

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

COMMUNITY IN-POWER &
DEVELOPMENT ASSOCIATION,
AIR ALLIANCE HOUSTON,
CALIFORNIA COMMUNITIES
AGAINST TOXICS, CLEAN AIR
COUNCIL, COALITION FOR A
SAFE ENVIRONMENT, DEL AMO
ACTION COMMITTEE,
ENVIRONMENTAL INTEGRITY
PROJECT, LOUISIANA BUCKET
BRIGADE, OHIO VALLEY
ENVIRONMENTAL COALITION,
SIERRA CLUB, TEXAS
ENVIRONMENTAL JUSTICE
ADVOCACY SERVICES, UNION OF
CONCERNED SCIENTISTS, and
UTAH PHYSICIANS FOR A
HEALTHY ENVIRONMENT,

Petitioners,

v.

U.S. ENVIRONMENTAL
PROTECTION AGENCY and
ANDREW WHEELER, Administrator,
U.S. Environmental Protection Agency,

Respondents.

No. 20-1430

PETITION FOR REVIEW

Pursuant to Clean Air Act § 307(b)(1), 42 U.S.C. § 7607(b)(1), Rule 15 of
the Federal Rules of Appellate Procedure, and D.C. Circuit Rule 15, Community

In-Power & Development Association, Air Alliance Houston, California Communities Against Toxics, Clean Air Council, Coalition For A Safe Environment, Del Amo Action Committee, Environmental Integrity Project, Louisiana Bucket Brigade, Ohio Valley Environmental Coalition, Sierra Club, Texas Environmental Justice Advocacy Services, Union of Concerned Scientists, and Utah Physicians for a Healthy Environment (collectively, “Petitioners”) hereby petition this Court for review of the final action taken by Respondents U.S. Environmental Protection Agency and Administrator Andrew Wheeler at 85 Fed. Reg. 55,286 (Sept. 4, 2020) and titled “Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Final Action on Petitions for Reconsideration.” (attached).

DATED: October 26, 2020

Respectfully submitted,

/s/ Emma C. Cheuse

Emma C. Cheuse

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*Integrity Project, Louisiana Bucket
Brigade, Ohio Valley Environmental
Coalition, Sierra Club, Texas
Environmental Justice Advocacy
Services, Union of Concerned
Scientists, and Utah Physicians for a
Healthy Environment*

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U.S. ENVIRONMENTAL
PROTECTION AGENCY and SCOTT
PRUITT, Administrator, U.S.
Environmental Protection Agency,

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No. 20-1430

RULE 26.1 DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1 and D.C. Circuit Rule
26.1, Community In-Power & Development Association, Air Alliance Houston,

California Communities Against Toxics, Clean Air Council, Coalition For A Safe Environment, Del Amo Action Committee, Environmental Integrity Project, Louisiana Bucket Brigade, Ohio Valley Environmental Coalition, Sierra Club, Texas Environmental Justice Advocacy Services, Union of Concerned Scientists, and Utah Physicians for a Healthy Environment (collectively, “Petitioners”) make the following disclosures:

Community In-Power and Development Association

Non-Governmental Party to this Action: Community In-Power and Development Association (“CIDA”).

Parent Corporations: None.

Publicly Held Company that Owns 10% or More of Party’s Stock: None.

Party’s General Nature and Purpose: CIDA is a nonprofit organization that empowers and assists residents of the low-income Port Arthur, Texas communities to promote and advocate for socially responsible industrial operations and the reduction of pollution, including toxic air releases.

Air Alliance Houston

Non-Governmental Corporate Party to this Action: Air Alliance Houston.

Parent Corporations: None.

Publicly Held Company that Owns 10% or More of Party’s Stock: None.

Party's General Nature and Purpose: Air Alliance Houston, a corporation organized and existing under the laws of the State of Texas, is a nonprofit organization working to reduce air pollution in the Houston region to protect public health and environmental integrity through research, education, and advocacy.

California Communities Against Toxics

Non-Governmental Corporate Party to this Action: California Communities Against Toxics (“CCAT”).

Parent Corporations: None.

Publicly Held Company that Owns 10% or More of Party's Stock: None.

