

request, the Office will remove driver's license numbers, social security numbers, banking information, credit card information, and other extraneous PII that was erroneously included on a registration application from the public record. There is no fee for this service. To make a request, the author, claimant, or the authorized representative of the author or claimant, must submit the

request in writing to the email address or mailing address listed in § 201.1(c). Such a request must name the author and/or claimant, provide the registration number(s) associated for the record in question, and give a description of the extraneous PII that is to be removed. Once the request is received, the Office will remove the extraneous information from both its online and offline public

records. The Office will not include any notation of this action in its records.  
 ■ 4. In § 201.3, add paragraph (c)(19) to read as follows:

**§ 201.3 Fees for registration, recordation, and related services, special services, and services performed by the Licensing Division.**

\* \* \* \* \*  
 (c) \* \* \*

Registration, recordation and related services	Fees (\$)
(19) Removal of PII from Registration Records:	
(i) Initial request, per registration record .....	130
(ii) Reconsideration of denied requests, flat fee .....	60

**PART 204—PRIVACY ACT: POLICIES AND PROCEDURES**

■ 5. The authority citation for part 204 continues to read as follows:

**Authority:** 17 U.S.C. 702; 5 U.S.C. 552(a).

■ 6. Revise § 204.7 to read as follows:

**§ 204.7 Request for correction or amendment of records.**

(a) Any individual may request the correction or amendment of a record pertaining to her or him. Requests for the removal of requested personally identifiable information related to a copyright registration are governed by § 201.2(e) of this chapter. Requests for the removal of extraneous personally identifiable information, such as driver's license numbers, social security numbers, banking information, and credit card information from registration records are governed by § 201.2(f) of this chapter. With respect to the correction or amendment of all other information contained in a copyright registration, the set of procedures and related fees are governed by 17 U.S.C. 408(d) and § 201.5 of this chapter. With respect to requests to amend any other record that an individual believes is incomplete, inaccurate, irrelevant or untimely, the request shall be in writing and delivered either by mail addressed to the U.S. Copyright Office, Supervisory Copyright Information Specialist, Copyright Information Section, Attn: Privacy Act Request, P.O. Box 70400, Washington, DC 20024-0400, or in person Monday through Friday between the hours of 8:30 a.m. and 5 p.m., eastern time, except legal holidays, at Room LM-401, Library of Congress, U.S. Copyright Office, 101 Independence Avenue SE.,

Washington, DC 20559-6000. The request shall explain why the individual believes the record to be incomplete, inaccurate, irrelevant, or untimely.

(b) With respect to requests for the correction or amendment of records that are governed by this section, the Office will respond within 10 working days indicating to the requester that the requested correction or amendment has been made or that it has been refused. If the requested correction or amendment is refused, the Office's response will indicate the reason for the refusal and the procedure available to the individual to appeal the refusal.

Dated: September 8, 2016.

**Sarang V. Damle,**  
*General Counsel and Associate Register of Copyrights.*

[FR Doc. 2016-22011 Filed 9-14-16; 8:45 am]

**BILLING CODE 1410-30-P**

**POSTAL REGULATORY COMMISSION**

**39 CFR Parts 3015 and 3060**

[Docket No. RM2016-13]

**Changes to Attributable Costing**

**AGENCY:** Postal Regulatory Commission.  
**ACTION:** Proposed rulemaking.

**SUMMARY:** The Commission is issuing this proposed rulemaking which amends some existing rules concerning attributable costing. The primary purpose of this rulemaking is to make conforming changes to rules that specifically define or describe attributable costs, pursuant to Commission Order No. 3506. This notice informs the public of the docket's initiation, invites public comment, and takes other administrative steps.

**DATES:** Comments are due on or before October 17, 2016.

**ADDRESSES:** Submit comments electronically via the Commission's Filing Online system at <http://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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- II. Background
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**I. Introduction**

The Commission initiates this rulemaking to request comments on proposed changes to title 39 of the Code of Federal Regulations (CFR) as they relate to attributable costs. The primary purpose of the rulemaking is to make conforming changes to rules that specifically define or describe attributable costs, pursuant to Commission Order No. 3506.<sup>1</sup>

**II. Background**

In Docket No. RM2016-2, the Commission issued Order No. 3506 after consideration of a United Parcel Service, Inc. (UPS) Petition which sought to make changes to the

