

techniques may include “identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.”

We are issuing the proposed priorities only on a reasoned determination that their benefits would justify their costs. In choosing among alternative regulatory approaches, we selected those approaches that would maximize net benefits. Based on an analysis of anticipated costs and benefits, we believe that the proposed priorities are consistent with the principles in Executive Order 13563.

We also have determined that this regulatory action does not unduly interfere with State, local, and Tribal governments in the exercise of their governmental functions.

In accordance with the Executive orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. The potential costs are those resulting from statutory requirements and those we have determined as necessary for administering the Department’s programs and activities.

Potential Costs and Benefits

The Department believes that this proposed regulatory action would not impose significant costs on eligible entities, whose participation in our programs is voluntary, and costs can generally be covered with grant funds. As a result, the proposed priorities would not impose any particular burden except when an entity voluntarily elects to apply for a grant. The proposed priorities would help ensure that the American History and Civics Education programs support the development of culturally responsive teaching and learning practices and promote students’ acquisition of critical information literacy skills. We believe these benefits would outweigh any associated costs.

Clarity of the Regulations

Executive Order 12866 and the Presidential memorandum “Plain Language in Government Writing” require each agency to write regulations that are easy to understand.

The Secretary invites comments on how to make the proposed priorities easier to understand, including answers to questions such as the following:

- Are the requirements in the proposed regulations clearly stated?
- Do the proposed regulations contain technical terms or other wording that interferes with their clarity?
- Does the format of the proposed regulations (grouping and order of

sections, use of headings, paragraphing, etc.) aid or reduce their clarity?

- Would the proposed regulations be easier to understand if we divided them into more (but shorter) sections?

- Could the description of the proposed regulations in the **SUPPLEMENTARY INFORMATION** section of this preamble be more helpful in making the proposed regulations easier to understand? If so, how?

- What else could we do to make the proposed regulations easier to understand?

To send any comments that concern how the Department could make the proposed priorities easier to understand, see the instructions in the **ADDRESSES** section.

Intergovernmental Review: These programs are subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for these programs.

Regulatory Flexibility Act Certification

The Secretary certifies that this proposed regulatory action would not have a significant economic impact on a substantial number of small entities. The U.S. Small Business Administration Size Standards define proprietary institutions as small businesses if they are independently owned and operated, are not dominant in their field of operation, and have total annual revenue below \$7,000,000. Nonprofit institutions are defined as small entities if they are independently owned and operated and not dominant in their field of operation. Public institutions are defined as small organizations if they are operated by a government overseeing a population below 50,000.

The small entities that this proposed regulatory action would affect are institutions of higher education and nonprofit organizations. Of the impacts we estimate accruing to grantees or eligible entities, all are voluntary and related mostly to an increase in the number of applications prepared and submitted annually for competitive grant competitions. Therefore, we do not believe that the proposed priorities would significantly impact small entities beyond the potential for increasing the likelihood of their applying for, and receiving, competitive grants from the Department.

Paperwork Reduction Act

The proposed priorities contain information collection requirements that are approved by OMB under OMB control number 1894–0006; the proposed priorities do not affect the currently approved data collection.

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at www.govinfo.gov. At this site you can view this document, as well as all other documents of the Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at www.federalregister.gov. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Ruth Ryder,
Deputy Assistant Secretary for Policy and Programs, Office of Elementary and Secondary Education.

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POSTAL REGULATORY COMMISSION

39 CFR Part 3050

[Docket No. RM2021–6; Order No. 5864]

Periodic Reporting

AGENCY: Postal Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission is acknowledging a recent filing requesting the Commission initiate a rulemaking proceeding to consider changes to analytical principles relating to periodic reports (Proposal Three). This document informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* June 1, 2021.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202-789-6820.

SUPPLEMENTARY INFORMATION:

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- I. Introduction
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- III. Notice and Comment
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I. Introduction

On April 8, 2021, the Postal Service filed a petition pursuant to 39 CFR 3050.11 requesting that the Commission initiate a rulemaking proceeding to consider changes to analytical principles relating to periodic reports.¹ The Petition identifies the proposed analytical changes filed in this docket as Proposal Three.

II. Proposal Three

Background. In FY 2015, a new price category was created for Marketing Mail

Flats on 5-digit pallets.² Accordingly, workshare discounts and percentage passthroughs for these "direct" 5 digit pallets (containing only Carrier Route or finer presorted bundles) have been calculated and reported separately from those of all other Standard Mail Carrier Route pieces since the FY 2015 Annual Compliance Report (ACR). Petition at 2-3.

