

the Louisiana petition, this petition does not specify the volume that should be waived.

Finally, the Governor of Pennsylvania submitted a similar petition on May 11, 2020, seeking a waiver of the RFS volume requirements. The Pennsylvania petition alleges that increasing annual RFS volume obligations severely harmed Pennsylvania and the East Coast region, and that such harm was compounded both by the Tenth Circuit's *RFA* decision, and the coronavirus pandemic and ensuing fall in gasoline and diesel demand.

Several organizations and individuals, including the environmental group National Wildlife Federation (NWF), and Members of Congress, have submitted letters expressing support for the granting of a waiver. Other organizations and individuals, including the Renewable Fuels Association and various mayors, have submitted letters expressing opposition to the granting of a waiver. These petitions and related letters are available in the docket for this action. Should we receive additional petitions and letters, we will also add those petitions and letters to the docket and consider them together with requests already received. We encourage commenters to carefully review both the petitions and the letters in the docket in formulating their comments.

EPA is seeking comment on the above-described petitions and the discrete issues the petitions raise, including:

- In general, whether the petitioners have satisfied the criteria for granting a waiver that EPA previously set forth and/or whether EPA should modify those criteria as requested by the petitioners;⁷
- Whether the petitioners have demonstrated severe economic harm to a State, a region, or the United States;
- Whether the petitioners have demonstrated a sufficient causal nexus between the RFS volume requirements and such harm (including whether that nexus is actual causation, significant contribution, or some other relationship);
- Whether the petitioners have accurately assessed the impacts of a waiver on other directly and indirectly affected persons (including but not limited to biofuel producers, farmers, consumers of transportation fuel, and any affected petroleum refiners and importers), and how such impacts should affect EPA's decision on the petitions;

- Whether, as requested by the petition from the group of small refineries, EPA may target relief to certain refineries under the general waiver authority; and

- Ultimately, whether EPA should exercise the general waiver authority in response to any of the petitions. If the commenter believes EPA should waive volumes, we ask that the commenter identify the specific obligation that should be waived (e.g., the 2019 or 2020 RFS volume obligations), the amount of the waiver, and any other details of the remedy desired.

We strongly encourage commenters to include data, specific supporting examples, and technical analysis, to the extent feasible.

EPA also received a letter from the National Wildlife Federation suggesting that relief could be granted on the basis of severe environmental harm. The NWF letter suggests there is evidence of environmental harm due to land conversion to cropland resulting in habitat loss and climate change, agricultural runoff and resulting water quality impacts, an increase in water use to irrigate crop fields, and increasing smog and corresponding impacts on air quality due to increasing ethanol content in gasoline. We also solicit comment on the discrete issues raised by this letter and whether the evidence presented in the letter would support a waiver on the basis of severe environmental harm.

EPA is publishing and seeking comment on these petitions to foster public dialogue on these issues and to inform our future decision-making. At this time, we are not reconsidering or otherwise reexamining the 2019 or 2020 RFS rulemakings or any other prior action,⁸ or soliciting comment on any issues beyond those specifically raised by the petitions and the NWF letter in support.⁹ We are also not proposing to either grant or to deny any of the petitions.

⁸ See *Nat'l Mining Ass'n v. United States Dep't of the Interior*, 70 F.3d 1345, 1351 (D.C. Cir. 1995) ("The decision to publish a petition for rulemaking . . . is not evidence of a reexamination of the policy at issue in the petition."); *P & V Enterprises v. U.S. Army Corps of Engineers*, 516 F.3d 1021, 1026 (D.C. Cir. 2008) ("an agency must be able to initiate a public dialogue without inadvertently reopening established precedent, or its communications with the public would be unnecessarily stifled").

⁹ For example, we are not soliciting comment on EPA's small refinery exemption policy, the point of obligation, the generation of RINs for exported fuel, or any other issue beyond those discrete issues raised by the petitions and the NWF letter.

Dated: January 7, 2021.

Anne L. Austin,

Principal Deputy Assistant Administrator,
Office of Air and Radiation.

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ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2020-0579; FRL-10018-63-OAR]

Proposed Information Collection Request; Comment Request; Mobile Air Conditioner Retrofitting Program (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency is planning to submit an information collection request (ICR), "Mobile Air Conditioner Retrofitting Program (Renewal)" (EPA ICR No. 1774.08, OMB Control No. 2060-0350) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through August 31, 2021. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before March 22, 2021.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA-HQ-OAR-2020-0579, online using <https://www.regulations.gov> (our preferred method), or by email to a-and-r-docket@epa.gov. Out of an abundance of caution for members of the public and our staff, the EPA Docket Center and Reading Room are closed to the public, with limited exceptions, to reduce the risk of transmitting COVID-19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. We encourage the public to submit comments via <https://www.regulations.gov> or email, as there may be a delay in processing mail and faxes. Hand deliveries and couriers may be received by scheduled appointment only. For further information on EPA Docket Center services and the current status, please visit us online at <https://www.epa.gov/dockets>.

