

- 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 CAA; 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, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

#### B. Submission to Congress and the Comptroller General

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).

#### C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 27, 2020. 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, approving the West Virginia SIP revision incorporation by reference the NAAQS, 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, Carbon monoxide, Incorporation by reference, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: February 7, 2020.

**Cosmo Servidio,**

*Regional Administrator, Region III.*

40 CFR part 52 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 XX—West Virginia

■ 2. In § 52.2520, the table in paragraph (c) entitled “EPA-Approved Regulations in the West Virginia SIP” is amended by revising entries under the heading “[45 CSR] Series 8 Ambient Air Quality Standards” to read as follows:

#### § 52.2520 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

#### EPA-APPROVED REGULATIONS IN THE WEST VIRGINIA SIP

State citation [Chapter 16–20 or 45 CSR]	Title/subject	State effective date	EPA approval date	Additional explanation/ citation at 40 CFR 52.2565
*	*	*	*	*
<b>[45 CSR] Series 8 Ambient Air Quality Standards</b>				
Section 45–8–1 .....	General .....	6/1/19	2/25/20, [Insert <b>Federal Register</b> citation].	Docket #2019–0553. Filing and effective dates are revised; Sunset provision added.
Section 45–8–2 .....	Definitions .....	6/1/19	2/25/20, [Insert <b>Federal Register</b> citation].	Docket #2019–0553. Previous Approval 10/5/18.
Section 45–8–3 .....	Adoption of Standards .....	6/1/19	2/25/20, [Insert <b>Federal Register</b> citation].	Docket #2019–0553. Effective date is revised.
Section 45–8–4 .....	Inconsistency Between Rules.	6/1/19	2/25/20, [Insert <b>Federal Register</b> citation].	Docket #2019–0553. Previous Approval 10/5/18.
*	*	*	*	*

\* \* \* \* \*

[FR Doc. 2020–03153 Filed 2–24–20; 8:45 am]

BILLING CODE 6560–50–P

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 721

[EPA–HQ–OPPT–2018–0627 and EPA–HQ–OPPT–2018–0697; FRL–10003–45]

RIN 2070–AB27

#### Significant New Use Rules on Certain Chemical Substances (18–1 and 18–4); Technical Correction

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

**ACTION:** Final rule; technical correction.

**SUMMARY:** EPA issued final significant new use rules (SNURs) in the **Federal Register** of November 25, 2019 for 22 chemical substances that were the subject of premanufacture notices (PMNs) (SNUR batch 18–1), and in in the **Federal Register** of December 5, 2019 for 29 chemical substances that were the subject of PMNs (SNUR batch 18–4). In SNUR batch 18–1, for the chemical substance that was the subject of PMN P–15–114, EPA made errors in the SNUR requirements for hazard

communication and protection in the workplace, resulting in inconsistencies with the same requirements in the associated TSCA Order. For SNUR batch 18–4, for one of the two chemical substances that are subject to the SNUR, EPA made a typographical error when identifying the associated PMN number in the SNUR. Additionally, for two other SNURs, language in the SNURs incorrectly refers to requirements in “the TSCA Order” rather than in the SNUR itself. This document is being issued to correct these errors.

**DATES:** This technical correction is effective on February 25, 2020.

**ADDRESSES:** The dockets for this action, identified by docket identification (ID) numbers EPA–HQ–OPPT–2018–0627 and EPA–HQ–OPPT–2018–0697, are available at <http://www.regulations.gov> or 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 dockets available at <http://www.epa.gov/dockets>.

**FOR FURTHER INFORMATION CONTACT:**

For technical information contact: Kenneth Moss, Chemical Control Division, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–9232; email address: [moss.kenneth@epa.gov](mailto:moss.kenneth@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. What does this technical correction do?**

EPA issued a final rule (referred to as SNUR Batch 18–1) in the **Federal Register** of November 25, 2019 (84 FR 64754) (FRL–10001–30) for significant new uses for 22 chemical substances that were the subject of PMNs. EPA also issued a final rule (SNUR Batch 18–4) in the **Federal Register** of December 5, 2019 (84 FR 66599) (FRL–10002–30) for significant new uses for 29 chemical substances that were the subject of PMNs. In SNUR Batch 18–1, EPA made

errors when specifying worker protection and hazard communication requirements for the chemical substance 2-butanone 1,1,1,3,4,4,4-heptafluoro-3-(trifluoromethyl)- (PMN P–15–114, CAS No. 756–12–7), listed in the significant new use rule (SNUR) codified at 40 CFR 721.11151, resulting in inconsistencies between the SNUR and the associated TSCA 5(e) Order for the PMN. This action corrects these errors as follows:

- The worker protection requirements in paragraph (a)(2)(i) of the SNUR are corrected to refer to 40 CFR 721.63(a)(1) and (3) rather than 721.63(a)(1) through (3), thereby removing the reference to 40 CFR 721.63(a)(2).

