

*Authority:* 23 U.S.C. 139(l)(1).

*Dated:* April 20, 2022.

**Christina Leach,**

*Acting Director, Planning, Environment and Right of Way, Federal Highway Administration, California Division.*

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**DEPARTMENT OF TRANSPORTATION**

**Federal Motor Carrier Safety Administration**

[Docket No. FMCSA-2010-0177]

**Parts and Accessories Necessary for Safe Operation; Exemption Renewal for the Flatbed Carrier Safety Group**

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of renewal of exemption; request for comments.

**SUMMARY:** FMCSA renews the Flatbed Carrier Safety Group's (FCSG) exemption which allows the securement of metal coils on a flatbed vehicle, in a sided vehicle, or in an intermodal container loaded with eyes crosswise, grouped in rows, in which the coils are loaded to contact each other in the longitudinal direction. Motor carriers may continue to use the pre-January 1, 2004, cargo securement regulations for the transportation of groups of metal coils with eyes crosswise, as this loading configuration is not currently covered under the Agency's commodity-specific rules for securing metal coils in the Code of Federal Regulations. The Agency has concluded that granting this exemption renewal will likely maintain a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption. The Agency welcomes public comments on the renewal.

**DATES:** This decision is effective April 26, 2022. Comments must be received on or before May 26, 2022.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA-2010-0177 using any of the following methods:

- *Federal eRulemaking Portal:* [www.regulations.gov](http://www.regulations.gov). See the Public Participation and Request for Comments section below for further information.

- *Mail:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001.

- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12-

140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays.

- *Fax:* (202) 493-2251.

Each submission must include the Agency name and the docket number for this notice (FMCSA-2010-0177). Note that DOT posts all comments received without change to [www.regulations.gov](http://www.regulations.gov), including any personal information included in a comment. Please see the Privacy Act heading below.

*Docket:* For access to the docket to read background documents or comments, go to [www.regulations.gov](http://www.regulations.gov) at any time or visit Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366-9317 or (202) 366-9826 before visiting Dockets Operations.

*Privacy Act:* In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public to better inform its exemption process. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL 14-FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy).

**FOR FURTHER INFORMATION CONTACT:** Mr. José R. Cestero, Vehicle and Roadside Operations Division, Office of Carrier, Driver, and Vehicle Safety, MC-PSV, (202) 366-5541, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590-0001.

**SUPPLEMENTARY INFORMATION:**

**I. Public Participation and Request for Comments**

FMCSA encourages you to participate by submitting comments and related materials.

*Submitting Comments*

If you submit a comment, please include the docket number for this notice (FMCSA-2010-0177), indicate the specific section of this document to which the comment applies, and provide a reason for suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to [www.regulations.gov](http://www.regulations.gov) and put the docket number, "FMCSA-2010-0177" in the "Keyword" box, and click "Search." When the new screen appears, click on the "Comment Now!" button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope. FMCSA will consider all comments and material received during the comment period.

**II. Legal Basis**

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b)(2) and 49 CFR 381.300(b) to renew an exemption from the Federal Motor Carrier Safety Regulations for a 5-year period if it finds "such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption." FCSCG has requested a five-year extension of the current exemption in Docket No. FMCSA-2010-0177.

**III. Background**

FMCSA may renew an exemption from the Federal Motor Carrier Safety Regulations for a five-year period (49 U.S.C. 31315(b)(2)) if it finds "such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption" (49 U.S.C. 31315(b)(1); see also 49 U.S.C. 31136(e)). FCSCG has requested a five-year extension for the exemption from 49 CFR 393.120 to allow motor carriers to comply with the pre-January 1, 2004, cargo securement regulations (then at 49 CFR 393.100(c)) for the transportation of groups of metal coils with eyes crosswise. The procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381.

*Current Regulation(s) Requirements*

Currently, 49 CFR 393.120 specifies requirements for the securement of one or more metal coils which, individually or grouped together, weigh 5,000 pounds or more. Metal coils can be transported with eyes vertical, lengthwise, or crosswise.

Unlike the requirements for securing coils with eyes vertical (49 CFR 393.120(b)) and lengthwise (49 CFR 393.120(d)), the current securement

requirements for coils with eyes crosswise (49 CFR 393.120(c)) only speak of *individual coils*; there are no specific requirements for securing *rows of coils*. As such, a motor carrier transporting a row of coils with eyes crosswise must secure each coil as an individual coil in accordance with 49 CFR 393.120(c).

FCSG noted that the regulations in place prior to January 1, 2004, directly addressed the securement of groups of coils loaded with eyes crosswise. Section 393.100(c) previously read as follows:

(c)(3)(ii) *Coils with eyes crosswise*: Each coil or transverse row of coils loaded side by side and having approximately the same outside diameters must be secured by—

(a) A tiedown assembly through the eye of each coil, restricting against forward motion and making an angle of less than 45° with the horizontal when viewed from the side of the vehicle;

(b) A tiedown assembly through the eye of each coil, restricting against rearward motion and making an angle of less than 45° with the horizontal when viewed from the side of the vehicle; and

(c) Timbers, having a nominal cross section of 4 x 4 inches or more and a length which is at least 75 percent of the width of the coil or row of coils, tightly placed against both the front and rear sides of the coil or row of coils and restrained to prevent movement of the coil or coils in the forward and rearward directions.

