

This proposed action also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the federal government and Indian tribes, or on the distribution of power and responsibilities between the federal government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

Executive Order 12898 (59 FR 7629, February 16, 1994) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States. The State did not evaluate environmental justice considerations as part of its reclassification request. There is no information in the record inconsistent with the stated goals of Executive Order 12898 of achieving environmental justice for people of color, low-income populations, and indigenous peoples.

This proposed action also does not have federalism implications because it does not have substantial direct effects on the states, on the relationship between the national government and the states, nor on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This proposed action does not alter the relationship or the distribution of power and responsibilities established in the CAA.

This proposed action also is not subject to Executive Order 13045, "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because the EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5-501 of the Executive Order has the potential to influence the regulation.

Reclassification actions do not involve technical standards and thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This proposed action does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, Intergovernmental relations, Ozone.

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

Dated: January 5, 2023.

Martha Guzman Aceves,

Regional Administrator, Region IX.

[FR Doc. 2023-00330 Filed 1-10-23; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

46 CFR Parts 8 and 197

[Docket No. USCG-1998-3786]

RIN 1625-AA21

Commercial Diving Operations

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking; withdrawal.

SUMMARY: The Coast Guard is withdrawing the proposed rule entitled "Commercial Diving Operations" published in the **Federal Register** on February 19, 2015. We are taking this action because there have been changes in the industry since we published the NPRM in 2015, including new standards and technologies. We have concluded that the rule we proposed in 2015 is no longer appropriate in light of those changes. The Coast Guard may issue a new rulemaking in the future if warranted.

DATES: The advance notice of proposed rulemaking published on June 26, 1998 (63 FR 34840); comment period extended on September 23, 1998 (63 FR 50848); second advance notice of proposed rulemaking published on January 6, 2009 (74 FR 414); notice of proposed rulemaking published on February 19, 2015 (80 FR 9151), and reopening of comment period on August 24, 2015 (80 FR 51173) are withdrawn as of January 11, 2023.

ADDRESSES: The docket for this withdrawal is available at the Federal eRulemaking Portal at <https://www.regulations.gov>. Please search for docket number USCG-1998-3786.

FOR FURTHER INFORMATION CONTACT: For information about this document call or email Kenneth A. Smith, General Engineer, Vessel and Facility Operating Standards Division, CG-OES-2, U.S. Coast Guard; telephone 202-372-1413, email Ken.A.Smith@uscg.mil.

SUPPLEMENTARY INFORMATION:

Background

On February 19, 2015, the Coast Guard published a notice of proposed rulemaking (NPRM) titled "Commercial Diving Operations" in the **Federal Register** (80 FR 9152).¹ The intent of the proposed rulemaking was to amend the regulations for commercial diving conducted from deepwater ports or deepwater port safety zones, in connection with Outer Continental Shelf activities, or from vessels that are required to have a Coast Guard certificate of inspection. The proposed rulemaking sought to amend these regulations to improve the safety of people and property involved in commercial diving operations and to protect the environment in which they operate, as well as to include current industry best practices. The proposed regulations also aimed to allow the Coast Guard to approve independent third-party organizations to assist with ensuring regulatory compliance of commercial diving regulations.

Withdrawal

The Coast Guard is withdrawing the proposed rule published on February 19, 2015. Upon further review of commercial diving technologies and standards, it is evident that significant changes have occurred in the industry and we no longer consider the original proposal an appropriate solution.

The Coast Guard will continue to assess the standards and technologies used and practiced in the commercial diving industry, support the continued development of commercial diving standards to improve commercial diving safety, oversee the work of recognized organizations, and request input from our Federal advisory committees as appropriate. The Coast Guard may decide to develop new rulemaking proposals in the future, but Unified Agenda item 1625-AA21 will be withdrawn once this notice is published.

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

Dated: January 4, 2023.

W.R. Arguin,

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

[FR Doc. 2023-00207 Filed 1-10-23; 8:45 am]

BILLING CODE P

¹ The Coast Guard published four additional documents related to the 2015 NPRM. We issued our first advance notice of proposed rulemaking (ANPRM) on June 26, 1998 (63 FR 34840) and extended the comment period on September 23, 1998 (63 FR 50848). On January 6, 2009, we published a second ANPRM (74 FR 414). After publishing the 2015 NPRM, we reopened the comment period on August 24, 2015 (80 FR 51173).