Party's General Nature and Purpose: California Communities Against Toxics is a non-profit organization that is a project of a non-profit corporation (Del Amo Action Committee) that is organized and existing under the laws of the State of California. It is an environmental justice network that aims to reduce exposure to pollution, to expand knowledge about the effects of toxic chemicals on human health and the environment, and to protect the most vulnerable people from harm.

Clean Air Council

Non-Governmental Corporate Party to this Action: Clean Air Council (“CAC”).

Parent Corporations: None.

Publicly Held Company that Owns 10% or More of Party's Stock: None.

Party's General Nature and Purpose: CAC is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania. CAC is a not-for-profit organization focused on protection of public health and the environment.

Coalition For A Safe Environment

Non-Governmental Party to this Action: Coalition For A Safe Environment ("CFASE").

Parent Corporations: None.

Publicly Held Company that Owns 10% or More of Party's Stock: None.

Party's General Nature and Purpose: CFASE is a not-for-profit organization based in Wilmington, California dedicated to improving the environment, public health, public safety, and socio-economic justice through advocacy, community organizing, research, and public education.

Del Amo Action Committee

Non-Governmental Party to this Action: Del Amo Action Committee.

Parent Corporations: None.

Publicly Held Company that Owns 10% or More of Party's Stock: None.

Party's General Nature and Purpose: Del Amo Action Committee is a not-for-profit organization based in Torrance, California whose mission is to develop and

support policy changes and promote environmental justice to create a healthy and safe community.

Environmental Integrity Project

Non-Governmental Corporate Party to this Action: Environmental Integrity Project (“EIP”).

Parent Corporations: None.

Publicly Held Company that Owns 10% or More of Party’s Stock: None.

Party’s General Nature and Purpose: EIP, a corporation organized and existing under the laws of the District of Columbia, is a national nonprofit organization that advocates for more effective enforcement of environmental laws.

Louisiana Bucket Brigade

Non-Governmental Party to this Action: Louisiana Bucket Brigade (“LABB”).

Parent Corporations: None.

Publicly Held Company that Owns 10% or More of Party’s Stock: None.

Party’s General Nature and Purpose: The Louisiana Bucket Brigade is a non-profit environmental health and justice organization organized and existing under the laws of the state of Louisiana. LABB works with communities that neighbor Louisiana’s oil refineries and chemical plants and uses grassroots action to create an informed, healthy society with a culture that holds the petrochemical industry

and government accountable for the true costs of pollution to create a healthy, prosperous, pollution-free, and just state where people and the environment are valued over profit.

Ohio Valley Environmental Coalition

Non-Governmental Corporate Party to this Action: Ohio Valley Environmental Coalition (“OVEC”).

Parent Corporations: None.

Publicly Held Company that Owns 10% or More of Party’s Stock: None.

Party’s General Nature and Purpose: OVEC, a corporation organized and existing under the laws of the State of Ohio, with its principal place of business in West Virginia, is a nonprofit organization dedicated to the improvement and preservation of the environment.

Sierra Club

Non-Governmental Corporate Party to this Action: Sierra Club.

Parent Corporations: None.

Publicly Held Company that Owns 10% or More of Party’s Stock: None.

Party’s General Nature and Purpose: Sierra Club, a corporation organized and existing under the laws of the State of California, is a national nonprofit organization dedicated to the protection and enjoyment of the environment.

Texas Environmental Justice Advocacy Services

Non-Governmental Party to this Action: Texas Environmental Justice Advocacy Services (“TEJAS”).

Parent Corporations: None.

Publicly Held Company that Owns 10% or More of Party’s Stock: None.

Party’s General Nature and Purpose: TEJAS is a non-profit corporation organized and existing under the laws of the state of Texas. TEJAS promotes environmental protection through education, policy development, community awareness, and legal action to ensure that everyone, regardless of race or income, is entitled to live in a clean environment.

Union of Concerned Scientists

Non-Governmental Party to this Action: Union of Concerned Scientists (“UCS”).

Parent Corporations: None.

Publicly Held Company that Owns 10% or More of Party’s Stock: None.

Party’s General Nature and Purpose: UCS is a non-profit organization that puts rigorous, independent science to work to solve our planet’s most pressing problems.

