

comment period will become part of the record and will be available for public inspection and, where permissible, copying at the OSHA Docket Office, as well as online at [www.regulations.gov](http://www.regulations.gov) (Docket Number OSHA–2021–0012).

#### Authority and Signature

Douglas L. Parker, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC authorized the preparation of this document under the authority specified by Section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667), Secretary of Labor's Order No. 8–2020 (85 FR 58393 (Sept. 18, 2020)), and 29 CFR parts 1902, 1952, 1953, 1954, and 1955.

Signed at Washington, DC.

**Douglas L. Parker,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

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## POSTAL REGULATORY COMMISSION

### 39 CFR Part 3030

[Docket No. RM2022–12; Order No. 6244]

#### Application for Waiver of Workshare Discount

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Application for waiver; comment request.

**SUMMARY:** The Commission is acknowledging a Postal Service application for waiver pursuant to Commission regulations as it relates to a workshare discount. This document informs the public of the filing, invites public comment, and takes other administrative steps.

**DATES:** *Comments are due:* August 16, 2022.

**ADDRESSES:** Submit comments electronically via the Commission's Filing Online system at <https://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

On August 8, 2022, the Postal Service filed an application for waiver pursuant to 39 CFR 3030.286 requesting that the Commission waive the applicability of 39 CFR 3030.283 for the workshare discount associated with USPS Marketing Mail Carrier Route Flats dropshipped at the Destination Delivery Unit (DDU) in the next rate adjustment filing.<sup>1</sup>

#### II. Background

Pursuant to 39 CFR 3030.283, a workshare discount proposed by the Postal Service in any rate adjustment filing that exceeds the cost avoided must either be associated with a new postal service, a change to an existing postal service, or a new workshare initiative; be at least a 20 percent decrease from the existing workshare discount; or provided in connection with a subclass of mail, consisting exclusively of mail matter of educational, cultural, scientific, or informational value (39 U.S.C. 3622(e)(2)(C)) and is in compliance with 39 CFR 3030.285(c).<sup>2</sup>

If the proposed workshare discount does not comply with the limitations of 39 CFR 3030.283, the Postal Service must file an application for waiver pursuant to 39 CFR 3030.286. *See* 39 CFR 3030.283(d); 39 CFR 3030.286. The Postal Service's waiver application must be supported by a preponderance of the evidence and demonstrate that a waiver from the limitations imposed by 39 CFR 3030.283 should be granted. *See* 39 CFR 3030.286(b). The Postal Service must include the grounds for a waiver, including all relevant supporting analysis; the length of time the waiver will be necessary; for each subsequent rate adjustment filing planned to occur during the length of time for which a waiver is sought, a representation of the proposed minimum amount of the change to the workshare discount; and any other relevant information. *See also* 39 CFR 3030.286(c)(1) through (3) and (8). Grounds for waiver for an excessive workshare discount and the required

<sup>1</sup> United States Postal Service Application for a Waiver Under 39 CFR 3030.286, August 8, 2022 (Application). The Postal Service's Application is accompanied by a Statement in Support of Waiver Application (Supporting Statement).

<sup>2</sup> *See* 39 CFR 3030.283. The relationship between workshare discounts and avoided costs is usually expressed as a percentage called a passthrough, which is calculated by dividing the discount by the avoided cost. Workshare discounts with passthroughs above 100 percent are considered excessive workshare discounts.

accompanying information are set forth in 39 CFR 3030.286(c)(4) through (7).<sup>3</sup>

#### III. Application for Waiver

The Postal Service requests a waiver of 39 CFR 3030.283 for the workshare discount associated with USPS Marketing Mail Carrier Route Flats dropshipped at the DDU in the next rate adjustment proceeding to be filed no sooner than October 7, 2022. Application at 1. The Postal Service states that the methodology used in calculating passthroughs for USPS Marketing Mail flat-shaped pieces results in volatile passthrough percentages, making compliance with 39 CFR 3030.283 difficult. Application, Supporting Statement at 3. It further states that, to overcome this volatility and comply with 39 CFR 3030.283, would require irrational pricing. *Id.* at 6–7. The Postal Service illustrates this issue in a worksheet that accompanies the Supporting Statement. *Id.* at 7; *see also* Excel file “RM2022–12 Waiver.xlsx.”

The Postal Service maintains that its waiver request should be granted for three reasons. First, the Postal Service intends to “seek approval of prices that will minimize non-compliance and its consequences” and would be limited to the passthrough for USPS Marketing Mail Carrier Route Flats pieces dropshipped at the DDU. Application, Supporting Statement at 8. Furthermore, it states that, because the volume of these pieces is relatively low, “the cost of [ ] non-compliance is only approximately, \$200,000. . . and that amount will inure to the benefit of the mailers in any event.” *Id.* Second, the Postal Service maintains that compliance with 39 CFR 3030.283 would require irrational pricing due to “happenstance,” and not “the result of any failure of effort, planning, or implementation by the Postal Service.” *Id.* at 8–9. Finally, the Postal Service believes additional waivers of this nature for USPS Marketing Mail Flats will not be necessary beyond the next rate adjustment proceeding. *Id.* at 9. This is because the Postal Service is “investigating structural changes in [the] pricing of flat- and parcel-shaped pieces leading to a simplified methodology in the calculation of passthroughs.” *Id.*

<sup>3</sup> Grounds for waiver for an excessive cost workshare discount relate to rate shock; the impediment of efficient postal operations; a loss of volume in the affected category of mail and a reduction in the aggregate contribution to the Postal Service's institutional costs from the mail that is subject to the discount; and non-compensatory products. *See* 39 CFR 3030.286(c)(4) through (7).

