

Code of Federal Regulations (see 39 CFR 111.1):

PART 111—[AMENDED]

■ 1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 13 U.S.C. 301–307; 18 U.S.C. 1692–1737; 39 U.S.C. 101, 401–404, 414, 416, 3001–3018, 3201–3220, 3401–3406, 3621, 3622, 3626, 3629, 3631–3633, 3641, 3681–3685, and 5001.

■ 2. Revise the *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM) as follows:

Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM)

* * * * *

200 Commercial Letters, Cards, Flats, and Parcels

* * * * *

203 Basic Postage Statement, Documentation, and Preparation Standards

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4.0 Bundles

* * * * *

[Revise the title of 202.4.4 to read as follows:]

4.4 Exception to Bundle Preparation—Full Letter and Flat Trays and Small Flat Mailings

[Add a sentence at the end of 4.4 to read as follows:]

* * * In mailings of 500 or fewer flat-sized pieces, mailers are not required to prepare bundles and may place said pieces loose in flat trays.

4.5 Securing Bundles of Flats

Bundles must be able to withstand normal transit and handling without breakage or injury to USPS employees, and are subject to the following requirements:

[Revise the text of item (a) to read as follows:]

a. Bundles must be secured with two or more cross-strapped bands or shrink-wrapped with two or more cross-strapped bands. Banding includes plastic bands, and similar material. Use of wire or metal banding is not permitted.

[Delete current item (b) in its' entirety] [Remember item (c) as item (b); then revise the text to read as follows:]

b. Bundles must be cross-strapped (encircle the length and girth of the bundle at least once). Additional bands may be used if none lies within 1 inch of any bundle edge.

[Add a new item (c) to read as follows:]

c. Rubber bands and twine/string are not permitted to use as banding to secure bundles.

* * * * *

4.8 Preparing Bundles in Sacks and Flat Trays

In addition to following the standards in 4.5 through 4.7, mailers must prepare bundles placed in flat trays and sacks as follows: * * *

[Revise item (d) to read as follows:]

d. Bundles of pieces with covers of “coated stock” (glossy covers) that are not individually enclosed in an envelope or mailing wrapper must be secured with at least two plastic straps or with shrinkwrap plus two plastic straps and must not exceed 6 inches in height.

* * * * *

4.9 Preparing Bundles on Pallets

In addition to general bundling standards in 4.1, bundles on pallets must meet the following standards:

[Revise item 4.9(a) to read as follows:]

a. Bundles must be secured with appropriate banding or shrinkwrap supplemented by two or more bands. Banding includes plastic bands (recommended) or similar material.

* * * * *

245 Mail Preparation

* * * * *

9.0 Preparing Enhanced Carrier Route Flats

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9.5 Multi Carrier Routes Bundle

A mailer may combine individual eligible bundles of USPS Marketing Mail Enhanced Carrier Route basic price mail into a multi carrier routes bundle of the same 5-digit ZIP Code under these conditions: * * *

[Revise the text of item 9.5(d) to read as follows:]

d. The multi carrier routes bundle must be secured with at least two cross-strapped bands, one around the length and one around the girth, or shrink-wrapped with two or more cross-strapped bands.

* * * * *

Christopher Doyle,

Attorney, Ethics and Legal Compliance.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2023–0405; FRL–11263–01–R9]

Air Plan Approval; Nevada; Washoe County Health District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a revision to the Washoe County portion of the Nevada State Implementation Plan (SIP). This revision concerns emissions of particulate matter (PM) from woodburning devices. We are proposing to approve a revision to a local rule that regulates these emission sources under the Clean Air Act (CAA or the Act). We are taking comments on this proposal and plan to follow with a final action.

DATES: Comments must be received on or before July 15, 2024.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2023–0405 at <https://www.regulations.gov>. For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *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, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>. If you need assistance in a language other than English or if you are a person with a disability who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT:

Christine Vineyard, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. By phone: (415) 947-4125 or by email at vineyard.christine@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document, “we,” “us” and “our” refer to the EPA.

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I. The State’s Submittal

A. What rule did the State submit?

Table 1 lists the rule addressed by this proposal with the date that it was adopted by the Washoe County District Board of Health (DBOH),¹ and submitted by the Nevada Division of Environmental Protection (NDEP).

TABLE 1—SUBMITTED RULE

Local agency	Rule No.	Rule title	Revised	Submitted
DBOH	040.051	Wood-Burning Devices	02/24/22	10/04/22

On April 4, 2023, the submittal for DBOH Rule 040.051 was deemed by operation of law to meet the completeness criteria in 40 CFR part 51, appendix V, which must be met before formal EPA review.

B. Are there other versions of this rule?

We approved an earlier version of Rule 040.051 into the SIP on June 16, 2017 (82 FR 27622). The DBOH adopted revisions to the SIP-approved version on February 24, 2022, and NDEP submitted them to us on October 4, 2022. If we approve the October 4, 2022 version of Rule 040.051, it will replace the previously approved version of this rule in the Washoe County portion of the Nevada SIP.

