



U.S. Department of Justice
Environment and Natural Resources Division

Environmental Defense Section
999 18th Street
South Terrace, Suite 370
Denver, CO 80202

Telephone (203) 884-7231
Facsimile (202) 514-8865

May 17, 2018

FILED VIA ECF

Clerk of the Court
United States Court of Appeals for the D.C. Circuit
E. Barrett Prettyman U.S. Courthouse
333 Constitution Ave., NW
Washington, DC 20001

Re: *Air Alliance Houston, et al. v. EPA, et al.*, Nos. 17-1155 and 17-1181.

To the Clerk of the Court:

Pursuant to Federal Rule of Appellate Procedure 28(j), Respondents United States Environmental Protection Agency and Scott Pruitt, Administrator (EPA) are writing to notify the Court that today the Administrator signed a proposed rule reconsidering the Risk Management Program Amendments. The proposed rule is posted on EPA's website at <https://www.epa.gov/rmp/proposed-risk-management-program-rmp-reconsideration-rule>, and will be published in the Federal Register.

As discussed in EPA's brief and at argument, EPA promulgated the Delay Rule at issue in this case in order to give the Agency time to reconsider the Risk Management Program Amendments, especially certain emergency response coordination requirements that raised security concerns. *See* EPA Br. 11-12, 13-14, 47-48, 50-52 (discussing security concerns). The proposed rule addresses and seeks comment on those and other issues.

Respectfully submitted,

/s/ Stephanie J. Talbert

Stephanie J. Talbert

United States Department of Justice

Environment & Natural Resources Division

Environmental Defense Section

999 18th Street, South Terrace, Suite 370

Denver, CO 80202

303-844-7231

Jonathan Brightbill

United States Department of Justice

Environment & Natural Resources Division

P.O. Box 7611

Washington, DC 20004

202-514-2766

Counsel for Respondents

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served on all counsel of record by the Court's ECF system on May 17, 2018.

/s/ Stephanie J. Talbert

Stephanie J. Talbert

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CERTIFICATE OF COMPLIANCE WITH WORD LIMITATIONS

Pursuant to Fed. R. App. P. 32(g)(1), I hereby certify that Respondents' **Letter Pursuant to Federal Rule of Appellate Procedure 28(j)**, filed on May 17, 2018, contains 127 words as counted by the word count feature of Microsoft Word. This is in compliance with Fed. R. App. P. 28(j).

/s/ Stephanie J. Talbert

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