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### I. Introduction

On July 31, 2017, 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 and compliance determinations.<sup>1</sup> The Petition identifies the proposed analytical method changes filed in this docket as Proposal Eight.

### II. Proposal Eight

The Postal Service explains that, since the passage of the Postal Accountability and Enhancement Act (PAEA) in 2006, it has been applying the “60 percent rule” codified in 39 U.S.C. 3626(a)(6)(A), to USPS Marketing Mail (formerly Standard Mail) overall. Petition, Proposal Eight at 1. It now proposes to return to its pre-PAEA application of the 60 percent rule at the subclass level, *i.e.* to USPS Marketing Mail Regular and USPS Marketing Mail Enhanced Carrier Route (ECR) separately. *Id.*

**Background.** Commonly referred to as the “60 percent rule”, section 1(d) of Public Law 106–384 was promulgated in October 27, 2000, and codified in 39 U.S.C. 3626(a)(6)(A). It states that for USPS Marketing Mail, the “average (Nonprofit) revenue per piece . . . shall be equal, as nearly as practicable, to 60 percent of the estimated average revenue per piece to be received from the most closely corresponding regular-rate subclass of mail.” *Id.* at 2 (emphasis omitted) (footnote omitted). After the PAEA was passed in 2006, the term “subclasses” was no longer explicitly defined in the Mail Classification Schedule, and the Postal Service began applying the “60 percent rule” at the class level in Docket No. R2008–1. *Id.*

The Postal Service states that, although application at the class level was simpler, it also had the unintended effect of giving relative price relief to Nonprofit mail. Because Nonprofit mail is less concentrated in USPS Marketing Mail ECR, both USPS Regular and USPS ECR generate a lower average revenue per piece ratio than USPS Marketing Mail overall. *Id.*

**Proposal.** The Postal Service proposes to return to its pre-PAEA practice of

applying the “60 percent rule” to USPS Marketing Mail Regular and USPS Marketing Mail ECR separately. *Id.* at 5. It asserts that this would be consistent with the language of the statute and in accordance with the pre-PAEA subclass definitions. *Id.*

**Impacts.** The Postal Service states that application of the rule on the subclass level would reverse the downward shift in the two subclass-level Nonprofit-to-Commercial average revenue per piece ratios that occurred when the Postal Service switched to applying the rule at the class level. *Id.* As applied to the prices from Docket No. R2017–1, it calculates that (on a revenue-neutral basis), a +3.33 percent price change would be required for Regular Nonprofit Mail and a –0.47 percent change would be needed for Regular Commercial. For ECR Mail, the required changes would amount to a 6.94 percent increase in nonprofit prices and a 0.27 percent decrease for Commercial. *Id.* If adopted, the Postal Service would aim to phase in the price changes to avoid rate shock. *Id.*

### III. Notice and Comment

The Commission establishes Docket No. RM2017–12 for consideration of matters raised by the Petition. More information on the Commission’s Web site at <http://www.prc.gov>. Interested persons may submit comments on the Petition and Proposal Eight no later than September 18, 2017. Pursuant to 39 U.S.C. 505, Richard A. Oliver 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. RM2017–12 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 Eight), filed July 31, 2017.

2. Comments by interested persons in this proceeding are due no later than September 18, 2017.

3. Pursuant to 39 U.S.C. 505, the Commission appoints Richard A. Oliver 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.

**Stacy L. Ruble,**  
*Secretary.*

[FR Doc. 2017–16611 Filed 8–7–17; 8:45 am]

BILLING CODE 7710–FW–P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R04–OAR–2017–0188; FRL–9965–69–Region 4]

### Air Plan Approval; Mississippi: Prevention of Significant Deterioration Updates

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve a portion of the State Implementation Plan (SIP) revision submitted by Mississippi, through the Mississippi Department of Environmental Quality (MDEQ), Office of Pollution Control, on June 7, 2016. Specifically, this action proposes to approve the portion of the SIP revision making changes to Mississippi’s Prevention of Significant Deterioration (PSD) program by modifying the incorporating by reference (IBR) date for the Federal PSD regulations promulgated by EPA. This proposed SIP revision will modify the existing Greenhouse Gas (GHG) PSD permitting program and incorporates provisions related to the 1997, 2006 and 2012 fine particulate matter (PM<sub>2.5</sub>) and 2015 ozone National Ambient Air Quality Standards (NAAQS). This action is being proposed pursuant to the Clean Air Act and its implementing regulations.

**DATES:** Written comments must be received on or before September 7, 2017.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R04–OAR–2017–0188 at <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

<sup>1</sup> Petition of the United States Postal Service for the Initiation of a Proceeding to Consider Proposed Changes in Analytical Principles (Proposal Eight), July 31, 2017 (Petition).