<sup>1</sup> Docket No. RM2016-2, Order Concerning United Parcel Service, Inc.'s Proposed Changes to Postal Service Costing Methodologies (UPS Proposals One, Two, and Three), September 9, 2016 (Order No. 3506).

methodologies employed by the Postal Service to account for the costs of its products in its periodic reports.<sup>2</sup> In Proposal One, UPS recommended that the Postal Service calculate and attribute inframarginal costs to individual products in addition to the currently attributed volume-variable and product-specific fixed costs.<sup>3</sup>

Section 3633(a)(2) (competitive rate regulation) requires the Commission to ensure that “each competitive product covers its costs attributable.” 39 U.S.C. 3633(a)(2); *see also* 39 CFR 3015.7(b).<sup>4</sup>

<sup>2</sup> Docket No. RM2016–2, Petition of United Parcel Service, Inc. for the Initiation of Proceedings to Make Changes to Postal Service Costing Methodologies, October 8, 2015 (Petition).

<sup>3</sup> Petition, Proposal One at 1. Proposal Two dealt with reclassifying some fixed costs as fully or partially variable, and attributing those costs to products. *See generally*, Petition, Proposal Two at 1. UPS also filed a third proposal, which requested review of competitive products; share of institutional costs. Petition, Proposal Three at 1. In Order No. 2793, the Commission held consideration of Proposal Three in abeyance until the Commission completed its review of Proposals One and Two. Docket No. RM2016–2, Notice of Proposed Rulemaking on United Parcel Service, Inc.’s Proposed Changes to Postal Service Costing Methodologies (UPS Proposals One, Two, and Three), October 29, 2015, at 6–7 (Order No. 2793). It is the Commission’s decision concerning Proposal One that initiated this proposed rulemaking.

<sup>4</sup> This Notice of Proposed Rulemaking sets forth amendments to 39 CFR part 3015, which implements 39 U.S.C. 3633. These proposed rules are conforming changes required by the Commission’s action taken on the UPS Petition. *See* Order No. 3506 at 61–62, 123–124. (Adopting the use of incremental costs to calculate attributable cost). Uncodified section 703 of the Postal Accountability and Enhancement Act, Public Law 109–435, 120 Stat. 3198 (2006) requires that when promulgating new or revised regulations under section 3633, the Commission “shall take into account” Federal Trade Commission recommendations about the net economic effects of laws that apply to the United States Postal Service, and subsequent relevant events.

However, the proposed rules in this instance do not trigger the requirement to consider the net economic effect because the rules are a conforming change required by law. Section 3622(c) requires that costs must be attributed when there is a reliably identified causal relationship that links costs to a class or type of mail service. *See* 39 U.S.C. 3622(c). In Order No. 3506, the Commission found that there were additional costs that satisfied the requirements of section 3622(c), and, therefore, must be attributed. *See* Order No. 3506 at 61–62. Pursuant to section 3622(c), these costs must therefore be attributed to all products, including competitive products. This change in attribution requires conforming changes in 39 CFR part 3015 that are identified in this Notice. Because the rule changes are required by law, any consideration of the “net economic effect” recommendations identified in uncodified section 703 would be moot. Additionally, the Commission discusses the inapplicability of uncodified section 703 to UPS Proposals One and Two in Order No. 3506. Order No. 3506 at 117–120.

The Commission notes, notwithstanding uncodified section 703’s applicability, that this change in attribution results in an improved, more complete, or more accurate measure of attributable costs as defined by section 3622(c), and represents an improvement in the attribution of costs as

Section 3631(b) defines attributable cost as “the direct and indirect postal costs attributable to [ ] product[s] through reliably identified causal relationships.” 39 U.S.C. 3631(b).

Additionally, under section 3622 (market dominant rate and class regulation), a product’s ability to cover its attributable costs is a factor to be considered when regulating rates for market dominant products and includes the same terminology, that postal costs should be attributed through reliably identified causal relationships, found in sections 3631(b). 39 U.S.C. 3622(c)(2).

Therefore, title 39 introduces the concept of attributable costs and describes the role they play in the regulation of both market dominant and competitive products. For competitive products, coverage of attributable costs is a requirement in regulating competitive product rates; for market dominant products, it is only one of many factors the Commission considers when regulating market dominant rates. *See* 39 U.S.C. 3633(a)(2); 39 CFR 3015.7(b); 39 U.S.C. 3622(c).

