TABLE OF CONCENTRATION LIMITS

<table>
<thead>
<tr>
<th>DEA chemical code No.</th>
<th>Concentration</th>
<th>Special conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>8334</td>
<td>Not exempt at any concentration ...</td>
<td>Chemical mixtures containing any amount of benzyfentanyl are not exempt.</td>
</tr>
<tr>
<td>8335</td>
<td>Not exempt at any concentration ...</td>
<td>Chemical mixtures containing any amount of 4-anilinopiperidine are not exempt.</td>
</tr>
</tbody>
</table>

* * * * *

Utta Dhillon, Acting Administrator.

SUMMARY: This final rule amends the Pension Benefit Guaranty Corporation’s regulation on Benefits Payable in Terminated Single-Employer Plans to prescribe certain interest assumptions under the regulation for plans with valuation dates in May 2020. These interest assumptions are used for paying certain benefits under terminating single-employer plans covered by the pension insurance system administered by PBGC.

DATES: Effective May 1, 2020.

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 4022

Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

Finding is based on the need to issue new interest assumptions promptly so that they are available for plans that rely on our publication of them each month to calculate lump sum benefit amounts.

Because of the need to provide immediate guidance for the payment of benefits under plans with valuation dates during May 2020, PBGC finds that good cause exists for making the assumptions set forth in this amendment effective less than 30 days after publication.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects in 29 CFR Part 4022

Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements.

In consideration of the foregoing, 29 CFR part 4022 is amended as follows:

PART 4022—BENEFITS PAYABLE IN TERMINATED SINGLE-EMPLOYER PLANS

1. The authority citation for part 4022 continues to read as follows:

Authority: 29 U.S.C. 1302, 1322, 1322b, 1341(c)(3)(D), and 1344.

2. In appendix B to part 4022, rate set 319 is added at the end of the table to read as follows:

Appendix B to Part 4022—Lump Sum Interest Rates for PBGC Payments

* * * * *
### FOR FURTHER INFORMATION CONTACT:

Hilary Duke, Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation. Email: kvello@osmre.gov.

### SUMMARY:

Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Act), which further amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (1990 Act), and Office of Management and Budget (OMB) guidance, this rule adjusts for inflation the level of civil monetary penalties assessed under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

### ACTION:

Final rule.

### DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 723, 724, 845, and 846

RIN 1029–AC78

[Docket ID: OSM–2019–0015; S1D1S SS08011000 SX064A000 2015S180110; S2D2S SS08011000 SX064A000 2015S180120]

### Civil Monetary Penalty Inflation Adjustments

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Final rule.

**SUMMARY:** Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Act), which further amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (1990 Act), and Office of Management and Budget (OMB) guidance, this rule adjusts for inflation the level of civil monetary penalties assessed under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

**DATES:** Effective April 15, 2020.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Vello, Office of Surface Mining Reclamation and Enforcement, 1849 C Street NW, Mail Stop 4550, Washington, DC 20240; Telephone (202) 208–1908. Email: kvello@osmre.gov.

### SUPPLEMENTARY INFORMATION:

#### Table of Contents

I. Background  
A. The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015  
B. Calculation of Adjustments  
C. Effect of the Rule in Federal Program  
D. Effect of the Rule on Approved State Programs  
II. Procedural Matters  
A. The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015  
B. Regulatory Flexibility Act  
C. Small Business Regulatory Enforcement Fairness Act  
D. Unfunded Mandates Reform Act  
E. Takings (Executive Order 12630)  
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H. Consultation With Indian Tribes  
I. Paperwork Reduction Act  
J. National Environmental Policy Act  
K. Effects on Energy Supply, Distribution, and Use (Executive Order 13045)  
L. Clarity of This Regulation  
M. Data Quality Act  
N. Administrative Procedure Act

#### Appendix C to Part 4022—Lump Sum Interest Rates for Private-Sector Payments

In appendix C to part 4022, rate set 319 is added at the end of the table to read as follows:

<table>
<thead>
<tr>
<th>Rate set</th>
<th>For plans with a valuation date</th>
<th>Immediate annuity rate (percent)</th>
<th>Deferred annuities (percent)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>On or after After</td>
<td>i₁ i₂ i₃ n₁ n₂</td>
<td></td>
</tr>
<tr>
<td>319  ...</td>
<td>5–1–20 6–1–20</td>
<td>0.50 4.00 4.00 4.00</td>
<td>7 8</td>
</tr>
</tbody>
</table>

Issued in Washington, DC.

Kathleen Vello, Office of Surface Mining Reclamation and Enforcement, 1849 C Street NW, Mail Stop 4550, Washington, DC 20240; Telephone (202) 208–1908. Email: kvello@osmre.gov.

**Updated Rates:**

For plans with a valuation date before:

- **On or after:** Before
- **Immediate annuity rate:** 0.50
- **Deferred annuities:** 4.00, 4.00, 4.00, 7, 8

For plans with a valuation date after:

- **On or after:** After
- **Immediate annuity rate:** 0.50
- **Deferred annuities:** 4.00, 4.00, 4.00, 7, 8

**Office of Surface Mining Reclamation and Enforcement:**

30 CFR Parts 723, 724, 845, and 846

RIN 1029–AC78

[Docket ID: OSM–2019–0015; S1D1S SS08011000 SX064A000 2015S180110; S2D2S SS08011000 SX064A000 2015S180120]

**Civil Monetary Penalty Inflation Adjustments**

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Final rule.

**SUMMARY:** Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Act), which further amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (1990 Act), and Office of Management and Budget (OMB) guidance, this rule adjusts for inflation the level of civil monetary penalties assessed under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

**DATES:** Effective April 15, 2020.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Vello, Office of Surface Mining Reclamation and Enforcement, 1849 C Street NW, Mail Stop 4550, Washington, DC 20240; Telephone (202) 208–1908. Email: kvello@osmre.gov.

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J. National Environmental Policy Act  
K. Effects on Energy Supply, Distribution, and Use (Executive Order 13045)  
L. Clarity of This Regulation  
M. Data Quality Act  
N. Administrative Procedure Act

**Background**

A. The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Act) into law. The 2015 Act, which further amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (codified as amended at 28 U.S.C. 2461 note), requires Federal agencies to promulgate rules to adjust the level of CMPs to account for inflation. The 2015 Act required an initial “catch-up” adjustment. OSMRE published the initial adjustment in the Federal Register on July 8, 2016 (81 FR 44535), and the adjustment took effect on August 1, 2016. The 2015 Act also requires agencies to publish annual inflation adjustments in the Federal Register no later than January 15 of each year. These adjustments are aimed at maintaining the deterrent effect of civil penalties and furthering the policy goals of the statutes that authorize the penalties. Further, the 2015 Act provides that agencies must adjust civil monetary penalties “notwithstanding section 553 of [the Administrative Procedure Act].” Therefore, the public procedure that the Administrative Procedure Act generally requires for rulemaking—notice, an opportunity for comment, and a delay in the effective date—is not required for agencies to issue regulations implementing the annual CMP adjustments. See also December 16, 2019, Memorandum for the Heads of Executive Departments and