

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

PETER WILLIAMS,)

Petitioner,)

v.)

U.S. ENVIRONMENTAL)
PROTECTION AGENCY,)

No. 22-1314

and)

MICHAEL S. REGAN,)
ADMINISTRATOR, U.S.)
ENVIRONMENTAL PROTECTION)
AGENCY, in his official capacity,)

Respondents.)

PETITION FOR REVIEW

Pursuant to FED. R. APP. P. 15(a) and § 307(b)(1) of the Clean Air Act, 42 U.S.C. §7607(b)(1), petitioner Peter Williams hereby petitions this Court for review of the following interrelated final agency action, inaction, and unreasonable delay of respondents U.S. Environmental Protection Agency, its Administrator, Michael S. Regan, and his delegates (collectively, “EPA”):

1. Letter from Cynthia A. Newburg, Director, Stratospheric Protection Division, Environmental Protection Agency, to Peter Williams (Mar. 31, 2022) (copy attached hereto as Exhibit A);
2. Notice, *Phasedown of Hydrofluorocarbons: Notice of 2022 Set-Aside Pool Allowance Allocations for Production and Consumption of Regulated Substances under the American Innovation and Manufacturing Act of 2020*,

- 87 Fed. Reg. 19,683 (Apr. 5, 2022) (copy attached hereto as Exhibit B).
3. Letter from J. Gordon Arbuckle, Counsel for Peter Williams, to Cynthia A. Newburg, Director, Stratospheric Protection Division, Environmental Protection Agency (April 20, 2022) (copy attached hereto as Exhibit C);
 4. Email from Luke Hall-Jordan, Environmental Protection Agency, to Peter Williams (April 26, 2022) (copy attached hereto as Exhibit D); and
 5. Notice, *Phasedown of Hydrofluorocarbons: Notice of 2023 Allowance Allocations for Production and Consumption of Regulated Substances under the American Innovation and Manufacturing Act of 2020*, 87 Fed. Reg. 61,314 (Oct. 11, 2022) (copy attached hereto as Exhibit E).

These interrelated agency actions and inaction concern EPA's distribution of hydrofluorocarbon allocations for 2022 in the Notice published April 5, 2022 (Ex. B), and for 2023 and subsequent years in the Notice published on October 11, 2022 (Ex. E). Petitioner's letter dated April 20, 2022 (Ex. C), sought reconsideration of the EPA's letter dated March 31, 2022 (Ex. A), and EPA's email dated April 26, 2022 (Ex. D), responded to petitioner's letter.

Venue is proper in this Court because Section 307(b)(1) directs review in this Court of final agency action that is "nationally applicable" or based on the agency's published determination of "nationwide scope or effect." 42 U.S.C. § 7607(b)(1). EPA made such a finding in its notices, 87 Fed. Reg. at 19,687 (Ex. B);

87 Fed. Reg. at 61,318 (Ex. E), and the unpublished correspondence relate to the same subject matter and share its national-applicability status.

This petition is timely filed within the 60 days allowed by Section 307(b)(1), 42 U.S.C. §7607(b)(1), for the following reasons. *First*, with respect to the Notice published in the Federal Register on October 11, 2022 (Ex. E), this petition is filed within 60 days. *Second*, the correspondence on April 20, 2022, and April 26, 2022 (Ex. C-D), have not been published in the Federal Register, so the 60-day window has not yet begun to run. *Third*, with respect to EPA's letter dated March 31, 2022 (Ex. A), and the Notice published on April 5, 2022 (Ex. B), this petition is filed with 60 days of after-arising grounds in EPA's Notice dated October 11, 2022 (Ex. E). *Fourth*, with respect to EPA's letter dated March 31, 2022 (Ex. A), it is justiciable whether the Notice dated April 5, 2022 (Ex. B) adequately noticed the letter to begin the 60-day window as a jurisdictional bar to judicial review of the letter.

Dated: December 12, 2022

Respectfully submitted,

/s/ Lawrence J. Joseph

Lawrence J. Joseph

Law Office of Lawrence J. Joseph
1250 Connecticut Ave., NW, Ste. 700-1A
Washington, DC 20036
Tel: 202-355-9452
Fax: 202-318-2254
Email: ljoseph@larryjoseph.com

Counsel for Petitioner

EXHIBIT A



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

March 31, 2022

OFFICE OF
AIR AND RADIATION

Mr. Peter Williams
New Era Group
709 Pickering Drive Unit B
Murrells Inlet, South Carolina 29567

Dear Mr. Peter Williams,

This letter communicates EPA's decision regarding Peter Williams DBA New Era Group (New Era Group)'s application for set-aside allowances under 40 CFR § 84.15(c). In accordance with the methodology finalized in the final Hydrofluorocarbon (HFC) Allowance Allocation and Trading Framework Rule (HFC Allocation Framework Rule), EPA issued allowances on October 1, 2021, to companies that had provided data on their historic import and production of HFCs, as well as entities that use HFCs in six applications specified by Congress. EPA also established the set-aside pool of allowances for a limited set of end users and importers (*see* 86 FR 55116). The set-aside pool of allowances was established for three groups: end users that qualify for application-specific allowances; existing importers that were not required to report under 40 CFR part 98 (i.e., the Greenhouse Gas Reporting Program); and new market entrants. New Era Group submitted an application for set-aside allowances as a new market entrant. The regulatory language specifies that set-aside allowances are available for entities "who are newly importing regulated substances, do not share corporate or common ownership, corporate affiliation in the past five years, or familial relations with entities receiving allowances through this rule." 40 CFR § 84.15(c)(2). EPA also explained in the final rule that new market entrants may include companies that had previously imported HFCs in any prior year but exited the business by 2020 and who did not otherwise qualify to receive general pool allowances (*see* 86 FR 55157).

After reviewing New Era Group's set-aside application and supporting information available to the Agency, EPA has determined that New Era Group is not eligible for allowances under the set-aside pool as a new market entrant and is therefore denying New Era Group's application. Based on the information before the Agency, EPA has determined that New Era Group does "share corporate or common ownership, corporate affiliation in the past five years, or familial relations" with an entity receiving allowances through this rule, specifically RMS of Georgia. Public data available to the Agency from the State of Georgia Secretary of State confirms that you and the owner of a company who received allowances under the final HFC Allocation Framework Rule are both listed as officers for "New Era Group Inc" as recently as 2019. This equates to corporate affiliation in the past five years with an entity receiving allowances through this rule, and therefore disqualifies New Era Group's application in accordance with EPA's regulations.

Further, the application submitted for new market entrant set-aside allowances was incomplete. EPA regulations at 40 CFR § 84.15(d)(2) require applicants “to be eligible for consideration” to provide “the complete ownership of the company (with percentages of ownership)” 40 CFR § 84.15(d)(2)(i). After Agency outreach explaining the relevant requirements, information submitted by the applicant failed to show the complete ownership of the company (with percentages of ownership). New Era Group also failed to provide as part of its application, “The date of incorporation and State in which the company is incorporated” 40 CFR § 84.15(d)(2)(iv), and the “State license identifier” 40 CFR § 84.15(d)(2)(v). For these reasons, EPA is denying New Era Group’s application.

As of January 1, 2022, if New Era Group chooses to import any of the HFCs listed at 40 CFR Part 84 Appendix A, or blends containing any of those HFCs, the company will need to acquire allowances from another allowance holder by the time of import.

If you have questions about the content of this letter, please contact us at HFCAllocation@epa.gov. More information about the regulatory requirements, including fact sheets, frequently asked questions, and a list of existing allowance holders is available at <https://www.epa.gov/climate-hfcs-reduction>.