(d) If coils are loaded to contact each other in the longitudinal direction and relative motion between coils, and between coils and the vehicle, is prevented by tiedown assemblies and timbers—

(1) Only the foremost and rearmost coils must be secured with timbers; and

(2) A single tiedown assembly, restricting against forward motion, may be used to secure any coil except the rearmost one, which must be restrained against rearward motion.

#### Application for Renewal of Exemption

FCSG applied for an exemption from 49 CFR 393.120 in 2010 to allow motor carriers to comply with the pre-January 1, 2004, cargo securement regulations for the transportation of groups of metal coils with eyes crosswise. FMCSA granted the exemption on April 14, 2011 (76 FR 20867) and renewed it on June 11, 2013 (78 FR 35087), June 4, 2015 (80 FR 31956), and again on April 21, 2017 (82 FR 18810). The exemption expires on April 13, 2022.

#### IV. Equivalent Level of Safety Analysis

FMCSA is not aware of any evidence showing that compliance with the pre-January 1, 2004, cargo securement regulations for the transportation of groups of metal coils with eyes crosswise, in accordance with the conditions of the original exemption, has resulted in any degradation in safety. The Agency believes that extending the exemption for a period of 5 years will likely achieve a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption because the metal coils are grouped and secured together in the longitudinal direction, *i.e.*, “unitized,” with the cargo securement system meeting all of the aggregate working load limit requirements of 49 CFR 393.106(d).

#### V. Exemption Decision

##### A. Grant of Exemption

FMCSA renews the exemption for a period of 5 years subject to the terms and conditions of this decision. The renewal outlined in this notice extends the exemption from April 13, 2022, through April 13, 2027.

##### B. Applicability of Exemption

The exemption is restricted to motor carriers that haul metal coils with eyes crosswise in rows in which the coils are loaded to contact each other in the longitudinal direction.

##### C. Terms and Conditions

Motor carriers covered by the exemption must meet the following requirements while still meeting the aggregate working load limit requirements of 49 CFR 393.106(d).

*Coils with eyes crosswise*: If coils are loaded to contact each other in the longitudinal direction, and relative motion between coils, and between coils and the vehicle, is prevented by tiedown assemblies and timbers:

(1) Only the foremost and rearmost coils must be secured with timbers having a nominal cross section of 4 x 4 inches or more and a length which is at least 75 percent of the width of the coil or row of coils, tightly placed against both the front and rear sides of the row of coils and restrained to prevent movement of the coils in the forward and rearward directions; and

(2) The first and last coils in a row of coils must be secured with a tiedown assembly restricting against forward and rearward motion, respectively. Each additional coil in the row of coils must be secured to the trailer using a tiedown assembly.

#### D. Preemption

In accordance with 49 U.S.C. 31313(d), as implemented by 49 CFR 381.600, during the period this exemption is in effect, no State shall enforce any law or regulation applicable to interstate commerce that conflicts with or is inconsistent with this exemption with respect to a firm or person operating under the exemption. States may, but are not required to, adopt the same exemption with respect to operations in intrastate commerce.

#### E. Notification to FMCSA

Motor carriers covered by the exemption must notify FMCSA within 5 business days of any accident (as defined in 49 CFR 390.5T) involving any of its CMVs operating under the terms of this exemption. The notification must include the following information:

- (a) Name of the exemption: “FCSG”;
- (b) Name of the operating motor carrier;
- (c) Date of the accident;
- (d) City or town, and State, in which the accident occurred, or closest to the accident scene;
- (e) Driver’s name and license number;
- (f) Vehicle number and State license number;
- (g) Number of individuals suffering physical injury;
- (h) Number of fatalities;
- (i) The police-reported cause of the accident;
- (j) Whether the driver was cited for violation of any traffic laws, motor carrier safety regulations; and
- (k) The driver’s total driving time and total on-duty time period prior to the accident.

Reports filed under this provision shall be emailed to [MCPSD@DOT.GOV](mailto:MCPSD@DOT.GOV).

#### F. Termination

The exemption will be valid for 5 years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) Motor carriers and/or commercial motor vehicles fail to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objects of 49 U.S.C. 31136(e) and 31315.

#### VI. Request for Comments

FMCSA requests comments from parties with data concerning the safety record of motor carriers transporting groups of metal coils with eyes crosswise, in accordance with the conditions of the exemption. The Agency will evaluate adverse evidence

submitted during the comment period and at any time during the 5-year period of the exemption. 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(b)(1), FMCSA will take immediate steps to revoke the FCSG exemption.

