

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

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CENTER FOR BIOLOGICAL )  
DIVERSITY, HEALTHY GULF, )  
MANASOTA-88, INC., NORTH )  
AMERICA’S BUILDING TRADES )  
UNIONS, PEOPLE FOR )  
PROTECTING PEACE RIVER, INC., )  
PUBLIC EMPLOYEES FOR )  
ENVIRONMENTAL )  
RESPONSIBLIITY, RISE ST. JAMES, )  
and SIERRA CLUB AND ITS )  
FLORIDA CHAPTER, )

*Petitioners,*

v.

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

*Respondents.*

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No.

**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, Center for Biological Diversity, Healthy Gulf, Manasota-88, Inc., North America’s Building Trades Unions, People for Protecting Peace River, Inc., Public Employees for Environmental Responsibility, RISE St. James, and Sierra Club and its Florida Chapter 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. 66,550 (Oct. 20, 2020) and titled “Approval of the Request for Other Use of Phosphogypsum by the Fertilizer Institute” (attached).

DATED: December 18, 2020

Respectfully submitted,

/s/ Jaclyn Lopez (w/permission)

Jaclyn Lopez  
Center for Biological Diversity  
P.O. Box 2155  
St. Petersburg, FL 33731  
(727) 490-9190  
jlopez@biologicaldiversity.org

*Counsel for Center for Biological  
Diversity*

/s/ James S. Pew

James S. Pew  
Earthjustice  
1001 G Street, NW  
Suite 1000  
Washington, DC 20001  
(202) 667-4500 ext. 5214  
jpew@earthjustice.org

*Counsel for Center for Biological  
Diversity, Healthy Gulf, Manasota-88,  
Inc., North America’s Building Trades  
Unions, People for Protecting Peace  
River, Inc., Public Employees for  
Environmental Responsibility, RISE St.  
James, and Sierra Club and its Florida  
Chapter*



## **Center for Biological Diversity**

Non-Governmental Corporate Party to this Action: Center for Biological Diversity (“CBD”).

Parent Corporations: None.

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

Party’s General Nature and Purpose: Center for Biological Diversity is an environmental nonprofit organization headquartered in Arizona whose members believe that the welfare of human beings is deeply linked to nature—to the existence in our world of a vast diversity of wild animals and plants. Because diversity has intrinsic value, and because its loss impoverishes society, we work to secure a future for all species, great and small, hovering on the brink of extinction through science, law and creative media, with a focus on protecting the lands, waters and climate that species need to survive.

## **Healthy Gulf**

Non-Governmental Corporate Party to this Action: Healthy Gulf.

Parent Corporations: None.

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

Party’s General Nature and Purpose: Healthy Gulf is a 501(c)(3) non-profit corporation organized under the laws of Louisiana. Healthy Gulf is a network of environmental, social justice, and citizens’ groups in addition to individuals who

are committed to restoring the Gulf of Mexico to an ecologically and biologically sustainable condition. Its purpose is to collaborate with and serve communities who love the Gulf of Mexico by providing research, communications and coalition-building tools needed to reverse the long-pattern of overexploitation of the Gulf's natural resources.

### **Manasota-88, Inc.**

Non-Governmental Corporate Party to this Action: Manasota-88, Inc.

Parent Corporations: None.

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

Party's General Nature and Purpose: ManaSota-88, Inc. is a public interest conservation and environmental protection organization, which is a Florida not-for-profit corporation and a citizen of the State of Florida. The corporate purposes of ManaSota-88, Inc. include the protection of the public's health, the preservation of air and water quality, and the protection of wildlife habitat.

### **North America's Building Trades Unions**

Non-Governmental Corporate Party to this Action: North America's Building Trades Unions ("NABTU")

Parent Corporations: None.

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

Party's General Nature and Purpose: NABTU is a labor organization headquartered in Washington, D.C. and composed of fourteen national and international unions that together represent over three million men and women in the building and construction industry, thousands of whom are involved in road building.

### **People for Protecting Peace River, Inc.**

Non-Governmental Corporate Party to this Action: People for Protecting Peace River, Inc. ("3PR").

Parent Corporations: None.

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

Party's General Nature and Purpose: People for Protecting Peace River is a not-for-profit organization working to educate the public of the extraordinary value of the natural and agricultural lands of the Peace and Myakka River watersheds. Its mission is to end the damage being done by the phosphate industry and to promote a superior quality of life in the Peace River Heartland.

