dates must be reviewed. Indeed, the first state plan submission date has already passed, and other compliance dates are likely to pass while the Supreme Court stay is pending. Further, under the Supreme Court's stay of the CPP, States and other interested parties have not been required nor expected to work towards meeting the compliance dates set in the CPP. Thus, as the EPA conducts its review of the CPP and decides what further action to take on the EGU emission guidelines, EPA will ensure that any and all remaining compliance dates will be reasonable and appropriate in light of the Supreme Court stay of the CPP and other factors. Further state action will not be required unless and until there is resolution of the pending litigation or the EPA issues new EGU emission guidelines. This gives the EPA time to re-evaluate these CPP-related proposals.

The EPA believes it should use this time to re-evaluate these CPP-related proposals and, if appropriate, put out re-proposals or new proposals to ensure that the public is commenting on EPA's most up-to-date thinking on these issues. There are a number of reasons why these proposals may ultimately not reflect the Agency's reasoned policy decisions reflecting both the current state of the energy market and the agency's operative understanding of its statutory authority. First, the Agency has announced that it is reviewing and, as appropriate, may suspend, revise or rescind the CPP. Though our review of the CPP is ongoing and any final decision to suspend, revise or rescind it will be made only after EPA has provided notice and an opportunity for public comment, it is possible that the CPP as promulgated in 2015 will be rescinded and that new emission guidelines, if any, for existing EGUs will be different from the CPP. Because the CPP-related Proposed Rules are designed to provide implementation details related to the specific requirements of the CPP, any changes to the CPP or new emission guidelines would most likely require changes to these CPP-related proposals. Thus, this preliminary action to withdraw these CPP-related proposals will allow EPA to review them in light of its review of the CPP and, if they are still needed, to determine the appropriate next steps for these proposals, which may be to develop new proposals with revisions to ensure they are consistent with and appropriately implement revised emission guidelines, if any. Second, whether or not the EPA makes any changes as a result of its review of the CPP, it is appropriate for the EPA to re-evaluate the proposals in light of the policies set forth in the Executive Order and ensure that what the Agency proposes and seeks public comment on has been developed or reviewed in light of those policies.

As a final point, we want to be clear that our withdrawal of these proposals is not based on any final substantive decision that we have made with respect to these proposals. We are withdrawing these proposals for the procedural reasons that we have discussed above to promote the EPA's review of the CPP and future rulemaking process, and ensure that interested parties have a full opportunity to comment on proposals that reflect the Agency's most up-to-date and relevant thinking. Thus, for the reasons stated above, EPA concludes that, at this time, it is appropriate to withdraw the October 2015 Proposed Rule and the CEIP Proposed Rule. The

EPA intends to review these proposals in conjunction with its comprehensive review of the CPP. Based on that review, the Agency will determine how best to proceed, which may include the development of new proposals consistent with the requirements of CAA Section 307(d).

4. Statutory Authority

Pursuant to CAA Section 307(d)(1)(V), the Administrator is determining that this withdrawal is subject to the provisions of CAA Section 307(d). The statutory authority for this notice is provided by Sections 111, 301 and 307(d) of the CAA as amended (42 U.S.C. 7411, 7601 and 7607(d)).

5. Impact Analysis

Because the EPA is not promulgating any regulatory requirements, there are no compliance costs or impacts associated with today's final action.

6. Statutory and Executive Order Reviews

Today's action does not establish new regulatory requirements. Hence, the requirements of other regulatory statutes and Executive Orders that generally apply to rulemakings (*e.g.,* the Unfunded Mandate Reform Act) do not apply to this action.

Dated: March 28, 2017.

E. Scott Pruitt,

Administrator.

[FR Doc. 2017–06518 Filed 3–31–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 68

[EPA–HQ–OEM–2015–0725; FRL–9960–44–OLEM]

RIN 2050–AG91

Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Further Delay of Effective Date

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to delay the effective date of the final rule that amends the Risk Management Program regulations under the Clean Air Act published in the **Federal Register** on January 13, 2017. On March 16, 2017, the EPA published in the **Federal Register** a stay and delay of the effective date pending reconsideration to June 19, 2017. The EPA is proposing to further delay the effective date to February 19, 2019. This action would allow the Agency time to consider petitions for reconsideration of this final rule and take further regulatory action, which could include proposing and finalizing a rule to revise the Risk Management Program amendments.

DATES:

Comments. Written comments must be received by May 19, 2017.

Public Hearing. The EPA will hold a public hearing on this proposed rule on April 19, 2017 in Washington, DC.