C. What is the purpose of the submitted rule revisions?

Emissions of PM, including PM equal to or less than 2.5 microns in diameter (PM_{2.5}) and PM equal to or less than 10 microns in diameter (PM₁₀), contribute to effects that are harmful to human health and the environment, including premature mortality, aggravation of respiratory and cardiovascular disease, decreased lung function, visibility impairment, and damage to vegetation and ecosystems. Section 110(a) of the CAA requires States to submit regulations that control PM emissions. Rule 040.051 limits PM emissions from wood-burning devices. DBOH revised Rule 040.051 and submitted the updated version to replace the now outdated version in the SIP. The revisions add clarity and transparency to the implementation of the program. For example, the exemption section is now included at the beginning of the rule to provide greater clarity as to which actions are exempted from specific sections of the rule. In addition, an

exemption was added that allows EPA-certified wood-burning devices installed between 1990 and May 15, 2020, to remain in place following a real estate transaction. Finally, requirements regarding the limitation on the number of wood-burning devices allowed per parcel has been reformatted to ensure the limitation is accurately determined based on the acreage of the parcel. The EPA’s technical support document (TSD) has more information about this rule.

II. The EPA’s Evaluation and Action

A. How is the EPA evaluating the rule?

Rules in the SIP must be enforceable (see CAA section 110(a)(2)), must not interfere with applicable CAA requirements (see CAA section 110(l)), and must not modify certain SIP control requirements in nonattainment areas without ensuring equivalent or greater emissions reductions (see CAA section 193).

DBOH does not currently regulate any PM nonattainment areas. Therefore, DBOH is not required to implement reasonably available control measures or best available control measures for PM. Guidance and policy documents that we used to evaluate enforceability, revision/relaxation and rule stringency requirements for the applicable criteria pollutants include the following:

1. “State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,” 57 FR 13498 (April 16, 1992); 57 FR 18070 (April 28, 1992).
2. “Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations,” EPA, May 25, 1988 (the Bluebook, revised January 11, 1990).
3. “Guidance Document for Correcting Common VOC & Other Rule

Deficiencies,” EPA Region 9, August 21, 2001 (the Little Bluebook).

B. Does the rule meet the evaluation criteria?

This rule meets CAA requirements and is consistent with relevant guidance regarding enforceability and SIP revisions. In particular, the new exemption that allows EPA-certified wood-burning devices installed between 1990 and May 15, 2020, to remain in place following a real estate transaction will not interfere with maintenance of the NAAQS in Washoe County. On May 15, 2020, more stringent Federal standards for new wood-burning devices became effective. WBOH revised its rule to include the new standards for new devices but is allowing existing EPA-certified devices to remain in place during real estate transactions. This exemption does not allow any emissions increases. The TSD has more information on our evaluation.

C. Public Comment and Proposed Action

As authorized in section 110(k)(3) of the Act, the EPA proposes to fully approve the submitted rule because it fulfills all relevant requirements. We will accept comments from the public on this proposal until July 15, 2024. If we approve the submitted rule, our final action will incorporate this rule into the federally enforceable SIP.

III. Incorporation by Reference

In this rule, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference DBOH, Rule 040.051, Wood-Burning Devices (revised on February 24, 2022),

¹ The DBOH changed its name to Northern Nevada Public Health (NNPH) on August 31, 2023.

We still refer to the agency as the DBOH because

this name change has not yet been reflected in the agency’s regulations.

which regulates particular matter emissions from wood-burning devices. The EPA has made, and will continue to make, these materials available through <https://www.regulations.gov> and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve State choices, provided that they meet the criteria of the Act. Accordingly, this proposed action merely proposes to approve State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this proposed action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 14094 (88 FR 21879, April 11, 2023);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely

affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);

- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it proposes to approve a State program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- 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 Clean Air Act.

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the proposed rule does not have tribal implications and will not impose substantial direct costs on Tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

Executive Order 12898 (Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, Feb. 16, 1994) directs Federal agencies to identify and address “disproportionately high and adverse human health or environmental effects” of their actions on minority populations and low-income populations to the greatest extent practicable and permitted by law. The EPA defines environmental justice (EJ) as “the fair

treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.” The EPA further defines the term fair treatment to mean that “no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative environmental consequences of industrial, governmental, and commercial operations or programs and policies.”

The State did not evaluate EJ considerations as part of its SIP submittal; the CAA and applicable implementing regulations neither prohibit nor require such an evaluation. The EPA did not perform an EJ analysis and did not consider EJ in this action. Consideration of EJ is not required as part of this action, and there is no information in the record inconsistent with the stated goal of E.O. 12898 of achieving environmental justice for people of color, low-income populations, and Indigenous peoples.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: June 2, 2024.

Martha Guzman Aceves,

Regional Administrator, Region IX.

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