Sincerely,



Cynthia A. Newberg
Director, Stratospheric Protection Division

EXHIBIT B

you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at <https://www.epa.gov/dockets/comments.html>.

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the

population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. Background

Registration review is EPA’s periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration, that is, the pesticide can perform its intended function without unreasonable adverse effects on human health or the environment. As part of the registration review process, the Agency has completed proposed interim decisions for spirodiclofen. Through this program, EPA is ensuring that each pesticide’s registration is based on current scientific and other knowledge, including its effects on human health and the environment.

III. Authority

EPA is conducting its registration review of spirodiclofen pursuant to section 3(g) of the Federal Insecticide,

Fungicide, and Rodenticide Act (FIFRA) and the Procedural Regulations for Registration Review at 40 CFR part 155, subpart C. Section 3(g) of FIFRA provides, among other things, that the registrations of pesticides are to be reviewed every 15 years. Under FIFRA, a pesticide product may be registered or remain registered only if it meets the statutory standard for registration given in FIFRA section 3(c)(5) (7 U.S.C. 136a(c)(5)). When used in accordance with widespread and commonly recognized practice, the pesticide product must perform its intended function without unreasonable adverse effects on the environment; that is, without any unreasonable risk to man or the environment, or a human dietary risk from residues that result from the use of a pesticide in or on food.

IV. What action is the Agency taking?

Pursuant to 40 CFR 155.58, this notice announces the availability of EPA’s proposed interim decision for spirodiclofen as shown in the following table and opens a 60-day public comment period on the proposed interim registration review decision.

TABLE—PROPOSED INTERIM DECISION BEING MADE AVAILABLE FOR PUBLIC COMMENT

Registration review case name and number	Docket ID No.	Chemical review manager and contact information
Spirodiclofen (Case 7443)	EPA-HQ-OPP-2014-0262	Veronica Dutch, dutch.veronica@epa.gov , (202) 566-2352.

The registration review docket for a pesticide includes earlier documents related to the registration review case. For example, the review opened with a Preliminary Work Plan, for public comment. A Final Work Plan was placed in the docket following public comment on the Preliminary Work Plan.

The documents in the docket describe EPA’s rationales for conducting additional risk assessments for the registration review of spirodiclofen, as well as the Agency’s subsequent risk findings and consideration of possible risk mitigation measures. This proposed interim registration review decision is supported by the rationale included in those documents. Following public comment, the Agency will issue an interim or final registration review decision for spirodiclofen.

The registration review final rule at 40 CFR 155.58(a) provides for a minimum 60-day public comment period on all proposed interim registration review decisions. This comment period is intended to provide an opportunity for public input and a mechanism for initiating any necessary amendments to

the proposed interim decision. All comments should be submitted using the methods in **ADDRESSES** and must be received by EPA on or before the closing date. These comments will become part of the docket for spirodiclofen. Comments received after the close of the comment period will be marked “late.” EPA is not required to consider these late comments.

The Agency will carefully consider all comments received by the closing date and may provide a “Response to Comments Memorandum” in the docket. The interim registration review decision will explain the effect that any comments had on the interim decision and provide the Agency’s response to significant comments.

Background on the registration review program is provided at: <https://www.epa.gov/pesticide-reevaluation>.

(Authority: 7 U.S.C. 136 *et seq.*)

Dated: March 30, 2022.

Mary Elissa Reaves,
 Director, Pesticide Re-Evaluation Division,
 Office of Pesticide Programs.

[FR Doc. 2022-07076 Filed 4-4-22; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2021-0669; FRL-9116-02-OAR]

Phasedown of Hydrofluorocarbons: Notice of 2022 Set-Aside Pool Allowance Allocations for Production and Consumption of Regulated Substances Under the American Innovation and Manufacturing Act of 2020

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is providing notice that on March 31, 2022, the Agency issued hydrofluorocarbon allowances to applicants that met the applicable

criteria from the set-aside pool established in EPA’s 2021 final rule titled *Phasedown of Hydrofluorocarbons: Establishing the Allowance Allocation and Trading Program under the American Innovation and Manufacturing Act*. In accordance with this final rule, the Agency redistributed allowances remaining in the set-aside pool to entities that received general pool production and consumption allowances on October 1, 2021. Both the set-aside allocation and the general pool reallocation were announced on the Agency’s website on March 31, 2022, and entities were notified either by letter or electronic mail of the allocation decisions. The Agency also provided notice to certain companies on March 31, 2022, that the Agency intends to retire an identified set of those companies’ allowances in accordance with the administrative consequences provisions established in the final rule.

FOR FURTHER INFORMATION CONTACT: Andy Chang, U.S. Environmental Protection Agency, Stratospheric Protection Division, telephone number: 202–564–6658; email address: chang.andy@epa.gov. You may also visit

EPA’s website at <https://www.epa.gov/climate-hfcs-reduction> for further information.

SUPPLEMENTARY INFORMATION: In EPA’s rulemaking titled *Phasedown of Hydrofluorocarbons: Establishing the Allowance Allocation and Trading Program under the American Innovation and Manufacturing Act* (86 FR 55116, Oct. 5, 2021), EPA established a set-aside pool of allowances and codified at 40 CFR 84.15 criteria related to eligibility for the set-aside pool allowances, and how EPA would determine the level of allowances to allocate to each eligible entity. On March 31, 2022, EPA issued allowance allocations consistent with this section and posted the updated list of allowance holders on its website at <https://www.epa.gov/climate-hfcs-reduction>. The set-aside pool was established for three general categories of applicants: Application-specific end users (40 CFR 84.15(b)(1)), entities that imported regulated substances¹ in 2020 that were not required to report under 40 CFR part 98 (*i.e.*, the Greenhouse Gas Reporting Program (GHGRP)) and were not issued allowances as of October 1, 2021 (40

CFR 84.15(c)(1)), and new market entrants (40 CFR 84.15(c)(2)). Under 40 CFR 84.15, application-specific allowances from the set-aside pool are subject to the same conditions for such allowances in 40 CFR 84.13. These allowances are drawn from both the production and consumption set-aside allowance pools, and EPA is issuing application-specific allowances from the set-aside pool to applicants that qualify as end users in the applications established by the American Innovation and Manufacturing (AIM) Act. The following applications were eligible for application-specific allowances under the set-aside pool: Propellants in metered dose inhalers (MDI), defense sprays, structural composite preformed polyurethane foam for marine use and trailer use, etching of semiconductor material or wafers and the cleaning of chemical vapor deposition chambers within the semiconductor manufacturing sector, and onboard aerospace fire suppression. Consistent with the provisions in 40 CFR 84.15, EPA has allocated set-aside pool application-specific allowances to the entities listed in Table 1.

TABLE 1—SET-ASIDE APPLICATION-SPECIFIC ALLOWANCES FOR CALENDAR YEAR 2022

Applicant	Application	Number of application-specific allowances issued (MTEVe)
Armstrong Pharmaceuticals	Metered Dose Inhalers	111,059.3
AstraZeneca Pharmaceuticals	Metered Dose Inhalers	2,122.7
Aurobindo Pharma USA	Metered Dose Inhalers	71,177.4
Invagen Pharmaceuticals	Metered Dose Inhalers	28,121.3
Odin Pharmaceuticals	Metered Dose Inhalers	9,473.8
Wabash National Corporation	Structural Composite Foam	36,686.6
IBM Corporation	Semiconductors	1,440.0
NXP Semiconductor	Semiconductors	5,040.8
The Research Foundation for The State University of New York OBO SUNY Polytechnic Institute.	Semiconductors	1,245.4
SkyWater Technology	Semiconductors	15,689.3
Skyworks Solutions	Semiconductors	6,978.5
Proteng Distribution	Onboard aerospace fire suppression	12,075.0
Total		301,110.1

EPA received three applications by the deadline of December 6, 2021, for allowances under the second set-aside category. Under the provisions at 40 CFR 84.15(c)(1), in order to be eligible for this category an applicant had to:

- (1) Import regulated substances in 2020;
- (2) not be required to report under 40 CFR part 98 (*i.e.*, the GHGRP); and

(3) not receive allowances from EPA on October 1, 2021.