### **Public Employees for Environmental Responsibility**

Non-Governmental Corporate Party to this Action: Public Employees for Environmental Responsibility ("PEER").

Parent Corporations: None.

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

Party's General Nature and Purpose: PEER is a non-profit public interest organization incorporated in Washington, D.C. and headquartered in Silver Spring, Maryland. Among other public interest projects, PEER engages in advocacy, research, education, and litigation relating to the promotion of public understanding and debate concerning key current public policy issues. PEER focuses on the environment, including the regulation and remediation of toxic substances, public lands and natural resource management, public funding of environmental and natural resource agencies, and governmental accountability.

### **RISE St. James**

Non-Governmental Corporate Party to this Action: RISE St. James.

Parent Corporations: None.

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

Party's General Nature and Purpose: RISE St. James is a non-profit, grassroots, and faith-based organization organized and existing under the laws of the State of Louisiana. RISE St. James was formed to advocate for racial and environmental justice in St. James Parish, Louisiana.

**Sierra Club and its Florida Chapter**

Non-Governmental Corporate Party to this Action: Sierra Club and its Florida Chapter.

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.

DATED: December 18, 2020

Respectfully submitted,

/s/ Jaclyn Lopez (w/permission)

Jaclyn Lopez  
Center for Biological Diversity  
P.O. Box 2155  
St. Petersburg, FL 33731  
(727) 490-9190  
jlopez@biologicaldiversity.org

*Counsel for Center for Biological Diversity*

/s/ James S. Pew

James S. Pew  
Earthjustice  
1001 G Street, NW  
Suite 1000  
Washington, DC 20001  
(202) 667-4500 ext. 5214  
jpew@earthjustice.org

*Counsel for Center for Biological Diversity, Healthy Gulf, Manasota-88, Inc., North America's Building Trades Unions, People for Protecting Peace River, Inc., Public Employees for Environmental Responsibility, RISE St. James, and Sierra Club and its Florida Chapter*

## 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 18th day of December, 2020.

Andrew Wheeler, Administrator  
Office of the Administrator (1101A)  
Environmental Protection Agency  
1200 Pennsylvania Ave., NW  
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/ James S. Pew  
James S. Pew

# **ATTACHMENT**

please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), (866) 208-3676 (toll free), or (202) 502-8659 (TTY).

In lieu of electronic filing, you may submit a paper copy. Submissions sent via U.S. Postal Service must be addressed to, Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to, Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P-13417-008. Comments emailed to Commission staff are not considered part of the Commission record.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://ferc.gov>) using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID-19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (866) 208-3676 or TTY, (202) 502-8659.

Dated: October 14, 2020.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2020-23158 Filed 10-19-20; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

*Docket Number:* PR20-70-001.

*Applicants:* Regency Intrastate Gas LP.

*Description:* Tariff filing per 284.123(b),(e)/: Revised Operating Statement to be effective 6/2/2020.

*Filed Date:* 10/13/2020.

*Accession Number:* 202010135157.

*Comments/Protests Due:* 5 p.m. ET 11/3/2020.

*Docket Numbers:* RP20-1229-001.  
*Applicants:* Cheniere Corpus Christi Pipeline, LP.

*Description:* Tariff Amendment: Housekeeping Supplemental Filing to be effective 10/28/2020.

*Filed Date:* 10/13/20.

*Accession Number:* 20201013-5193.

*Comments Due:* 5 p.m. ET 10/26/20.

*Docket Numbers:* RP21-53-000.

*Applicants:* Panhandle Eastern Pipe Line Company, LP.

*Description:* § 4(d) Rate Filing: Housekeeping Filing on 10-13-20 to be effective 11/13/2020.

*Filed Date:* 10/13/20.

*Accession Number:* 20201013-5151.

*Comments Due:* 5 p.m. ET 10/26/20.

*Docket Numbers:* RP21-54-000.

*Applicants:* El Paso Natural Gas Company, L.L.C.

*Description:* § 4(d) Rate Filing: Non-Conforming Agreements Update (NMG) to be effective 1/1/2021.

*Filed Date:* 10/13/20.

*Accession Number:* 20201013-5165.

*Comments Due:* 5 p.m. ET 10/26/20.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: October 14, 2020.

**Nathaniel J. Davis, Sr.,**  
Deputy Secretary.

[FR Doc. 2020-23205 Filed 10-19-20; 8:45 am]

BILLING CODE 6717-01-P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-10015-95-Region 1]

### 2020 Annual Meeting of the Ozone Transport Commission

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice; meeting.

