DEPARTMENT OF HOMELAND SECURITY
Coast Guard

33 CFR Part 110
[Docket Number USCG–2016–0916]
RIN 1625–AA01

Anchorages; Captain of the Port Puget Sound Zone, WA

AGENCY: Coast Guard, DHS.
ACTION: Notification of intent to withdraw proposed rule; request for comments.

SUMMARY: The Coast Guard intends to withdraw the proposed anchorage rule entitled “Anchorages; Captain of the Port Puget Sound Zone, WA” that we published on February 10, 2017. The Coast Guard does not currently plan to pursue this rulemaking and consequently does not intend to schedule tribal consultation on the proposed rule. Given the Coast Guard’s intent to withdraw, in this request for comment, the Coast Guard is asking if withdrawal is appropriate and if tribal consultation specific to this rulemaking is still appropriate.

DATES: Your comments and related material must reach the Coast Guard on or before January 16, 2018.

ADDRESSES: You may submit comments identified by docket number USCG–2016–0916 using the Federal portal at http://www.regulations.gov. See the “Public Participation and Request for Comments” portion of the SUPPLEMENTARY INFORMATION section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of intent, call or email LCDR Christina Sullivan, U.S. Coast Guard Sector Puget Sound; telephone 206–217–6042, email SectorPugetSoundWWW@uscg.mil.

SUPPLEMENTARY INFORMATION:
I. Table of Abbreviations
FR Federal Register
NPRM Notice of Proposed Rulemaking

II. Background and Purpose

We published a notice of proposed rulemaking (NPRM) in the Federal Register on February 10, 2017 (82 FR 10313), entitled “Anchorages; Captain of the Port Puget Sound Zone, WA.” In the NPRM, we proposed the creation of several new anchorages, holding areas, and a non-anchorage area as well as the expansion of one existing general anchorage in the Puget Sound area, as detailed in the proposed regulatory text. The Coast Guard received input from a number of tribes expressing concern about the current rulemaking and based on that input, we intend to withdraw the proposed anchorage rule.

Four months after publishing the NPRM, the Coast Guard provided notice of its intent to conduct a government to government consultation with the tribes on the proposed rulemaking. In that published notification of tribal consultation (82 FR 25207, June 1, 2017), the Coast Guard stated that it would post a written summary of the government to government tribal consultation to the docket, and that members of the public would have time to submit further comments between the posting of the summary of the tribal consultation and the closing of the comment period. The tribal consultation was postponed at the request of the participants, and has not been rescheduled.

Because the Coast Guard published a notice of formal tribal government to government consultation on this proposed rule, the Coast Guard wants to ensure that tribal governments have an opportunity to indicate whether they believe tribal consultation is necessary in light of our intent to withdraw the proposed rule. Tribal governments that believe consultation on this proposed rule is necessary should comment in the docket, and may also contact the person in the FOR FURTHER INFORMATION CONTACT section of this preamble.

Canceling tribal consultation on this specific proposed rule does not prevent other consultation from occurring. The Coast Guard supports a separate government to government consultation with the tribes regarding tribal treaty rights and broader issues of waterways usage outside of the rulemaking process. Accordingly, the Coast Guard will conduct outreach regarding the scope of a potential separate government to government consultation independently of this notification of intent and request for comment.

If the Coast Guard decides to withdraw the proposed rule, we will issue a notification of withdrawal.

III. Information Requested

We are requesting comment from interested persons, particularly from tribal officials, tribal governments, tribal organizations, and tribal members on whether withdrawal is appropriate, and whether a government to government consultation on this anchorages rulemaking is desired in light of the Coast Guard’s intent to withdraw from the rulemaking. Because the Coast Guard intends to withdraw from this rulemaking, the Coast Guard believes that tribal government to government consultation on this proposed anchorages rulemaking is no longer necessary.

IV. Public Participation and Request for Comments

We encourage you to submit comments through the Federal portal at http://www.regulations.gov. If your material cannot be submitted using http://www.regulations.gov, contact the person in the FOR FURTHER INFORMATION CONTACT section of this document for alternate instructions. In your submission, please include the docket number for this notification of intent and provide a reason for each suggestion or recommendation.

We accept anonymous comments. All comments received will be posted without change to http://www.regulations.gov and will include any personal information you have provided. For more about privacy and the docket, visit http://www.regulations.gov/privacyNotice.

Documents mentioned in this notification of intent as being available in the docket, and all public comments, will be in our online docket at http://www.regulations.gov and can be viewed by following that Web site’s instructions.

This document is issued under authority of 5 U.S.C. 552(a).

Dated: November 9, 2017.
David G. Throop,
Rear Admiral, U.S. Coast Guard, Commander, Thirteenth Coast Guard District.