- The hazard communication requirements in paragraph (a)(2)(ii) of the SNUR are corrected to change the reference to 40 CFR 721.72(g)(3) from “(g)(3)(ii)(harmful to fish)” to “(g)(3)(harmful to aquatic organisms)(harmful to fish).”

In SNUR Batch 18–4, EPA made a typographical error in the SNUR at 40 CFR 721.11236 when identifying the PMN number associated with the chemical B component of P–17–373. It was mislabeled as P–13–373. EPA also made errors in paragraph (a)(1) of the SNURs at 40 CFR 721.11236 and 721.11237 when describing an exemption from SNUR terms after the chemicals are completely reacted (cured). Language in paragraph (a)(1) of the SNURs incorrectly refers to requirements of “the TSCA Order” rather than the SNUR itself. This action corrects these errors as follows:

- Paragraph (a)(1) of the SNUR at 40 CFR 721.11236 is corrected to identify the PMN number for chemical B as P–17–373.
- The final sentence of paragraph (a)(1) for the SNURs at 40 CFR 721.11236 and 721.11237 is corrected to refer to “The requirements of this section” rather than “The requirements of the TSCA Order.”

**II. Why is this correction issued as a final rule?**

Section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)(3)(B)) provides that, when an Agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, the Agency may issue a final rule without providing notice and an opportunity for public comment. EPA has determined that there is good cause for making this technical correction final without prior proposal and opportunity for comment. Correcting the worker protection and hazard communication requirements specified in the November 25, 2019 SNUR is

necessary for (1) the proper identification of the human health and environmental hazards associated with PMN substance; and (2) the proper identification of protective measures required to be employed in the workplace, consistent with the associated TSCA section 5(e) Order for the PMN substance. EPA finds that this constitutes good cause under 5 U.S.C. 553(b)(3)(B).

**III. Do any of the statutory and Executive Order reviews apply to this action?**

No. For a detailed discussion concerning the statutory and Executive Order review, refer to Unit XII. of the November 25, 2019 final rule.

**IV. Congressional Review Act (CRA)**

Pursuant to the CRA (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule 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**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

**List of Subjects in 40 CFR Part 721**

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: January 30, 2020.

**Tala Henry,**

*Deputy Director, Office of Pollution Prevention and Toxics.*

Therefore, 40 CFR part 721 is corrected as follows:

**PART 721—[AMENDED]**

- 1. The authority citation for part 721 continues to read as follows:

**Authority:** 15 U.S.C. 2604, 2607, and 2625(c).

- 2. In § 721.11151, revise paragraphs (a)(2)(i) and (ii) to read as follows:

**§ 721.11151 2-Butanone 1,1,1,3,4,4,4-heptafluoro-3-(trifluoromethyl)-.**

(a) \* \* \*

(2) \* \* \*

(i) *Protection in the workplace.*

Requirements as specified in § 721.63(a)(1) and (3) (when determining which persons are reasonable likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.*, enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.*, workplace policies and procedures) shall be considered and implemented to prevent

exposures, where feasible), (b) (concentration set at 1.0%), and (c).

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1)(i), (g)(2)(i)(v), (g)(3) (harmful to aquatic organisms) (harmful to fish), (g)(4)(iii), and (g)(5). It is a significant new use unless containers of the PMN substance are labeled with the statement: “Contains a dielectric fluid which should not be mixed or used in conjunction with sulfur hexafluoride (SF6)”. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

\* \* \* \* \*

■ 3. In § 721.11236, revise paragraph (a)(1) to read as follows:

**§ 721.11236 Heteromonocycle, homopolymer, alkyl substituted carbamate, alkyl ester (generic).**

(a) \* \* \*

(1) The chemical substances identified generically as heteromonocycle, homopolymer, alkyl substituted carbamate, alkyl ester (PMN P-17-373 chemical A and P-17-373 chemical B) are subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted (cured).