**Robin Hutcheson,**

*Deputy Administrator.*

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**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket No. MARAD-2022-0076]

#### Deepwater Port License Application: New Fortress Energy Louisiana FLNG LLC

**AGENCY:** Maritime Administration, Department of Transportation.

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

**SUMMARY:** The U.S. Coast Guard (USCG), in coordination with the Maritime Administration (MARAD), will prepare an environmental impact statement (EIS) as part of the environmental review of the New Fortress Energy Louisiana FLNG LLC (Applicant) deepwater port license application. The application proposes the ownership, construction, operation and eventual decommissioning of an offshore natural gas export deepwater port, known as New Fortress Energy Louisiana FLNG, that would be located in Federal waters approximately 16 nautical miles off the southeast coast of Grand Isle, Louisiana in a water depth of approximately 30 meters. The deepwater port would allow for the loading of liquefied natural gas (LNG) trading carriers. This Notice of Intent (NOI) requests public participation in the scoping process, provides information on how to participate and announces an informational virtual open house and virtual public meeting. Pursuant to the criteria provided in the Deepwater Port Act of 1974, as amended, Louisiana is the designated Adjacent Coastal State (ACS) for this application.

**DATES:** The public meeting will be held virtually, on May 11, 2022, from 6:00 p.m. to 8:00 p.m. Central Standard Time (CST). The virtual public meeting will be preceded by a virtual open house from 4:00 p.m. to 6:00 p.m. CST. The public meeting may end later than the stated time, depending on the number of persons who wish to make a comment

on the record. Additionally, materials submitted in response to this request for comments on the New Fortress Energy Louisiana FLNG deepwater port license application must be submitted to the [www.regulations.gov](http://www.regulations.gov) website or the Federal Docket Management Facility as detailed in the **ADDRESSES** section below by the close of the comment period.

**ADDRESSES:** You may submit comments identified by DOT Docket Number MARAD-2022-0076 by any one of the following methods:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov>. Search MARAD-2022-0076 and follow the instructions for submitting comments.
- **Mail or Hand Delivery:** The Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD-2022-0076, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590. Due to flexible work schedules in response to COVID-19, call 202-493-0402 to determine facility hours prior to hand delivery.

**Note:** If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, and/or a telephone number in a cover page so that we can contact you if we have questions regarding your submission.

**Instructions:** All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at [www.regulations.gov](http://www.regulations.gov), including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

**FOR FURTHER INFORMATION CONTACT:** Mr. Brian Barton, Maritime Administration, telephone 202-366-0302, email: [Brian.Barton@dot.gov](mailto:Brian.Barton@dot.gov), or Ms. Galia Kaplan, U.S. Coast Guard, telephone: 202-372-1567, email: [Galia.Kaplan@uscg.mil](mailto:Galia.Kaplan@uscg.mil). For questions regarding viewing the Docket, call Docket Operations, telephone: 202-366-9826.

#### SUPPLEMENTARY INFORMATION:

##### Public Meeting and Open House

We encourage you to attend the informational open house and virtual public meeting to learn about, and comment on, the proposed deepwater port. You will have the opportunity to submit comments on the scope and significance of the issues related to the proposed deepwater port that should be addressed in the EIS.

Speaker registration is available online <http://>

[louisianaflngnepaprocess.com/](http://louisianaflngnepaprocess.com/) or by calling 1-877-589-8895. Speakers at the virtual public meeting will be recognized in the following order: Elected officials, public agencies, individuals or groups in the sign-up order and then anyone else who wishes to speak.

In order to allow everyone a chance to speak at a public meeting, we may limit speaker time, extend the meeting hours, or both. You must identify yourself, and any organization you represent, by name. Your remarks will be recorded and/or transcribed for inclusion in the public docket.

You may submit written material though docket submission or by contacting the MARAD or USCG project manager identified in **FOR FURTHER INFORMATION CONTACT** either in place of, or in addition to, speaking. Written material should 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 website (see **ADDRESSES**).

If you plan to participate in the open house or public meeting and need special assistance such as sign language interpretation, non-English language translator services or other reasonable accommodation, please notify MARAD or the USCG (see **FOR FURTHER INFORMATION CONTACT**) at least 5 business days in advance of the public meeting. Include your contact information as well as information about your specific needs.

#### Request for Comments

We request public comment on this proposal. The comments may relate to, but are not limited to, the environmental impact of the proposed action. All comments will be accepted. The public meeting is not the only opportunity you have to comment on the New Fortress Energy Louisiana FLNG deepwater port license application. In addition to, or in place of, attending a meeting, you may submit comments directly to the Federal Docket Management Facility during the public comment period (see **DATES**). We will consider all comments and material received during the 30-day scoping period.

The license application, comments and associated documentation, as well as the draft and final EISs (when published), are available for viewing at the Federal Docket Management System (FDMS) website: <http://www.regulations.gov> under docket number MARAD-2022-0076.