Historically, volume-variable costs and product-specific costs together totaled attributable costs, as the Commission found both volume-variable and product-specific costs are reliably identifiable and causally related to products pursuant to statute.<sup>5</sup> All other costs are currently classified as institutional and are not attributed to specific products. Order No. 3506 at 10. Institutional costs include common fixed costs and inframarginal costs. *Id.* Inframarginal costs are variable costs that do not vary *directly* with volume. *Id.* (*emphasis added*).

While the Commission found that inframarginal costs are causally related to products, it determined inframarginal costs cannot be reliably identified, which is a necessary component of cost attribution. Order No. 3506 at 56. However, the Commission found that a portion of inframarginal costs (those inframarginal costs calculated as part of a product’s incremental cost) are reliably identifiable and can be linked to products. Order No. 3506 at 61. Therefore, pursuant to Order No. 3506,

required by section 3652(e). *See* Order No. 3506 at 122 n.152. The conforming changes identified in this Notice facilitate improved attribution and therefore reduce potential economic distortions.

<sup>5</sup> Docket No. R74–1, Chief Administrative Law Judge’s Initial Decision on Postal Rate and Fee Increases Volume I, May 28, 1975, at 76. *See generally* at *id.* at 76–145; *see also* Summary Description of USPS Development of Costs by Segments and Components, Fiscal Year 2015, July 6, 2016, “PREF–15” at i; Appendix H, at H–1; Docket No. R83–1, Opinion and Recommended Decision on E–COM Rate and Classification Changes, February 24, 1984, at 186.

attributable costs must also include those inframarginal costs calculated as part of a competitive product’s incremental costs (in addition to a product’s volume-variable costs and product-specific fixed costs). It is this change in the description of attributable costs that requires clarification of some attributable cost references in title 39 of the CFR.

### III. Proposed Rules

The rules requiring conforming or clarifying changes in this notice of proposed rulemaking are §§ 3015.7, 3060.10, and 3060.21.

Proposed § 3015.7(a) provides that when incremental cost data are unavailable to test for cross-subsidies by market dominant products, the Commission will use volume-variable costs and product-specific costs, as well as causally related, group-specific costs, to test for cross-subsidies. This proposed section removes the “attributable costs” phrase currently described as the alternative test when incremental costs are not available. The proposed rule is intended to provide a refined explanation of the alternative test for cross-subsidization by market dominant products after the Commission found in Order No. 3506 that some incremental costs (those inframarginal costs calculated as part of a competitive product’s incremental costs) should be included as part of attributable costs. Order No. 3506 at 61–62, 123–124.

Proposed § 3015.7(b) includes the updated description of attributable costs to include those inframarginal costs calculated as part of a competitive product’s incremental costs, as well as volume-variable costs and product-specific costs. Order No. 3506 at 62. The proposed rule is intended to provide a clear description of which costs should be attributed to competitive products pursuant to the Commission’s findings in Order No. 3506. In addition, proposed rule § 3015.7(b) signifies these three costs not only comply with the description of attributable costs found in 39 U.S.C. 3631(b), but are the costs relevant to the Commission’s evaluation of the Postal Service’s compliance with part 3015.

Proposed §§ 3060.10(a) and 3060.21 both make conforming changes to the description of attributable costs, in each section, to include those inframarginal costs calculated as part of a competitive product’s incremental costs, along with volume-variable costs and product-specific costs pursuant to Order No. 3506.

While no other rules in title 39 require revisions as a result of the

Commission's Order No. 3506, the Commission's findings concerning the use of a product's incremental costs (the sum of volume-variable costs, product-specific costs, and those inframarginal costs calculated as part of a product's incremental costs) to calculate attributable costs applies to any reference of attributable costs in title 39 unless otherwise indicated by the rules. See generally Order No. 3506.

**IV. Comments Requested**

Interested persons are invited to provide written comments concerning the proposed rule. Comments are due no later than 30 days after the date of publication of this notice in the **Federal Register**. All comments and suggestions received will be available for review on the Commission's Web site, <http://www.prc.gov>.

Pursuant to 39 U.S.C. 505, Kenneth E. Richardson is appointed to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in the above-captioned docket.

**V. Ordering Paragraphs**

*It is ordered:*

1. Docket No. RM2016-13 is established for the purpose of receiving comments on the proposed change to parts 3015 and 3060, as discussed in this order.

2. Interested persons may submit comments no later than 30 days from the date of the publication of this notice in the **Federal Register**.

