

to establish performance measures in specified Federal-aid highway program areas. One of the measures FHWA created to assess the performance of the NHS under the National Highway Performance Program (NHPP) is Percent Change in Tailpipe Carbon Dioxide (CO₂) Emissions on the NHS from the Calendar Year 2017 (also referred to as the GHG measure). It was created to advance a policy preference of the prior Administration. On October 5th at 82 FR 46427, FHWA published an NPRM proposing to repeal the measure.

The original comment period for the NPRM closes on November 6, 2017. Clean Air Carolina, Natural Resources Defense Council, Southern Environmental Law Center, U.S. Public Interest Research Group, and The City of New York Law Department have expressed concern that this closing date does not provide sufficient time to review and provide comprehensive comments on the proposal. The FHWA is mindful, however, of requests by the State Department of Transportation of Michigan, Idaho, Montana, North Dakota, South Dakota, Wyoming, and Missouri to complete the rulemaking as expeditiously as possible to provide them certainty in their investment and programming activities. As such, FHWA is extending the closing date from November 6, 2017, to November 15, 2017.

Authority: 23 U.S.C. 104(b)(1), 119, and 150.

Brandye L. Hendrickson,

Acting Administrator, Federal Highway Administration.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[EPA-HQ-OAR-2017-0355; FRL-9970-58-OAR]

RIN 2060-AT55

Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; notice of public hearing and extension of comment period.

SUMMARY: On October 16, 2017, the Environmental Protection Agency (EPA) published a proposal to announce its

intention to repeal the Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units, commonly referred to as the Clean Power Plan (CPP), as promulgated on October 23, 2015. The proposal also requested public comment on the proposed rule. The EPA is announcing that a public hearing will be held. In addition, the EPA is extending the public comment period.

DATES: The public hearing for the proposed rule (82 FR 48035) will be held November 28 and 29, 2017. The deadline for accepting written comments is being extended by 32 days to January 16, 2018.

ADDRESSES: The public hearing will be held on November 28 and 29, 2017, at the West Virginia Capitol Complex, 1900 Kanawha Boulevard East, Charleston, West Virginia 25305. The hearing will convene at 9:00 a.m. (Eastern Standard Time) and will conclude at 5:00 p.m. (Eastern Standard Time). If the EPA receives a high volume of requests, we may continue the public hearing to November 30, 2017, at the Capitol Complex. The EPA may also hold an additional hearing to be announced at a later date. The EPA will make every effort to accommodate all speakers. The EPA's Web site for the rulemaking, which includes the proposal and information about the hearing, can be found at: <https://www.epa.gov/stationary-sources-air-pollution/electric-utility-generating-units-repealing-clean-power-plan>.

Written comments on the proposed rule may be submitted to the EPA electronically, by mail, by facsimile or through hand delivery/courier. Please refer to the proposal (82 FR 48035) for the addresses and detailed instructions.

How To Register: If you would like to present oral testimony at the public hearing, registration will begin on November 8, 2017. The last day to register to present oral testimony will be November 16, 2017. To register to speak at the hearing, please use the online registration form available at: <https://www.epa.gov/stationary-sources-air-pollution/electric-utility-generating-units-repealing-clean-power-plan> or contact Tanya Johnson at (888) 627-7764; email address: airaction@epa.gov. We request the following information: The time you wish to speak (morning or afternoon), name, affiliation, email address, and telephone number. If you require the service of a translator or accommodation, please let us know at the time of registration. Once registration closes, the EPA will allocate available morning and afternoon pre-registered speaking slots and confirm

those via email starting on November 17, 2017. Please note that updates made to any aspect of the hearing will be posted online at: <https://www.epa.gov/stationary-sources-air-pollution/electric-utility-generating-units-repealing-clean-power-plan>. While the EPA expects the hearing to go forward as set forth above, it asks that you monitor its Web site or contact Tanya Johnson at (888) 627-7764; email address airaction@epa.gov to determine if there are any updates to the information on the hearing. The EPA does not intend to publish a notice in the **Federal Register** announcing any such updates.

Questions concerning the proposed rule that was published in the **Federal Register** on October 16, 2017, should be addressed to Mr. Peter Tsirigotis, Office of Air Quality Planning and Standards, Sector Policies and Programs Division (D205-01), Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (888) 627-7764; email address: airaction@epa.gov.

SUPPLEMENTARY INFORMATION: The proposal for which the EPA is holding the public hearing was published in the **Federal Register** on October 16, 2017, and is available at: <https://www.epa.gov/stationary-sources-air-pollution/electric-utility-generating-units-repealing-clean-power-plan> and also in the docket identified below. The public hearing will provide interested parties the opportunity to present oral comments regarding the EPA's proposed repeal, including data, views, or arguments concerning the proposal. 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 any oral comments and supporting information presented at the public hearing. The period for providing written comments to the EPA will remain open until January 16, 2018.

