

We agree with many commenters that local conditions are very important in determining what safety measures should be taken. If the need for specific resources in specific waters can be shown, it is better to focus directly on addressing that need, than on the more conceptual exercise of ranking that need relative to the needs of other areas. For many years the Coast Guard has sponsored Ports and Waterway Safety Assessments (PAWSAs) that bring public and private stakeholders together to identify major safety hazards in specific local waterways, evaluate potential mitigation measures including escorting, and set the stage for implementing selected measures. You can get more information about PAWSAs at [http://www.navcen.uscg.gov/mwv/projects/pawsa/PAWSA\\_home.htm](http://www.navcen.uscg.gov/mwv/projects/pawsa/PAWSA_home.htm), or read reports on any of the 38 PAWSAs conducted to date, at [http://www.navcen.uscg.gov/mwv/projects/pawsa/PAWSA\\_FinalReports.htm](http://www.navcen.uscg.gov/mwv/projects/pawsa/PAWSA_FinalReports.htm). We believe that the PAWSA program provides a more comprehensive alternative for evaluating local risks and conditions. Therefore, we think it is neither appropriate nor beneficial to continue developing nationwide Coast Guard escort vessel criteria within the context of this 1993 rulemaking.

**Escort vessel effectiveness.** Most commenters who discussed the effectiveness of escort vessels agreed that different “escorts” have different capabilities, and that under certain conditions it is unrealistic to think that escorts will provide added safety. While some commenters recommended that we specify the capabilities desired in an escort vessel, many others pointed out that escort vessels should be considered as just one of many tools available for enhancing the safety of specific waters, along with aids to navigation, local regulated navigation areas, vessel traffic services, response vessels, or other means. We agree with these commenters that any consideration of escort vessels should begin by assessing specific local conditions and analyzing other possible safety measures. As previously described, the Coast Guard’s PAWSA program can provide this assessment and analysis. Therefore, we think it is neither appropriate nor beneficial to continue a nationwide Coast Guard assessment of escort vessel effectiveness within the context of this 1993 rulemaking.

**Specific waters other than Cook Inlet; vessels other than single-hulled oil tankers.** Numerous commenters made recommendations for or against requiring escort vessels in specific waters other than Prince William Sound

or Puget Sound. A few commenters also recommended extending escort vessel requirements to vessels other than single-hulled oil tankers. As noted above, we have concluded that any such requirements should be considered by the Coast Guard at a local level, in light of local conditions and the possibility of increased effectiveness of alternative safety measures. The Coast Guard’s PAWSA program can provide that consideration. Therefore, we think it is neither appropriate nor beneficial to continue the consideration of escort vessels for use in specific waters or with specific types of vessel within the nationwide context of this 1993 rulemaking.

**Cook Inlet.** Between 1993 and 1995, hundreds of commenters focused on whether or not escort vessels should be required in Cook Inlet, Alaska. Those opposed to requiring escort vessels in Cook Inlet tended to cite favorable local conditions, the availability of alternative safety measures, and adverse economic impact as their reasons. Those in favor of requiring escort vessels in Cook Inlet tended to cite unfavorable local conditions, the superiority of escort vessels to other possible safety measures, and the economic and environmental risks posed by tanker traffic as their reasons. The Coast Guard has carefully considered the 1993–1995 comments, but finds that they are inconclusive on the merits of extending escort vessel requirements to Cook Inlet. Further study, in light of current conditions, would be needed before the Coast Guard would propose such an extension.

In 2000, a Ports and Waterways Safety Assessment was conducted for Cook Inlet. The PAWSA report is available at [http://www.navcen.uscg.gov/mwv/projects/pawsa/PAWSA\\_FinalReports.htm](http://www.navcen.uscg.gov/mwv/projects/pawsa/PAWSA_FinalReports.htm). It noted a “significant drop off in oil spills” over the preceding 5 years, and listed 9 “existing mitigations” in place to control the risk from petroleum cargoes. Although escort vessels for oil tankers were considered, they were not among the new mitigation measures adopted by the PAWSA final report.

The Coast Guard understands that concerns over navigational safety in Cook Inlet persist. We take these concerns seriously, because they relate directly to two of the Coast Guard’s strategic goals: Maritime safety and maritime stewardship.

The Alaska-based Coast Guard Seventeenth District is planning to conduct additional studies of the local waterways in an effort to more fully define the need for risk reduction measures or other mitigating factors in

areas such as Cook Inlet, Prince William Sound and the Aleutian Islands. Any findings from these risk assessments would be addressed in local Coast Guard policies or rulemakings. Therefore, we think it is neither appropriate nor beneficial to continue considering Cook Inlet’s navigational safety within the nationwide context of this 1993 rulemaking.

