

No. _____

**United States Court of Appeals for the Eleventh
Circuit**

RMS OF GEORGIA, LLC D/B/A CHOICE REFRIGERANTS,

Petitioner,

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

AND

MICHAEL S. REGAN, ADMINISTRATOR,
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY,

Respondents.

PETITION FOR REVIEW

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Counsel for Petitioner

PETITION FOR REVIEW

Pursuant to Rule 15 of the Federal Rules of Appellate Procedure, 11th Cir. R. 15, Section 307(b)(1) of the Clean Air Act, 42 U.S.C. § 7607(b)(1), 42 U.S.C. § 7675, and the Administrative Procedure Act, 5 U.S.C. § 702, Petitioner RMS of Georgia, LLC d/b/a Choice Refrigerants hereby petitions the court for review of the final agency action of the United States Environmental Protection Agency with respect to Petitioner, published October 7, 2021, at 86 Fed. Reg. 55,841, titled *Phasedown of Hydrofluorocarbons: Notice of 2022 Allowance Allocations for Production and Consumption of Regulated Substances Under the American Innovation and Manufacturing Act of 2020* (“*Notice*”), a copy of which is attached hereto as Attachment A. Petitioner is aggrieved by the Notice.

Respectfully submitted,

/s/ David M. Williamson

David M. Williamson

(EDF ID: 047356845)

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Counsel for Petitioner

Dated: December 6, 2021

**CORPORATE DISCLOSURE STATEMENT
OF RMS OF GEORGIA, LLC**

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and 11th Cir. R. 26.1-1, Petitioner RMS of Georgia, LLC d/b/a Choice Refrigerants states the following:

Petitioner is a limited liability company which is not owned in whole or in part by a parent corporation or a publicly traded company and which does not issue stock.

Respectfully submitted,

/s/ David M. Williamson

David M. Williamson

(EDF ID: 047356845)

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Counsel for Petitioner

Dated: December 6, 2021

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of December 2021 I served via certified mail a copy of the foregoing Petition for Review of RMS of Georgia, LLC d/b/a Choice Refrigerants and Corporate Disclosure Statement upon the following:

United States Environmental Protection Agency

Correspondence Control Unit
Office of General Counsel (Mail Code: 2311)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Michael S. Regan, Administrator
Office of the Administrator (Mail Code: 1101A)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

United States of America

Merrick Garland, Attorney General
U.S. Department of Justice
950 Pennsylvania Ave, N.W.
Washington, D.C. 20530-0001

/s/ David M. Williamson
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Counsel for Petitioner

ATTACHMENT A

contested,⁴ the Commission will aim to issue an order acting on the request within 45 days.⁵ The Commission will address all arguments relating to whether the applicant has demonstrated there is good cause to grant the extension.⁶ The Commission will not consider arguments that re-litigate the issuance of the certificate order, including whether the Commission properly found the project to be in the public convenience and necessity and whether the Commission's environmental analysis for the certificate complied with the National Environmental Policy Act.⁷ At the time a pipeline requests an extension of time, orders on certificates of public convenience and necessity are final and the Commission will not re-litigate their issuance.⁸ The OEP Director, or his or her designee, will act on all of those extension requests that are uncontested.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>) using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID-19), issued by the President on March 13, 2020. For assistance, contact FERC at FERCOnlineSupport@ferc.gov or call toll-free, (886) 208-3676 or TYY, (202) 502-8659.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the "eFile" link at <http://www.ferc.gov>.

⁴ Contested proceedings are those where an intervenor disputes any material issue of the filing, 18 CFR 385.2201(c)(1) (2019).

⁵ *Algonquin Gas Transmission, LLC*, 170 FERC ¶ 61,144, at P 40 (2020).

⁶ *Id.* at P 40.

⁷ Similarly, the Commission will not re-litigate the issuance of an NGA section 3 authorization, including whether a proposed project is not inconsistent with the public interest and whether the Commission's environmental analysis for the permit order complied with NEPA.

⁸ *Algonquin Gas Transmission, LLC*, 170 FERC ¶ 61,144, at P 40 (2020).

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Comment Date: 5:00 p.m. Eastern Time on October 18, 2021.

Dated: October 1, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021-21942 Filed 10-6-21; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2021-0669; FRL-9116-01-OAR]

Phasedown of Hydrofluorocarbons: Notice of 2022 Allowance Allocations for Production and Consumption of Regulated Substances Under the American Innovation and Manufacturing Act of 2020

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has issued calendar year 2022 allowances for the production and consumption of hydrofluorocarbons in accordance with the Agency's regulations established under the American Innovation and Manufacturing Act of 2020. The American Innovation and Manufacturing Act directs the Environmental Protection Agency by October 1 of each calendar year to determine the quantity of production and consumption allowances for the following calendar year.