All three applicants, MEK Chemical Corporation, Siemens Industry, and Wegochem International, were denied allowances because they are ineligible under 40 CFR 84.15(c)(1). The entities were required to report to the GHGRP under 40 CFR part 98.

Under the third set-aside category, for new market entrants, 45 entities

submitted applications by the deadline of December 6, 2021. EPA is denying applications from seven entities, CAILLECH LLC, ChemPenn, LLC, ComStar International Inc., ISOSTU LLC, J&J AC Supply Inc, Kim Stilwell, and Peter Williams DBA New Era Group, because they are ineligible under 40 CFR 84.15(c)(2). The applicants were ineligible for at least one of the following reasons:

¹ Regulated substance means a hydrofluorocarbon listed in the table contained in subsection (c)(1) of the AIM Act and a substance included as a

regulated substance by the Administrator under the authority granted in subsection (c)(3). The list of

regulated substances is available at Appendix A to 40 CFR part 84.

- | | | |
|--|--|---|
| (1) Did not submit complete applications,
(2) were not newly importing regulated substances, or | (3) shared corporate or common ownership, corporate affiliation in the past five years, or familial relations with entities receiving allowances on October 1, 2021. | Consistent with the provisions in 40 CFR 84.15, EPA has allocated allowances for new market entrants to the entities listed in Table 2. |
|--|--|---|

TABLE 2—SET-ASIDE NEW MARKET ENTRANT ALLOWANCES FOR CALENDAR YEAR 2022

Applicant name	Number of consumption allowances issued (MTEVe)
Ability Refrigerants	200,000.0
A.C.S. Reclamation & Recovery (Absolute Chiller Services)	200,000.0
ACT Commodities	77.8
Advance Auto Parts	190,699.1
AFK & Co	193,335.9
AFS Cooling	200,000.0
AllCool Refrigerant Reclaim	200,000.0
American Air Components	200,000.0
Automart Distributors DBA Refrigerant Plus	200,000.0
CC Packaging	194,000.0
Certified Refrigerant Services	200,000.0
Chemp Technology	200,000.0
Creative Solution	200,000.0
Cross World Group	200,000.0
EDX Industry	200,000.0
Fireside Holdings DBA American Refrigerants	199,978.5
Freskoa USA	200,000.0
Golden Refrigerant	200,000.0
Hungry Bear	200,000.0
Kidde-Fenwal	200,000.0
Lina Trade	200,000.0
Meraki Group	200,000.0
Metalcraft	161,000.0
North American Refrigerants	200,000.0
O23 Energy Plus	200,000.0
Perfect Score Too DBA Perfect Cycle	37,876.0
Reclamation Technologies	200,000.0
RTR Suppliers	198,000.0
Saalok	200,000.0
Sciarra Laboratories	8,700.0
SDS Refrigerant Services	200,000.0
Summit Refrigerants	200,000.0
SynAgile Corporation	1,125.1
TradeQuim	200,000.0
Tyco Fire Products	200,000.0
USA United Suppliers of America DBA USA Refrigerants	200,000.0
USSC Acquisition Corp	131,451.0
Wesco HMB	200,000.0
Total	6,716,243.4

EPA notes the restrictions in 40 CFR 84.15(e)(3) that new market entrants are allocated up to 0.2 MMTEVe (200,000 MTEVe) for calendar year 2022. Accordingly, entities that requested more than 200,000 MTEVe as a new market were allocated the regulatory

maximum of 200,000 MTEVe. And, in accordance with 40 CFR 84.15(f)(1) set-aside allowances allocated to new market entrants cannot be transferred. After making the allocations noted in Tables 1 and 2, there were 2,198,889.9 production allowances and 482,646.5 consumption allowances remaining in

the set-aside pool. In accordance with 40 CFR 84.15(e)(4), those allowances have been distributed to the October 1, 2021, general pool allowance holders on a pro rata basis. EPA has made this pro rata distribution as shown in Tables 3 and 4.

TABLE 3—SET-ASIDE PRODUCTION ALLOWANCES DISTRIBUTED PURSUANT TO 40 CFR 84.15(e)(4)

Entity	Number of production allowances issued (MTEVe)
Arkema	265,221.2
Chemours	491,227.0
Honeywell International	1,114,441.9

TABLE 3—SET-ASIDE PRODUCTION ALLOWANCES DISTRIBUTED PURSUANT TO 40 CFR 84.15(e)(4)—Continued

Entity	Number of production allowances issued (MTEVe)
Iofina Chemical	11.4
Mexichem Fluor DBA Koura	327,988.4

TABLE 4—SET-ASIDE CONSUMPTION ALLOWANCES DISTRIBUTED PURSUANT TO 40 CFR 84.15(e)(4)

Entity	Number of consumption allowances issued (MTEVe) ¹
A-Gas	5,926.5
Advanced Specialty Gases	526.9
Air Liquide USA	920.6
Altair Partners	5,390.0
Arkema	57,387.2
Artsen	1,897.6
AutoZone Parts	4,592.1
AW Product Sales & Marketing	359.2
Bluon	61.8
Chemours	61,647.9
Combs Gas	2,378.4
ComStar International	690.8
Daikin America	5,763.4
Electronic Fluorocarbons	192.6
First Continental International	1,421.7
FluoroFusion Specialty Chemicals	4,713.8
GlaxoSmithKline	990.5
Harp USA	1,413.8
Honeywell International	152,348.3
Hudson Technologies	5,518.1
ICool USA	6,291.7
IGas Holdings	47,912.0
Iofina Chemical	2.3
Lenz Sales & Distribution	2,050.4
Linde	983.4
Mexichem Fluor DBA Koura	47,053.8
Mondy Global	588.6
National Refrigerants	36,577.3
Nature Gas Import and Export	1,513.6
Refrigerants, Inc	49.0
RMS of Georgia	2,994.0
Showa Chemicals of America	135.7
Solvay Fluorides	2,035.9
Technical Chemical	1,798.9
Transocean Offshore Deepwater Drilling	0.0
Tulstar Products	1,355.7
Walmart	4,211.6
Waysmos USA	1,171.7
Weitron	11,705.0
Wilhelmsen Ships Service	74.6

¹ Numbers may not sum due to rounding.

This allocation of set-aside allowances should not be construed to limit the ability of EPA to apply administrative consequences under 40 CFR 84.35, or to limit the ability of the United States to exercise any authority to pursue enforcement action under the AIM Act and 40 CFR part 84, or under other federal laws or regulations.

For example, if future information reveals an entity provided false, inaccurate, or misleading information or did not disclose financial or familial

relationships between a new entrant and another allowance holder, EPA may pursue administrative consequences and refer the entity for any and all appropriate enforcement actions.

On March 31, 2022, EPA also provided notice to three entities of the Agency’s intent to take administrative consequences in accordance with 40 CFR 84.35 and retire an identified set of those companies’ allowances. Using this authority, EPA can retire, revoke, or withhold the allocation of allowances,

or ban a company from receiving, transferring, or conferring allowances.