Once the EPA learns how many people have registered to speak at the public hearing, it will allocate speaking times, allowing time for necessary breaks. In addition, a block of time will be reserved for anyone in the audience who wants to give testimony. For planning purposes, each speaker should anticipate speaking for no more than 5 minutes, although we might need to shorten that time if there is a large turnout. The EPA encourages commenters to submit to the docket a copy of their testimony electronically (via email or CD) or in hard copy form.

The public hearing schedule, including lists of speakers, will be posted on the EPA's Web site at: <https://www.epa.gov/stationary-sources-air-pollution/electric-utility-generating-units-repealing-clean-power-plan>. 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.

How can I get copies of this document and other related information?

The EPA has established a docket for the proposed rule, "Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units" under Docket ID No. EPA-HQ-OAR-2017-0355, available at: <http://www.regulations.gov>.

Dated: November 2, 2017.

E. Scott Pruitt,
Administrator.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[EPA-HQ-OAR-2010-0505; FRL-9970-55-OAR]

RIN 2060-AT59

Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources: Stay of Certain Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; notice of data availability.

SUMMARY: The Environmental Protection Agency (EPA) is issuing this notice of data availability (NODA) in support of the proposed rule titled "Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources: Stay of Certain Requirements," which was published on June 16, 2017. In this document, the EPA is providing additional information on several topics raised by stakeholders and is soliciting comment on the information presented. The two topic areas are the legal authority to issue a stay and the technological, resource, and economic challenges with implementing the fugitive emissions requirements, well site pneumatic pump standards, and the requirements for certification of closed

vent systems by a professional engineer. This notice also provides an updated cost savings and forgone benefits analysis for the 2-year stay.

DATES: Comments must be received on or before December 8, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-HQ-OAR-2010-0505, 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, 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>.

FOR FURTHER INFORMATION CONTACT: Mr. Peter Tsigotis, Sector Policies and Programs Division (D205-01), Office of Air Quality Planning and Standards, Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (888) 627-7764; email address: airaction@epa.gov.

SUPPLEMENTARY INFORMATION:

Organization of This Document. The information presented in this document is organized as follows:

- I. Background
- II. Legal Authority
- III. Stakeholder Input on Sources' Ability To Implement Requirements
 - A. Fugitive Emissions Requirements
 - B. Well Site Pneumatic Pump Requirements
 - C. Professional Engineering Certification Requirements
- IV. Estimated Cost Savings, Forgone Benefits, and Net Benefits of the Proposed Stay

I. Background

On June 16, 2017, the EPA proposed to stay for 2 years certain requirements that are contained within the final rule titled "Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources," published in the **Federal Register** at 81

FR 35824, June 3, 2016 (2016 Rule). This action proposed to stay the fugitive emissions requirements, the well site pneumatic pump requirements, and the requirements for certification of closed vent systems by a professional engineer for 2 years, in order to provide the EPA with sufficient time to propose, take public comment on, and issue a final action on the issues concerning the specific requirements on which the EPA has granted reconsideration. 82 FR 27645, June 16, 2017. While the proposed 2-year stay was based on the time needed to complete a rulemaking to address the issues for which we have granted reconsideration, during this time, the EPA plans to also address all remaining issues raised in these reconsideration petitions regarding fugitive emissions, pneumatic pumps, and certification by professional engineer requirements. The EPA believes that addressing all issues related to these requirements would provide the regulated entities and the general public clarity and certainty regarding these requirements.

Subsequent to the 82 FR 27645, June 16, 2017, proposal, the Agency has heard a broad range of questions, concerns, and constructive suggestions from stakeholders on how the proposed rule could be improved. This document is not intended to address all of the issues that have been raised; we will summarize and respond to all comments in the final rule. Rather, the purpose of this document is to describe and seek comment on several ideas raised by stakeholders that may go beyond those for which the Agency sought comment in the June 16, 2017, proposal. In this document, we describe the specific issues and ideas raised by stakeholders and explain which of those ideas we consider to be within or possibly beyond the scope of comment already requested. The purpose of this document is to bring these ideas to the attention of other stakeholders and the public so that they may also provide comments to assist in developing a final rule.

The feedback the EPA has received since proposing the stay relates to the EPA's legal authority to stay these requirements and lack of clarity and other challenges in implementing these three requirements. With respect to the implementation challenges, the commenters recommend, as an alternative to the proposed stay, that the EPA amend the 2016 Rule to extend the periods currently provided in the 2016 Rule for establishing the necessary infrastructure and phasing in the requirements for conducting the initial monitoring survey of fugitive emissions