**SUMMARY:** The United States Environmental Protection Agency (EPA) is announcing the 2020 Annual Meeting of the Ozone Transport Commission (OTC). The meeting agenda will include topics regarding reducing ground-level ozone precursors.

**DATES:** The meeting will be held on November 18, 2020 starting at 9 a.m. and ending at noon.

**ADDRESSES:** Virtual meeting. Further information on the details for the virtual public meeting will be available at <http://www.otcair.org>.

**FOR FURTHER INFORMATION CONTACT:**

*For documents and press inquiries contact:* Ozone Transport Commission, 89 South St., Suite 602, Boston, MA 02111; (617) 259-2005; email: [ozone@otcair.org](mailto:ozone@otcair.org); website: <http://www.otcair.org>.

*For registration:* To register for the virtual meeting, please use the online registration form available at <http://www.otcair.org>, or contact the OTC at (617) 259-2005 or by email at [ozone@otcair.org](mailto:ozone@otcair.org).

**SUPPLEMENTARY INFORMATION:** The Clean Air Act Amendments of 1990 contain Section 184 provisions for the Control of Interstate Ozone Air Pollution. Section 184(a) establishes an Ozone Transport Region (OTR) comprised of the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, parts of Virginia and the District of Columbia. The purpose of the OTC is to address ground-level ozone formation, transport, and control within the OTR.

*Type of Meeting:* Open.

*Agenda:* Copies of the final agenda will be available from the OTC office (617) 259-2005; by email: [ozone@otcair.org](mailto:ozone@otcair.org) or via the OTC website at <http://www.otcair.org>.

Dated: October 14, 2020.

**Dennis Deziel,**

Regional Administrator, EPA Region 1.

[FR Doc. 2020-23122 Filed 10-19-20; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2020-0442; FRL-10014-36-OAR]

### Approval of the Request for Other Use of Phosphogypsum by the Fertilizer Institute

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving, subject to certain conditions, a request by The Fertilizer Institute for use of phosphogypsum in government road projects. This decision and supporting information is being made available to the public through this notice. Under the Clean Air Act, the EPA may approve a request for other use of phosphogypsum if it determines that the proposed use is at least as protective of human health as placement in a stack, which is the designated management method. With this approval, and in accordance with its terms and conditions, government entities may use phosphogypsum for road construction projects.

**DATES:** October 20, 2020.

**FOR FURTHER INFORMATION CONTACT:**

Jonathan P. Walsh, Radiation Protection Division, Office of Radiation and Indoor Air, Mail Code 6608T, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 343-9238; fax number: (202) 343-2304; email address: [walsh.jonathan@epa.gov](mailto:walsh.jonathan@epa.gov).

Organization of this document. The information in this notice is organized as follows:

- I. General Information
  - A. How can I get copies of this document and other related information?
- II. Background and Overview of Decision
  - A. The EPA's 1992 Risk Assessment
  - B. Request by The Fertilizer Institute
  - C. TFI's Risk Assessment
  - D. Terms and Conditions of the Approval

**SUPPLEMENTARY INFORMATION:****I. General Information**

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

1. *Docket.* The EPA has established a docket for this action under Docket ID No. EPA-HQ-OAR-2020-0442. Publicly available docket materials are available either electronically through [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Air and Radiation Docket in the EPA Docket Center, (EPA/DC) EPA West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Air and Radiation Docket is (202) 566-1742.

2. *Electronic Access.* You may access this **Federal Register** document electronically from the Government

Printing Office under the "**Federal Register**" listings at FDSys (<http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR>).

**II. Background and Overview of Decision**

Phosphogypsum stacks are large piles of waste from wet acid phosphorous production. There are more than 60 stacks of phosphogypsum located in 13 different states. The majority of these stacks are located in the southeastern region of the United States. Because the phosphate ore used to produce the phosphoric acid contains relatively high concentrations of uranium and radium, phosphogypsum stacks also contain high concentrations of these elements. The presence of radium in the stacks causes them to release radon gas into the atmosphere.

The EPA regulates the management of phosphogypsum based on its elevated levels of radium and its decay products, including radon gas, which is classified as a hazardous air pollutant under the Clean Air Act. As required by 40 CFR part 61, subpart R (hereafter "Subpart R"), phosphogypsum must be disposed of in engineered piles, called stacks, with the exception of limited use for agricultural and research purposes. In addition, applicants may request approval of other uses of phosphogypsum by following the process prescribed in 40 CFR 61.206.