EPA's policy is that all comments received will be included in the public

⁷ See 73 FR 47168 (August 13, 2008) and 77 FR 70752 (November 27, 2012).

docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Christina Thompson, Environmental Protection Agency, Stratospheric Protection Division, Office of Atmospheric Programs, MC 6205T, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564-0983; email address: thompson.christina@epa.gov.

SUPPLEMENTARY INFORMATION:

Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at <https://www.regulations.gov>. The EPA is temporarily suspending its Docket Center and Reading Room for public visitors, with limited exceptions, to reduce the risk of transmitting COVID-19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. The telephone number for the Docket Center is 202-566-1744. For further information and updates on EPA Docket Center services, please visit us online at <https://www.epa.gov/dockets>.

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: EPA's Significant New Alternatives Policy (SNAP) program implements Section 612 of the 1990 Clean Air Act (CAA) Amendments which authorized the Agency to establish regulatory requirements to ensure that ozone-depleting substances (ODS) are replaced by alternatives that reduce overall risks to human health and the environment, and to promote an expedited transition to safe substitutes. To promote this transition, CAA specified that EPA establish an information clearinghouse of available alternatives, and coordinate with other Federal agencies and the public on research, procurement practices, and information and technology transfers.

Since the program's inception in 1994, SNAP has reviewed close to 500 new chemicals and alternative manufacturing processes for a wide range of consumer, industrial, space exploration, and national security applications. Roughly 90% of alternatives submitted to EPA for review have been listed as acceptable for a specific use, typically with some condition or limit to minimize risks to human health and the environment.

Regulations promulgated under SNAP require that Motor Vehicle Air Conditioners (MVACs) retrofitted to use a SNAP substitute refrigerant include basic information on a label to be affixed to the air conditioner. The label includes the name of the substitute refrigerant, when and by whom the retrofit was performed, environmental and safety information about the substitute refrigerant, and other information. This information is needed so that subsequent technicians working on the MVAC system will be able to service the equipment properly, decreasing the likelihood of significant refrigerant cross-contamination and potential failure of air conditioning systems and recovery/recycling equipment.

Form Numbers: None.

Respondents/affected entities: Entities potentially affected by this action are new and used car dealers, gas service stations, top and body repair shops, general automotive repair shops, automotive repair shops not elsewhere classified, including air conditioning and radiator specialty shops.

Respondent's obligation to respond: Mandatory under 40 CFR 82.180.

Estimated number of respondents: 3 (total).

Frequency of response: Once per retrofit of a motor vehicle air conditioner.

Total estimated burden: 0.08 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: \$3.64 (per year), includes \$0.10 (per year) annualized capital or operation & maintenance costs.

Changes in Estimates: There is a decrease of 0.3 hours in the total estimated respondent burden compared with the ICR currently approved by OMB (per year). This decrease is based on the decline of MVACs in service today using chlorofluorocarbons (CFCs), specifically CFC-12. After 1994, new cars in the U.S. were no longer manufactured with CFC-12 MVACs. The number of MVACs originally designed to use CFC-12 as well as the number of those retrofitted has been decreasing every year and EPA estimates a continued reduction in the number of CFC-12 MVAC retrofits will occur during the next three years. EPA estimates that in 2020 there were 1,500 MVACs originally designed to use CFC-12 operating in the U.S., and estimates that in 2021, 2022 and 2023 the number of cars originally designed to use CFC-12 will decrease to 600, 200 and 100, respectively. Of these, EPA estimates that 1 MVAC will be retrofitted annually to use alternative refrigerants. Therefore, EPA estimates that in 2021, 2022 and 2023 the number of MVACs to be retrofitted is 1 for each year; resulting in a total of 3 MVAC retrofits over the three years of this ICR. These reductions are due to the decrease of CFC-12 MVACs available on the road for retrofitting.

Hans Christopher Grundler,

Director, Office of Atmospheric Programs.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-10016-81-Region 3]

Delegation of Authority to the State of West Virginia To Implement and Enforce Additional or Revised National Emission Standards for Hazardous Air Pollutants Standards and New Source Performance Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of delegation of authority.

SUMMARY: On October 8, 2020, the Environmental Protection Agency (EPA) sent the State of West Virginia (West Virginia) a letter acknowledging that West Virginia's delegation of authority to implement and enforce the National Emissions Standards for Hazardous Air Pollutants (NESHAP) and New Source