ADDRESSES:

Comments. Submit your comments, identified by Docket ID No. EPA–HQ–OEM–2015–0725, at *http://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, the full

EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

Public Hearing. A public hearing will be held in Washington, DC on April 19, 2017 at William J. Clinton East Building, Room 1153 (Map Room), 1201 Constitution Ave. NW., Washington, DC 20460. The hearing will convene at 9:00 a.m. through 4:00 p.m. (all times are Eastern Standard Time). The sessions will run from 9:00 a.m. to 12:00 Noon, with a break between 12:00 Noon and 1:00 p.m., continuing from 1:00 p.m. to 4:00 p.m. Persons wishing to preregister may be assigned a time according to this schedule. The afternoon session beginning at 1:00 p.m. will be extended one hour after all scheduled comments have been heard to accommodate those wishing to make a comment as a walk-in registrant. Please register at *https://www.eventbrite.com/e/rmp-proposed-rule-effective-date-public-hearing-tickets-32733701382* to speak at the hearing. The last day to preregister in advance to speak at the hearing is April 11, 2017. Additionally, requests to speak will be taken the day of the hearing at the hearing registration desk, although preferences on speaking times may not be able to be fulfilled. If you require the service of a translator or special accommodations such as audio description, we ask that you identify such needs during preregistration for the hearing, on or before April 11, 2017, to allow sufficient time to arrange such accommodations.

The hearing will provide interested parties the opportunity to present data, views or arguments concerning the proposed action. The EPA will make every effort to accommodate all speakers who arrive and register. Because this hearing is being held at U.S. government facilities, individuals planning to attend the hearing should be prepared to show valid picture identification to the security staff in order to gain access to the meeting room. Please note that the REAL ID Act, passed by Congress in 2005, established new requirements for entering federal facilities. If your driver's license is issued by Alaska, American Samoa, Arizona, Kentucky, Louisiana, Maine, Massachusetts, Minnesota, Montana, New York, Oklahoma or the state of Washington, you must present an additional form of identification to enter the federal building. Acceptable alternative forms of identification include: Federal employee badges, passports, enhanced driver's licenses and military identification cards. In addition, you will need to obtain a property pass for any personal belongings you bring with you. Upon leaving the building, you will be required to return this property pass to the security desk. No large signs will be allowed in the building, cameras may only be used outside of the building and demonstrations will not be allowed on federal property for security reasons.

The EPA may ask clarifying questions during the oral presentations, but will not respond to the presentations at that time. Written statements and supporting information submitted during the comment period will be considered with the same weight as oral comments and supporting information presented at the public hearing. Verbatim transcripts of the hearing and written statements will be included in the docket for the rulemaking. The EPA will make every effort to follow the schedule as closely as possible on the day of the hearing; however, please plan for the hearing to run either ahead of schedule or behind schedule.

FOR FURTHER INFORMATION CONTACT: James Belke, United States Environmental Protection Agency, Office of Land and Emergency Management, 1200 Pennsylvania Ave. NW. (Mail Code 5104A), Washington, DC 20460; telephone number: (202) 564–8023; email address: *belke.jim@epa.gov,* or: Kathy Franklin, United States Environmental Protection Agency, Office of Land and Emergency Management, 1200 Pennsylvania Ave. NW. (Mail Code 5104A), Washington, DC 20460; telephone number: (202) 564–7987; email address: *franklin.kathy@epa.gov.*

Electronic copies of this document and related news releases are available on EPA's Web site at *http://www.epa.gov/rmp.* Copies of this proposed rule are also available at *http://www.regulations.gov.*

SUPPLEMENTARY INFORMATION:

I. Does this action apply to me?

This rule applies to those facilities, referred to as ''stationary sources'' under the Clean Air Act (CAA), that are subject to the chemical accident prevention requirements at 40 CFR part 68. This includes stationary sources holding more than a threshold quantity (TQ) of a regulated substance in a process. Table 5 provides industrial sectors and the associated NAICS codes for entities potentially affected by this action. The Agency's goal is to provide a guide for readers to consider regarding entities that potentially could be affected by this action. However, this action may affect other entities not listed in this table. If you have questions regarding the applicability of this action to a particular entity, consult the person(s) listed in the introductory section of this action under the heading entitled **FOR FURTHER INFORMATION CONTACT.**

TABLE 5—INDUSTRIAL SECTORS AND ASSOCIATED NAICS CODES FOR ENTITIES POTENTIALLY AFFECTED BY THIS ACTION

Sector	NAICS code
Administration of Environmental Quality Programs	924.
Agricultural Chemical Distributors:	
Crop Production	111.
Animal Production and Aquaculture	112.
Support Activities for Agriculture and Forestry Farm	115.
Supplies Merchant Wholesalers	42491.
Chemical Manufacturing	325.
Chemical and Allied Products Merchant Wholesalers	4246.
Food Manufacturing	311.
Beverage Manufacturing	3121.
Oil and Gas Extraction	211.
Other	44, 45, 48, 54, 56, 61, 72.
Other manufacturing	313, 326, 327, 33.
Other Wholesale:	
Merchant Wholesalers, Durable Goods	423.
Merchant Wholesalers, Nondurable Goods	424.

