

to qualify as a rate of general applicability, a rate incentive may not be based on historical mail volumes or prior mailer participation in a rate incentive or promotion. *See* Order No. 6325 at 1. Further, the Commission proposed to begin enforcing 39 CFR 3030.123(j) and 39 CFR 3030.128(f)(2)(iv) in their entirety.² Enforcing these rules would add an additional criterion for a rate incentive to be eligible for inclusion in a percentage change in rates calculation and would require that more information concerning Market Dominant rate incentives be included in a notice of rate adjustment. *See* Order No. 6325 at 2.

After the period for filing comments in the instant docket closed, in Docket No. R2023-3, the Postal Service proposed, and the Commission subsequently approved, two Market Dominant rate incentives for Calendar Year (CY) 2024.³ Although the rate incentives were not proposed for inclusion in the percentage change in rates calculation for CY 2024,⁴ the Postal Service stated that it intends to propose including these rate incentives in the percentage change in rates calculation in the future. *See* Docket No. R2023-3 Notice at 9; Order No. 6713 at 2.

II. Invitation To Comment

Because the First-Class Mail Growth Incentive and the Marketing Mail Growth Incentive were proposed after the timeframes for submitting comments in responses to the rule proposals set forth in Order No. 6325 ended, and because those rule proposals may have a bearing on the Postal Service's ability to include those rate incentives in the percentage change in rates calculation, the Commission provides an opportunity for comment on the relationship between the pending rule proposals in the instant proceeding and the First-Class Mail Growth Incentive and the Marketing Mail Growth Incentive. The Commission invites comments from the public on the relationship of these rule proposals and

² *See* Order No. 6325 at 1-2, 38; Order Adopting Final Rules Regarding Rate Incentives for Market Dominant Products, May 15, 2020 (Order No. 5510). As discussed further below, although these rules were adopted by Order No. 5510, the Commission subsequently indicated that it did not intend to enforce Order No. 5510 pending reconsideration of it. *See* Notice of Intent to Reconsider, August 26, 2020 (Order No. 5655).

³ *See* Docket No. R2023-3, Order on Market Dominant Price Change Creating Two Incentives, September 27, 2023, at 1-2 (Order No. 6713).

⁴ Docket No. R2023-3, United States Postal Service Notice of Market Dominant Price Change Creating Two Incentives, August 11, 2023, at 8-9 (Docket No. R2023-3 Notice).

rate incentives, including on the questions that the Commission raised in Order No. 6713 about whether the First-Class Mail Growth Incentive and the Marketing Mail Growth Incentive would be permitted to be included in the percentage change in rates calculation under the rule proposals in Order No. 6325.

III. Administrative Actions

The Regulatory Flexibility Act requires federal agencies, in promulgating rules, to consider the impact of those rules on small entities. *See* 5 U.S.C. 601 *et seq.* If the proposed or final rules will not, if promulgated, have a significant economic impact on a substantial number of small entities, the head of the agency may certify that the initial and final regulatory flexibility analysis requirements of 5 U.S.C. 603 and 604 do not apply. *See* 5 U.S.C. 605(b).

In the context of this rulemaking, the Commission's primary responsibility is in the regulatory oversight of the United States Postal Service. The rules that are the subject of this rulemaking have a regulatory impact on the Postal Service, but do not impose any regulatory obligation upon any other entity. Based on these findings, the Chairman of the Commission certifies that the rules that are the subject of this rulemaking will not have a significant economic impact on a substantial number of small entities. Therefore, pursuant to 5 U.S.C. 605(b), this rulemaking is exempt from the initial and final regulatory flexibility analysis requirements of 5 U.S.C. 603 and 604.

Interested persons are invited to provide written comments as discussed in this notice. Comments are due no later than December 4, 2023. All comments received will be available for review on the Commission's website, <http://www.prc.gov>.

Philip T. Abraham will continue to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this docket.

By the Commission.

Erica A. Barker,
Secretary.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 158

[EPA-HQ-OPP-2023-0428; FRL-11111-01-OCSPP]

Pesticides; Petition Seeking Rulemaking for Registration of Neonicotinoid Insecticides and Other Systemic Insecticides; Notice of Availability and Request for Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Petition for rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) is announcing the availability of and seeking public comment on a petition received from the Public Employees for Environmental Responsibility (PEER) and the American Bird Conservancy (ABC) requesting that the Agency initiate a rulemaking for neonicotinoid insecticides and other systemic insecticides. PEER and ABC believe the Agency should amend the existing regulations under the Federal Insecticide, Rodenticide, and Fungicide Act (FIFRA) to require all applicants and registrants of neonicotinoid and other systemic insecticides to provide performance (efficacy) data to the Agency in applications for registration and during registration review.