FOR FURTHER INFORMATION CONTACT: Andy Chang, U.S. Environmental Protection Agency, Stratospheric Protection Division, telephone number: 202-564-6658; email address: chang.andy@epa.gov. You may also visit EPA's website at <https://www.epa.gov/climate-hfcs-reduction> for further information.

SUPPLEMENTARY INFORMATION: Subsection (e)(2)(D)(i) of the American

Innovation and Manufacturing Act of 2020 (AIM Act) directs the Environmental Protection Agency (EPA) to determine, by October 1 of each calendar year, the quantity of allowances for the production and consumption of regulated substances that may be used for the following calendar year. EPA has codified the production and consumption baselines and phasedown schedules for regulated substances in 40 CFR 84.7. Under the phasedown schedule, for 2022, total production allowances may not exceed 344,299,157 metric tons of exchange value equivalent (MTEVe) and total consumption allowances may not exceed 273,498,315 MTEVe.

EPA's rulemaking titled *Phasedown of Hydrofluorocarbons: Establishing the Allowance Allocation and Trading Program under the American Innovation and Manufacturing Act*, signed September 23, 2021, describes the process by which EPA determines the number of allowances each entity is allocated. EPA has posted allowance allocations consistent with this process for calendar year 2022 allowances on its website at <https://www.epa.gov/climate-hfcs-reduction>. An allowance allocated under the AIM Act does not constitute a property right and is a limited authorization for the production or consumption of a regulated substance. For 2022, EPA has set aside 2.5 million MTEVe (MMTEVe) of allowances for production and 7.5 MMTEVe of allowances for consumption that it intends to allocate no later than March 31, 2022.

EPA has codified the procedure for calculating the application-specific allowance allocation in 40 CFR 84.13. These allowances are drawn from both the production and consumption allowance pools. EPA is issuing "application-specific allowances" to end users in six applications established by the AIM Act: Propellants in metered dose inhalers, defense sprays, structural composite preformed polyurethane foam for marine use and trailer use, etching of semiconductor material or wafers and the cleaning of chemical vapor deposition chambers within the semiconductor manufacturing sector, mission-critical military end uses, and onboard aerospace fire suppression. EPA has allocated 2022 application-specific allowances as shown in Table 1.

TABLE 1—APPLICATION-SPECIFIC ALLOWANCES FOR CALENDAR YEAR 2022

| Entity | Application | Number of application-specific allowances issued (MTEVe) ¹ |
|---|------------------------------------|---|
| Boehringer Ingelheim | Metered Dose Inhalers | 27,789.0 |
| GlaxoSmithKline | Metered Dose Inhalers | 414,448.2 |
| Kindeva Drug Delivery | Metered Dose Inhalers | 541,146.0 |
| Lupin | Metered Dose Inhalers | 30,224.8 |
| Guardian Protective Devices | Defense Sprays | 66,639.5 |
| Safariland | Defense Sprays | 19,404.6 |
| Security Equipment Corporation | Defense Sprays | 262,946.7 |
| Shamrock Filling | Defense Sprays | 138,559.0 |
| UDAP Industries | Defense Sprays | 116,029.3 |
| Compsys | Structural Composite Foam | 35,931.9 |
| Wabash National Corporation | Structural Composite Foam | 11,316.7 |
| Analog Devices | Semiconductors | 19,652.6 |
| Applied Materials | Semiconductors | 65,378.3 |
| Broadcom | Semiconductors | 4,232.3 |
| Cree | Semiconductors | 36,956.0 |
| GE Global Research Center | Semiconductors | 184.6 |
| GlobalFoundries | Semiconductors | 216,735.8 |
| Intel Corporation | Semiconductors | 679,471.5 |
| Jireh Semiconductor | Semiconductors | 5,628.6 |
| Micron Technology | Semiconductors | 54,598.3 |
| Newport Fab DBA TowerJazz | Semiconductors | 9,190.9 |
| NXP Semiconductor | Semiconductors | 56,910.6 |
| Polar Semiconductor | Semiconductors | 13,192.0 |
| Qorvo Texas | Semiconductors | 9,706.4 |
| Samsung Austin Semiconductor | Semiconductors | 260,269.0 |
| Semiconductor Components Industries DBA ON Semiconductor. | Semiconductors | 11,502.5 |
| Texas Instruments | Semiconductors | 73,345.6 |
| Tower Semiconductor San Antonio | Semiconductors | 9,836.6 |
| WaferTech | Semiconductors | 21,733.9 |
| X-FAB Texas | Semiconductors | 1,757.7 |
| U.S. Department of Defense | Mission-critical Military | 2,300,000.0 |
| Raytheon Technologies | Onboard Aerospace Fire Suppression | 44,105.4 |

¹ Numbers may not sum due to rounding.