Judicial Review

The AIM Act provides that certain sections of the Clean Air Act (CAA) “shall apply to” the AIM Act and “any rule, rulemaking, or regulation promulgated by the Administrator of [EPA] pursuant to [the AIM Act] as though [the AIM Act] were expressly included in title VI of [the CAA].” Id. § 7675(k)(1)(C). Among the applicable

sections of the CAA is section 307, id. § 7607, which includes provisions on judicial review. Section 307(b)(1) provides, in part, that petitions for review must be filed in the United States Court of Appeals for the District of Columbia Circuit: (i) When the agency action consists of “nationally applicable regulations promulgated, or final actions taken, by the Administrator,” or (ii) when such action is locally or regionally applicable, but “such action is based on a determination of nationwide scope or effect and if in taking such action the Administrator finds and publishes that such action is based on such a determination.” For locally or regionally applicable final actions, the CAA reserves to the EPA complete discretion whether to invoke the exception in (ii).

This final action is “nationally applicable” within the meaning of CAA section 307(b)(1). In the alternative, to the extent a court finds this final action to be locally or regionally applicable, the Administrator is exercising the complete discretion afforded to him under the CAA to make and publish a finding that this action is based on a determination of “nationwide scope or effect” within the meaning of CAA section 307(b)(1).² This final action consisted of the Agency issuing hydrofluorocarbon allowances to applicants that met the applicable criteria from the set-aside pool and redistributing allowances remaining in the set-aside pool to entities that received general pool production and consumption allowances on October 1, 2021. The applicants and entities are located throughout the country in varying judicial circuits.³ This final action is based on a common core of factual findings concerning the eligibility of applicants to the set-aside pool. For these reasons, this final action is nationally applicable or, alternatively, the Administrator is exercising the complete discretion afforded to him by the CAA and hereby finds that this final action is based on a determination of nationwide scope or effect for purposes

² In deciding whether to invoke the exception by making and publishing a finding that this final action is based on a determination of nationwide scope or effect, the Administrator has also taken into account a number of policy considerations, including his judgment balancing the benefit of obtaining the D.C. Circuit’s authoritative centralized review versus allowing development of the issue in other contexts and the best use of Agency resources.

³ In the report on the 1977 Amendments that revised section 307(b)(1) of the CAA, Congress noted that the Administrator’s determination that the “nationwide scope or effect” exception applies would be appropriate for any action that has a scope or effect beyond a single judicial circuit. See H.R. Rep. No. 95–294 at 323, 324, reprinted in 1977 U.S.C.A.N. 1402–03.

of CAA section 307(b)(1) and is hereby publishing that finding in the **Federal Register**.

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the District of Columbia Circuit within 60 days from the date this final action is published in the **Federal Register**. Filing a petition for reconsideration by the Administrator of this final action does not affect the finality of the action for the purposes of judicial review, nor does it extend the time within which a petition for judicial review must be filed and shall not postpone the effectiveness of such rule or action.

Hans Christopher Grundler,
 Director, Office of Atmospheric Programs.
 [FR Doc. 2022–07152 Filed 4–4–22; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board’s Freedom of Information Office at <https://www.federalreserve.gov/foia/request.htm>. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington DC 20551–0001, not later than May 5, 2022.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Bank First Corporation, Manitowoc, Wisconsin*; to acquire Denmark Bancshares, Inc., and thereby indirectly acquire Denmark State Bank, both of Denmark, Wisconsin.

A. Federal Reserve Bank of St. Louis (Holly A. Rieser, Manager) P.O. Box 442, St. Louis, Missouri 63166–2034.

Comments can also be sent electronically to Comments.applications@stls.frb.org:

1. *Omni Bank Group, Inc., Little Rock, Arkansas*; to become a bank holding company by acquiring Community State Bank, Bradley, Arkansas.

Board of Governors of the Federal Reserve System, March 31, 2022.

Michele Taylor Fennell,
 Deputy Associate Secretary of the Board.
 [FR Doc. 2022–07164 Filed 4–4–22; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to extend for three years, without revision, the Procurement Solicitation Package (FR 1400; OMB No. 7100–0180).

FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance Officer—Nuha Elmagrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829.

Office of Management and Budget (OMB) Desk Officer for the Federal Reserve Board, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. The OMB

EXHIBIT C

J. Gordon Arbuckle, Esq.
2550 M Street NW
Washington, DC 20037
T + 1 202 775 2025
M + 1 303 619 5123
gordona123@earthlink.net

April 20, 2022

Cynthia A. Newburg
Director, Stratospheric Protection Division
United States Environmental Protection Agency
Office of Air and Radiation
Washington, DC 20460

Via Email: HFCAllocation@EPA.gov

Dear Ms. Newberg:

I am writing on behalf of Peter Williams (dba The New Era Group) in response to your letter dated March 31, 2022. The representation is being provided without fee because I believe a substantial injustice has occurred due to the Agency's failure to give Mr. Williams proper notice of the purported basis for its eligibility determination and a resultant major misunderstanding by the agency of the relevant facts of this matter. Let me begin by requesting from you a complete copy of the administrative record on this matter, including a copy of the "information before the Agency" which was relied upon in reaching the conclusion that this applicant does (or did) "share corporate or common ownership, corporate affiliation in the past five years or familial relations" with RMS of Georgia – a company receiving allowances under the rule as well as any legal opinion supporting the legal conclusion that an individual is a "company" which must state its ownership in the required application.

FACTS

Peter Williams, as an individual, commenced business as "The New ERA Group" sometime in 2008. He has continued to do business in that capacity up to the present date.¹ Sometime in 2014, Mr. Williams participated in the formation of an informal membership organization operating under the style "New Era Group" which was formed for the purpose of prosecuting a judicial appeal of an EPA ruling which the group believed to be erroneous. The group operated by consensus and was not controlled by any member or member company. Mr. Williams and his employees acted as coordinator and assisted in administration of the organization.

In May of 2014, *New Era Group Inc* was established for the purpose of providing a corporate identity for the *New Era Group* membership organization and establishing its nonprofit status.² Mr. Ken Ponder and

¹ Some of the confusion in this matter may stem from the fact that at the time Mr. Williams commenced business in 2008, he intended to establish and operate as a corporation. Accordingly, he had cards and letterhead printed and established an e-mail address including "inc" as part of the address. Unfortunately, Mr. Williams has never had sufficient resources to fund his corporate intentions or establish any other form of business entity. Accordingly, he has operated in fact as an individual—a fact clearly disclosed in his application. I have advised Mr. Williams to remove the word "inc" from all such papers and communications and he is doing so.

² The Articles provide that "The purpose of NEW ERA GROUP INC is to assist with the education and environmental defense of any harmful and/or negative environmental impacts. These educational and defense efforts include, but are not limited to exposing governmental agencies, public service companies and chemical producing businesses that may have products, by-products or policies that may negatively impact our quality of life."

his family were the sole shareholders and sole officers with control or managerial authority. Mr. Williams was designated as “Fundraising Chair” to authorize him to continue his administrative support functions for the ongoing litigation. Those services ended sometime in early 2015. “Fundraising Chair” is not a legally defined corporate office and nothing in the Articles or Bylaws grants to Mr. Williams any power or managerial authority. Mr. Williams administrative functions were completed in early 2015, with conclusion of the litigation and a decision not to appeal.