DATES: Comments must be received on or before January 23, 2024.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2023-0428, through <https://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: Caleb Hawkins, Office of Chemical Safety and Pollution Prevention, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; telephone number: (202) 566-1430; email address: hawkins.caleb@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Does this action apply to me?

This action is directed to the public in general and may be of interest to a wide range of stakeholders including pesticide registrants, environmental,

human health, and agricultural advocates, pesticide users, and members of the public interested in the use of pesticides. This listing is not intended to be exhaustive but rather provides a guide for readers regarding entities likely to be affected by his action. Because others may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

II. What action is the Agency taking?

EPA requests public comment on a petition received from PEER and ABC that asks EPA to take the following actions:

- Amend 40 CFR 158.400(e)(1) to require the submission of product performance data for neonicotinoid and other systemic insecticides, and
- Amend 40 CFR 158.400(e)(1) to require that, if not already submitted to the Agency, existing registrants of a neonicotinoid or other systemic insecticides submit efficacy within 180 days of the promulgation of the rule.

A copy of the petition is available in the docket.

III. What should I consider as I prepare my comments for EPA?

A. Submitting CBI

Do not submit Confidential Business Information (CBI) to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

B. Multimedia Submissions

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).

C. Tips for Preparing Your Comments

When preparing and submitting your comments, see the commenting tips at <https://www.epa.gov/dockets/commenting-epa-dockets>. Please note that once submitted, comments cannot be edited or removed from the docket. EPA may publish any comment received to its public docket.

Authority: 7 U.S.C. 136 *et seq.*

Dated: November 16, 2023.

Michal Freedhoff,

Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 751

[EPA–HQ–OPPT–2023–0376; FRL–9145–01–OCSPF]

RIN 2070–AL02

Decabromodiphenyl Ether and Phenol, Isopropylated Phosphate (3:1); Revision to the Regulation of Persistent, Bioaccumulative, and Toxic Chemicals Under the Toxic Substances Control Act (TSCA)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing revisions to the regulations for decabromodiphenyl ether (decaBDE) and phenol, isopropylated phosphate (3:1) (PIP (3:1)), two of the five persistent, bioaccumulative, and toxic (PBT) chemicals addressed in final rules issued under the Toxic Substances Control Act (TSCA) in January 2021. After receiving additional comments following the issuance of the 2021 PBT final rules, the Agency has determined that revisions to the decaBDE and PIP (3:1) regulations are necessary to address implementation issues and to reduce further exposures. As required under TSCA, these proposed requirements would, if finalized, reduce the potential for exposures to humans and the environment to decaBDE and PIP (3:1) to the extent practicable. The Agency is not proposing to revise the existing regulations for the other three PBT chemicals (2,4,6-TTBP, HCBP, and PCTP) at this time.

DATES: Comments must be received on or before January 8, 2024.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2023–0376, through <https://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting and visiting the docket, along with more

information about dockets generally, is available at <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT:

For general information, contact: The TSCA Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: TSCA-Hotline@epa.gov.

For technical information regarding decaBDE, contact: Brooke Porter, Existing Chemicals Risk Management Division (7404M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–6388; email address: porter.brooke@epa.gov.

For technical information regarding PIP (3:1), contact: Scott Drewes, Existing Chemicals Risk Management Division (7404M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–8833; email address: drewes.scott@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

You may be affected by this action if you manufacture (including import), process, distribute in commerce, or use decaBDE or decaBDE-containing products or articles. Such uses for decaBDE may include but are not limited to wire and cable insulation for nuclear power generation facilities, plastic shipping pallets, and imported articles such as replacement parts for aerospace and automotive parts. You may also be affected by this action if you manufacture (including import), process, distribute in commerce, or use PIP (3:1) or PIP (3:1)-containing products or articles. Such uses for PIP (3:1) may include flame retardants in plastics, functional fluids in aerospace and industrial machinery, and plastic articles that are components of electronics or electrical articles.

The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Adhesive Manufacturing (NAICS Code 325520);
- Air and Gas Compressor Manufacturing (NAICS Code 333912);
- Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing (NAICS Code 333415);