For these reasons, the Postal Service seeks to set the workshare discount associated with USPS Marketing Mail Carrier Route Flats pieces dropshipped at the DDU above the avoided costs such that the workshare discount's passthrough is 105.0 percent. *Id.* at 8.

#### IV. Notice and Comment

The Commission establishes Docket No. RM2022–12 for consideration of matters raised by the Application. More information on the Application may be accessed via the Commission's website at <https://www.prc.gov>. Interested persons may submit comments on the Application no later than August 16, 2022. 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.

#### V. Ordering Paragraphs

*It is ordered:*

1. The Commission establishes Docket No. RM2022–12 for consideration of the matters raised by the United States Postal Service Application for a Waiver Under 39 CFR 3030.286, filed August 8, 2022.

2. Comments by interested persons in this proceeding are due no later than August 16, 2022.

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**.

By the Commission.

**Jennie L. Jbara,**

*Alternate Certifying Officer.*

[FR Doc. 2022–17417 Filed 8–12–22; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R04–OAR–2021–0554; FRL–9187–01–R4]

### Air Plan Approval; North Carolina; Miscellaneous Emission Control Standards Rule Revisions

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve

changes to the North Carolina State Implementation Plan (SIP), submitted by the State of North Carolina through the North Carolina Department of Environmental Quality (NCDEQ), Division of Air Quality (DAQ), through a letter dated April 13, 2021. This SIP revision includes changes to a subset of NCDEQ's regulations regarding emission control standards. EPA is proposing to approve these changes pursuant to the Clean Air Act (CAA or Act).

**DATES:** Comments must be received on or before September 14, 2022.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R04–OAR–2021–0554 at [www.regulations.gov](http://www.regulations.gov). Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. 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. 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 [www2.epa.gov/dockets/commenting-epa-dockets](http://www2.epa.gov/dockets/commenting-epa-dockets).

#### FOR FURTHER INFORMATION CONTACT:

Andres Febres, Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. Mr. Febres can be reached via electronic mail at [febres-martinez.andres@epa.gov](mailto:febres-martinez.andres@epa.gov) or via telephone at (404) 562–8966.

#### SUPPLEMENTARY INFORMATION:

##### I. What action is EPA proposing?

EPA is proposing to approve certain changes to North Carolina's SIP that were provided to EPA through NCDEQ via a letter dated April 13, 2021, and related to North Carolina's 15A North Carolina Administrative Code (NCAC) Subchapter 02D, Section .0500, *Emission Control Standards*.<sup>1</sup>

<sup>1</sup> EPA notes that the April 13, 2021, submittal was received by EPA on April 14, 2021.

Specifically, EPA is proposing approval of changes to 15A NCAC 02D Sections .0516, *Sulfur Dioxide Emissions from Combustion Sources*; .0517, *Emissions from Plants Producing Sulfuric Acid*; .0519, *Control of Nitrogen Dioxide and Nitrogen Oxides Emissions*; and .0533, *Stack Height*.<sup>2,3</sup> The changes to these sections, as well as EPA's analysis of the changes, is discussed in the following sections.

## II. EPA's Analysis of the State's Submittal

### A. Rule 15A NCAC 02D .0516

Rule 02D .0516, *Sulfur Dioxide Emissions from Combustion Sources*, includes minor grammatical edits to paragraph .0516(a) by removing the words “that is”, as well as a rewording of paragraph .0516(b) for clarity. In addition, North Carolina removes a reference to Rules 02D .1205 and .1211 from paragraph .0516(b), which originally excluded large municipal waste combustors and other solid waste incineration units, respectively, from complying with the requirements of rule .0516. These two references were removed because the two rules were State-only rules that have since been repealed, effective July 1, 2018.<sup>4</sup>

EPA has preliminarily determined that these changes to the SIP will not interfere with attainment and maintenance of the national ambient air quality standards (NAAQS) or any other applicable requirement of the Act. Therefore, EPA is proposing to approve the aforementioned changes to the North Carolina SIP.

### B. Rule 15A NCAC 02D .0517

Rule 0517, *Emissions from Plants Producing Sulfuric Acid*, contains very minor typographical edits, such as substituting parentheses for commas, and edits for clarity, such as adding an “and” between two requirements that both must be met.

EPA has preliminarily determined that these changes to the SIP will not interfere with attainment and

<sup>2</sup> EPA received several revisions to the North Carolina SIP through the same April 13, 2021, cover letter. This proposed rulemaking only addresses the revisions identified within this notice. EPA may act on the remaining revisions, including certain 02D Section .0500 rules not considered in this proposed action, in separate rulemakings.

<sup>3</sup> On February 22, 2022, and July 6, 2022, North Carolina submitted letters to EPA withdrawing the changes to Rule 15A NCAC 02D .0532 and .0527, respectively, from EPA's consideration. For this reason, EPA will not act on these changes to Rule .0532 or .0527. Both letters can be found in the docket for this proposed action.

<sup>4</sup> See NCDAQ's website at <https://deq.nc.gov/about/divisions/air-quality/air-quality-rules/rules/control-emissions-from-incinerators>.