\* \* \* \* \*

■ 4. In § 721.11237, revise paragraph (a)(1) to read as follows:

**§ 721.11237 Polysiloxanes, di alkyl, substituted alkyl group terminated, alkoxyated, reaction products with alkanic acid, isocyanate substituted-alkyl carbomonocycle and polyol (generic).**

(a) \* \* \* (1) The chemical substance identified generically as polysiloxanes, di alkyl, substituted alkyl group terminated, alkoxyated, reaction products with alkanic acid, isocyanate substituted alkyl carbomonocycle and polyol (PMN P-17-374) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the PMN substance after they have been completely reacted (cured).

\* \* \* \* \*

[FR Doc. 2020-02906 Filed 2-24-20; 8:45 am]

BILLING CODE 6560-50-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### 43 CFR Part 3160

[LLWO310000 L13100000 PP0000 19X]

RIN 1004-AE67

#### Onshore Oil and Gas Operations—Annual Civil Penalties Inflation Adjustments

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Final rule.

**SUMMARY:** This final rule adjusts the level of civil monetary penalties contained in the Bureau of Land Management’s (BLM) regulations governing onshore oil and gas operations as required by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 and consistent with applicable Office of Management and Budget (OMB) guidance. The adjustments made by this final rule constitute the 2020 annual inflation adjustments, accounting for 1 year of inflation spanning the period from October 2018 through October 2019.

**DATES:** This rule is effective on February 25, 2020.

**FOR FURTHER INFORMATION CONTACT:** Jolly McQuilliams, Acting Division Chief, Fluid Minerals Division, telephone: 202-912-7156, email: [jmcquilliams@blm.gov](mailto:jmcquilliams@blm.gov) for information regarding the BLM’s Fluid Minerals Program. For questions relating to regulatory process issues, please contact Jennifer Noe, Division of Regulatory Affairs, at telephone: 202-912-7442, email: [jnoe@blm.gov](mailto:jnoe@blm.gov). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1-800-877-8339, 24 hours a day, 7 days a week to contact the above individuals.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

##### II. Calculation of 2020 Adjustments

##### III. Procedural Requirements

- A. Administrative Procedure Act
- B. Regulatory Planning and Review (E.O. 12866, E.O. 13563, and E.O. 13771)
- C. Regulatory Flexibility Act
- D. Small Business Regulatory Enforcement Fairness Act
- E. Unfunded Mandates Reform Act
- F. Takings (E.O. 12630)
- G. Federalism (E.O. 13132)
- H. Civil Justice Reform (E.O. 12988)
- I. Consultation With Indian Tribes (E.O. 13175 and Departmental Policy)
- J. Paperwork Reduction Act
- K. National Environmental Policy Act
- L. Effects on the Energy Supply (E.O. 13211)

## I. Background

On November 2, 2015, the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Sec. 701 of Pub. L. 114-74) (the 2015 Act) became law, amending the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101-410).

The 2015 Act requires agencies to:

1. Adjust the level of civil monetary penalties for inflation with an initial “catch-up” adjustment through an interim final rulemaking in 2016;
2. Make subsequent annual adjustments for inflation beginning in 2017; and
3. Report annually in Agency Financial Reports on these inflation adjustments.

The purpose of these adjustments is to maintain the deterrent effect of civil monetary penalties and promote compliance with the law (*see* Sec. 1, Pub. L. 101-410).

As required by the 2015 Act, the BLM issued an interim final rule that adjusted the level of civil monetary penalties in BLM regulations with the initial “catch-up” adjustment (RIN 1004-AE46, 81 FR 41860), which was published on June 28, 2016, and became effective on July 28, 2016. On January 19, 2017, the BLM published a final rule (RIN 1004-AE49, 82 FR 6305) updating the civil penalty amounts to the 2017 annual adjustment levels. Final rules updating the civil penalty amounts to the 2018 and 2019 annual adjustment levels were published in subsequent years (RIN 1004-AE51, 83 FR 3992; and RIN 1004-AE56, 84 FR 22379, respectively).

OMB issued Memorandum M-20-05 on December 16, 2019 (Implementation of Penalty Inflation Adjustments for 2020, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015) explaining agency responsibilities for identifying applicable penalties and calculating the annual adjustment for 2020 in accordance with the 2015 Act.

## II. Calculation of 2020 Adjustment

In accordance with the 2015 Act and OMB Memorandum M-20-05, the BLM has identified applicable civil monetary penalties in its regulations and calculated the annual adjustments. A civil monetary penalty is any assessment with a dollar amount that is levied for a violation of a Federal civil statute or regulation and is assessed or enforceable through a civil action in Federal court or an administrative proceeding. A civil monetary penalty does not include a penalty levied for violation of a criminal statute, nor does