As of FY 2017, the Postal Service has utilized the following methodology to calculate dropship workshare discounts for Marketing Mail:³

$$\frac{((\text{Pound discount} * \text{Pounds above breakpoint}) + (\text{Piece discount} * \text{Pieces below breakpoint}))}{\text{Pounds above and below breakpoint}}$$

(Avoided cost per pound * Pounds above and below breakpoint)

Petition at 5.

This methodology calculates workshare discounts in the same units as are used in the calculation of avoided costs. *Id.* The Postal Service has reported workshare discounts in this fashion in ACR dockets from FY 2017 to the present.⁴

Because this approach includes both the per-piece and per-pound elements of Marketing Mail Flats prices, the Postal Service states that percentage passthroughs for workshare discounts may be different for Carrier Route Flats on "direct" pallets and all Carrier Route Flats "solely because of differences in the mix of pieces above and below the breakpoint weight (currently 4 ounces)." Petition at 8.

Proposal. With Proposal Three, the Postal Service seeks to "stop separately calculating and reporting workshare discounts and percentage passthroughs for dropship Marketing Mail Carrier Route Flats on 'direct' pallets" and instead "calculate and report workshare discounts and percentage passthroughs for all dropship Marketing Mail Carrier Route Flats together." *Id.* at 9. The Postal Service asserts that this approach is intended to "equalize the cost avoidance calculation across Marketing Mail density tiers (e.g., MADC, ADC, High Density, Saturation)" as "Carrier

Route Flats is the only Marketing Mail product where the density discount is sub-divided based on preparation characteristics." *Id.* at 10. According to the Postal Service, the current methodology can produce anomalous results when "preparation characteristics are correlated with other characteristics. . . such as weight or entry." *Id.* It maintains that "[b]y combining volumes and calculating workshare discounts and percentage passthroughs for Marketing Mail Carrier Route flats as a single group, Proposal Three would reduce volatility in the calculation of percentage passthroughs for dropshipped Marketing Mail Carrier Route Flats." *Id.* The Postal Service states that such an approach would increase rationality and predictability in pricing, "especially given the new regulations governing workshare discounts." *Id.* at 11.

Impact. Under the Postal Service's proposed methodology, avoided costs and passthroughs associated with Marketing Mail Carrier Route Flats would be affected.

III. Notice and Comment

The Commission establishes Docket No. RM2021-6 for consideration of matters raised by the Petition. More information on the Petition may be

accessed via the Commission's website at <http://www.prc.gov>. Interested persons may submit comments on the Petition and Proposal Three no later than June 1, 2021. Pursuant to 39 U.S.C. 505, Katalin K. Clendenin is designated as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

IV. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. RM2021-6 for consideration of the matters raised by the Petition of the United States Postal Service for the Initiation of a Proceeding to Consider Proposed Changes in Analytical Principles (Proposal Three), filed April 8, 2021.

2. Comments by interested persons in this proceeding are due no later than June 1, 2021.

3. Pursuant to 39 U.S.C. 505, the Commission appoints Katalin K. Clendenin to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this docket.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

¹ Petition of the United States Postal Service for the Initiation of a Proceeding to Consider Proposed Changes in Analytical Principles (Proposal Three), April 8, 2021 (Petition).

² Docket No. R2015-4, Order on Revised Price Adjustments for Standard Mail, Periodicals, and Package Services Products and Related Mail

Classification Changes, May 7, 2015, at 43 (Order No. 2472).

³ Docket No. RM2017-11, Order on Analytical Principles Used in Periodic Reporting (Proposal Seven), November 20, 2017 (Order No. 4227).

⁴ See Docket No. ACR2017, USPS-FY17-3, December 29, 2017, Excel file "USPS-FY17-13.MKTG.xlsx," tab "Flats and Parcels Dropship;"

Docket No. ACR2018, USPS-FY18-3, December 28, 2018, Excel file "USPS-FY18-13.MKTG.xlsx," tab "Flats and Parcels Dropship;" Docket No. ACR2019, USPS-FY19-3, December 27, 2019, Excel file "USPS-FY19-13.MKTG.xlsx," tab "Flats and Parcels Dropship;" Docket No. ACR2020, USPS-FY20-3, Excel file "USPS-FY17-13.MKTG.xlsx," tab "Flats and Parcels Dropship."

By the Commission.