TABLE 5—INDUSTRIAL SECTORS AND ASSOCIATED NAICS CODES FOR ENTITIES POTENTIALLY AFFECTED BY THIS ACTION—Continued

Sector	NAICS code
Paper Manufacturing	322.
Petroleum and Coal Products Manufacturing	324.
Petroleum and Petroleum Products Merchant Wholesalers	4247.
Utilities	221.
Warehousing and Storage	493.

II. Background

On January 13, 2017, the EPA issued a final rule amending 40 CFR part 68, the chemical accident prevention provisions under section 112(r)(7) of the CAA (42 U.S.C. 7412(r)). The amendments addressed various aspects of risk management programs, including prevention programs at stationary sources, emergency response preparedness requirements, information availability, and various other changes to streamline, clarify, and otherwise technically correct the underlying rules. Collectively, this rulemaking is known as the ''Risk Management Program Amendments.'' For further information on the Risk Management Program Amendments, see 82 FR 4594 (January 13, 2017).

On January 26, 2017, the EPA published a final rule delaying the effective date of the Risk Management Program Amendments from March 14, 2017, to March 21, 2017, see 82 FR 8499. This revision to the effective date of the Risk Management Program Amendments was part of an EPA final rule implementing a memorandum dated January 20, 2017, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Freeze Pending Review.'' This memorandum directed the heads of agencies to postpone until 60 days after the date of its issuance the effective date of rules that were published prior to January 20, 2017 but which had not yet become effective.

In a letter dated February 28, 2017, a group known as the ''RMP Coalition,'' [1] submitted a petition for reconsideration of the Risk Management Program Amendments (''RMP Coalition Petition'') as provided for in CAA section 307(d)(7)(B) (42 U.S.C. 7607(d)(7)(B)).[2] Under that provision, the Administrator is to commence a reconsideration proceeding if, in the Administrator's judgement, the petitioner raises an objection to a rule that was impracticable to raise during the comment period or if the grounds for the objection arose after the comment period but within the period for judicial review. In either case, the Administrator must also conclude that the objection is of central relevance to the outcome of the rule. The Administrator may stay the effective date of the rule for up to three months during such reconsideration. On March 13, 2017, the Chemical Safety Advocacy Group (''CSAG'') also submitted a petition for reconsideration and stay.[3] On March 14, 2017, the EPA received a third petition for reconsideration and stay from the States of Louisiana, joined by Arizona, Arkansas, Florida, Kansas, Kentucky, Oklahoma, South Carolina, Texas, Wisconsin, and West Virginia. The petitions from CSAG and the eleven states also requested that EPA delay the various compliance dates of the Risk Management Program Amendments.

In a letter dated March 13, 2017, the Administrator announced the convening of a proceeding for reconsideration of the Risk Management Program Amendments (a copy of this letter is included in the docket for this rule, Docket ID No. EPA–HQ–OEM–2015–0725). As explained in that letter, having considered the objections raised in the RMP Coalition Petition, the Administrator determined that the criteria for reconsideration have been met for at least one of the objections. EPA issued a three-month (90-day) administrative stay of the effective date of the Risk Management Program Amendments until June 19, 2017 (82 FR 13968, March 16, 2017). EPA will prepare a notice of proposed rulemaking in the near future that will provide the RMP Coalition, CSAG, the states, and the public an opportunity to comment on the issues raised in the petitions that meet the standard of CAA section 307(d)(7)(B) as well as any other matter we believe will benefit from additional comment.

III. Proposal To Delay the Effective Date

As noted above, the Administrator's authority to administratively stay the effectiveness of a Clean Air Act rule pending reconsideration is limited to three months. On occasion, however, we have found three months to be insufficient to complete the necessary steps in the reconsideration process. Therefore, when we have issued similar administrative stays in the past, it has often been our practice to also propose an additional extension of the stay of effectiveness through a rulemaking process. We believe this practice is consistent with our rulemaking authority under CAA 307(d), which generally allows the EPA to set effective dates as appropriate unless other provisions of the CAA control. An additional extension enables us to take comment on issues that are in question and complete any revisions of the rule that become necessary as a result of the reconsideration process.