Utah Physicians for a Healthy Environment

Non-Governmental Party to this Action: Utah Physicians for a Healthy (“UPHE”) Environment.

Parent Corporations: None.

Publicly Held Company that Owns 10% or More of Party’s Stock: None.

Party’s General Nature and Purpose: UPHE is a not-for-profit civic organization of health care professionals, including physicians, biologists, toxicologists, engineers, air quality specialists and members of the public concerned about pollution. Utah Physicians for a Healthy Environment is dedicated to protecting the health and well-being of the citizens of Utah by promoting science-based education and interventions that result in progressive, measurable improvements to the environment.

DATED: October 26, 2020

Respectfully submitted,

/s/ Emma C. Cheuse

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Development Association, Air Alliance
Houston, California Communities
Against Toxics, Clean Air Council,*

Coalition For A Safe Environment, Del Amo Action Committee, Environmental Integrity Project, Louisiana Bucket Brigade, Ohio Valley Environmental Coalition, Sierra Club, Texas Environmental Justice Advocacy Services, Union of Concerned Scientists, and Utah Physicians for a Healthy Environment

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing **Petition for Review** and **Rule 26.1 Disclosure Statement** on Respondents by sending a copy via First Class Mail to each of the following addresses on this 26th day of October, 2020.

Andrew Wheeler
EPA Headquarters 1101A
United States Environmental Protection Agency
William Jefferson Clinton Federal Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

William Barr
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Correspondence Control Unit
Office of General Counsel (2311)
United States Environmental Protection Agency
William Jefferson Clinton Federal Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

/s/ Emma C. Cheuse
Emma C. Cheuse
Earthjustice

ATTACHMENT

division of costs amongst consortia and individual manufacturers, please see the Fees Rule Unit III.J, Multiple Parties Subject to Fee Obligation (Ref. 1).

C. How can I access the final list?

The final list of manufacturers that will be subject to the Fees Rule for EPA-initiated risk evaluations under section 6 of TSCA can be found at docket number EPA-HQ-OPPT-2019-0677 at <http://www.regulations.gov> and on EPA's website at <http://www.epa.gov/TSCA-fees>.

III. Public Comments on Preliminary Lists and EPA Responses

EPA received public comments from 78 entities on the preliminary lists. As a general matter, many of the comments raised questions asking further clarification of what constitutes a byproduct or article; requesting a de minimis exemption; etc. The Agency responded to the questions by communicating directly with individual stakeholders, hosting conference calls with stakeholders, participating in webinars for stakeholders, improving web content, and adding Frequently Asked Questions to the EPA web page at <https://www.epa.gov/tsc-fees/frequent-questions-about-tsc-fees-epa-initiated-risk-evaluations>.

IV. References

The following is a listing of the documents that are specifically referenced in this document. The docket includes these documents and other information considered by EPA, including documents that are referenced within the documents that are included in the docket, even if the referenced document is not physically located in the docket. For assistance in locating these other documents, please consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

1. EPA. Fees for the Administration of the Toxic Substances Control Act. **Federal Register**. (83 FR 52694, October 17, 2018) (FRL-9984-41).
2. EPA. High-Priority Substance Designations Under the Toxic Substances Control Act (TSCA); Notice of Availability. **Federal Register**. (84 FR 71924, December 30, 2019) (FRL-10003-15).
3. EPA. Initiation of Prioritization Under the Toxic Substances Control Act (TSCA); Notice. **Federal Register**. (84 FR 10491, March 21, 2019) (FRL-9991-06).
4. EPA. Proposed High-Priority Substance Designations Under the Toxic Substances Control Act (TSCA); Notice of Availability and Request for Comment. **Federal Register**. (84 FR 44300, August 23, 2019) (FRL-9998-29).
5. EPA. Preliminary Lists Identifying Manufacturers Subject to Fee Obligations for EPA-Initiated Risk Evaluations Under

Section 6 of the Toxic Substances Control Act (TSCA): Notice of Availability and Request for Comment. **Federal Register**. (85 FR 4661, January 27, 2020) (FRL-10003-14).