Erica A. Barker,
Secretary.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA-R08-OAR-2020-0741; FRL-10022-27-Region 8]

Approval and Promulgation of Implementation Plans; Montana; Butte PM₁₀ Nonattainment Area Limited Maintenance Plan and Redesignation Request

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to fully approve the Limited Maintenance Plan (LMP) submitted by the State of Montana to EPA on March 23, 2020, for the Butte Moderate nonattainment area (NAA) for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM₁₀) and concurrently redesignate the NAA to attainment for the 24-hour PM₁₀ National Ambient Air Quality Standard (NAAQS). In order to approve the LMP and redesignation, EPA is proposing to determine that the Butte, MT NAA has attained the 1987 24-hour PM₁₀ NAAQS of 150 µg/m³. This determination is based upon monitored air quality data for the PM₁₀ NAAQS during the years 2014–2018. EPA is taking this action pursuant to the Clean Air Act (CAA).

DATES: Written comments must be received on or before May 19, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R08-OAR-2020-0741 to the Federal Rulemaking Portal: <https://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from www.regulations.gov. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will

generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

Docket: All documents in the docket are listed in the www.regulations.gov index. Although listed in the index, some information is not publicly available, *e.g.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available electronically in www.regulations.gov. To reduce the risk of COVID-19 transmission, for this action we do not plan to offer hard copy review of the docket. Please email or call the person listed in the **FOR FURTHER INFORMATION CONTACT** section if you need to make alternative arrangements for access to the docket.

FOR FURTHER INFORMATION CONTACT: Kate Gregory, Air and Radiation Division, U.S. Environmental Protection Agency (EPA), Region 8, Mail Code 8P-ARD-QP, 1595 Wynkoop Street, Denver, Colorado 80202-1129, (303) 312-6175, gregory.kate@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document wherever “we,” “us,” or “our” is used, we mean the EPA.

I. Background

Description of the Butte NAA

The Butte NAA is the only NAA in Silver Bow County, is irregularly shaped, and generally encompasses the populated areas surrounding the city of Butte, except for the town of Walkerville. Butte was originally designated as a Group I area on August 7, 1987, meaning it was likely to violate the PM₁₀ NAAQS, and was subsequently classified as a Moderate NAA for the 1987 24-hour PM₁₀ NAAQS on March 15, 1991. *See* 56 FR 11101. States containing initial Moderate PM₁₀ NAAs were required to submit, by November 15, 1991, a Moderate NAA State Implementation Plan (SIP) that, among other requirements, implemented Reasonably Available Control Measures (RACM) by December 10, 1993, and demonstrated whether it was practicable to attain the PM₁₀ NAAQS by December 31, 1994. *See generally* 57 FR 13498 (April 16, 1992); *see also* 57 FR 18070 (April 28, 1992).

The State of Montana submitted an initial PM₁₀ SIP to EPA on July 9, 1992, and a subsequent submission on January 13, 1993. EPA approved the Butte initial control plan on March 11, 1994 (59 FR 11550). Revisions to emissions limits, associated attainment and maintenance demonstrations and contingency measures were submitted to EPA on August 26, 1994. The State of Montana’s SIP for the Butte Moderate NAA included, among other things: A comprehensive emissions inventory; RACM; A demonstration that attainment of the PM₁₀ NAAQS would be achieved in Butte by December 31, 1994; Reasonable Further Progress (RFP) requirements; and control measures that satisfy the contingency measures requirement of section 172(c)(9) of the CAA. The EPA fully approved the Butte NAA PM₁₀ attainment plan on March 22, 1995 (60 FR 15056).

II. Requirements for Redesignation

A. CAA Requirements for Redesignation of NAAs

NAAs can be redesignated to attainment after the area has measured air quality data showing it has attained the NAAQS and when certain planning requirements are met. Section 107(d)(3)(E) of the CAA, and the General Preamble to Title I provide the criteria for redesignation. *See* 57 FR 13498 (April 16, 1992). These criteria are further clarified in a policy and guidance memorandum from John Calcagni, Director, Air Quality Management Division, EPA Office of Air Quality Planning and Standards dated September 4, 1992, “Procedures for Processing Requests to Redesignate Areas to Attainment.”¹ The criteria for redesignation are:

(1) The Administrator has determined that the area has attained the applicable NAAQS;

(2) The Administrator has fully approved the applicable SIP for the area under section 110(k) of the CAA;

(3) The state containing the area has met all requirements applicable to the area under section 110 and part D of the CAA;

(4) The Administrator has determined that the improvement in air quality is due to permanent and enforceable reductions in emissions; and

(5) The Administrator has fully approved a maintenance plan for the area as meeting the requirements of section 175A of the CAA.

¹ The “Procedures for Processing Requests to Redesignate Areas to Attainment” (Calcagni memo) outlines the criteria for redesignation (*see* docket for memo).