[FR Doc. 2017–24942 Filed 11–16–17; 8:45 am]
BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

Approval of California Air Plan Revisions, Mojave Desert Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a revision to the Mojave Desert Air Quality Management District (MDAQMD) portion of the California State Implementation Plan (SIP). This revision concerns emissions of volatile organic compounds (VOCs) from marine...
and pleasure craft coating operations. We are proposing to approve a local rule to regulate these emission sources under the Clean Air Act (CAA or the Act). We are taking comments on this proposal and plan to follow with a final action.

DATES: Any comments must arrive by December 18, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2017–0573 at http://www.regulations.gov, or via email to Arnold Lazarus, Rulemaking Office at lazarus.arnold@epa.gov. For comments submitted at Regulations.gov, follow the online instructions for submitting comments. Once submitted, comments cannot be removed or edited from Regulations.gov. For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (i.e. on the Web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the FOR FURTHER INFORMATION CONTACT section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit http://www2.epa.gov/dockets/commenting-eipa-dockets.

FOR FURTHER INFORMATION CONTACT: Arnold Lazarus, EPA Region IX, (415) 972–3024, lazarus.arnold@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document, “we,” “us” and “our” refer to the EPA.

### Table 1—Submitted Rule

<table>
<thead>
<tr>
<th>Local agency</th>
<th>Rule #</th>
<th>Rule title</th>
<th>Amended</th>
<th>Submitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>MDAQMD</td>
<td>1106</td>
<td>Marine and Pleasure Craft Coating Operations</td>
<td>10/24/2016</td>
<td>02/24/2017</td>
</tr>
</tbody>
</table>

On August 2, 2017, the EPA determined that the submittal for MDAQMD Rule 1106 met the completeness criteria in 40 CFR part 51 Appendix V, which must be met before formal EPA review.

B. Are there other versions of this rule?

We approved an earlier version of Rule 1106 into the SIP on July 16, 2008 (73 FR 40754). The MDAQMD adopted revisions to the SIP-approved version on October 24, 2016 and CARB submitted them to us on February 24, 2017.

C. What is the purpose of the submitted rule revision?

VOCs help produce ground-level ozone, smog and particulate matter, which harm human health and the environment. Section 110(a) of the CAA requires states to submit regulations that control VOC emissions. Rule 1106 was revised primarily to implement reasonably available control technology (RACT) recommendations to strengthen the overall VOC capture and control efficiency from 85 to 90%, and to generally adopt more stringent VOC content limits for marine and pleasure craft coatings. The EPA’s technical support document (TSD) has more information about this rule.

II. The EPA’s Evaluation and Action

A. How is the EPA evaluating the rule?

SIP rules must be enforceable (see CAA section 110(a)(2)), must not interfere with applicable requirements concerning attainment and reasonable further progress or other CAA requirements (see CAA section 110(l)), and must not modify certain SIP control requirements in nonattainment areas without ensuring equivalent or greater emissions reductions (see CAA section 193).

Generally, SIP rules must require RACT for each category of sources covered by a Control Techniques Guidelines (CTG) document as well as each major source of VOCs in ozone nonattainment areas classified as moderate or above (see CAA section 182(b)(2)). The MDAQMD regulates an ozone nonattainment area classified as Severe for the 1997 and the 2008 8-Hour Ozone National Ambient Air Quality Standards (40 CFR 81.305). In addition, Rule 1106 regulates activities covered by two different CTGs: Control Techniques Guidelines for Shipbuilding and Ship Repair Operations (61 FR 44050, August 1996), and Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings EPA–453/R–08–003, September 2008. Therefore, this rule must implement RACT.

Guidance and policy documents that we use to evaluate enforceability, revision/relaxation and rule stringency requirements for the applicable criteria pollutants include the following:


B. Does the rule meet the evaluation criteria?

Rule 1106 adds several new marine and pleasure craft specialty coating...
categories, lowers the VOC content limit of other specialty coating categories, and lowers the VOC content limit for solvents used for surface preparation. Under the District’s October 23, 2006 SIP-approved rule, some of these new specialty coating categories such as Topcoats, Pleasure Craft, One Component, and Two Component, would have been covered under the “General Use” category and been subject to a more stringent VOC limit when compared to the October 24, 2016 amended rule. The EPA reviewed the potential gross emissions increase associated with the new specialty coating limits and estimates that total VOC emissions associated with these coatings may increase by approximately 250 pounds per year or approximately 0.001% of MDAQMD’s VOC inventory. We conclude that this is a negligible increase and would not impact attainment. Because the potential gross increase is minimal, we have not calculated the net impact of the rule revisions, including the emission reductions from strengthened limits. Our evaluation shows this rule is consistent with CAA requirements and relevant guidance regarding enforceability, RACT, and SIP revisions. The TSD has more information on our evaluation.

C. EPA Recommendations To Further Improve the Rule

The TSD describes additional rule revisions that we recommend for the next time the local agency modifies the rule.

