

*EIS No. 20230164, Final, FAA, ID, Adoption—Airspace Optimization for Readiness for Mountain Home Air Force Base, Contact: Lonnie Covalt 206–231–3998.*

The Federal Aviation Administration (FAA) has adopted the United States Air Force's Final EIS No. 20230035 filed 02/22/2023 with the Environmental Protection Agency. The FAA was a cooperating agency on this project. Therefore, republication of the document is not necessary under section 1506.3(b)(2) of the CEQ regulations.

*EIS No. 20230165, Draft, USFS, WY, Dell Creek and Forest Park Elk Feedgrounds: Long-Term Special Use Permits, Comment Period Ends: 01/16/2024, Contact: Randall Griebel 307–739–5537.*

*EIS No. 20230166, Draft, NRCS, ND, Cart Creek Site 1 of the North Branch Park River Watershed Plan, Comment Period Ends: 01/26/2024, Contact: Christi Fisher 701–530–2091.*

*EIS No. 20230167, Final Supplement, USFS, NAT, Nationwide Aerial Application of Fire Retardant on National Forest System Lands, Review Period Ends: 01/02/2024, Contact: Laura Conway 406–802–4317.*

Dated: November 27, 2023.

**Julie Smith,**

*Acting Director, NEPA Compliance Division, Office of Federal Activities.*

[FR Doc. 2023–26426 Filed 11–30–23; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL–11577–01–R3]

### Delegation of Authority to the State of West Virginia To Implement and Enforce Additional or Revised National Emission Standards for Hazardous Air Pollutants Standards and New Source Performance Standards

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

**ACTION:** Notice of delegation of authority.

**SUMMARY:** On October 24, 2023, the Environmental Protection Agency (EPA) sent the State of West Virginia (West Virginia) a letter acknowledging that West Virginia's delegation of authority to implement and enforce the National Emissions Standards for Hazardous Air Pollutants (NESHAP) and New Source Performance Standards (NSPS) had been updated, as provided for under previously approved delegation mechanisms. To inform regulated

facilities and the public, EPA is making available a copy of EPA's letter to West Virginia through this notice.

**DATES:** On October 24, 2023, EPA sent West Virginia a letter acknowledging that West Virginia's delegation of authority to implement and enforce Federal NESHAP and NSPS had been updated.

**ADDRESSES:** Copies of documents pertaining to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, Four Penn Center, 1600 JFK Boulevard, Philadelphia, Pennsylvania 19103. Copies of West Virginia's submittal are also available at the West Virginia Department of Environmental Protection, Division of Air Quality, 601 57th Street SE, Charleston, West Virginia 25304.

**FOR FURTHER INFORMATION CONTACT:** Yongtian He, Permits Branch (3AD10), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, Four Penn Center, 1600 JFK Boulevard, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–2339. Mr. He can also be reached via electronic mail at [He.Yongtian@epa.gov](mailto:He.Yongtian@epa.gov).

**SUPPLEMENTARY INFORMATION:** On May 1, 2023, West Virginia notified EPA that West Virginia had updated its incorporation by reference of Federal NESHAP and NSPS to include many such standards as found in title 40 of the Code of Federal Regulations (CFR), parts 60, 61, and 63 as of June 1, 2021. On October 24, 2023, EPA sent West Virginia a letter acknowledging that effective June 1, 2023, West Virginia has the authority to implement and enforce the NESHAP and NSPS as specified by West Virginia in its notices to EPA, as provided for under previously approved automatic delegation mechanisms (49 FR 48692, December 14, 1984, and 67 FR 15486, April 2, 2002, EPA delegation letters dated March 19, 2001 and January 8, 2002). All notifications, applications, reports, and other correspondence required pursuant to the delegated NESHAP and NSPS must be submitted to both EPA Region III and to the West Virginia Department of Environmental Protection, unless the delegated standard specifically provides that such submittals may be sent to EPA or a delegated State. In such cases, the submittals should be sent only to the West Virginia Department of Environmental Protection. A copy of EPA's October 24, 2023 letter to West Virginia follows:

“Ms. Laura M. Crowder, Director

Division of Air Quality  
West Virginia Department of Environmental Protection  
601 57th Street SE  
Charleston, West Virginia 25304  
Via email at [laura.m.crowder@wv.gov](mailto:laura.m.crowder@wv.gov)  
Dear Ms. Crowder:

This letter acknowledges your letter dated May 1, 2023 in which the West Virginia Department of Environmental Protection (WVDEP) Division of Air Quality (DAQ) informed the United States Environmental Protection Agency (EPA) that West Virginia had updated its incorporation by reference of federal National Emissions Standards for Hazardous Air Pollutants (NESHAP) and New Source Performance Standards (NSPS) to include many such standards as found in 40 CFR parts 60, 61, and 63 as of June 1, 2022. WVDEP DAQ noted in the letter that it understood it was automatically delegated the authority to implement these standards. WVDEP DAQ stated its intent to enforce the standards in conformance with the terms of EPA's previous delegations of authority pursuant to the EPA final rules published at 49 FR 48692 and 67 FR 15486, and EPA delegation letters.

In two rulemakings, 49 FR 48692 (December 14, 1984) and 67 FR 15486 (April 2, 2002), EPA established the basis for delegation to West Virginia of specified federal standards at 40 CFR parts 60, 61, and 63. Subsequently, in a letter dated March 19, 2001 to WVDEP Director Michael Callaghan, EPA delegated to the State of West Virginia the authority to implement and enforce various federal NESHAP found in 40 CFR part 63. In another letter to Director Callaghan dated January 8, 2002, EPA delegated to the State of West Virginia the authority to implement and enforce various federal NESHAP found in 40 CFR part 61 and NSPS found in 40 CFR part 60. In those letters, EPA also established that future part 60, part 61, and part 63 standards would be automatically delegated to West Virginia subject to the conditions set forth in those letters. Those rulemakings and letters continue to control the conditions of delegation of future standards and their terms should be consulted for the specific conditions that apply to each regulatory program. However, in general terms, for automatic delegation to take effect, the letters establish conditions that can be paraphrased as requiring: legal adoption of the standards; restrictions on the kinds of wording changes West Virginia may make to the federal standards when adopting them; and specific notification from West Virginia to EPA when a standard has been adopted.

WVDEP DAQ provided copies of the revised West Virginia Legislative Rules which specify the NESHAP and NSPS regulations West Virginia has adopted by reference. These revised Legislative Rules are entitled 45 CSR 34—“Emission Standards for Hazardous Air Pollutants,” and 45 CSR 16—“Standards of Performance for New Stationary Sources.” These revised Rules have an effective date of June 1, 2023. EPA has reviewed the revised rules and determined that they meet the conditions for automatic delegation as established by EPA in its prior letters and rulemakings.

Accordingly, EPA acknowledges that West Virginia now has the authority, as provided for under the terms of EPA's previous delegation actions, to implement and enforce the NESHAP and NSPS standards which West Virginia adopted by reference in West Virginia's revised Legislative Rules 45 CSR 34 and 45 CSR 16, effective on June 1, 2023.

If you have any questions, please contact me or Ms. Mary Cate Opila, Chief, Permits Branch, at 215-814-2041.

Sincerely,

Cristina Fernández, Director  
Air and Radiation Division"

Enclosures

cc: Renu Chakrabarty (via email at [renu.m.chakrabarty@wv.gov](mailto:renu.m.chakrabarty@wv.gov))

Mike Egnor (via email at [michael.egnor@wv.gov](mailto:michael.egnor@wv.gov))

This notice acknowledges the updates of West Virginia's delegation of authority to implement and enforce NESHAP and NSPS.

