



E. SCOTT PRUITT
ADMINISTRATOR

January 17, 2018

Mr. Norman W. Fichthorn
Mr. Aaron M. Flynn
Counsel for the Utility Air Regulatory Group
HUNTON & WILLIAMS LLP
2200 Pennsylvania Avenue, NW
Washington, D.C. 20037

Re: Petition for Reconsideration by the Utility Air Regulatory Group of the final rule titled *Protection of Visibility: Amendments to Requirements for State Plans*, 82 FR 3078, published on January 10, 2017

Dear Mr. Fichthorn and Mr. Flynn:

The U.S. Environmental Protection Agency has reviewed the petitions for reconsideration of the final rule titled "*Protection of Visibility: Amendments to Requirements for State Plans*" published at 82 FR 3078 (January 10, 2017), including the petition submitted by the Utility Air Regulatory Group. The EPA is not at this time acting on the petitions for reconsideration. We have, however, considered the issues therein and decided to revisit aspects of the 2017 Regional Haze Rule under our inherent rulemaking authority.¹ We intend to commence a notice-and-comment rulemaking in which we will address portions of the rule, including but not limited to the Reasonably Attributable Visibility Impairment provisions, the provisions regarding Federal Land Manager consultation and any other elements of the rule we may identify for additional consideration. Furthermore, we plan to finalize one or more EPA guidance documents for regional haze State Implementation Plan revisions due in 2021. Such guidance may also address some or all of the issues raised in the petitions for reconsideration.

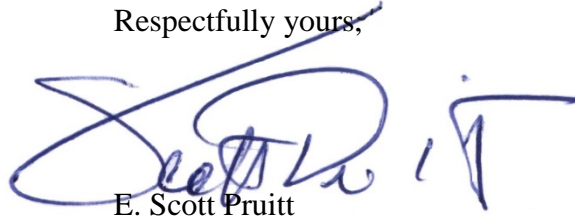
We intend to prepare a notice of proposed rulemaking that will provide UARG and the public an opportunity to comment on the issues identified above, as well as any other aspects of the rule we believe will benefit from further public input. We appreciate your input and your

¹ *Trujillo v. Gen. Elec. Co.*, 621 F.2d 1084, 1086 (10th Cir. 1980) ("Administrative Agencies have an inherent authority to reconsider their own decisions, since the power to decide in the first instance carries with it the power to reconsider."); see also *United Gas Improvement Co. v. Callery Properties Inc.*, 382 U.S. 223, 229 (1965); *Mazaleski v. Treusdell*, 562 F.2d 701, 720 (D.C. Cir. 1977).

interest in this matter. The decision to revisit the rule is not a determination on the merits of the issues raised in the above-captioned petition for reconsideration.

If you have any questions regarding this action, please contact Amanda M. Gunasekara in the Office of Air and Radiation at (202) 564-7404 or gunasekara.mandy@epa.gov.

Respectfully yours,

A handwritten signature in blue ink, appearing to read "E. Scott Pruitt", is written over the typed name. The signature is stylized and cursive.

E. Scott Pruitt