

essential in determining compliance, and are required of all affected facilities subject to NESHAP.

Form Numbers: 5900–566.

Respondents/affected entities: Owners and operators of reinforced plastic composites production operations and processes.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart WWWW).

Estimated number of respondents: 448 (total).

Frequency of response: Monthly, semiannually, annually.

Total estimated burden: 38,600 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: \$4,570,000 (per year), which includes \$0 for annualized capital/startup and/or operation & maintenance costs.

Changes in the Estimates: The increase in burden from the most-recently approved ICR is due to an increase in adjustment(s). The adjustment increase in burden from the most-recently approved ICR is due to a change in regulatory requirements stemming from the 2020 RTR ICR (EPA ICR No. 1976.09) and the incorporation of its burden into the currently-approved ICR. Items added include burden for work practice requirements and time to record information. Work practice requirements have had a significant impact on the burden since facilities are complying with the current regulations through pollution prevention measures rather than add-on control devices. The time to complete semiannual compliance reports and time to train personnel have also been adjusted. Reporting emissions exceedances or no emissions exceedances is included in the semiannual compliance reports, and the time to train personnel was adjusted to represent facilities of any size. In addition, capital/startup and operation and maintenance costs have decreased from the previous ICR. It is estimated no new facilities will be subject to the rule and that existing facilities are complying with the rule using compliant materials instead of add-on control devices.

Courtney Kerwin,

Director, Regulatory Support Division.

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ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2021–0566; FRL–9720–01–OAR]

Notice of April 2022 Alternative Compliance Demonstration Approach for Certain Small Refineries Under the Renewable Fuel Standard Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is providing notice of its action to provide an alternative compliance demonstration approach (the “Compliance Action”) to certain small refineries whose 2018 petitions for small refinery exemptions (SREs) under the Renewable Fuel Standard (RFS) program were denied in the April 2022 Denial of Petitions for RFS Small Refinery Exemptions (“SRE Denial”) after being remanded. EPA is providing this notice for public awareness of and the basis for the Compliance Action issued on April 7, 2022.

DATES: April 25, 2022.

FOR FURTHER INFORMATION CONTACT:

Karen Nelson, Office of Transportation and Air Quality, Compliance Division, Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105; telephone number: 734–214–4657; email address: nelson.karen@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The Clean Air Act (CAA) provides that a small refinery¹ may at any time petition EPA for an extension of the exemption from the obligations of the RFS program for the reason of disproportionate economic hardship (DEH).² In evaluating such petitions, the EPA Administrator, in consultation with the Secretary of Energy, will consider the findings of a Department of Energy (DOE) study and other economic factors.³ In a separate action issued on April 7, 2022, EPA denied 36 small refinery exemption (SRE) petitions for the 2018 compliance year by finding the petitioning refineries do not face DEH caused by compliance with their RFS obligations.⁴

¹ The CAA defines a small refinery as “a refinery for which the average aggregate daily crude oil throughput for a calendar year . . . does not exceed 75,000 barrels.” CAA section 211(o)(1)(K).

² CAA section 211(o)(9)(B)(i).

³ CAA section 211(o)(9)(B)(ii).

⁴ “April 2022 Denial of Petitions for RFS Small Refinery Exemptions,” EPA–420–R–22–005, April 2022 (hereinafter the “SRE Denial”).

II. Compliance Action

In the Compliance Action,⁵ EPA is providing 31 specific small refineries with an alternative approach to demonstrating compliance with their RFS renewable volume obligations created by the SRE Denial. Each of the specified small refineries had previously been granted an SRE for the 2018 compliance year; however, each of their petitions again came before the Agency as the result of court remand. The Compliance Action is necessary because EPA has determined there are extenuating circumstances that warrant an alternative compliance demonstration approach that the specified small refineries may use to meet their 2018 obligations without retiring any additional RINs.

III. Judicial Review

Section 307(b)(1) of the CAA governs judicial review of final actions by the EPA. This section 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 . . . 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) described in the preceding sentence.

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).⁶ This final action provides an alternative approach to demonstrating compliance with the 2018 obligations for 31 small refineries across the country and applies to small

⁵ “April 2022 Alternative RFS Compliance Demonstration Approach for Certain Small Refineries,” EPA–420–R–22–006, April 2022.

⁶ 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.

refineries located within 16 states in 7 of the 10 EPA regions and in 7 different Federal judicial circuits.⁷ This final action is based on the extenuating circumstances applicable to these 31 small refineries and the impacts their compliance with their newly created 2018 obligations under the existing compliance scheme would have on the RFS program. 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 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 by June 24, 2022.

Joseph Goffman,

*Principal Deputy Assistant Administrator,
Office of Air and Radiation.*

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ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2020-0662; FRL-9792-01-OMS]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NSPS for Secondary Lead Smelters (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NSPS for Secondary Lead Smelters (EPA ICR Number 1128.13, OMB Control Number 2060-0080), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through May 31, 2022. Public comments were previously requested, via the **Federal Register**, on February 8, 2021, during a 60-day comment period. This notice allows for

an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may neither conduct nor sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before May 25, 2022.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA-HQ-OAR-2020-0662, online using www.regulations.gov (our preferred method) or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 2821T, 1200 Pennsylvania Ave. NW, Washington, DC 20460. EPA's policy is that all comments received will be included in the public 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.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Muntasir Ali, Sector Policies and Program Division (D243-05), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541-0833; email address: ali.muntasir@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>, or in person at the EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA's public docket, visit: <https://www.epa.gov/dockets>.

Abstract: The New Source Performance Standards (NSPS) for Secondary Lead Smelters (40 CFR part 60, subpart L) apply to existing facilities and new secondary lead smelting facilities: Any pot furnace of more than

250 kg (550 lb) charging capacity, blast (cupola) furnaces, and reverberatory furnaces. The affected facilities include any facility producing lead from a lead bearing scrap material by smelting to the metallic form. Blast furnace means any furnace used to recover metal from slag. Reverberatory furnaces include furnaces of various types, e.g., stationary, rotating, rocking and tilting. New facilities include those that commenced construction, modification, or reconstruction after the date of proposal. This information is being collected to assure compliance with 40 CFR part 60, subpart L.

In general, all NSPS standards require initial notifications, performance tests, and periodic reports by the owners/operators of the affected facilities. They are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance, and are required of all affected facilities subject to NSPS.

Form Numbers: None.

Respondents/affected entities: Secondary lead smelting facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart L).

Estimated number of respondents: 10 (total).

Frequency of response: Initially.

Total estimated burden: 26 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: \$3,130 (per year), which includes \$0 in annualized capital/startup and/or operation & maintenance costs.

Changes in the Estimates: The adjustment decrease in burden from the most recently-approved ICR is due to a decrease in the number of sources. There is a decrease in the number of estimated sources from 12 to 10 due to consolidation within the sector. The reduced number of estimated sources also led to a decrease in the number of responses. There are no capital/startup and/or operation and maintenance costs associated with the rule.

Courtney Kerwin,

Director, Regulatory Support Division.

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⁷ 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.