Since that time, Mr. Williams has had no official function with *New Era Group, Inc.* He has exercised no control or management authority and he received no notice of nor access to any of that corporation’s official filings, records or business dealings. He received no notice of, nor has he participated in, any corporate meetings.

In March of 2016, Mr. Williams, having heard nothing from *New Era Group Inc.* for nearly two years, submitted to the owners and their accountant repeated demands for the company’s corporate records. On receipt of some of those records, he concluded that, without his knowledge, the company was apparently being operated as a for profit entity and that, without his consent, he had been designated CEO of the Company. He immediately gave notice to both the owners and the Internal Revenue Service of his denial of involvement with either the *New Era Group Inc.* or its owners after May of 2014 and has had no dealings with *New Era Group Inc.*, other than the referenced notice, since that time.³

ANALYSIS AND CONCLUSIONS

Based on the facts set out above, which are supported by the attached sworn affidavit and supporting materials, though due to limited resources and failure to fully appreciate the details of certain legal obligations, Mr. Williams has not always precisely understood his legal status, has allowed himself to be exploited by others and has allowed EPA to misconstrue his legal status, ***it is clear that:***

1. Peter Williams (dba The New Era Group) and *The New Era Group, Inc.*, are separate persons as defined in the Section 84.3 – “*any individual or legal entity including an individual, corporation....*”
2. Peter Williams does not “*share corporate or common ownership*” in *New Era Group, Inc.*, any owner of that company, any company affiliated with that company, any member of the Ponder family, any company owned in whole or in part by any member of the Ponder family, *RMS of Georgia* or any entity affiliated with that company.
3. Peter Williams has never “shared corporate affiliation” with *RMS of Georgia*. First, as the above cited definition makes clear, an individual is not a corporation and thus any affiliation an individual may have, cannot be corporate.⁴ Second, although part 84 does not define “affiliate”, the term in governmental contexts clearly means “controlling, controlled by or under common control with”. Peter Williams has never exerted any degree of control over *New Era Group Inc.*, *RMS of Georgia* or any of the persons or entities itemized in Conclusion 2 above.
4. Neither the *New Era Group Inc.*,⁵ nor any person nor entity with which Peter Williams has been affiliated in the last five years, or most probably ever, has, to Mr. Williams’ knowledge or within Mr. Williams’ knowledge and control or during the time when Mr. Williams held a non-managerial title, received allowances under the final HFC allocation rule. Any such allocations which may have been received were illegally granted and illegally received.

³ Mr. Williams, as an individual, did do some independent consulting work for certain of the RMS group of companies but never held an equity interest of exerted any control over any of them.

⁴ The language appears to refer to interlocking or affiliated corporations. Otherwise it would simply refer to “affiliation”.

⁵ As noted above, *New Era Group, Inc.* was never legally authorized to receive or sell allowances.

5. As the “person” definition makes clear, an individual is not an entity, a corporation or a company. The parts of section 84.15 referenced in your letter are simply inapplicable to individuals and the conclusion based on those sections is in error.

6. Peter Williams has been denied administrative due process in this matter in that the decision was based on evidence outside the record which was not disclosed to Applicant. Nor was Applicant given an opportunity to respond to or rebut this evidence or the erroneous conclusions based thereon.

REQUEST FOR RELIEF

While I am aware that Peter Williams has been a vocal critic of certain agency actions and is perhaps not the most popular person within the Agency, and that the application he submitted may not be the most artful the Agency has seen. I am also aware that HFC Allocations are jealously guarded, and that past HFC recipients do not favor new applicants. Finally, I am painfully aware that a person of color has never received an HFC allocation, that this person of color has been taken advantage of by a member of the HFC community and that that factor has substantially affected your decision in this matter.

I ask that you review your decision and revise it consistent with the facts stated herein.

Please advise me of Mr. Williams’ Rights of Appeal in the event an appeal is necessary.

Thank you for your attention,



J Gordon Arbuckle, Esq.

AFFIDAVIT OF PETER WILLIAMS

I am Peter Williams. I reside at 709 Pickering Drive, Unit B, Murrells Inlet, South Carolina, 29567.

The following statements are true to the best of my knowledge and belief:

1. I have been engaged in business and advisory services related to the production and sale of chlorinated CFCs, HCFCs and HFCs since 1993.
2. I then commenced business as “the New Era Group” sometime in 2008.
3. At the time I commenced operating as *the New Era Group*, I intended to establish a corporation and operate through that Corporation. Accordingly, I established an email address and had cards and letterhead printed including the abbreviation “inc”. Unfortunately, I have never had available funds to establish a corporation but have erroneously continued to use that email address and those materials.
4. I have operated as “*Peter Williams (d/b/a The New Era Group)*”.
5. Sometime in 2014, I participated with a number of other companies in the industry in the formation of an informal membership organization operating under the style “New Era Group” for the purpose of prosecuting a judicial appeal of an EPA Ruling which we believe to be erroneous.
6. The group operated by consensus and was not controlled by any member or member company. I am an employee acted as coordinators and assisted in administration.
7. In May of 2014, Mr. Ken Ponder established the *New Era Group, Inc.* for the purpose of providing a corporate identity for the *New Era Group, Inc.* membership organization and establishing its non-profit status.
8. Mr. Ken Ponder and his families were the sole shareholders and offices with control for managerial authority. I was designated as “fund raising chair” in order that I might continue to perform administrative support functions for the ongoing litigation.
9. My litigation support services ended sometime in early 2015. Since that time, I have performed no official functions or services for the *New Era Group, Inc.* I have never exercised any control or management authority in that Company and since May of 2014 have received no notice of nor access to the Corporation’s official filings, records or business dealings. I have never received notice of any meeting other than the May organization meeting have never participated in any other Corporate meetings.
10. In March of 2016, having heard nothing from *New Era Group, Inc.* for nearly two (2) years, I repeated demanded from their owners and their accountants, copies of relevant corporate records. Based on the records I did receive, pursuant to those demands, I

concluded that without my knowledge the Company was apparently being operated as a "for profit" entity, without my knowledge and consent, I have been designed in Corporate filings as "CEO" of the Company.


- 11. I immediately gave notice to both the owners and the Internal Revenue Service that I denied involvement with the *New Era Group, Inc.* or matters within its scope of authority after May of 2014.
- 12. I have had no dealings with the *New Era Group, Inc.* other than the above referenced demands and notice since that time.
- 13. I acknowledge that I did do some independent consulting work for certain of the RMS group of companies but never held an equity interest of exerted any control over any of them.
- 14. I have attached to this Affidavit copies of selected documents that support the statements made herein.

I, Peter Williams, affirm the above statements are true to the best of my knowledge.

Subscribed and sworn before me this 20th day of April, 2022.

STATE OF South Carolina
COUNTY OF Horry) ss.

Subscribed, sworn to and acknowledged before me by

, the agent, on April 20, 2022

Witness my hand and official seal.

My commission expires Exp. 02-04-2024

[SEAL]

J DILLON SANDERS
Notary Public
State of South Carolina
My Commission Expires Feb 4, 2024


Notary Public
4/20/2022



EXHIBIT D

RE: Reconsideration of Set-aside determination

Hall-Jordan, Luke <Hall-Jordan.Luke@epa.gov>

To: peter neweragroupinc.com <peter@neweragroupinc.com>

 New Era Group Filing 2017.docx

New Era Group Filing 2017.pdf; New Era Group Filing 2018.pdf; New Era Group Filing 2019.pdf; New Era Group Final Diss. 2020.pdf; New Era Group Diss Notice 2020.pdf; New Era Group Annual Reg 2016.pdf; Response to EPA.pdf;

Hi Pete,

We've had a chance to confer on whether there are additional administrative processes within EPA to reconsider the decision to deny your request for set-aside allowances as a new market entrant. We were not able to identify any process by which you could appeal the decision to the Agency, as the decisions were final agency action and all allowances from the set-aside have been allocated.

