

Guard Patrol Commander enforcing the safety zones can be contacted on VHF-FM channels 16 and 22A.

(5) Coast Guard Sector San Juan will notify the marine community of periods during which these safety zones will be in effect by providing notice to mariners in accordance with § 165.7.

(6) All persons and vessels must comply with the instructions of on-scene patrol personnel. On-scene patrol personnel include commissioned, warrant, or petty officers of the U.S. Coast Guard. Coast Guard Auxiliary and local or state officials may be present to inform vessel operators of the requirements of this section, and other applicable laws.

Dated: January 11, 2021.

**G.H. Magee,**

*Captain, U.S. Coast Guard, Captain of the Port San Juan.*

[FR Doc. 2021-06750 Filed 3-31-21; 8:45 am]

BILLING CODE 9110-04-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R01-OAR-2020-0712; FRL-10022-16-Region 1]

### Air Plan Approval; Rhode Island; Control of Volatile Organic Compound Emissions

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving State Implementation Plan (SIP) revisions submitted by the State of Rhode Island. These revisions update Rhode Island air pollution control regulations for volatile organic compound (VOC) emissions from consumer products and architectural and industrial maintenance coatings. The intended effect of this action is to approval the revised regulations. This action is being taken under the Clean Air Act.

**DATES:** This rule is effective on May 3, 2021.

**ADDRESSES:** EPA has established a docket for this action under Docket Identification No. EPA-R01-OAR-2020-0712. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, *i.e.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be

publicly available only in hard copy form. Publicly available docket materials are available at <https://www.regulations.gov> or at the U.S. Environmental Protection Agency, EPA Region 1 Regional Office, Air and Radiation Division, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding legal holidays and facility closures due to COVID-19.

**FOR FURTHER INFORMATION CONTACT:** David L. Mackintosh, Air Quality Branch, U.S. Environmental Protection Agency, EPA Region 1, 5 Post Office Square—Suite 100, (Mail code 05-2), Boston, MA 02109-3912, tel. 617-918-1584, email [Mackintosh.David@epa.gov](mailto:Mackintosh.David@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA.

### Table of Contents

- I. Background and Purpose
- II. Public Comment
- III. Final Action
- IV. Incorporation by Reference
- V. Statutory and Executive Order Reviews

#### I. Background and Purpose

On February 8, 2021 (86 FR 8564), EPA issued a notice of proposed rulemaking (NPRM) for Rhode Island. In the NPRM, EPA proposed approval of SIP revisions submitted by Rhode Island on January 24, 2020 and revised by Rhode Island on April 1, 2020, and December 28, 2020. The SIP revisions contain two revised air pollution control regulations 250-RICR-120-05-31, “Control of Volatile Organic Compounds from Consumer Products” and 250-RICR-120-05-33, “Control of Volatile Organic Compounds from Architectural Coatings and Industrial Maintenance Coatings.” These revised regulations became effective in Rhode Island on January 9, 2017 and July 21, 2020, respectively. In each regulation Rhode Island has submitted to EPA for incorporation into the SIP, its subsection 2 “Application” has been stricken from the rule. Rhode Island notes that this language is only relevant in Rhode Island and not incorporated into the Rhode Island SIP.

The NPRM provides the rationale for EPA's proposed approval, which will not be restated here.

#### II. Public Comment

EPA received four comments in response to the NPRM. The four

comments support EPA's proposal to approve the Rhode Island SIP revisions.

#### III. Final Action

EPA is approving the Rhode Island SIP revisions consisting of two revised regulations 250-RICR-120-05-31, “Control of Volatile Organic Compounds from Consumer Products” and 250-RICR-120-05-33, “Control of Volatile Organic Compounds from Architectural Coatings and Industrial Maintenance Coatings,” excluding the Application subsections 31.2 and 33.2 respectively.

#### IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the Rhode Island regulations described in the amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, these documents generally available through <https://www.regulations.gov> and at the EPA Region 1 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by EPA for inclusion in the state implementation plan, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.<sup>1</sup>

#### V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);

<sup>1</sup> 62 FR 27968 (May 22, 1997).

- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
  - Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
  - Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
  - Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
  - Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
  - Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
  - Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
  - Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).
- In addition, the SIP is not approved to apply on any Indian reservation land

or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 1, 2021. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness

of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: March 24, 2021.  
**Deborah Szaro,**  
*Acting Regional Administrator, EPA Region 1.*

Part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

**PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

- 1. The authority citation for part 52 continues to read as follows:

**Authority:** 42 U.S.C. 7401 *et seq.*

**Subpart OO—Rhode Island**

- 2. Section 52.2070 is amended in the table in paragraph (c) by revising the entries for “Air Pollution Control Regulation 31” and “Air Pollution Control Regulation 33” to read as follows:

**§ 52.2070 Identification of plan.**

\* \* \* \* \*  
 (c) \* \* \*

**EPA-APPROVED RHODE ISLAND REGULATIONS**

State citation	Title/subject	State effective date	EPA approval date	Explanations
* Air Pollution Control Regulation 31.	* Control of VOCs from Commercial and Consumer Products.	* 1/9/2017	* 4/1/2021 [Insert <b>Federal Register</b> citation].	* All of APCR No. 31 is approved with the exception of 31.2 “Application” which the state did not submit as part of the SIP revision.
* Air Pollution Control Regulation 33.	* Control of VOCs from Architectural Coatings and Industrial Maintenance Coatings.	* 7/21/2020	* 4/1/2021 [Insert <b>Federal Register</b> citation].	* All of APCR No. 33 is approved with the exception of 33.2 “Application” which the state did not submit as part of the SIP revision.
* 	* 	* 	* 	* 

