

completed and publishes for comment, the Agency will issue a Proposed Interim Decision (PID) to address all the uses of sulfuranyl fluoride.

*Registration Review documents available for publication and open for public comment:*

- Sulfuryl Fluoride. Residential Post-application Exposure and Risk Assessment.
- Sulfuryl Fluoride. Occupational and Residential Exposure Assessment in Support of Registration Review.
- Sulfuryl Fluoride—Draft Risk Assessment in Support of Office of Registration Review Part I: Occupational and Residential Exposure.
- Six Structural and Commodity Fumigants: Combined Draft Risk Assessment (DRA) and Drinking Water Assessment (DWA) for Registration Review.
- Overview of Application Methods and Factors, Use, Usage, and Benefits of Commodity and Structural Fumigants: Phosphine [(066500) including Aluminum Phosphide (066501) and Magnesium Phosphide (066504)], Propylene Oxide (042501), Sulfur Dioxide (077601), Sodium Metabisulfite (111409), Sulfuryl Fluoride, (078003), Ethylene Oxide (042301), and Methyl Bromide (053201).

Pursuant to 40 CFR 155.53(c), EPA is providing an opportunity, through this notice of availability, for interested parties to provide comments and input concerning the Agency's Sulfuryl Fluoride Draft Interim Re-Entry Mitigation Measures and the draft human health and ecological risk assessments for sulfuranyl fluoride. The Agency will consider all comments received during the public comment period and make changes, as appropriate, to these documents. EPA may then issue the Sulfuryl Fluoride Final Interim Re-Entry Mitigation Measures, revised risk assessments, explain any changes to the mitigation measures and draft risk assessments, and respond to comments.

*Information submission requirements.* Anyone may submit data or information in response to this document. To be considered during a pesticide's registration review, the submitted data or information must meet the following requirements:

- To ensure that EPA will consider data or information submitted, interested persons must submit the data or information during the comment period. The Agency may, at its discretion, consider data or information submitted at a later date.
- The data or information submitted must be presented in a legible and useable form. For example, an English

translation must accompany any material that is not in English and a written transcript must accompany any information submitted as an audio-graphic or video-graphic record. Written material may be submitted in paper or electronic form.

- Submitters must clearly identify the source of any submitted data or information.
- Submitters may request the Agency to reconsider data or information that the Agency rejected in a previous review. However, submitters must explain why they believe the Agency should reconsider the data or information in the pesticide's registration review.

As provided in 40 CFR 155.58, the registration review docket for each pesticide case will remain publicly accessible through the duration of the registration review process; that is, until all actions required in the final decision on the registration review case have been completed.

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

Dated: May 5, 2021.

**Mary Reaves,**

*Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.*

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## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2021-0289; FRL-10024-34-OAR]

### Notice of Data Availability Relevant To Petition Submissions Under the American Innovation and Manufacturing Act of 2020

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

**ACTION:** Notice of data availability.

**SUMMARY:** This Notice of Data Availability is to alert stakeholders of petitions submitted to the Environmental Protection Agency under subsection (i) of the American Innovation and Manufacturing Act of 2020, and to provide notice of a new docket where these petitions and others submitted under subsection (i) will be made publicly available. The docket will provide the public the opportunity to view petitions submitted under this subsection and to submit any supplemental relevant data to the petitions. The Agency may consider relevant information submitted to the docket in its determinations of whether to grant or deny subsection (i) petitions.

**DATES:** The Environmental Protection Agency (EPA) is interested in receiving comments on the data in this notice of data availability (NODA) to inform the Agency's regulatory process. To ensure that your supplemental data may be considered in upcoming EPA determinations regarding petitions received on April 13, 2021, please submit information to the Agency by June 8, 2021.

**ADDRESSES:** You may send data identified by Docket ID No. EPA-HQ-OAR-2021-0289, by any of the following methods:

- *Federal eRulemaking Portal:* <https://www.regulations.gov/> (our preferred method). Follow the online instructions for submitting comments.

- *Mail:* U.S. Environmental Protection Agency, EPA Docket Center, Air and Radiation Docket, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.

- *Hand Delivery or Courier (by scheduled appointment only):* EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The Docket Center's hours of operations are 8:30 a.m.–4:30 p.m., Monday–Friday (except Federal Holidays).

*Instructions:* All submissions received must include the Docket ID No. for this notice. Data received may be posted without change to <https://www.regulations.gov/>, including any personal information provided. 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 data 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>.

**FOR FURTHER INFORMATION CONTACT:** Joshua Shodeinde, U.S. Environmental Protection Agency, Stratospheric Protection Division, telephone number: 202-564-7037; or email address: [shodeinde.joshua@epa.gov](mailto:shodeinde.joshua@epa.gov). You may also visit EPA's website at <https://www.epa.gov/climate-hfcs-reduction> for further information.