3. Pursuant to 39 U.S.C. 505, Kenneth E. Richardson is appointed to serve as the Public Representative in this proceeding.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

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

**List of Subjects**

*39 CFR Part 3015*

Administrative practice and procedure, Postal Service.

*39 CFR Part 3060*

Administrative practice and procedure, Reporting and recordkeeping requirements.

For the reasons discussed in the preamble, the Commission proposes to amend chapter III of title 39 of the Code of Federal Regulations as follows:

**PART 3015—REGULATION OF RATES FOR COMPETITIVE PRODUCTS**

■ 1. The authority citation of part 3015 continues to read as follows:

*Authority:* 39 U.S.C. 503; 3633.

■ 2. Amend § 3015.7 by revising paragraph (a) and (b) to read as follows:

**§ 3015.7 Standards for compliance.**

\* \* \* \* \*

(a) Incremental costs will be used to test for cross-subsidies by market dominant products of competitive products. To the extent that incremental cost data are unavailable, the Commission will use the sum of competitive products' volume-variable costs and product-specific costs supplemented to include causally

related, group-specific costs to test for cross-subsidies.

(b) Each competitive product must recover its attributable costs as defined in 39 U.S.C. 3631(b). Pursuant to 39 U.S.C. 3631(b), the Commission will use a competitive product's incremental costs, which is the sum of volume-variable costs, product-specific costs, and those inframarginal costs calculated as part of a competitive product's incremental costs, to calculate attributable costs.

\* \* \* \* \*

**PART 3060—ACCOUNTING PRACTICES AND TAX RULES FOR THE THEORETICAL COMPETITIVE PRODUCTS ENTERPRISE**

■ 3. The authority citation of part 3060 continues to read as follows:

*Authority:* 39 U.S.C. 503; 2011, 3633, 3634.

■ 4. Amend § 3060.10 by revising paragraph (b)(1) to read as follows:

**§ 3060.10 Costing.**

\* \* \* \* \*

(b) \* \* \*

(1) Attributable costs, including volume-variable costs, product-specific costs, and those inframarginal costs calculated as part of a competitive product's incremental costs; and

(2) \* \* \*

■ 5. Amend § 3060.21 by revising Table 1—Competitive Products Income Statement—PRC Form CP-01 to read as follows:

**§ 3060.21 Income report.**

\* \* \* \* \*

**TABLE 1—COMPETITIVE PRODUCTS INCOME STATEMENT—PRC FORM CP-01**  
[\$ in 000s]

	FY 20xx	FY 20xx-1	Percent change from SPLY	Percent change from SPLY
Revenue: .....	\$x,xxx	\$x,xxx	xxx	xx.x
(1) Mail and Services Revenues .....	xxx	xxx	xx	xx.x
(2) Investment Income .....	x,xx	x,xxx	xxx	xx.x
(3) Total Competitive Products Revenue .....	.....	.....	.....	.....
Expenses: .....	x,xxx	.....	.....	.....
(4) Volume-Variable Costs .....	x,xxx	x,xxx	xxx	xx.x
(5) Product Specific Costs .....	x,xxx	x,xxx	xxx	xx.x
(6) Incremental Inframarginal Costs .....	x,xxx	x,xxx	xxx	xx.x
(7) Total Competitive Products Attributable Costs .....	x,xxx	x,xxx	xxx	xx.x
(8) Net Income Before Institutional Cost Contribution .....	x,xxx	x,xxx	xxx	.....
(9) Required Institutional Cost Contribution .....	x,xxx	x,xxx	\$xxx	x.x.x
(10) Net Income (Loss) Before Tax .....	x,xxx	x,xxx	\$xxx	xx.x
(11) Assumed Federal Income Tax .....	x,xxx	x,xxx	\$xxx	xx.x
(12) Net Income (Loss) After Tax .....	x,xxx	x,xxx	\$xxx	xx.x

Line (1): Total revenues from Competitive Products volumes and Ancillary Services.

Line (2): Income provided from investment of surplus Competitive Products revenues.

Line (3): Sum total of revenues from Competitive Products volumes, services, and investments.

Line (4): Total Competitive Products volume-variable costs as shown in the Cost and Revenue Analysis (CRA) report.