\* \* \* \* \*

[FR Doc. 2021-06616 Filed 3-31-21; 8:45 am]

BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 80**

[EPA-HQ-OAR-2020-0725; FRL-10021-95-OAR]

RIN 2060-AV07

**Extension of 2019 and 2020 Renewable Fuel Standard Compliance and Attest Engagement Reporting Deadlines**

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is finalizing modifications of certain compliance dates under the Renewable Fuel Standard (RFS) program. First, EPA is extending the RFS compliance deadline for the 2019 compliance year and the associated deadline for submission of attest engagement reports for the 2019 compliance year for small refineries. The new deadlines are November 30, 2021, and June 1, 2022, respectively. Second, EPA is extending the RFS compliance deadline for the 2020 compliance year and the associated deadline for submission of attest engagement reports for the 2020 compliance year for obligated parties. The new deadlines are January 31, 2022, and June 1, 2022, respectively. Finally, EPA is extending the deadline for submission of attest engagement reports for the 2021 compliance year for obligated parties to September 1, 2022.

**DATES:** This final rule is effective on March 30, 2021.

*Operational dates:* For operational purposes under the Clean Air Act, this final rule is effective as of March 23, 2021.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA-HQ-OAR-2020-0725. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., CBI or other information

whose disclosure is restricted by statute. Certain other material is not available on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** For questions regarding this action, contact Lauren Michaels, Office of Transportation and Air Quality, Assessment and Standards Division, Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105; telephone number: (734) 214-4640; email address: [michaels.lauren@epa.gov](mailto:michaels.lauren@epa.gov).

**SUPPLEMENTARY INFORMATION:** *Dates.* Section 553(d) of the Administrative Procedure Act (APA), 5 U.S.C. chapter 5, generally provides that rules may not take effect until 30 days after they are published in the **Federal Register**. EPA is issuing this final rule under CAA sec. 307(d), which states, “The provisions of section 553 through 557 . . . of Title 5 shall not, except as expressly provided in this section, apply to actions to which this subsection applies.” Thus, section 553(d) of the APA does not apply to this rule. EPA is nevertheless acting consistently with the policies underlying APA section 553(d) in making this final rule effective upon signature. The purpose of this APA provision is to “give affected parties a reasonable time to adjust their behavior before the final rule takes effect.” *Omnipoint Corp. v. Fed. Comm’n Comm’n*, 78 F.3d 620, 630 (D.C. Cir. 1996); see also *United States v. Gavrilovic*, 551 F.2d 1099, 1104 (8th Cir. 1977) (quoting legislative history). However, when an agency grants or recognizes an exemption or relieves a restriction, affected parties do not need a reasonable time to adjust because the effect is not adverse. Thus, APA section 553(d) allows an effective date less than 30 days after publication for any rule that “grants or recognizes an exemption or relieves a restriction” (see 5 U.S.C. 553(d)(1)). An accelerated effective date may also be appropriate for good cause pursuant to APA section 553(d)(3) where an agency can “balance the necessity for immediate implementation against principles of fundamental

fairness which require that all affected persons be afforded a reasonable amount of time to prepare for the effective date of its ruling.” *Gavrilovic*, 551 F.2d at 1105.

EPA has determined that the regulatory amendments to 40 CFR part 80, subpart M, are operational upon signature because they relieve a restriction by extending the 2019 and 2020 compliance deadlines (and associated attest engagement report deadlines) ahead of the otherwise imminent 2020 RFS compliance deadline of March 31, 2021, thereby providing obligated parties with additional time to demonstrate compliance. There is additionally good cause for immediate implementation of these provisions because pending litigation in the Supreme Court makes it necessary for this rule to go into effect prior to March 31, 2021, to ensure regulated entities do not begin complying with removed regulatory obligations. Among other actions, EPA is today extending the regulatory deadline for small refineries to comply with their 2019 RFS obligations from March 31, 2020, to November 30, 2021, because litigation pending before the United States Supreme Court is expected to resolve legal questions regarding some small refineries’ eligibility to receive annual exemptions from their 2019 regulatory obligations. EPA is also extending the regulatory deadline for all obligated parties to comply with their 2020 RFS obligations, from March 31, 2021, to January 31, 2022, which is required because of agency delay in promulgating future RFS compliance obligations and the corresponding impact on compliance decisions. These actions mean any delay in the effectiveness of this final rule past March 31, 2021, would result in confusion among regulated entities regarding their compliance obligations.

*Does this action apply to me?*

Entities potentially affected by this rule are those involved with the production, distribution, and sale of transportation fuels, including gasoline, diesel, and renewable fuels such as ethanol, biodiesel, renewable diesel, and biogas. Potentially affected categories include:

Category	NAICS <sup>1</sup> code	Examples of potentially affected entities
Industry .....	324110	Petroleum refineries.
Industry .....	325193	Ethyl alcohol manufacturing.
Industry .....	325199	Other basic organic chemical manufacturing.
Industry .....	424690	Chemical and allied products merchant wholesalers.
Industry .....	424710	Petroleum bulk stations and terminals.
Industry .....	424720	Petroleum and petroleum products merchant wholesalers.
Industry .....	221210	Manufactured gas production and distribution.