

February 23, 2024

Mr. Daniel Werfel  
Commissioner  
Internal Revenue Service  
U.S. Department of the Treasury

**Re: IRS REG-117631-23**

*Submitted electronically via the Federal eRulemaking Portal at [www.regulations.gov](http://www.regulations.gov).*

Dear Commissioner Werfel:

I write on behalf of Renewable Biofuels LLC and its subsidiary, RBF Port Neches LLC (“RBF”). RBF is the largest independent biodiesel production facility in North America, located in Port Neches, Texas. We have been in operation for over 15 years and have the capacity to produce more than 140 million gallons of low-carbon, sustainable biodiesel each year. We have been successful because private investors were willing to put millions of dollars to work helping the U.S. decarbonize while enhancing national energy security. Our investors have been driven, in part, by federal policy – especially the Renewable Fuel Standard (RFS), which was established by Congress in 2005 and expanded in 2007. Now, as RBF looks to the future, our investors and potential investors are once again driven by federal policy incentives, including the Section 45V tax credit.

In the future, RBF may elect to produce clean hydrogen using renewable LPG and/or renewable naphtha as a feedstock. RBF respectfully requests that the IRS and DOE include renewable LPG and renewable naphtha as a covered feedstock in the next update of the 45VH2-GREET model. Furthermore, RBF respectfully requests that the final regulations allow a taxpayer in need of obtaining a provisional emissions rate (PER) from the Department of Energy (DOE) to engage with the DOE for technical assistance and to begin the process of obtaining a PER before the completion of a front-end engineering and design (FEED) study. FEED studies are expensive undertakings, and a key economic factor of any FEED study for a clean hydrogen project will be the level of Section 45V tax credit for which the project will ultimately become eligible. Without this information, it would be virtually impossible for any project developer or investor to reach a final investment decision. Given that the PER will be the metric by which the value of the 45V tax credit is determined, it is essential that project developers be able to begin the process of obtaining a PER while a FEED study is underway, rather than after it has been completed. This will allow project developers to use time more efficiently, rather than completing a FEED study and then waiting for DOE to determine the PER. If our suggestion is adopted, it will enable more clean hydrogen facilities to reach a final investment decision, be constructed, and commence operations faster than the proposed regulation would allow.

Thank you for the opportunity to provide these comments, and RBF is happy to respond to any questions you may have.

Regards,

A handwritten signature in blue ink, appearing to read "Mike Reed". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Mike Reed  
Chief Executive Officer  
Renewable Biofuels LLC