6. EPA. Preliminary Lists Identifying Manufacturers Subject to Fee Obligations for EPA-Initiated Risk Evaluations Under Section 6 of the Toxic Substances Control Act (TSCA): Notice of Availability and Request for Comment; Extension of Comment Period. **Federal Register**. (85 FR 14677, March 13, 2020) (FRL-10006-03).

7. EPA. Preliminary Lists Identifying Manufacturers Subject to Fee Obligations for EPA-Initiated Risk Evaluations Under Section 6 of the Toxic Substances Control Act (TSCA): Notice of Availability and Request for Comment; Extension of Comment Period. **Federal Register**. (85 FR 32036, May 28, 2020) (FRL-10010-37).

8. EPA. List of Final Manufacturers for all 20 High Priority Substances. August 2020

9. EPA. List of Manufacturers Who Certified as Ceasing Manufacture. August 2020.

10. EPA. "No Action Assurance Letter" of March 24, 2020.

11. EPA. List of Manufactures Who Self-Identified as "No Manufacture". August 2020.

Authority: 15 U.S.C. 2625.

Andrew Wheeler,
Administrator.

[FR Doc. 2020-19668 Filed 9-3-20; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OEM-2015-0725; FRL-10013-31-OLEM]

Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Final Action on Petitions for Reconsideration

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final action denying petitions for reconsideration.

SUMMARY: The U.S. Environmental Protection Agency (EPA) received three petitions for reconsideration of the final revisions to the Accidental Release Prevention Requirements: Risk Management Programs under the Clean Air Act, published in the **Federal Register** on December 19, 2019. The agency is providing notice that it is denying all three petitions for reconsideration. The basis for EPA's action is set out fully in separate letters addressed to each petitioner, available in the rulemaking docket.

DATES: September 4, 2020.

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: William Noggle, United States Environmental Protection Agency, Office of Land and Emergency Management, 1200 Pennsylvania Ave. NW (Mail Code 5104A), Washington, DC 20460; telephone number: (202) 566-1306; email address: noggle.william@epa.gov.

SUPPLEMENTARY INFORMATION:

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

A copy of this **Federal Register** notice, the petitions for reconsideration, and the separate letters describing the full basis for this action are available in the rulemaking docket (Docket ID No. EPA-HQ-OEM-2015-0725). Publicly available docket materials are available electronically through www.regulations.gov. In addition, following signature, an electronic copy of this final action and the letters will be available on the internet at www.epa.gov/rmp/final-risk-management-program-rmp-reconsideration-rule. Out of an abundance of caution for members of the public and our staff, the EPA Docket Center and Reading Room are closed to the public, with limited exceptions, to reduce the risk of transmitting COVID-19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. We encourage the public to obtain docket information via <https://www.regulations.gov>. For further information on EPA Docket Center services and the current status, please visit us online at <https://www.epa.gov/dockets>.

II. Judicial Review

Section 307(b)(1) of the CAA indicates which Federal Courts of Appeal have venue for petitions of review of final actions by the EPA. This section provides, in part, that "a petition for review of action of the Administrator in promulgating . . . any standard of performance or requirement under section [111] of [the CAA]," or any other "nationally applicable" final action, "may be filed only in the United States Court of Appeals for the District of Columbia."

The EPA has determined that its actions denying the petitions for reconsideration are nationally applicable for purposes of CAA section 307(b)(1) because these actions directly relate to the Risk Management Program regulations promulgated under CAA

section 112(r), which are nationally applicable requirements. Thus, any petitions for review of the final letters denying the petitions for reconsideration must be filed in the Court of Appeals for the District of Columbia Circuit on or before November 3, 2020.

Andrew Wheeler,
Administrator.

[FR Doc. 2020-19576 Filed 9-3-20; 8:45 am]

BILLING CODE 6560-50-P

EXPORT-IMPORT BANK

[Public Notice: EIB-2020-0007]

Proposal To Adopt the 2010 Small Business Jobs Act Interim Rule as an Alternative Size Standard for Defining a Small Business for Export-Import Bank Programs; Correction

AGENCY: Export-Import Bank of the United States.

ACTION: Notice; correction.

SUMMARY: The Export-Import Bank of the United States published a document in the *Federal Register* of August 30, 2020 concerning a proposal to adopt the 2010 Small Business Jobs Act Interim Rule as an Alternative Size Standard for Defining a Small Business for Export-Import Bank Programs. The document published with an omitted sentence.