**SUPPLEMENTARY INFORMATION:**

**I. What should I consider as I prepare my submissions?**

You may find the following suggestions helpful for preparing supplemental information: Explain your views as clearly as possible; describe any assumptions that you used; provide any technical information or data you used that support your views; provide specific examples to illustrate your concerns; offer alternatives; and make sure to submit your data by the deadline specified. Please provide any published studies or raw data supporting your position. Confidential Business Information (CBI) should not be

submitted through [www.regulations.gov](http://www.regulations.gov). Please work with the person listed in the **FOR FURTHER INFORMATION CONTACT** section if submitting any information containing CBI.

**II. Background**

Subsection (i) of the American Innovation and Manufacturing Act of 2020 (AIM Act or Act),<sup>1</sup> entitled “Technology Transitions,” provides that a person may petition the Administrator to promulgate a rule for the restriction on use of a regulated substance<sup>2</sup> in a sector or subsector. Once EPA receives a petition under this subsection, the AIM Act directs the Agency to make

petitions publicly available within 30 days of receipt, and to grant or deny the petition within 180 days of receipt.

On April 13, 2021, the Agency received five petitions under subsection (i) of the AIM Act. We have established the docket to this notice to make these petitions publicly available, and to post letters of support and other submitted material for public accessibility. Table 1 below lists the petitions received by EPA on April 13, 2021, and each petition’s docket document ID number. Going forward, EPA intends to also use this docket to post petitions and other relevant information submitted under subsection (i) of the AIM Act.

TABLE 1—LIST OF PETITIONERS AND PETITION DOCKET ID NUMBER

Petitioner	Docket ID Number
Association of Home Appliance Manufacturers (AHAM) .....	EPA-HQ-OAR-2021-0289-0005.
Environmental Investigation Agency (EIA) .....	EPA-HQ-OAR-2021-0289-0006.
Natural Resources Defense Council (NRDC), Colorado Department of Public Health & Environment (CDPHE), and Institute for Governance & Sustainable Development (IGSD).	EPA-HQ-OAR-2021-0289-0007.
Air Conditioning, Heating, and Refrigeration Institute (AHRI) .....	EPA-HQ-OAR-2021-0289-0011.
Air Conditioning, Heating, and Refrigeration Institute (AHRI) .....	EPA-HQ-OAR-2021-0289-0012.

Although not required under the statute, EPA welcomes additional data and relevant material to aid in its evaluation of petitions, based on the factors identified in the next section of this notice of data availability (NODA) and specified in subsection (i) of the AIM Act. Stakeholders should note that EPA is not soliciting information on any topic other than the posted petitions under subsection (i) through this notice. Public submissions that pertain to issues beyond the scope of this NODA will not be considered.

**III. What information does EPA consider when making a determination on a petition?**

Subsection (i) of the AIM Act identifies certain factors for the Agency to consider when making a determination to grant or deny a petition. Specifically, subsection (i)(4) of the Act requires EPA to factor in, to the extent practicable:

- (1) The best available data;
- (2) the availability of substitutes for use of the regulated substance that is the subject of the petition, in a sector or subsector, taking into account

technological achievability, commercial demands, affordability for residential and small business consumers, safety, consumer costs, building codes, appliance efficiency standards, contractor training costs, and other relevant factors, including the quantities of regulated substances available from reclaiming, prior production, or prior import;

(3) overall economic costs and environmental impacts, as compared to historical trends; and

(4) the remaining phase-down period for regulated substances under the final rule issued under subsection (e)(3) of the AIM Act, if applicable.

EPA invites relevant data related to the factors listed above for the petitions posted in the docket.<sup>3</sup> Any information submitted in response to this NODA should include the name of the petitioner(s) and the petition document ID number.

Subsequent petitions received by the Agency under subsection (i) will also be posted in this docket within 30 days of receipt, as well as on the Agency’s website at [www.epa.gov/climate-hfcs-reduction/petitions-under-aim-act](http://www.epa.gov/climate-hfcs-reduction/petitions-under-aim-act).

Interested entities may sign up to receive notification when new petitions are posted by following the instructions at this website. EPA invites relevant information regarding those petitions from the public to be submitted to the docket by the deadline provided on the website.

**IV. What happens after EPA makes a determination on a petition?**

Where the Agency grants a petition submitted under subsection (i) of the AIM Act, the statute requires EPA to promulgate a final rule not later than two years from the date the Agency grants the petition. Per subsection (i)(1) of the AIM Act, EPA may issue rules that “restrict, fully, partially, or on a graduated schedule,” the use of a regulated substance in the sector or subsector in which the regulated substance is used. The Act establishes that no rule developed under subsection (i) may take effect earlier than one year after the rule promulgation date. In addition, prior to issuing a proposed rule under subsection (i), EPA must consider negotiating with stakeholders

<sup>1</sup> The AIM Act was enacted as section 103 in Division S, Innovation for the Environment, of the Consolidated Appropriations Act, 2021 (Pub. L. 116–260).

