

insurance requirements and company sustainability policies, together with the existence of new terminal inspection protocols like that developed by the Chemical Distribution Institute, CTAC was unable to identify any significant gaps in hazardous substance spill response planning at marine transportation-related facilities that would be reduced by the 2000 proposed rulemaking.

III. Withdrawal

The Coast Guard is withdrawing the proposed rulemaking so as to better analyze the current spill response capabilities of the chemical industry before conducting any further rulemaking on hazardous substance response plans for marine transportation-related facilities. The Coast Guard remains committed to fulfilling its OPA 90 mandate, however we believe the proposed rules are no longer appropriate as proposed.

The Coast Guard has determined that withdrawing the proposed rule is appropriate based on findings that the proposed rules are no longer applicable to the current state of spill response in the chemical industry. Accordingly, the Coast Guard is withdrawing the "Marine Transportation-Related Facility Response Plans for Hazardous Substances" proposed rulemaking announced in an NPRM published March 31, 2000 (65 FR 17416).

IV. Executive Order 13771

The withdrawal of the NPRM qualifies as a deregulatory action under Executive Order 13771 (Reducing Regulation and Controlling Regulatory Costs), which directs agencies to reduce regulation and control regulatory costs and provides that "for every one new regulation issued, at least two prior regulations be identified for elimination, and that the cost of planned regulations be prudently managed and controlled through a budgeting process." See the OMB Memorandum titled "Guidance Implementing Executive Order 13771, Titled 'Reducing Regulation and Controlling Regulatory Costs'" (April 5, 2017).

Dated: February 4, 2019.

Anthony J. Vogt,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Response Policy.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 155

[Docket Number USCG-1998-4354]

RIN 1625-AA13 and 2115-AE88

Tank Vessel Response Plans for Hazardous Substances

AGENCY: Coast Guard, DHS.

ACTION: Proposed rule; withdrawal.

SUMMARY: The Coast Guard is withdrawing its notice of proposed rulemaking entitled "Tank Vessel Response Plans for Hazardous Substances" that we published on March 22, 1999. The Coast Guard is withdrawing this rulemaking based on findings that the proposed rules are no longer appropriate to the current state of spill response in the chemical industry.

DATES: The notice of proposed rulemaking published March 22, 1999, at 64 FR 13734, is withdrawn as of February 8, 2019.

ADDRESSES: The docket for this withdrawn rulemaking is available by searching docket number USCG-1998-4354 using the Federal portal at <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of withdrawal, call or email Mr. Christopher Friese, Commercial Vessel Safety Specialist, Office of Marine Environmental Response Policy (CG-MER-1), Coast Guard; telephone 202-372-1227.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

FR Federal Register
NPRM Notice of Proposed Rulemaking
OPA 90 Oil Pollution Act of 1990
CTAC Chemical Transportation Advisory Committee

II. Background

The Clean Water Act,¹ as amended by section 4202(a)(6) of the Oil Pollution Act of 1990 (OPA 90),² requires owners or operators of tank vessels, offshore facilities, and onshore facilities to prepare response plans to mitigate spills of both oils and hazardous substances. These plans must address measures to respond, to the maximum extent practicable, to a worst-case discharge or a substantial threat of such a discharge, of oil or a hazardous substance into or on navigable waters, adjoining

shorelines, or the exclusive economic zone of the United States. The primary purpose of requiring response plans is to minimize the impact of a discharge of oil or hazardous substances into the navigable waters of the United States.

On May 3, 1996, we published an advance notice of proposed rulemaking soliciting public input on regulations concerning response plans for certain tank vessels and marine transportation-related facilities (61 FR 20083), and subsequently held two public meetings on the subject that were announced in the **Federal Register** (61 FR 34775). On March 22, 1999, we published a notice of proposed rulemaking (NPRM) in the **Federal Register** entitled "Tank Vessel Response Plans for Hazardous Substances" (64 FR 13734). In the NPRM, we proposed regulations that would require response plans for certain tank vessels operating on the navigable waters of the United States. The Coast Guard received feedback from concerned citizens, commercial entities, and trade associations regarding the proposed rulemaking. These comments were made available in the docket. Since then, further analysis by the Coast Guard and the Chemical Transportation Advisory Committee (CTAC) has shown that implementation of the proposed rules as structured in the 1999 NPRM would not significantly increase response effectiveness at this time.

CTAC also identified many areas in which the NPRM may overlap with existing local, state, and international regulatory schemes as well as current industry practice. The International Maritime Organization's Shipboard Marine Pollution Emergency Plan already requires all foreign flagged vessels and U.S. vessels on international routes carrying noxious liquid substance cargos, to develop and implement spill response plans. U.S. flagged vessels and foreign flag vessels calling on ports or places in the U.S. and carrying oil in bulk as cargo or using oil as fuel for main propulsion, must comply with the Coast Guard's Vessel Response Plan requirements.³ Although these requirements address planning for oil spill response, many of these practices may also be applied to hazardous substance responses. Vessels also must comply with numerous state response planning requirements when operating in state waters. The Coast Guard is concerned the proposed rules may create redundancy with some existing rules and be unnecessary due to industry's increased awareness and readiness since OPA 90 was passed. Between the above-mentioned

¹ 33 U.S.C. 1321(j)(5).