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 <http://www2.epa.gov/dockets/commenting-epa-dockets>.

#### FOR FURTHER INFORMATION CONTACT:

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

**SUPPLEMENTARY INFORMATION:** In the Final Rules Section of this **Federal Register**, EPA is approving Mississippi's June 7, 2016 SIP revision that modifies the State's PSD program by changing the IBR date for the Federal PSD regulations to February 17, 2016, as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule and incorporated herein by reference. If no adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all adverse comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

Dated: July 25, 2017.

**V. Anne Heard,**

*Acting Regional Administrator, Region 4.*

[FR Doc. 2017–16615 Filed 8–7–17; 8:45 am]

**BILLING CODE 6560–50–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

#### 49 CFR Part 391

### Federal Railroad Administration

#### 49 CFR Parts 240 and 242

[Docket Numbers FMCSA–2015–0419 and FRA–2015–0111]

RIN 2126–AB88 and 2130–AC52

### Evaluation of Safety Sensitive Personnel for Moderate-to-Severe Obstructive Sleep Apnea

**ACTION:** Advance notice of proposed rulemaking; withdrawal.

**SUMMARY:** The Federal Motor Carrier Safety Administration (FMCSA) and Federal Railroad Administration (FRA) (collectively, the Agencies) withdraw the March 10, 2016, advance notice of proposed rulemaking (ANPRM) concerning the prevalence of moderate-to-severe obstructive sleep apnea (OSA) among individuals occupying safety sensitive positions in highway and rail transportation, and its potential consequences for the safety of highway and rail transportation. The Agencies have determined not to issue a notice of proposed rulemaking at this time.

**DATES:** As of August 8, 2017 the ANPRM published on March 10, 2016, at 81 FR 12642 is withdrawn.

#### FOR FURTHER INFORMATION CONTACT:

FMCSA: Ms. Christine Hydock, Chief of the Medical Programs Division, FMCSA, 1200 New Jersey Ave. SE., Washington, DC 20590–0001, by telephone at 202–366–4001, or by email at [fmcamedical@dot.gov](mailto:fmcamedical@dot.gov).

FRA: Dr. Amanda Emo, Fatigue Program Manager, Risk Reduction Program Division, Office of Safety Analysis, FRA, 1200 New Jersey Avenue SE., Washington, DC 20590–0001, by telephone at 202–281–0695, or by email at [amanda.emo@dot.gov](mailto:amanda.emo@dot.gov).

If you have questions about viewing or submitting material to the docket, contact Docket Services, telephone 202–493–0402.

#### SUPPLEMENTARY INFORMATION:

##### Background

Based on the potential severity of OSA-related transportation incidents and crashes/accidents, and the varied, non-regulatory, OSA-related actions the Department's Operating Administrations have taken to date, the Agencies issued a joint ANPRM to consider regulatory action to ensure

consistency in addressing the risk of OSA among transportation workers with safety sensitive duties (81 FR 12642, March 10, 2016). The Agencies sought information from interested parties regarding OSA to better inform their decision on whether to take regulatory action and, if so, how to craft the most effective and efficient regulations to address the potential safety risks associated with untreated OSA.

The information requested in the ANPRM seemed to be necessary to help the Agencies quantify the potential economic benefits and costs of adopting standards to assess risks associated with motor carrier and rail transportation workers in safety sensitive positions diagnosed with OSA. To gather relevant data, the Agencies posed a series of questions addressing the following matters:

- Whether OSA is a problem among individuals occupying safety sensitive positions in highway and rail transportation;
- Cost and benefits of regulatory actions that address the safety risks associated with motor carrier and rail transportation workers in safety sensitive positions who have OSA;
- Qualifications and restrictions for medical personnel; and
- Treatment effectiveness.

The Agencies also sought information at three listening sessions in May 2016, and extended the comment period by thirty days to review the results from the American Transportation Research Institute (ATRI) Commercial Driver Survey on Sleep Apnea Issues (<http://atri-online.org/2016/04/14/atri-launches-commercial-driver-survey-on-sleep-apnea-issues/>). The Agencies received more than 700 comments from individuals, medical professionals, labor groups, and transportation industry stakeholders. The Agencies also received comments from the National Transportation Safety Board and three members of Congress, the Honorable Anna Eshoo, the Honorable Sam Farr, and the Honorable Michael M. Honda.

#### The Agencies' Decision

OSA remains an on-going concern for the Agencies and the motor carrier and railroad industries because it can cause unintended sleep episodes and resulting deficits in attention, concentration, situational awareness, and memory, thus reducing the capacity to safely respond to hazards when performing safety sensitive duties. The Agencies received valuable information in response to the ANPRM and a series of public listening sessions in May 2016. The Agencies believe that current safety