## Conclusion

The Coast Guard has tentatively decided that nationwide Coast Guard action to extend statutory escort vessel requirements is not advisable, and that escort vessels may be required in other waters or for vessels other than single-hulled oil tankers only after specific Coast Guard consideration of local conditions and possible alternative safety measures. We request public comment on this tentative decision. If, after receiving public comment, we affirm this tentative decision, we will withdraw the rulemaking, using another **Federal Register** notice to do so.

Please note that, regardless of our final decision to withdraw or continue this rulemaking, you may request Coast Guard regulatory action for specific U.S. waters, by using the Coast Guard rulemaking petition process detailed in 33 CFR 1.05–20. Send your request to the Marine Safety and Security Council (CG–0943), United States Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593–0001.

Dated: April 4, 2008.

**Brian M. Salerno,**

*Rear Admiral, U.S. Coast Guard, Assistant Commandant for Marine, Safety, Security and Stewardship.*

[FR Doc. E8–7935 Filed 4–14–08; 8:45 am]

**BILLING CODE 4910–15–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R03–OAR–2007–1120; FRL–8554–7]

### Approval and Promulgation of Air Quality Implementation Plans; Maryland; Reasonably Available Control Technology Requirements for Marine Vessel and Barge Loading

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve a State Implementation Plan (SIP) revision submitted by the Maryland Department of Environment. The revision pertains to the control of

volatile organic compound (VOC) emissions by establishing reasonable available control technology (RACT) requirements for marine vessel and barge loading. EPA is proposing to approve the revision to the Maryland SIP in accordance with the Clean Air Act (CAA).

**DATES:** Written comments must be received on or before May 15, 2008.

**ADDRESSES:** Submit your comments, identified by Docket ID Number EPA-R03-OAR-2007-1120 by one of the following methods:

A. [www.regulations.gov](http://www.regulations.gov). Follow the on-line instructions for submitting comments.

B. E-mail: [fernandez.cristina@epa.gov](mailto:fernandez.cristina@epa.gov).

C. Mail: EPA-R03-OAR-2007-1120, Cristina Fernandez, Chief, Air Quality Planning Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. Hand Delivery: At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

**Instructions:** Direct your comments to Docket ID No. EPA-R03-OAR-2007-1120. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at [www.regulations.gov](http://www.regulations.gov), including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through [www.regulations.gov](http://www.regulations.gov) or e-mail. The [www.regulations.gov](http://www.regulations.gov) Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through [www.regulations.gov](http://www.regulations.gov), your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form

of encryption, and be free of any defects or viruses.

**Docket:** All documents in the electronic docket are listed in the [www.regulations.gov](http://www.regulations.gov) index. Although listed in the index, some information is not publicly available, *i.e.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in [www.regulations.gov](http://www.regulations.gov) or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Maryland Department of the Environment, 1800 Washington Boulevard, Suite 705, Baltimore, Maryland 21230.

**FOR FURTHER INFORMATION CONTACT:** Gobeail McKinley, (215) 814-2033, or by e-mail at [mckinley.gobeail@epa.gov](mailto:mckinley.gobeail@epa.gov).

**SUPPLEMENTARY INFORMATION:** On October 24, 2007, the Maryland Department of Environment (MDE) submitted a revision to its SIP to establish RACT requirements for marine vessel and barge loading. The SIP revision (Maryland SIP #07-12) consists of amendments to Regulation .01 and adoption of new Regulation .08 under COMAR 26.11.13—Control of Gasoline and Volatile Organic Compound Storage and Handling.

## I. Background

This SIP revision was submitted pursuant to the reasonable available control technology requirements of sections 182 and 184 of the Clean Air Act. RACT is the lowest emission limit that a particular source is capable of meeting by the application of the control technology that is reasonably available considering technological and economic feasibility. Maryland is located in the Ozone Transport Region (OTR) that was statutorily created by section 184 of the CAA.

Section 184(b)(1)(B) of the CAA requires States to implement RACT regulations on all VOC sources that have the potential to emit 50 tons per year (TPY) or more. In addition, section 182(b)(2) requires States to implement RACT regulations on all "major" sources of VOC in moderate or above ozone nonattainment areas. Major VOC sources are those with the potential to emit at least 100 TPY in moderate areas, 50 TPY in serious areas, and 25 TPY in severe areas.