**Cristina Fernández,**

*Director, Air and Radiation Division, Region III.*

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## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPPT-2023-0061; FRL-10581-14-OCSPP]

### Significant New Use Notices (SN-23-0002 Through 0006 and SN-23-0008 Through 0011); Extension of Review Period

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

**ACTION:** Notice.

**SUMMARY:** This document announces the extension of the review periods for significant new use notices (SNUNs) identified as SN-23-0002 through 0006 and SN-23-0008 through 0011 submitted to the Environmental Protection Agency (EPA) under the Toxic Substances Control Act (TSCA). EPA has determined that an extension of the statutory 90-day review periods for these SNUNs is necessary to allow the Agency to complete the required analysis under TSCA, investigate potential risk, examine regulatory options, and prepare the necessary documents should the Agency determine that further regulatory action is required.

**DATES:** The review periods are extended to February 28, 2024.

#### FOR FURTHER INFORMATION CONTACT:

For technical information contact: Jim Alwood, Acting Chief, Risk Management Branch 1, New Chemicals Division (7405), Office of Pollution

Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave, NW, Washington, DC 20460-0001; telephone number: (202) 564-8974; email address: [alwood.jim@epa.gov](mailto:alwood.jim@epa.gov).

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554-1404; email address: [TSCA-Hotline@epa.gov](mailto:TSCA-Hotline@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

###### A. Does this action apply to me?

This action is directed to the chemical manufacturing company that submitted the SNUNs. This action may also be of interest to persons concerned about health, environmental, and/or economic aspects of the significant new uses of the chemical substances. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

###### B. How can I access the docket?

The docket for this action, identified by docket identification (ID) number EPA-HQ-OPPT-2023-0061, is available online at <https://www.regulations.gov> or in-person at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave, NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OPPT Docket is (202) 566-0280. Please review the visitor instructions and additional information about the docket available at <https://www.epa.gov/dockets>.

###### C. What is EPA's authority for this action?

TSCA section 5(c), 15 U.S.C. 2604(c), and 40 CFR 720.75(c) authorize EPA to extend, for good cause, the 90-day SNUN review period for additional periods of time not to exceed in the aggregate 90 days. Examples of circumstances in which EPA may find good cause to extend the review period include, but are not limited to, EPA's request for additional information relating to a notice during the notice review period, EPA's receipt of additional information relating to a notice during the notice review period, and EPA's determination that there is a significant possibility that a significant

new use of a chemical will be regulated under TSCA sections 5(e) or 5(f) and additional time is required for EPA to initiate the appropriate regulatory action.

###### D. What action is the Agency taking?

For the SNUNs identified in Unit II., EPA finds that there is good cause to extend the SNUN review periods. Based on the Agency's analysis to date, EPA has determined that extensions of the SNUN review periods are necessary to further investigate potential risk, examine regulatory options, and prepare the necessary documents, should regulatory action be required for the significant new uses of the chemical substances. Specifically, EPA received additional information and amendments to all nine of the notices during the review periods which required additional time for EPA to review and include in the assessment in order to determine and initiate the appropriate regulatory action.

##### II. What notices are subject to this extension?

On December 30, 2022, EPA received SNUNs SN-23-0002 through 0006 and SN-23-0008 through 0011 for significant new uses of the following existing chemical substances:

- Octanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-pentadecafluoro- (CASRN 335-67-1, SN-23-0002),
- Dodecanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,12-tricosfluoro- (CASRN 307-55-1, SN-23-0003),
- Nonanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9-heptadecafluoro- (CASRN 375-95-1, SN-23-0004),
- Decanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,10-nonadecafluoro- (CASRN 335-76-2, SN-23-0005),
- Undecanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,11-heneicosfluoro- (CASRN 2058-94-8, SN-23-0006),
- Tetradecanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,14,14,14-heptacosfluoro- (CASRN 376-06-7, SN-23-0008),
- Tridecanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,13-pentacosfluoro- (CASRN 72629-94-8, SN-23-0009),
- Hexadecanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,14,14,15,15,16,16,16-hentriacontfluoro- (CASRN 67905-19-5, SN-23-0010), and
- Octadecanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,14,14,15,15,16,16,17,17,18,18,18-pentatriacontfluoro- (CASRN 16517-11-6, SN-23-0011).