FOR FURTHER INFORMATION CONTACT: James Burrows, Senior Vice President, Office of Small Business, Export-Import Bank of the United States, at james.burrows@exim.gov or 202-565-3801.

SUPPLEMENTARY INFORMATION:

Correction

In the *Federal Register* of Friday, August 28, 2020 in FR Doc Public Notice: EIB-2020-0007 on page 53369, in the first column, correct the second sentence in the **SUMMARY** to read:

The Jobs Act mandated that until the SBA establishes a permanent tangible net worth and average net income based alternative size standard, SBA shall use the following alternative size standard for applicants for business loans under Section 7(a) of the Small Business Act (7(a) Loan Program) and applicants for development company loans under Title V of the Small Business Investment Act of 1958 (504 Loan Program) in addition to the use of industry based size standards: not more than \$15 million in tangible net worth and not more than \$5 million in average net income after Federal income taxes (excluding any carryover losses) of the applicant for the

2 full fiscal years before the date of the application (Interim Rule).

DATES: This announcement is made as of September 4, 2020.

Export-Import Bank of the United States.

Joyce B. Stone,
Assistant Corporate Secretary.

[FR Doc. 2020-19651 Filed 9-3-20; 8:45 am]

BILLING CODE 6690-01-P

EXPORT-IMPORT BANK

[Public Notice: 2020-6002]

Agency Information Collection Activities: Comment Request

AGENCY: Export-Import Bank of the United States.

ACTION: Submission for OMB review and comments request.

SUMMARY: The Export-Import Bank of the United States (EXIM), as a part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal Agencies to comment on the proposed information collection, as required by the Paperwork Reduction Act of 1995. EXIM plans to invite approximately 150 U.S. exporters and commercial lending institutions that have used EXIM's short-, medium-, and long-term programs over the previous calendar year with an electronic invitation to participate in the online survey. The proposed survey will ask participants to evaluate the competitiveness of EXIM's programs and how the programs compare to those of foreign credit agencies. EXIM will use the responses to develop an analysis of the Bank's competitiveness.

The survey can be reviewed at: http://www.exim.gov/sites/default/files/pub/pending/EXIM_Competitiveness_Report_Survey.pdf.

DATES: Comments should be received on or before November 3, 2020 to be assured of consideration.

ADDRESSES: Comments may be submitted electronically on www.regulations.gov (EIB 00-02).

SUPPLEMENTARY INFORMATION:

Titles and Form Number: EIB 00-02 Annual Competitiveness Report Survey of Exporters and Bankers.

OMB Number: 3048-0004.

Type of Review: Renewal.

Need and Use: The information requested enables EXIM to evaluate and assess its competitiveness with the programs and activities of the major official entities and to report on the Bank's status in this regard.

Affected Public

The number of respondents: 150.
Estimated time per respondents: 90 minutes.
The frequency of response: Annually.
Annual hour burden: 225 total hours.

Government Expenses

Reviewing time per response: 45 minutes.
Responses per year: 150.
Reviewing time per year: 112.5 hours.
Average Wages per hour: \$42.50.
Average cost per year: \$4,781.25 (time * wages).
Benefits and overhead: 20%.
Total Government Cost: \$5737.5.

Bassam Doughman,
IT Specialist.

[FR Doc. 2020-19662 Filed 9-3-20; 8:45 am]

BILLING CODE 6690-01-P

FEDERAL DEPOSIT INSURANCE CORPORATION

[OMB No. 3064-0099;-0149]

Agency Information Collection Activities: Proposed Collection Renewal; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, as part of its obligations under the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to take this opportunity to comment on the renewal of the existing information collections described below (OMB Control No. 3064-0099;-0149).

DATES: Comments must be submitted on or before November 3, 2020.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *Agency Website:* <https://www.FDIC.gov/regulations/laws/federal>.
- *Email:* comments@fdic.gov. Include the name and number of the collection in the subject line of the message.
- *Mail:* Manny Cabeza (202-898-3767), Regulatory Counsel, MB-3128, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

• *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m.

All comments should refer to the relevant OMB control number. A copy of the comments may also be submitted