We also received the attached from J Gordon Arbuckle, Esq., regarding this matter. We can respond directly, but I wanted to confirm with you that he is representing you and sharing that information is OK and appropriate. I'm also attaching the documents from the State of Georgia that were requested in Mr. Arbuckle's letter. Nothing in the attached letter from Mr. Arbuckle would change the information before the Agency at the time of its decision, including the attached records from the State of Georgia and an incomplete application.

Should you have additional questions, please let us know.

Best,
Luke

From: Hall-Jordan, Luke

Sent: Friday, April 1, 2022 5:34 PM

To: peter neweragroupinc.com <peter@neweragroupinc.com>

Subject: RE: Reconsideration of Set-aside determination

Hi Pete,

As we discussed today, I am not aware of any opportunities to resolve this as the set-aside allowances issued yesterday are a final agency action. However, I committed to regrouping internally to see if there are any options available, and will let you know if we identify anything.

Best,
Luke

From: peter neweragroupinc.com <peter@neweragroupinc.com>

Sent: Friday, April 1, 2022 2:42 PM

To: Hall-Jordan, Luke <Hall-Jordan.Luke@epa.gov>

Subject: Reconsideration of Set-aside determination

Luke,

Thank you and Karen for taking my call today. I look forward to resolving the issue with my application. I will be providing you with information to resolve the question of my relationship with Ken Ponder and RMS. I will send some relevant information to you next week, and look forward to your direction on how to proceed.

Pete Williams
202 528 0038

Notice: This email, and any attachments thereto, are intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this email, you are hereby notified that any dissemination distribution or copying of this email, and any attachments thereto, is strictly prohibited. If you have received this email in error, please immediately notify me by telephone and permanently delete the original and destroy any printout thereof.

EXHIBIT E

will not be included in the public docket and should not be submitted through www.regulations.gov or email. For additional information about the EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/dockets/>.

Public Docket: Publicly available docket materials may be accessed Online at www.regulations.gov.

FOR FURTHER INFORMATION CONTACT: The Designated Federal Officer (DFO), Tom Tracy, via phone/voicemail at: 919-541-4334; or via email at: tracy.tom@epa.gov.

Any member of the public interested in receiving a draft agenda, attending the meeting, or making a presentation at the meeting should contact Tom Tracy no later than October 23, 2022.

SUPPLEMENTARY INFORMATION: The Board of Scientific Counselors (BOSC) is a federal advisory committee that provides advice and recommendations to EPA's Office of Research and Development on technical and management issues of its research programs. The meeting agenda and materials will be posted to <https://www.epa.gov/bosc>.

Proposed agenda items for the meeting include, but are not limited to, the following: review of the New Chemicals Collaborative Research Program.

Information on Services Available: For information on translation services, access, or services for individuals with disabilities, please contact Tom Tracy at 919-541-4334 or tracy.tom@epa.gov. To request accommodation of a disability, please contact Tom Tracy at least ten days prior to the meeting to give the EPA adequate time to process your request.

Authority: Pub. L. 92-463, 1, Oct. 6, 1972, 86 Stat. 770.

Mary Ross,

Director, Office of Science Advisor, Policy and Engagement.

[FR Doc. 2022-22046 Filed 10-7-22; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2021-0669; FRL-9116-03-OAR]

Phasedown of Hydrofluorocarbons: Notice of 2023 Allowance Allocations for Production and Consumption of Regulated Substances Under the American Innovation and Manufacturing Act of 2020

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has issued calendar year 2023 allowances for the production and consumption of hydrofluorocarbons in accordance with the Agency's regulations as established in the 2021 final rule titled *Phasedown of Hydrofluorocarbons: Establishing the Allowance Allocation and Trading Program under the American Innovation and Manufacturing Act*. The American Innovation and Manufacturing Act directs the Environmental Protection Agency by October 1 of each calendar year to determine the quantity of production and consumption allowances for the following calendar year. The Agency also provided notice to certain companies on September 30, 2022, that the Agency intends to retire an identified set of those companies' allowances in accordance with the administrative consequences provisions established in the final rule.

FOR FURTHER INFORMATION CONTACT: Andy Chang, U.S. Environmental Protection Agency, Stratospheric Protection Division, telephone number: 202-564-6658; email address: chang.andy@epa.gov. You may also visit EPA's website at <https://www.epa.gov/climate-hfcs-reduction> for further information.

SUPPLEMENTARY INFORMATION: Subsection (e)(2)(D)(i) of the American Innovation and Manufacturing Act of 2020 (AIM Act) directs the Environmental Protection Agency (EPA) to determine, by October 1 of each calendar year, the quantity of allowances for the production and consumption of regulated substances that may be used for the following calendar year. EPA has codified the production and consumption baselines and phasedown schedules for regulated substances in 40 CFR 84.7. Under the

phasedown schedule, for 2023, total production allowances may not exceed 344,299,157 metric tons of exchange value equivalent (MTEVe) and total consumption allowances may not exceed 273,498,315 MTEVe.

EPA regulations at 40 CFR part 84, subpart A, outline the process by which the Agency determines the number of allowances each entity is allocated. EPA allocated allowances consistent with this process for calendar year 2023, and has posted entity-specific allowance allocations on its website at <https://www.epa.gov/climate-hfcs-reduction>. An allowance allocated under the AIM Act does not constitute a property right and is a limited authorization for the production or consumption of a regulated substance.

EPA has codified the procedure for calculating application-specific allowance allocations in 40 CFR 84.13. These allowances are drawn from both the production and consumption allowance pools. EPA is issuing "application-specific allowances" to end users in five applications established by the AIM Act: propellants in metered dose inhalers, defense sprays, structural composite preformed polyurethane foam for marine use and trailer use, etching of semiconductor material or wafers and the cleaning of chemical vapor deposition chambers within the semiconductor manufacturing sector, and onboard aerospace fire suppression. Additionally, EPA is issuing "application-specific allowances" to the U.S. Department of Defense for mission-critical military end uses.

EPA has denied requests for application-specific allowances from Applied Materials, Inc; Benuvia Manufacturing; General Electric Global Research Center; Gilero LLC; Guardian Protective Devices, Inc.; nHalience LLC; and Shamrock Filling LLC because they are ineligible under 40 CFR 84.13. The requests were ineligible for at least one of the following reasons:

- (1) Did not meet the criteria for HFC use in a covered application;
- (2) Did not submit by the deadline;
- (3) Did not provide proper supporting documentation or justification for their requests; or
- (4) Did not report purchases of regulated substances in the past three years.

EPA has allocated 2023 application-specific allowances as shown in Table 1.