As with some of our past reconsiderations, we expect to take comment on a broad range of legal and policy issues as part of the Risk Management Program Amendments reconsideration, and we are in the process of preparing the necessary comment solicitation to help focus commenters on issues of central relevance to our decision-making. Recognizing that these issues may be difficult and time consuming to evaluate, and given the expected high level of interest from stakeholders in commenting on these issues, we are proposing a further delay of the effective date to allow additional time to open these issues for review and comment.

This proposed rule would delay the effective date of the Risk Management Program Amendments to February 19, 2019. This timeframe would allow the EPA time to evaluate the objections raised by the various petitions for reconsideration of the Risk Management Program Amendments, consider other issues that may benefit from additional

[1] The RMP Coalition is comprised of the American Chemistry Council, the American Forest & Paper Association, the American Fuel & Petrochemical Manufacturers, the American Petroleum Institute, the Chamber of Commerce of the United States of America, the National Association of Manufacturers, and the Utility Air Regulatory Group.

[2] A copy of the RMP Coalition petition is included in the docket for this rule, Docket ID No. EPA–HQ–OEM–2015–0725.

[3] A copy of the CSAG petition is included in the docket for this rule, Docket ID No. EPA–HQ–OEM–2015–0725. CSAG members include companies in the refining, oil and gas, chemicals, and general manufacturing sectors with operations throughout the United States that are subject to the RMP Rule.

comment, and take further regulatory action. This schedule allows time for developing and publishing any notices that focus comment on specific issues to be reconsidered as well as other issues for which additional comment may be appropriate. A delay of the effective date to February 19, 2019, provides a sufficient opportunity for public comment on the reconsideration in accordance with the requirements of CAA section 307(d), gives us an opportunity to evaluate and respond to such comments, and take any possible regulatory actions, which could include proposing and finalizing a rule to revise the Risk Management Program amendments, as appropriate. While it is possible that we may require less time to complete the reconsideration and any possible regulatory actions, we believe extending the effective date to February 19, 2019 is reasonable and prudent.

The EPA recognizes that compliance dates for some provisions in the Risk Management Program Amendments coincided with the rule's effective date, while compliance dates for other provisions would occur in later years, *i.e.,* 2018, 2021, or 2022, depending on the provision. Compliance with all of the rule provisions is not required as long as the rule does not become effective. The EPA is not proposing any action on any compliance dates at this time, as EPA plans to amend the compliance dates as necessary when considering future regulatory action.

The Agency is seeking comment on this proposal to delay the effective date of the Risk Management Program Amendments. Any alternative approaches or timeframes presented must include appropriate rationale and supporting data in order for the Agency to be able to consider them for final action. Because this proposal is solely focused on the issue of whether to further extend the effective date and for how long, comments should be limited to these issues. A separate **Federal Register** notice published in the near future will specifically solicit comment on the range of issues under reconsideration.

IV. Statutory and Executive Orders

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA. This proposed rule would only delay the effective date of the Risk Management Program Amendments finalized on January 13, 2017 (see 82 FR 4594) and does not propose information collection activities.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, the impact of concern is any significant adverse economic impact on small entities. An agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, has no net burden or otherwise has a positive economic effect on the small entities subject to the rule. This proposed rule would not impose a regulatory burden for small entities because it only proposes to delay the effective date of the Risk Management Program Amendments finalized on January 13, 2017 (see 82 FR 4594). We have therefore concluded that this action will have no net regulatory burden for all directly regulated small entities.

D. Unfunded Mandates Reform Act

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local or tribal governments or the private sector.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications as specified in Executive Order 13175. This proposed rule would only delay the effective date of the Risk Management Program Amendments finalized on January 13, 2017 (see 82 FR 4594) and does not propose new regulatory requirements. Thus, Executive Order 13175 does not apply to this action.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

The EPA believes that this action is not subject to Executive Order 12898 (59 FR 7629, February 16, 1994) because it does not establish an environmental health or safety standard. This proposed rule would only delay the effective date of the Risk Management Program Amendments finalized on January 13, 2017 (see 82 FR 4594) and does not propose any regulatory requirements.

List of Subjects in 40 CFR Part 68

Environmental protection, Administrative practice and procedure, Air pollution control, Chemicals, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: March 29, 2017.

E. Scott Pruitt,

Administrator.

[FR Doc. 2017–06526 Filed 3–31–17; 8:45 am]

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