² Public Law 101-380, 104 Stat. 484.

³ 33 CFR part 155, subpart D.

regulations already in place for oil spill response, industry initiatives such as the American Chemistry Council's Responsible Care and the American Waterways Operators' Responsible Carrier programs, and the sustainability policies of individual companies, CTAC was unable to identify large gaps in hazardous substance spill response planning for vessels that would be improved by the 1999 proposed rulemaking.

III. Withdrawal

The Coast Guard is withdrawing its proposed rulemaking in order to better analyze the current spill response capabilities of the chemical industry and gaps in the current regulatory regime before conducting any further rulemaking on hazardous substance response plans for tank vessels. While the Coast Guard remains committed to fulfilling its OPA 90 mandate, we believe the proposed rules are no longer appropriate in their 1999 form.

The Coast Guard has determined that withdrawing the proposed rule is appropriate based on findings that the 1999 proposed rules are no longer applicable to the current state of spill response in the chemical industry. Accordingly, the Coast Guard is withdrawing the "Tank Vessel Response Plans for Hazardous Substances" proposed rulemaking published March 22, 1999 (64 FR 13734).

IV. Executive Order 13771

The withdrawal of the NPRM qualifies as a deregulatory action under Executive Order 13771 (Reducing Regulation and Controlling Regulatory Costs), which directs agencies to reduce regulation and control regulatory costs and provides that "for every one new regulation issued, at least two prior regulations be identified for elimination, and that the cost of planned regulations be prudently managed and controlled through a budgeting process." See the OMB Memorandum titled "Guidance Implementing Executive Order 13771, Titled 'Reducing Regulation and Controlling Regulatory Costs'" (April 5, 2017).

Dated: February 4, 2019.

Anthony J. Vogt,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Response Policy.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R06-OAR-2017-0558; FRL-9988-27-Region 6]

Approval and Promulgation of State Implementation Plan, Louisiana; Attainment Demonstration for the St. Bernard Parish 2010 SO₂ Primary National Ambient Air Quality Standard Nonattainment Area; Supplemental Notice of Proposed Rulemaking

AGENCY: Environmental Protection Agency (EPA).

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: In this supplemental notice of proposed rulemaking (SNPRM), the Environmental Protection Agency (EPA) is supplementing our proposed approval document, concerning the 2010 Sulfur Dioxide (SO₂) Primary National Ambient Air Quality Standard (NAAQS) Nonattainment Area State Implementation Plan (SIP) revision for St. Bernard Parish. The EPA is also reopening the public comment period.

DATES: Written comments must be received on or before March 11, 2019.

ADDRESSES: Submit your comments, identified by Docket No. EPA-R06-OAR-2017-0558, at <https://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. 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 Mr. Robert Imhoff, (214) 665-7262, imhoff.robert@epa.gov. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www2.epa.gov/dockets/commenting-epa-dockets>.

Docket: The index to the docket for this action is available electronically at www.regulations.gov and in hard copy

at the EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (*e.g.*, copyrighted material), and some may not be publicly available at either location (*e.g.*, CBI).

FOR FURTHER INFORMATION CONTACT: Mr. Robert Imhoff, (214) 665-7262; imhoff.robert@epa.gov. To inspect the hard copy materials, please schedule an appointment with Mr. Robert Imhoff.

SUPPLEMENTARY INFORMATION:

Throughout this document, "we," "us," or "our" refer to EPA.

I. Background

On April 19, 2018, we published a proposed rulemaking action to approve the 2010 SO₂ Primary NAAQS Nonattainment Area SIP revision for St. Bernard Parish, submitted by the State of Louisiana on November 9, 2017 and first supplemented on February 8, 2018.¹ The April 19, 2018 action proposed approval of the following CAA SIP elements: The attainment demonstration for the SO₂ NAAQS and enforceable emissions limits, which included an Agreed Order on Consent (AOC) dated February 2, 2018 for the Rain CII Carbon, LLC. (Rain) facility; the reasonable further progress (RFP) plan; the reasonably available control measures (RACM) and reasonably available control technology (RACT) demonstration; the emission inventories; and the contingency measures. We also proposed to find that the State had demonstrated that its current Nonattainment New Source Review (NNSR) program covered the 2010 SO₂ NAAQS; therefore, no revision to the SIP was required for the NNSR element.

Comments on the proposal were required to be received by May 21, 2018. We received timely comments on the proposal, and as stated further below, we will address all comments received on the original proposal and on this supplemental action in our final action.²

II. Additional Information Submitted by Louisiana

After the close of the public comment period to the April 19, 2018 proposal, the Louisiana Department of Environmental Quality (LDEQ) submitted additional information to

¹ 83 FR 17349.

² See our detailed discussion below that involves an evaluation of the supplemental information submitted by the LDEQ to EPA, partly in response to a public comment received on the original *Federal Register* action at 83 FR 17349, April 19, 2018 proposal.