TABLE 1—APPLICATION-SPECIFIC ALLOWANCES FOR CALENDAR YEAR 2023

Entity	Application	Number of application-specific allowances issued (MTEVe) ¹
Analog Devices	Semiconductors	28,852.2
Apple	Semiconductors	1,033.8
Armstrong Pharmaceuticals	Metered Dose Inhalers	157,231.4
ASML US	Semiconductors	1,237.2
AstraZeneca Pharmaceuticals	Metered Dose Inhalers	4,652.7
Aurobindo Pharma USA	Metered Dose Inhalers	65,427.9
Broadcom	Semiconductors	834.7
Compsys	Structural Composite Foam	14,152.8
Defense Technology	Defense Sprays	9,366.7
Diodes Incorporated	Semiconductors	3,667.1
GlobalFoundries	Semiconductors	177,721.8
Hitachi High-Tech America	Semiconductors	1,064.4
IBM Corporation	Semiconductors	533.5
Intel Corporation	Semiconductors	746,212.5
InvaGen Pharmaceuticals	Metered Dose Inhalers	74,380.1
Jireh Semiconductor	Semiconductors	5,787.8
Keysight Technologies	Semiconductors	538.8
Kindeva Drug Delivery	Metered Dose Inhalers	408,952.0
Lupin	Metered Dose Inhalers	24,098.0
Medtronic	Semiconductors	637.6
Microchip Technology	Semiconductors	31,266.7
Micron Technology	Semiconductors	42,600.7
Newport Fab DBA TowerJazz	Semiconductors	8,042.3
NXP Semiconductors	Semiconductors	86,878.8
Odin Pharmaceuticals	Metered Dose Inhalers	1,708.5
Polar Semiconductor	Semiconductors	13,446.4
Proteng Distribution	Onboard Aerospace Fire Suppression	4,060.4
Qorvo Texas	Semiconductors	1,237.2
Raytheon Technologies	Onboard Aerospace Fire Suppression	952.6
Renesas Electronics America	Semiconductors	4,445.5
Samsung Austin Semiconductor	Semiconductors	384,969.7
Security Equipment Corporation	Defense Sprays	63,889.9
Semiconductor Components Industries DBA ON Semiconductor.	Semiconductors	38,821.5
SkyWater Technology	Semiconductors	17,549.8
Skyworks Solutions	Semiconductors	4,652.3
Texas Instruments	Semiconductors	194,744.9
The Research Foundation for The State University of New York.	Semiconductors	159.9
Tokyo Electron America	Semiconductors	558.8
Tower Semiconductor San Antonio	Semiconductors	4,948.7
TSMC Arizona Corporation	Semiconductors	32,632.0
UDAP Industries	Defense Sprays	110,727.8
Wabash National Corporation	Structural Composite Foam	73,543.0
WaferTech	Semiconductors	22,355.4
Wolfspeed	Semiconductors	36,114.7
X-FAB Texas	Semiconductors	5,076.0
Zarc International	Defense Sprays	1,384.1
Department of Defense	Mission-critical Military End Uses	2,513,169.3
Total	All	5,426,319.9

¹ Numbers may not sum due to rounding.

EPA has codified the procedure for calculating the production allowance

allocation in 40 CFR 84.9. EPA has

allocated calendar year 2023 production allowances as shown in Table 2.

TABLE 2—PRODUCTION ALLOWANCES FOR CALENDAR YEAR 2023

Entity	Number of production allowances issued (MTEVe) ¹
Application-specific allowances ²	5,426,319.9
Arkema	40,873,469.3
Chemour	75,703,417.3
Honeywell International	171,747,616.1
Iofina Chemical	1,758.6
Mexichem Fluor DBA Koura	50,546,575.8
Total	344,299,157.0

¹ Numbers may not sum due to rounding.

² See Table 1.

EPA has codified the procedure for calculating the consumption allowance allocation in 40 CFR 84.11. Calendar year 2023 consumption allowances have also been allocated to new market entrants consistent with 40 CFR 84.15.¹ EPA has allocated calendar year 2023 consumption allowances as shown in Table 3.

TABLE 3—CONSUMPTION ALLOWANCES FOR CALENDAR YEAR 2023

Entity	Number of consumption allowances issued (MTEVe) ¹
Application-specific allowances ²	5,426,319.9
A.C.S. Reclamation & Recovery (Absolute Chiller Services)*	200,000.0
Ability Refrigerants*	200,000.0
ACT Commodities*	77.8
Advance Auto Parts*	190,699.1
Advanced Specialty Gases	285,314.5
AFK & Co.*	193,335.9
AFS Cooling*	200,000.0
A-Gas	3,209,232.5
Air Liquide USA	498,530.3
AllCool Refrigerant Reclaim*	200,000.0
Altair Partners	2,918,730.4
American Air Components*	200,000.0
Arkema	31,075,488.7
Artsen	1,027,571.2
Automart Distributors DBA Refrigerant Plus*	200,000.0
AutoZone Parts	2,486,664.3
AW Product Sales & Marketing	194,505.7
Bluon	33,459.8
CC Packaging*	194,000.0
Certified Refrigerant Services*	200,000.0
Chemours	33,382,686.1
Chemp Technology*	200,000.0
Combs Gas	1,287,918.3
ComStar International	374,063.9
Creative Solution*	200,000.0
Cross World Group*	200,000.0
Daikin America	3,120,932.2
EDX Industry*	200,000.0
Electronic Fluorocarbons	104,289.0
Fireside Holdings DBA American Refrigerants*	199,978.5
First Continental International	769,838.0
FluoroFusion Specialty Chemicals	2,552,532.6
Freskoa USA*	200,000.0
GlaxoSmithKline	536,367.9
Golden Refrigerant*	200,000.0
Harp USA	765,574.0
Honeywell International	82,497,424.7
Hudson Technologies	2,988,057.5
Hungry Bear*	200,000.0
ICool USA	3,406,995.9
IGas Holdings	25,944,614.3
Iofina Chemical	1,264.9
Kidde-Fenwal*	200,000.0
Lenz Sales & Distribution	1,110,319.3
Lina Trade*	200,000.0
Linde	532,503.3
Meraki Group*	200,000.0
Metalcraft*	161,000.0
Mexichem Fluor DBA Koura	25,479,884.3

¹ A comprehensive overview and discussion of allocation decisions to new market entrants can be found in the Agency's April 5, 2022, notice

Phasedown of Hydrofluorocarbons: Notice of 2022 Set-Aside Pool Allowance Allocations for Production and Consumption of Regulated

Substances Under the American Innovation and Manufacturing Act of 2020 [87 FR 19683].

TABLE 3—CONSUMPTION ALLOWANCES FOR CALENDAR YEAR 2023—Continued

Entity	Number of consumption allowances issued (MTEVe) ¹
Mondy Global	318,706.9
National Refrigerants	19,806,810.9
Nature Gas Import and Export	819,624.4
North American Refrigerants*	200,000.0
O23 Energy Plus*	200,000.0
Perfect Score Too DBA Perfect Cycle*	37,876.0
Reclamation Technologies*	200,000.0
Refrigerants, Inc.	26,550.9
RMS of Georgia	1,621,276.8
RTR Suppliers*	198,000.0
Saalok*	200,000.0
Sciarra Laboratories*	8,700.0
SDS Refrigerant Services*	200,000.0
Showa Chemicals of America	73,466.6
Solvay Fluorides	1,102,459.2
Summit Refrigerants*	200,000.0
SynAgile Corporation*	1,125.1
Technical Chemical	974,140.0
TradeQuim*	200,000.0
Transocean Offshore Deepwater Drilling	16.8
Tulstar Products	734,110.9
Tyco Fire Products*	200,000.0
USA United Suppliers of America DBA USA Refrigerants*	200,000.0
USSC Acquisition Corp*	131,451.0
Walmart	2,280,583.0
Waysmos USA	634,504.6
Weitron	6,338,344.6
Wesco HMB*	200,000.0
Wilhelmsen Ships Service	40,392.5
Total	273,498,315.0

¹ Numbers may not sum due to rounding.

² See Table 1.