*A. The EPA's 1992 Risk Assessment*

The EPA initially established the requirement that phosphogypsum be placed into stacks without any exceptions (54 FR 51674, December 15, 1989). In response to petitions for reconsideration, the EPA re-evaluated the risks of selected applications of phosphogypsum against the risks from stacking (57 FR 23305, June 3, 1992).<sup>1</sup> The EPA determined that the use of phosphogypsum in limited agricultural and indoor research activities could be as protective of human health, in the short- and long-term, as stacking. These approved uses were incorporated into Subpart R at 40 CFR 61.204-205.

The EPA also assessed the use of phosphogypsum in road construction. While the risks were found to be acceptable from most of the exposure scenarios analyzed, the potential risks to residents of dwellings constructed on an abandoned road were calculated to be unacceptably high. The EPA therefore did not approve road construction as a categorical use of phosphogypsum. The

EPA did, however, define in 40 CFR 61.206 a process to request approval of other uses of phosphogypsum, including a risk assessment demonstrating that the proposed use is at least as protective of human health, in the short- and long-term, as placement in a stack. As stated in the preamble to the final rule, the measure of protectiveness is lifetime risk of fatal cancer to individuals. In connection with the removal of phosphogypsum from stacks for authorized uses, the EPA incorporated sampling, certification, and record-keeping requirements into Subpart R at 40 CFR 61.207 through 61.209.

*B. Request by The Fertilizer Institute*

On October 15, 2019, The Fertilizer Institute (TFI) submitted its initial "Request for Approval of Additional Uses of Phosphogypsum Pursuant to 40 CFR 61.206," requesting that EPA approve the use of phosphogypsum in road construction. Subsequently, on April 7, 2020, TFI submitted, on behalf of its members that own or operate phosphogypsum stacks, a revised request: "Revised Request for Approval of Additional Uses of Phosphogypsum Pursuant to 40 CFR 61.206: Use in Road Construction Projects Authorized by Federal, State and Local Departments of Transportation or Public Works."

TFI requested that phosphogypsum be approved specifically for government road projects authorized by federal, state and local Departments of Transportation (DOT) or Public Works (PW), and conducted as part of a government road project using appropriate, generally accepted road construction standards and specifications such as ASTM,<sup>2</sup> Federal Highway Administration, federal or state DOT standards and specifications, or standards developed or approved in consultation with the appropriate regulatory DOT or PW authorities. Notably, as envisioned by the request, the submitter of the request (TFI) would not be the entity using the phosphogypsum, although its members may supply the phosphogypsum to the end user (*i.e.*, the government agency responsible for the road construction project). To address this situation, the terms and conditions of the approval require that the phosphogypsum supplier (stack owner or operator) and the end user each provide information to the EPA, as appropriate, prior to removal of phosphogypsum from the stack.

TFI estimates that the cost of transportation would make the use of

<sup>1</sup> "Potential Uses of Phosphogypsum and Associated Risks: Background Information Document," EPA 402-R92-002, May 1992.

<sup>2</sup> Formerly the American Society for Testing and Materials, now ASTM International.

phosphogypsum uneconomical at distances greater than about 200 miles from a stack.<sup>3</sup> In that case, the regional distribution of phosphogypsum stacks suggests that its use for road construction would likely be concentrated in the southeastern part of the country but could also occur in western states such as Idaho and Wyoming.

### C. TFI's Risk Assessment

As required by Subpart R, TFI submitted a risk assessment as part of its request.<sup>4</sup> The risk assessment assessed potential exposures to individuals in various scenarios involving road users, nearby residents, and road construction workers. TFI's exposure scenarios and modeling approaches were largely consistent with the EPA's 1992 analysis, as were the overall results.

The EPA finds TFI's risk assessment to adequately demonstrate that the use of phosphogypsum in road construction will be at least as protective of human health, in the short- and long-term, as stacking.<sup>5</sup> However, as in 1992, the EPA remains concerned about potential exposures should the road become abandoned, particularly for a residence built on road material containing phosphogypsum. The EPA does not agree that TFI's assumptions in its analysis of this scenario, such as the use of radon resistant home construction techniques, could be relied upon to limit the potential risks to a future residential individual from such an occurrence. In this case, however, the EPA believes that this risk can be acceptably mitigated by including appropriate terms and conditions in the approval.

In defining its request and exposure scenarios, TFI's risk assessment assumes certain limitations involving the construction and placement of roads. For example, phosphogypsum incorporated into the road base and the road surface is limited in its radium-226 concentration and is assumed to be mixed with other materials in limited proportions. The terms and conditions of the approval reflect these assumptions and limitations.

