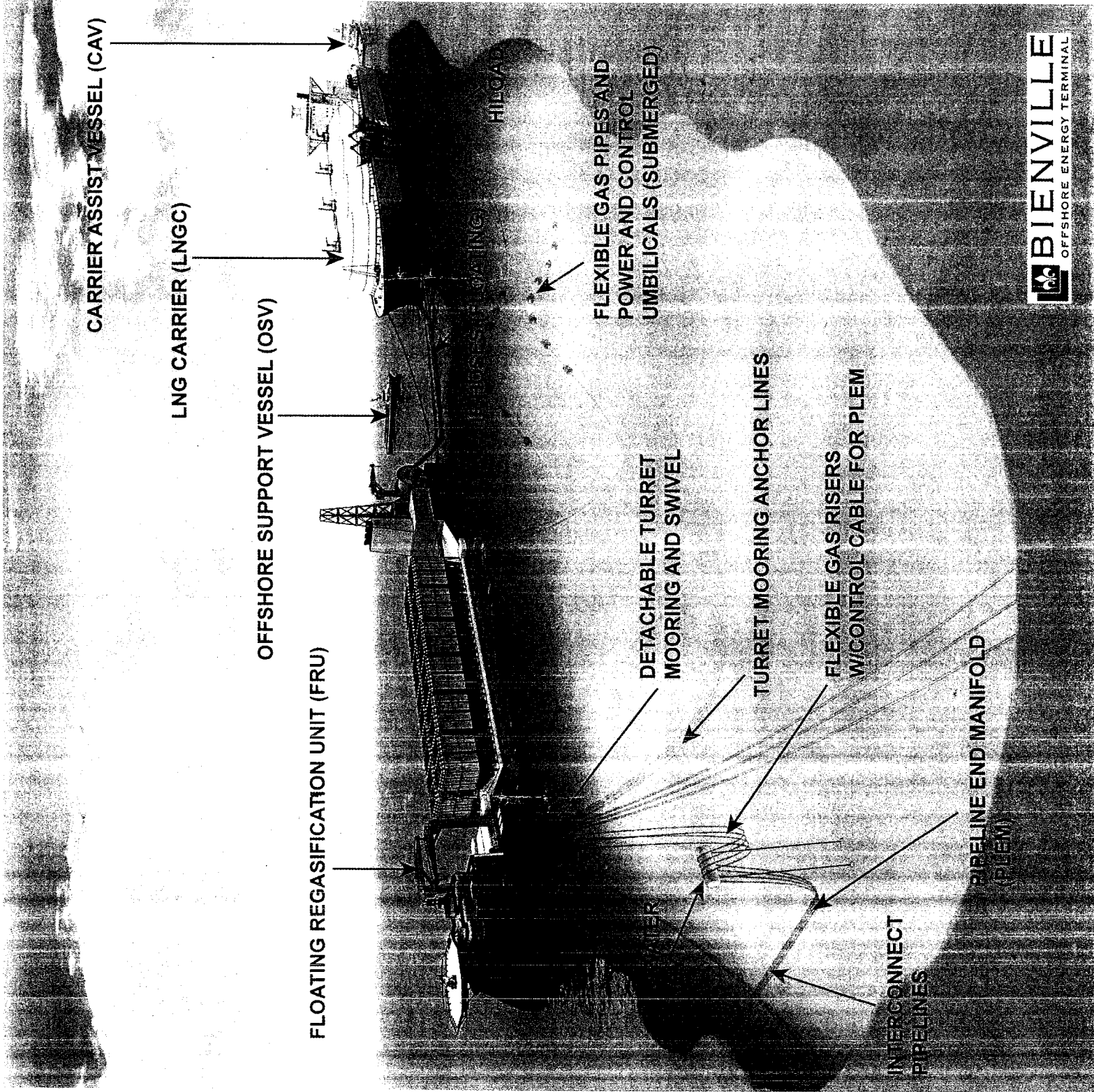
Background

Section 1012(b) of the Intermodal Surface Transportation Efficiency Act (ISTEA) (Pub. L. 102-240; 105 Stat. 1914), as amended by section 1216(a) of the Transportation Equity Act (TEA-21) (Pub. L. 105-178; 112 Stat. 107), and section 1604(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (Pub. L. 109-59; 119 Stat. 1144), authorizes the Secretary of

Transportation (the Secretary) to create a Value Pricing Pilot (VPP) program. Congestion pricing encompasses a variety of strategies to manage congestion on highways, including tolling of highway facilities, as well as other strategies that do not involve tolls, such as mileage-based car insurance and parking pricing. The congestion pricing concept of charging variable fees based upon usage and assessing relatively higher prices for travel during peak periods is the same as that used in many other sectors of the economy to respond to peak-use demands. For example, airlines, hotels, and theaters often charge more at peak periods than at non-peak periods.

According to the statutory requirements of the VPP program, FHWA may enter into cooperative agreements with up to 15 State or local governments or other public authorities (henceforth referred to only as "States") to establish, maintain, and monitor VPP programs, each including an unlimited number of projects. The FHWA invites interested States to apply to participate in the VPP program for the remainder of FY 2009 and also for FY 2010, if SAFETEA-LU funding is extended. While direct submissions by local governments and public authorities are allowable under SAFETEA-LU, FHWA strongly prefers applications to be submitted through State departments of transportation, since that would allow the potential for multiple VPP program projects within a State counting as only 1 of the 15 allowable partnerships.

To comply with the statutory cap on the number of partnering States and other public authorities in a manner that maximizes program participation, FHWA will only consider an "active" cooperative agreement sufficient to hold 1 of the 15 available VPP program slots, as also noted in the September 16, 2008, notice for VPP program participation (73 FR 53478). An agreement will be considered "active" by FHWA under either of the following two conditions: (1) During the period of time between when a cooperative funding agreement for a project or projects has been signed and when the project or projects has or have been completed, and (2) if VPP program tolling authority has been granted and is still needed to toll a new or existing highway. Absent one or both of these conditions being met, an agreement will not be considered active for the purposes of the VPP program. If progress in moving forward to use its VPP program funding or tolling authority is unsatisfactory, FHWA may withdraw its approval for inactive agreements in favor of other applicants



CARRIER ASSIST VESSEL (CAV)

LNG CARRIER (LNGC)

OFFSHORE SUPPORT VESSEL (OSV)

FLOATING REGASIFICATION UNIT (FRU)

HILCAD

FLEXIBLE GAS PIPES AND POWER AND CONTROL UMBILICALS (SUBMERGED)

DETACHABLE TURRET MOORING AND SWIVEL

TURRET MOORING ANCHOR LINES

FLEXIBLE GAS RISERS W/CONTROL CABLE FOR PLEM

INTERCONNECT PIPELINES

PIPELINE END MANIFOLD (PEM)