* These entities were issued consumption allowances consistent with the provisions in 40 CFR 84.15(e)(3). Consistent with 40 CFR 84.15(e)(3) and as clarified in the Agency's 2021 final rule, these entities were issued the same number of allowances for 2023 as they were in 2022. In accordance with 40 CFR 84.15(f)(1), allowances allocated to these entities may not be transferred.

On September 30, 2022, EPA also provided notice to four entities of the Agency's intent to take administrative consequences in accordance with 40 CFR 84.35. Using this authority, EPA can retire, revoke, or withhold the allocation of allowances, or ban a company from receiving, transferring, or conferring allowances.² EPA provided notice of its intent to retire an identified set of each of the four companies' allowances, affecting both calendar year 2022 and calendar year 2023 allowances.

Judicial Review

The AIM Act provides that certain sections of the Clean Air Act (CAA) "shall apply to" the AIM Act and actions "promulgated by the Administrator of [EPA] pursuant to [the AIM Act] as though [the AIM Act] were

² Administrative consequences that the Agency has finalized can be found here: <https://www.epa.gov/climate-hfcs-reduction/administrative-consequences-under-hfc-allocation-rule>.

expressly included in title VI of [the CAA]." 42 U.S.C. 7675(k)(1)(C). Among the applicable sections of the CAA is section 307, which includes provisions on judicial review. Section 307(b)(1) provides, in part, that petitions for review must only be filed in the United States Court of Appeals for the District of Columbia Circuit: (i) when the agency action consists of "nationally applicable regulations promulgated, or final actions taken, by the Administrator," or (ii) when such action is locally or regionally applicable, but "such action is based on a determination of nationwide scope or effect and if in taking such action the Administrator finds and publishes that such action is based on such a determination." For locally or regionally applicable final actions, the CAA reserves to the EPA complete discretion whether to invoke the exception in (ii).

The final action herein noticed is "nationally applicable" within the meaning of CAA section 307(b)(1). The AIM Act imposes a national cap on the total number of allowances available for

each year for all entities nationwide. 42 U.S.C. 7675(e)(2)(B)–(D). For 2023, there was a national pool of 344,299,157 production allowances and 273,498,315 consumption allowances available to distribute. The action noticed herein distributed that finite set of allowances consistent with the methodology EPA established in the nationally applicable framework rule. As such, the allowance allocation is the division and assignment of a single, nationwide pool of HFC allowances to entities across the country according to the uniform, national methodology established in EPA's regulations. Each entity's allowance allocation is a relative share of that pool; thus, any additional allowances awarded to one entity directly affects the allocations to others.

In the alternative, to the extent a court finds the final action to be locally or regionally applicable, the Administrator is exercising the complete discretion afforded to him under the CAA to make and publish a finding that the action is based on a determination of

“nationwide scope or effect” within the meaning of CAA section 307(b)(1).³ In deciding to invoke this exception, the Administrator has taken into account a number of policy considerations, including his judgment regarding the benefit of obtaining the D.C. Circuit’s authoritative centralized review, rather than allowing development of the issue in other contexts, in order to ensure consistency in the Agency’s approach to allocation of allowances in accordance with EPA’s national regulations in 40 CFR part 84. The final action treats all affected entities consistently in how the Part 84 regulations are applied. The allowance allocation is the division and assignment of a single, nationwide pool of HFC allowances to entities across the country according to the uniform, national methodology established in EPA’s regulations, and each entity’s allowance allocation is a relative share of that pool; thus, any additional allowances awarded to one entity directly affect the allocations to others. The Administrator finds that this is a matter on which national uniformity is desirable to take advantage of the D.C. Circuit’s administrative law expertise and facilitate the orderly development of the basic law under the AIM Act and EPA’s implementing regulations. The Administrator also finds that consolidated review of the action in the D.C. Circuit will avoid piecemeal litigation in the regional circuits, further judicial economy, and eliminate the risk of inconsistent results for different regulated entities. The Administrator also finds that a nationally consistent approach to the allocation of allowances constitutes the best use of agency resources. The Administrator is publishing his finding that the action is based on a determination of nationwide scope or effect in the **Federal Register** as part of this notice in addition to inclusion on the website announcing allocations.

For these reasons, the final action of the Agency allocating hydrofluorocarbon allowances to entities located throughout the country is nationally applicable or, alternatively, the Administrator is exercising the complete discretion afforded to him by the CAA and finds that the final action is based on a determination of nationwide scope or effect for purposes of CAA section 307(b)(1) and is hereby

³In the report on the 1977 Amendments that revised section 307(b)(1) of the CAA, Congress noted that the Administrator’s determination that the “nationwide scope or effect” exception applies would be appropriate for any action that has a scope or effect beyond a single judicial circuit. See H.R. Rep. No. 95–294 at 323, 324, reprinted in 1977 U.S.C.A.N. 1402–03.

publishing that finding in the **Federal Register**.

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the District of Columbia Circuit by December 12, 2022.

Hans Christopher Grundler,
Director, Office of Atmospheric Programs.
[FR Doc. 2022–22059 Filed 10–7–22; 8:45 am]
BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0863; FR ID 108097]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission’s burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before December 12, 2022. If you anticipate that you will be submitting comments but find it difficult to do so within the period of time allowed by this notice, you should

advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email to PRA@fcc.gov and to Cathy.Williams@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0863.
Title: Satellite Delivery of Network Signals to Unserved Households for Purposes of the Satellite Home Viewer Act.

Form Number: Not applicable.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 848 respondents; 250,000 responses.

Estimated Time per Response: 0.50 hours.

Frequency of Response:

Recordkeeping requirement, On occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection action is contained in 47 U.S.C. 339.

Total Annual Burden to Respondents: 125,000 hours.

Total Annual Cost: No cost.

Needs and Uses: The information collection requirements contained in 47 CFR 73.686 describes a method for measuring signal strength at a household so that the satellite and broadcast industries would have a uniform method for making an actual determination of the signal strength that a household received. The information gathered as part of the noise-limited service contour signal strength tests will be used to indicate whether a household is “unserved” by over-the-air network signals.

Satellite and broadcast industries making field strength measurements for formal submission to the Commission in rulemaking proceedings, or making such measurements upon the request of the Commission, shall follow the procedure for making and reporting such measurements which shall be included in a report to the Commission and submitted in affidavit form, in triplicate. The report shall contain the following information:

(a) Tables of field strength measurements, which for each measuring location; (b) U.S. Geological Survey topographic maps; (c) All information necessary to determine the pertinent characteristics of the transmitting installation; (d) A list of

CORPORATE DISCLOSURE STATEMENT

Pursuant to FED. R. APP. P. 26.1 and Circuit Rule 26.1, petitioner Peter Williams is a natural person, for whom no corporate disclosure is required.

Dated: December 12, 2022

Respectfully submitted,

/s/ Lawrence J. Joseph

Lawrence J. Joseph

Law Office of Lawrence J. Joseph
1250 Connecticut Ave., NW, Ste. 700-1A
Washington, DC 20036

Tel: 202-355-9452

Fax: 202-318-2254

Email: ljoseph@larryjoseph.com

Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that, on this 12th day of December 2022, I have caused one true and correct copy of the foregoing Petition for Review—together with exhibits and a corporate disclosure—to be served on the following by postage pre-paid U.S.

Mail:

Hon. Michael S. Regan
Administrator
Environmental Protection Agency
Ariel Rios Building (Mail Code 1101A)
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Jeffrey M. Prieto, Esq.
General Counsel
Environmental Protection Agency
Ariel Rios Building (Mail Code: 2310A)
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

/s/ Lawrence J. Joseph _____

Lawrence J. Joseph