

payments (that were not made) between September 2012 and September 2021 from the Postal Service's other FY 2022 accounting costs that flow into its Annual Compliance Review (ACR) regulatory report. Petition, Proposal Seven at 1. Proposal Seven, in other words, excludes the PSRA forgiveness of the RHB prefunding payments from institutional cost for FY 2022. *Id.*

The Postal Service notes that in the years following the passage of the Postal Accountability and Enhancement Act, and consistent with generally accepted accounting principles, it accrued expenses in each year for scheduled RHB prefunding payments that were required by law. *Id.* at 4. The Postal Service contends that such treatment was rational (as in those years it was treated as any other expenses for that year). *Id.* The Postal Service, however, differentiates this steady series of annual prefunding required payments from the "sudden and unprecedented occurrence of a one-time reversal of a decade's worth of unpaid prefunding expenses from prior years." *Id.* (emphasis in original).

The Postal Service notes the broad agreement among all parties as to what would result if it were to treat the PSRA forgiveness of the RHB payments as an offset to institutional costs (that it would result in institutional costs for FY 2022 being a "very large negative number"). *Id.* at 5. The Postal Service reiterates how that occurrence creates regulatory issues with the appropriate share provision, and the calculation of the imputed Federal income tax. *Id.*

The Postal Service also notes the inadvertent effect (or as it characterizes, the outcome mailers seek to ensure) of nullifying the density-based rate authority calculated as part of the FY 2022 ACR process. *Id.* The Postal Service explains how nullifying the density authority due to the PSRA forgiveness of RHB prefunding payments would interfere and disrupt the regulatory rationale behind the density-based authority. *Id.* at 5-7.

The Postal Service proposes one of two methods to effect its proposal to account for the PSRA forgiven RHB prefunding payments. First, the Postal Service proposes (as its preferable approach) to "zero out" Component 203 in the Cost Segment 18 tab of the Reallocated Trial Balance by omitting the reallocation of the negative \$56,975,093,943.28 from Trial Balance account 51265.000 into Component 203. *Id.* at 8. The Postal Service contends that this would result in "total costs at the bottom of the CRA that differed by the same amount from the sum of the Total Operating Expenses, Impact of

Postal Service Reform Legislation, and Interest Expense rows of the Postal Service's Statements of Operations in its form 10-K. *Id.* Under this methodology institutional costs for FY 2022 would not be "inappropriately affect[ed]" compared to how they would be without Proposal Seven. *Id.* Second, the Postal Service proposes (as an alternative option) the reallocation of the \$56,975,093,943.28 negative expense from Trial Balance account 51265.000 to the Miscellaneous Items row in the CRA, but excluding it from the row "All Other" that identifies institutional cost. *Id.*

Overall, the Postal Service identifies the impact of Proposal Seven to exclude the "one-time massive negative RHB expense accrual triggered by the PSRA from overwhelming routine FY 2022 institutional costs. . . . [and avoiding] the inappropriate detrimental regulatory consequences of the 'nonsensical' result of negative institutional costs." *Id.* at 10.

### III. Notice and Comment

The Commission establishes Docket No. RM2023-2 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 Seven no later than December 27, 2022. Pursuant to 39 U.S.C. 505, Jennaca D. Upperman 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. RM2023-2 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 Seven), filed December 12, 2022.

2. Comments by interested persons in this proceeding are due no later than December 27, 2022.

3. Pursuant to 39 U.S.C. 505, the Commission appoints Jennaca D. Upperman 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.

**Erica A. Barker,**  
*Secretary.*

[FR Doc. 2022-27393 Filed 12-16-22; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R10-OAR-2022-0719, FRL-10254-01-R10]

### Air Plan Approval; ID; Incorporation by Reference Updates

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) proposes to approve a revision to the Idaho State Implementation Plan (SIP) submitted on May 4, 2022. The submission updates the incorporation by reference of the national ambient air quality standards and related planning and monitoring requirements into the Idaho air quality rules as of July 1, 2021. Idaho undertakes such updates regularly to ensure the state air quality rules and the federally enforceable Idaho SIP remain consistent with EPA air quality regulations over time.

**DATES:** Comments must be received on or before January 18, 2023.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R10-OAR-2022-0719, at [www.regulations.gov](http://www.regulations.gov). Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [www.regulations.gov](http://www.regulations.gov). The EPA may publish any comment received to its public docket. Do not electronically submit any information you consider to be Confidential Business Information or other information the disclosure of which 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 Confidential Business Information or multimedia submissions, and general guidance on making effective comments, please visit

[www.epa.gov/dockets/commenting-epa-dockets](http://www.epa.gov/dockets/commenting-epa-dockets).

**FOR FURTHER INFORMATION CONTACT:**

Kristin Hall, EPA Region 10, 1200 Sixth Avenue, Suite 155, Seattle, WA 98101, at (206) 553-6357 or [hall.kristin@epa.gov](mailto:hall.kristin@epa.gov).