<sup>2</sup> The Act lists 18 saturated hydrofluorocarbons (HFCs), and by reference their isomers not so listed,

that are covered by the statute’s provisions, referred to as “regulated substances” under the Act. For the statutory list of regulated substances, refer to subsection (c)(1) of the AIM Act.

<sup>3</sup> Subsection (i)(5) of the AIM Act further states that, in carrying out subsection (i), the Agency shall

“evaluate substitutes for regulated substances in a sector or subsector, taking into account technological achievability, commercial demands, safety, overall economic costs and environmental impacts, and other relevant factors.”

in the sector or subsector in accordance with negotiated rulemaking procedures.<sup>4</sup> If the Agency decides not to undergo a negotiated rulemaking, the AIM Act requires the Agency to publish an explanation of its decision not to use that procedure.

For petitions which have been denied, the Agency will publish in the **Federal Register** an explanation of the denial.

**Cynthia A. Newberg,**  
Director, Stratospheric Protection Division.  
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## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2018-0209; FRL-10024-11-OAR]

### Proposed Information Collection Request; Comment Request; Cross-State Air Pollution Rule and Texas SO<sub>2</sub> Trading Programs (Renewal)

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

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR), "Cross-State Air Pollution Rule and Texas SO<sub>2</sub> Trading Programs (Renewal)" (EPA ICR No. 2391.06, OMB Control No. 2060-0667) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA). 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 March 31, 2022. 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 July 26, 2021.

**ADDRESSES:** Submit your comments, referencing Docket ID No. EPA-HQ-OAR-2018-0209, online using [www.regulations.gov](http://www.regulations.gov) (our preferred method), by email to [a-and-r-Docket@epa.gov](mailto:a-and-r-Docket@epa.gov), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 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.

**FOR FURTHER INFORMATION CONTACT:** Kevin Tran, Clean Air Markets Division, Office of Air and Radiation, (6204M), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202-343-9074; fax number: 202-343-2361; email address: [tran.kevin@epa.gov](mailto:tran.kevin@epa.gov).

**SUPPLEMENTARY INFORMATION:** Supporting documents which explain in detail the information that EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at [www.regulations.gov](http://www.regulations.gov) or in person at the EPA Docket Center, WJC West, 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 <http://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 is renewing an ICR for the Cross-State Air Pollution Rule (CSAPR) trading programs to allow for continued implementation of the programs. The information collection requirements under five CSAPR trading

programs and the Texas SO<sub>2</sub> Trading Program are reflected in the existing ICR as most recently revised in 2018. In 2021, EPA promulgated an additional CSAPR NO<sub>x</sub> Ozone trading program which only includes sources previously subject to another CSAPR trading program reflected in the current ICR. This ICR renewal reflects all six CSAPR trading programs and the Texas SO<sub>2</sub> Trading Program. Most affected sources under the CSAPR and Texas trading programs are also subject to the Acid Rain Program (ARP). The information collection requirements under the CSAPR and Texas trading programs, which consist primarily of requirements to monitor and report emissions data in accordance with 40 CFR part 75, substantially overlap and are fully integrated with ARP information collection requirements. The burden and costs of overlapping requirements are accounted for in the ARP ICR (OMB Control Number 2060-0258). This ICR accounts for information collection burden and costs under the CSAPR and Texas trading programs that are incremental to the burden and costs already accounted for in the ARP ICR. All data received by EPA will be treated as public information.

**Form Numbers:** Agent Notice of Delegation #5900-172, Certificate of Representation #7610-1, General Account Form #7610-5, Allowance Transfer Form #7610-6, Retired Unit Exemption #7610-20, Allowance Deduction #7620-4.

**Respondents/affected entities:** Industry respondents are stationary, fossil fuel-fired boilers and combustion turbines serving electricity generators subject to the CSAPR and Texas trading programs, as well as non-source entities voluntarily participating in allowance trading activities. Potential state respondents are states that can elect to submit state-determined allowance allocations for sources located in their states.

**Respondents' obligation to respond:** Industry respondents: Voluntary and mandatory (Sections 110(a) and 301(a) of the Clean Air Act). State respondents: voluntary.

**Estimated number of respondents:** EPA estimates that there are 953 industry respondents, including 903 affected sources and 50 non-source entities participating in allowance trading activities, and 27 potential state respondents.

**Frequency of response:** On occasion, quarterly, and annually.

**Total estimated burden:** 113,512 hours (per year). Burden is defined at 5 CFR 1320.03(b).

<sup>4</sup> The negotiated rulemaking procedure is provided under subchapter III of chapter 5 of title 5, United States Code (commonly known as the "Negotiated Rulemaking Act of 1990").