EPA has codified the procedure for calculating the production allowance allocation in 40 CFR 84.9. EPA has allocated calendar year 2022 production allowances as shown in Table 2.

TABLE 2—PRODUCTION ALLOWANCES FOR CALENDAR YEAR 2022

| Entity | Number of production allowances issued (MTEVe) ¹ |
|--|---|
| Application-specific allowances ² | 5,558,824.3 |
| Set-aside ³ | 2,500,000.0 |
| Arkema | 40,555,947.3 |
| Chemours | 75,115,321.8 |
| Honeywell International | 170,413,409.6 |
| Iofina Chemical | 1,744.9 |
| Mexichem Fluor DBA Koura | 50,153,909.1 |

¹ Numbers may not sum due to rounding.

² See Table 1.

³ EPA intends to allocate set-aside allowances by March 31, 2022.

EPA has codified the procedure for calculating the consumption allowance allocation in 40 CFR 84.11. EPA has allocated calendar year 2022 consumption allowances as shown in Table 3.

TABLE 3—CONSUMPTION ALLOWANCES FOR CALENDAR YEAR 2022

| Entity | Number of consumption allowances issued (MTEVe) ¹ |
|--|--|
| Application-specific allowances ² | 5,558,824.3 |
| Set-aside ³ | 7,500,000.0 |
| A-Gas | 3,197,981.6 |
| Advanced Specialty Gases | 284,314.2 |
| Air Liquide USA | 496,782.6 |
| Altair Partners | 2,908,497.9 |
| Arkema | 30,966,544.3 |
| Artsen | 1,023,968.7 |
| AutoZone Parts | 2,477,946.6 |
| AW Product Sales & Marketing | 193,823.8 |
| Bluon | 33,342.5 |
| Chemours | 33,265,653.1 |
| Combs Gas | 1,283,403.1 |
| ComStar International | 372,752.5 |
| Daikin America | 3,109,990.8 |
| Electronic Fluorocarbons | 103,923.4 |
| First Continental International | 767,139.1 |
| FluoroFusion Specialty Chemicals | 2,543,583.9 |
| GlaxoSmithKline | 534,487.5 |
| Harp USA | 762,890.0 |
| Honeywell International | 82,208,205.2 |
| Hudson Technologies | 2,977,582.0 |
| ICool USA | 3,395,051.7 |
| IGas Holdings | 25,853,657.7 |
| Iofina Chemical | 1,260.5 |
| Lenz Sales & Distribution | 1,106,426.7 |
| Linde | 530,636.4 |
| Mexichem Fluor DBA Koura | 25,390,556.9 |
| Mondy Global | 317,589.6 |
| National Refrigerants | 19,737,372.2 |
| Nature Gas Import and Export | 816,751.0 |
| Refrigerants, Inc. | 26,457.8 |
| RMS of Georgia | 1,615,592.9 |
| Showa Chemicals of America | 73,209.0 |
| Solvay Fluorides | 1,098,594.2 |
| Technical Chemical | 970,724.9 |
| Transocean Offshore Deepwater Drilling | 16.7 |
| Tulstar Products | 731,537.3 |
| Walmart | 2,272,587.7 |
| Waysmos USA | 632,280.2 |
| Weitron | 6,316,123.6 |
| Wilhelmsen Ships Service | 40,250.9 |

¹ Numbers may not sum due to rounding.

² See Table 1.

³ EPA intends to allocate set-aside allowances by March 31, 2022.

Hans Christopher Grundler,
 Director, Office of Atmospheric Programs.
 [FR Doc. 2021-21951 Filed 10-6-21; 8:45 am]
 BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-9073-01-R9]

Revision of Approved State Primacy Program for the State of Nevada

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of approval.

SUMMARY: Notice is hereby given that the State of Nevada (State) revised its

approved State primacy program under the federal Safe Drinking Water Act (SDWA) by adopting the federal Filter Backwash Recycling Rule. The Environmental Protection Agency (EPA) has determined that the State authorities implementing the program revision are no less stringent than the corresponding Federal regulations and that the State's request for a program revision meets applicable SDWA primacy requirements. Therefore, EPA approves Nevada's revision to its approved State primacy program. However, this revision does not become effective until the public process, describes below in this notice, is completed.

DATES: A request for a public hearing must be received or postmarked before November 8, 2021.

ADDRESSES: Documents relating to this determination are available online at <http://ndep.nv.gov/posts>. In addition, documents relating to this determination are available by appointment between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday, except official State or Federal holidays, at the following address: Nevada Department of Environmental Protection, Administration Office, 901 South Stewart Street, Suite 4001, Carson City, NV 89701. Please contact the Bureau of Safe Drinking Water at (775) 687-9521 to schedule an appointment.