**SUPPLEMENTARY INFORMATION:**

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- I. Background
- II. Evaluation
- III. Proposed Action
- IV. Incorporation by Reference
- V. Statutory and Executive Order Reviews

**I. Background**

Section 110 of the Clean Air Act requires each state to submit a State Implementation Plan (SIP) to attain and maintain the national ambient air quality standards promulgated by the EPA. To stay up to date with changes to the standards and related planning and monitoring requirements, Idaho incorporates certain Federal provisions by reference into state air quality rules as of a specific date. Each year, Idaho updates the citation date and submits the revised state air quality rules to the EPA for approval into the Idaho SIP.

**II. Evaluation**

On May 3, 2022, Idaho submitted such an update. In the submission, Idaho revised the date by which specific Federal provisions are incorporated by reference into the state air quality rules from July 1, 2020 to July 1, 2021. Specifically, these Federal provisions are incorporated in IDAPA 58.01.01.107 *Federal Regulations Incorporated by Reference*, section 03, paragraphs a through e, and consist of the following:

- National Primary and Secondary Ambient Air Quality Standards, 40 Code of Federal Regulations (CFR) part 50;
- Requirements for Preparation, Adoption, and Submittal of Implementation Plans, 40 CFR part 51, with the exception of certain visibility-related provisions;
- Approval and Promulgation of Implementation Plans, 40 CFR part 52, subparts A and N, and appendices D and E;
- Ambient Air Monitoring Reference and Equivalent Methods, 40 CFR part 53; and
- Ambient Air Quality Surveillance, 40 CFR part 58.

Between the current SIP-approved adoption date of July 1, 2020 and the revised adoption date of July 1, 2021, the EPA made no changes to 40 CFR parts 50, 53, and 58. With respect to 40 CFR part 51, the EPA revised the continuous emissions monitoring reporting requirements in Appendix P

to make SIP-related reporting more consistent with similar reporting under the New Source Performance Standards and National Emissions Standards for Hazardous Air Pollutants.<sup>1</sup> Specifically, certain source categories<sup>2</sup> subject to SIP requirements must, at a minimum, report excess emissions semi-annually instead of quarterly.

The EPA also revised 40 CFR part 52 to update the requirements for certain states to address the interstate transport of pollutants in the eastern part of the United States.<sup>3</sup> We note this rulemaking does not apply in Idaho. Additionally, the EPA revised the 40 CFR 52.21 major new source review applicability regulations to clarify when the requirement to obtain a major new source review permit applies to a source proposing to undertake a physical change or a change in the method of operation (*i.e.*, a project) under the major new source review pre-construction permitting programs.<sup>4</sup>

Finally, the EPA revised 40 CFR part 52 subpart N to approve changes to the Idaho SIP, including an update to the incorporation by reference of EPA regulations, revisions to address interstate transport requirements, and a change to redesignate to attainment the Idaho portion of the Logan, Utah-Idaho fine particulate matter nonattainment area.<sup>5</sup>

Idaho's revisions to IDAPA 58.01.01.107, section 03, paragraphs a through e have the effect of incorporating into the Idaho SIP the revisions to 40 CFR parts 51 and 52 described above. After reviewing the submission, we have made the preliminary determination that the submitted updates are consistent with Federal regulations and Clean Air Act requirements.

**III. Proposed Action**

The EPA proposes to approve and incorporate by reference revisions to the Idaho SIP submitted on May 4, 2022. Upon final approval, the Idaho SIP will include IDAPA 58.01.01.107 *Incorporation by Reference*, subsection 03, paragraphs a through e, state effective March 24, 2022. As described in section II of this preamble, this provision incorporates the national ambient air quality standards and

related planning and monitoring requirements as of July 1, 2021.

**IV. Incorporation by Reference**

In this document, the EPA is proposing to include in a final 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 the provisions described in section III of this preamble. The EPA has made, and will continue to make, these documents generally available through [www.regulations.gov](http://www.regulations.gov) and at the EPA Region 10 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

**V. Statutory and Executive Order Reviews**

Under the Clean Air Act, the Administrator is required to approve a State Implementation Plan submission that complies with the provisions of the Clean Air Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing State Implementation Plan submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this proposed action merely approves 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 13563 (76 FR 3821, January 21, 2011);
- 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 an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

<sup>1</sup> 85 FR 49596, August 14, 2020.

<sup>2</sup> The covered source categories are: fossil fuel-fired steam generators; fluid bed catalytic cracking unit catalyst regenerators at petroleum refineries; sulfuric acid plants; and nitric acid plants.

<sup>3</sup> 86 FR 23054, April, 30, 2021.

<sup>4</sup> 85 FR 74890, November 24, 2020.

<sup>5</sup> 85 FR 73632, November 19, 2020; 85 FR 65722, October 16, 2020; 86 FR 18457, April 9, 2021; 86 FR 27532, May 21, 2021.

- 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 the requirements would be inconsistent with the Clean Air Act; and

- Does not provide the 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 proposed rulemaking would not apply on any Indian reservation land or in any other area in Idaho where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the proposed rulemaking would not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

**Authority:** 42 U.S.C. 7401 *et seq.*

Dated: December 13, 2022.

#### Casey Sixkiller,

*Regional Administrator, Region 10.*

[FR Doc. 2022-27477 Filed 12-16-22; 8:45 am]

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