Maryland is in the OTR and the State is required to implement RACT regulations for all sources with the potential to emit 50 TPY or more, throughout the State. In Maryland's severe ozone nonattainment areas, RACT is required for all VOC sources with the potential to emit 25 TPY or more.

The amendment to Regulation .01 and adoption of new Regulation .08 under COMAR 26.11.13 control emissions of volatile organic compounds throughout the state. MDE submitted this SIP revision request pursuant to the reasonable available control technology requirements of sections 182 and 184 of the Clean Air Act. Although the EPA has developed a maximum achievable control technology standard for barge loading (40 CFR Part 63 Subpart Y), the liquid throughput threshold requiring controls is very high. For this reason, MDE has adopted RACT requirements for marine vessel and barge loading.

A marine vessel is defined as any tank ship or barge that transports VOCs in bulk as cargo. Marine tank vessel loading operations are facilities that load and unload liquid commodities in bulk. Due to the increased demand for ethanol which is blended with gasoline, there is a renewed interest in transferring liquid products from stationary storage tanks into marine vessels or barges for further distribution. During marine tank vessel and barge loading operations, emissions result as the liquid that is being loaded into the vessel displaces vapors from the vessel's tank. VOC vapors are released from the vent of the barge in quantities that may be significant and contribute to ground level ozone. Maryland has decided to revise their RACT requirements to include marine vessel and barge loading.

## II. Summary of SIP Revision

The Maryland Department of the Environment is requesting a revision to the state's SIP to establish reasonable available control technology requirements for marine vessel and barge loading. The amendment to COMAR 26.11.13.01 consist of a new definition that defines a marine vessel as any tank ship or barge that transports VOCs in bulk as cargo. The new regulation COMAR 26.11.13.08 requires owners or operators of barge loading facilities in Baltimore City or Anne Arundel, Baltimore, Calvert, Carroll, Cecil, Charles, Frederick, Harford, Howard, Montgomery, and Prince George's Counties to reduce capture of VOC vapors by 90 percent if emissions from the barge loading equal or exceed 25 TPY. In the rest of the state

(Allegheny, Caroline, Dorchester, Garrett, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Washington, Wicomico, and Worcester Counties), controls are required if emissions are equal to or exceed 50 TPY.

### III. Proposed Action

EPA is proposing to approve the Maryland SIP revision for the establishment of RACT requirements to control VOC emissions from marine vessel and barging loading, which the state submitted on October 24, 2007. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

### 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, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this 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 Order 12866 (58 FR 51735, October 4, 1993);
- 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 (Pub. L. 104-4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement

Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and

- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this proposed rule to approve Maryland's amendments to the control of volatile organic compound emissions by establishing reasonable available control technology requirements for marine vessel and barge loading does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

**Authority:** 42 U.S.C. 7401 *et seq.*

Dated: April 9, 2008.

**Donald S. Welsh,**

*Regional Administrator, Region III.*

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### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[EPA-R07-OAR-2008-0241; FRL-8552-9]

#### Approval and Promulgation of Implementation Plans; State of Iowa

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve a revision to the Iowa State Implementation Plan submitted on January 16, 2008. The revision includes changes to the definition of "permitting authority" in each of Iowa's rules used for compliance with EPA's Clean Air Interstate Rule. Iowa's SIP revision is in response to EPA's request of Iowa to revise the definitions to ensure that all allowances issued in the EPA Budget Trading Programs can be traded and used for compliance with the allowance-holding requirement in any State in the program.

**DATES:** Comments on this proposed action must be received in writing by May 15, 2008.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R07-OAR-2008-0241, by mail to Michael Jay, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101. Comments may also be submitted electronically or through hand delivery/courier by following the detailed instructions in the **ADDRESSES** section of the direct final rule located in the rules section of this **Federal Register**.

#### FOR FURTHER INFORMATION CONTACT:

Michael Jay at (913) 551-7460, or by e-mail at [jay.michael@epa.gov](mailto:jay.michael@epa.gov).

**SUPPLEMENTARY INFORMATION:** In the final rules section of the **Federal Register**, EPA is approving the state's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no relevant adverse comments to this action. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this action, no further activity is contemplated in relation to this action. If EPA receives relevant adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed action. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on part of this rule and if that part can be severed from the remainder of the rule, EPA may adopt as final those parts of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule which is located in the rules section of this **Federal Register**.

Dated: April 3, 2008.

**William Rice,**

*Acting Regional Administrator, Region 7.*

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