TABLE 1—COMPETITIVE PRODUCTS INCOME STATEMENT—PRC FORM CP-01—Continued  
 [\$ in 000s]

	FY 20xx	FY 20xx-1	Percent change from SPLY	Percent change from SPLY
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Line (5): Total Competitive Products product-specific costs as shown in the CRA report.  
 Line (6): Inframarginal costs calculated as part of total Competitive Products incremental costs.  
 Line (7): Sum total of Competitive Products costs (sum of lines 4, 5, and 6).  
 Line (8): Difference between Competitive Products total revenues and attributable costs (line 3 less line 6).  
 Line (9): Minimum amount of Institutional cost contribution required under 39 CFR 3015.7 of this chapter.  
 Line (10): Line 8 less line 9.  
 Line (11): Total assumed Federal income tax as calculated under 39 CFR 3060.40.  
 Line (12): Line 10 less line 11.

[FR Doc. 2016-22162 Filed 9-14-16; 8:45 am]  
 BILLING CODE 7710-FW-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R02-OAR-2016-0478; FRL-9952-49-Region 2]

#### Approval and Promulgation of Implementation Plans; New York Prevention of Significant Deterioration of Air Quality and Nonattainment New Source Review; Infrastructure State Implementation Plan Requirements

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve revisions to the New York State Implementation Plan (SIP) amending existing nonattainment New Source Review (NNSR) and attainment New Source Review (Prevention of Significant Deterioration of Air Quality, PSD) program requirements. Specifically, the SIP revision includes new requirements pertaining to the regulation of particulate matter with an aerodynamic diameter less than or equal to 2.5 micrometer (PM<sub>2.5</sub>) and the regulation of Greenhouse Gases (GHGs) under New York's Part 231, "New Source Review for New and Modified Facilities;" Part 201, "Permits and Registrations;" and amendments to Part 200, "General Provisions," of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR) which will make the SIP consistent with existing federal requirements. The EPA is also proposing to approve certain elements of New York SIP revisions submitted to demonstrate that the State meets the requirements of section 110(a)(1) and (2) of the Clean Air Act (CAA) for the 2008

lead (Pb), 2008 ozone, and 2010 sulfur dioxide (SO<sub>2</sub>) national ambient air quality standards (NAAQS).

**DATES:** Comments must be received on or before October 17, 2016.

**ADDRESSES:** Submit your comments, identified by Docket ID number EPA-R02-OAR-2016-0478, at <http://www.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, 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:** Frank Jon, Air Programs Branch, Environmental Protection Agency, 290 Broadway, 25th Floor, New York, New York 10007-1866, (212) 637-4085; email address: [jon.frank@epa.gov](mailto:jon.frank@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document, references to "EPA," "we," "us," or "our," are intended to mean the Environmental Protection Agency. The supplementary information is arranged as follows:

- I. What is being addressed in this document?
- II. What is the background for this action?

- III. What is EPA's analysis of New York's NSR rule revisions?
- IV. How has the State addressed elements of the Section 110(a)(1) and (2) "infrastructure" provisions?
- V. What action is EPA proposing to take?
- VI. Incorporation by Reference
- VII. Statutory and Executive Order Reviews.

#### I. What is being addressed in this document?

On October 12, 2011, the New York State Department of Environmental Conservation (NYSDEC) submitted to EPA Region 2 a new set of revisions to the New York State Implementation Plan (SIP). This submittal consists of revisions to Title 6 of the New York Code of Rules and Regulations (6 NYCRR) Part 231, New Source Review for New and Modified Facilities; 6 NYCRR Part 200, General Provisions; and 6 NYCRR Part 201, Permits and Certificates. New York undertook this rulemaking to comply with EPA's May 16, 2008 NSR final rule for the regulation of particulate matter with an aerodynamic diameter less than or equal to 2.5 micrometers (PM<sub>2.5</sub>). Also, the revisions implement EPA's October 20, 2010 final rule that establishes the PM<sub>2.5</sub> increments, significant impact levels, and significant monitoring concentrations. This proposed rulemaking implements PM<sub>2.5</sub> provisions that were not previously included in the November 17, 2010 EPA SIP approval of Part 231. This SIP revision also incorporates provisions that conform to EPA's June 3, 2010 final rule for Greenhouse Gases (GHGs) under its PSD and Title V programs, establishing major source applicability threshold levels for GHG emissions and other conforming changes such as the establishment of global warming potential values for calculating CO<sub>2</sub> equivalents under New York's PSD and Title V programs.

The EPA is also proposing to approve certain elements of New York SIP revisions as meeting CAA section 110(a)