D. Public Comment and Proposed Action

As authorized in section 110(k)(3) of the Act, the EPA proposes to fully approve the submitted rule because we believe it fulfills all relevant requirements. We will accept comments from the public on this proposal until December 18, 2017. If we take final action to approve the submitted rule our final action will incorporate this rule into the federally enforceable SIP.

III. Incorporation by Reference

In this rule, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the MDAQMD rule described in Table 1 of this preamble. The EPA has made, and will continue to make, these materials available through www.regulations.gov and at the EPA Region IX Office [please contact the person identified in the FOR FURTHER INFORMATION CONTACT section of this preamble for more information).

IV. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA’s role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this proposed action merely proposes to approve state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a “significant regulatory action” subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3621, January 21, 2011);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 et seq.);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4); and
- does not have Federalism implications as specified in Executive Order 13175 (65 U.S.C. 3211 et seq.).

For these reasons, this rule is not an economically significant regulation and does not have Federalism implications as specified in Executive Order 13175 (65 U.S.C. 3211 et seq.).

A. Regulatory Flexibility Act

The EPA determined that this rule is not a significant regulatory action as defined by section 601 of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

B. Executive Order 13132

The EPA determines this rule would not have substantial direct effects on a significant number of small entities. This rule will not have a significant Federalism impact under Executive Order 13132; it will not pre-empt tribal law or preempt tribal laws as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

C. Executive Order 13211

The EPA determines this rule will not have a significant economic impact on state and local governments. This rule will not have materially or disproportionately adverse effects on any tribe.

D. Executive Order 12876

This rule is not a significant regulatory action under Executive Order 12876.

E. Environmental Protection Agency

This rule is not a significant regulatory action under Executive Order 13045.

F. Executive Order 13175

This rule does not have any Federalism implications under Executive Order 13175.

G. Executive Order 13211

This rule is not a significant regulatory action under Executive Order 13211.

H. Executive Order 13563

This rule is not a significant regulatory action under Executive Order 13563.

I. Executive Order 12612

This rule is not an economically significant regulation and does not have Federalism implications as specified in Executive Order 13175.

J. Executive Order 13514

This rule is not a significant regulatory action under Executive Order 13514.

K. National Environmental Policy Act

This rule does not require documentation or follow-up action under the National Environmental Policy Act.

L. Unfunded Mandates Reform Act

This rule does not have any unfunded mandates as described in the Unfunded Mandates Reform Act. This rule will not have a significant or unique intergovernmental impact.

M. Paperwork Reduction Act

This rule does not have any information collection requirements that require approval by the Office of Management and Budget under the Paperwork Reduction Act.

N. Right toKnow Act

This rule does not have any Federal administrative recordkeeping requirements that require approval by the Office of Management and Budget under the Right to Know Act.

O. Executive Order 12826

This rule will not have any adverse impacts on health or safety risks subject to Executive Order 12826.

P. Executive Order 13045

This rule will not have any adverse impacts on Tribal Governments subject to Executive Order 13045.

Q. Executive Order 13132

This rule will not have any adverse impacts on State and Local Governments subject to Executive Order 13132.

R. Executive Order 13070

This rule will not have any adverse impacts on the safety risks subject to Executive Order 13070.

S. Executive Order 13211

This rule will not have any adverse impacts on the safety risks subject to Executive Order 13211.

T. Executive Order 13270

This rule will not have any adverse impacts on the safety risks subject to Executive Order 13270.

U. Executive Order 13422

This rule will not have any adverse impacts on the safety risks subject to Executive Order 13422.

V. Executive Order 13563

This rule will not have any adverse impacts on the safety risks subject to Executive Order 13563.

W. Executive Order 13771

This rule will not have any adverse impacts on the safety risks subject to Executive Order 13771.

X. Computer Redesign

This rule will not have any adverse impacts on the safety risks subject to Computer Redesign.

Y. Human Capital Improvement Plan

This rule will not have any adverse impacts on the safety risks subject to Human Capital Improvement Plan.

Z. Implementation

This rule will not have any adverse impacts on the safety risks subject to Implementation.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52


Approval of California Air Plan Revisions, Mojave Desert Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve and conditionally approve revisions to the Mojave Desert Air Quality Management District (MDAQMD or “District”) portion of the California State Implementation Plan (SIP). These revisions concern the District’s demonstration regarding Reasonably Available Control Technology (RACT) requirements for the 1997 8-hour ozone and the 2008 8-hour ozone National Ambient Air Quality Standards (NAAQS or “standard”) in the portion of the Western Mojave Desert ozone nonattainment area under the jurisdiction of the MDAQMD. The EPA is also proposing to approve MDAQMD negative declarations into the SIP for the 2006 ozone standards. We are proposing action on local SIP revisions under the Clean Air Act (CAA or Act). We are taking comments on this proposal and plan to follow with a final action.

DATES: Any comments must arrive by December 18, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2017–0564 at https://www.regulations.gov/ or via email to