<sup>3</sup> "Economic Analysis of Phosphogypsum Reuse," prepared for TFI by Policy Navigation Group, submitted as Appendix 6 to TFI's Revised Request, December 2019, page 19.

<sup>4</sup> "Radiological Risk Assessment in Support of Petition for Beneficial Use of Phosphogypsum," prepared for TFI by Arcadis Canada Inc., submitted as Appendix 2 to TFI's Revised Request, October 2019.

<sup>5</sup> "Review of the Radiological Risk Assessment Submitted in Support of Request for Approval of Other Use of Phosphogypsum," October 2019, The Fertilizer Institute.

### D. Terms and Conditions of the Approval

The EPA has determined that, subject to the terms and conditions summarized below, phosphogypsum may be removed from stacks and used in government road projects, as requested by TFI. This approval to use phosphogypsum in road construction does not authorize the removal of any phosphogypsum from any stacks or the use of any phosphogypsum for road construction unless and until the information required by the "Initial Conditions," below, is provided to EPA. Only after such information is provided to EPA, may phosphogypsum be removed from stacks and used in road construction, further provided that the conditions expressed in "Other Conditions," below, continue to be met. A complete listing of the terms and conditions applicable to this approval may be found in the approval letter.<sup>6</sup> Additional supporting documentation, such as the complete TFI request and risk assessment, are also in the docket.

#### 1. Initial Conditions

Prior to the distribution and/or use of phosphogypsum for any government road project, the owner or operator of the stack from which phosphogypsum is to be distributed or the governmental entity responsible for building and maintaining the road, as appropriate, must submit to the Agency all information required by 40 CFR 61.206(b), as more specifically described in the approval letter.

#### 2. Other Conditions<sup>7</sup>

Subsequent to the provision of the initial required information to EPA, phosphogypsum may be used in government road projects in accordance with additional conditions, as stated in the approval letter, including, for example, conditions related to:

<sup>6</sup> Letter from Andrew Wheeler, Administrator, Environmental Protection Agency, to Corey Rosenbusch, President and CEO, The Fertilizer Institute, Docket No. EPA-HQ-OAR-2020-0442.

<sup>7</sup> In addition to the information required by 40 CFR 61.206(b), as noted in connection with the "Initial Conditions," the "Other Conditions" include conditions associated with the requirements of 40 CFR 61.206(d) and 61.207-61.209; conditions inherent in the nature of or limitations or assumptions associated with TFI's request; and conditions imposed under the EPA's authority and discretion under 40 CFR 61.206(e). The EPA believes that these conditions are either required by 40 CFR part 61, subpart R or are reasonably appropriate to help provide continued assurance that the use is at least as protective as disposal of phosphogypsum in stacks and will ensure that the removal of phosphogypsum from stacks and use in government road projects will be consistent with TFI's request and will occur with public notice and appropriate information availability.

- Continued control, maintenance, and use of the road;
- Sampling, certification, and record-keeping requirements in 40 CFR 61.206(d) and 61.207 through 61.209;
- Construction of the road consistent with the assumptions, scenarios, limitations, and parameters analyzed in TFI's risk assessment, including an average radium content of no more than 35 pCi/g, no more than 2.25% PG by weight in surface pavement and no more than 50% PG by weight in the road base; and
- Notification and availability of information for the public and road construction workers on the use of phosphogypsum in the road project.

Any use of phosphogypsum not consistent with the terms and conditions and any other limitations set forth in this approval shall be construed as unauthorized distribution of phosphogypsum and may constitute a violation of or noncompliance with 40 CFR part 61, subpart R. This approval is pursuant to Subpart R promulgated under the authority of the Clean Air Act. This approval does not relieve TFI, phosphogypsum stack owners or operators or resellers, retailers, distributors, or end users or other entities handling, processing or using phosphogypsum of responsibility to comply with other applicable laws and regulations.

Andrew Wheeler,  
Administrator.

[FR Doc. 2020-23154 Filed 10-19-20; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPPT-2020-0077; FRL-10015-81]

### Certain New Chemicals; Receipt and Status Information for September 2020

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA is required under the Toxic Substances Control Act (TSCA), as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act, to make information publicly available and to publish information in the **Federal Register** pertaining to submissions under TSCA Section 5, including notice of receipt of a Premanufacture notice (PMN), Significant New Use Notice (SNUN) or Microbial Commercial Activity Notice (MCAN), including an amended notice or test information; an exemption