

*E. Regulatory Flexibility Act, Executive Order 13272, and DOT Policies and Procedures*

Under the Regulatory Flexibility Act of 1980, 5 U.S.C. 601, *et seq.*, FAA must consider whether a rulemaking would have a “significant economic impact on a substantial number of small entities.” “Small entities” include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations under 50,000.

The FAA would develop any future rulemaking in accordance with Executive Order 13272, “Proper Consideration of Small Entities in Agency Rulemaking,” 68 FR 7990 (Feb. 19, 2003), and DOT’s procedures and policies to promote compliance with the Regulatory Flexibility Act to ensure that potential impacts on small entities of a regulatory action are properly considered.

*F. Paperwork Reduction Act*

In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, 5 CFR 1320.8(d) requires that FAA provide interested members of the public and affected agencies an opportunity to comment on information collection and recordkeeping requests. While the purpose of this ANPRM is to solicit comments, this action does not impose new information collection requirements as defined in 14 CFR part 1320. The FAA will consider how a future rulemaking that would address section 335(a) of FAARA 2018 would affect current information collection and recordkeeping requests.

*G. Unfunded Mandates Reform Act of 1995*

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a state, local, or tribal government or the private sector to incur direct costs without the Federal government having first provided the funds to pay those costs. The FAA will need to determine if a rulemaking to address section 335(a) of the FAARA 2018 would result in costs of \$155 million or more, adjusted for inflation, to either state, local, or tribal governments, in the aggregate, or to the private sector in any one year.

*H. National Environmental Policy Act*

The National Environmental Policy Act of 1969, 42 U.S.C. 4321–4375, requires that Federal agencies analyze proposed actions to determine whether

the action will have a significant impact on the human environment. The Council on Environmental Quality (CEQ) regulations require Federal agencies to conduct an environmental review considering (1) the need for the proposed action, (2) alternatives to the proposed action, (3) probable environmental impacts of the proposed action and alternatives, and (4) the agencies and persons consulted during the consideration process. See 40 CFR 1508.9(b). FAA welcomes any data or information related to environmental impacts that may result from any future rulemaking to address section 335(a) of FAARA 2018.

*I. Privacy Act*

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the document (or signing the document, if submitted on behalf of an association, business, labor union, etc.). You may review DOT’s complete Privacy Act Statement in the **Federal Register** published on April 11, 2000, see 65 FR 19477, or you may visit <http://www.regulations.gov>.

*J. Executive Order 13069 and International Trade Analysis*

Under Executive Order 13609, “Promoting International Regulatory Cooperation,” 77 FR 26413 (May 4, 2012), agencies must consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American businesses to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, regulatory approaches developed through international cooperation can provide equivalent protection to standards developed independently while also minimizing unnecessary differences.

Similarly, the Trade Agreements Act of 1979, Public Law 96–39, as amended by the Uruguay Round Agreements Act, Public Law 103–465, prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of international standards, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also

requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. FAA welcomes any data or information related to international impacts that may result from future rulemaking to address section 335(a) of the FAARA 2018.

*K. Executive Order 13211*

Executive Order 13211, 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” Under the executive order, a “significant energy action” is defined as any action by an agency (normally published in the **Federal Register**) that promulgates, or is expected to lead to the promulgation of, a final rule or regulation (including a notice of inquiry, ANPRM, and NPRM) that (1)(i) is a significant regulatory action under Executive Order 12866 or any successor order and (ii) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (2) is designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. The FAA would consider this executive order for a future rulemaking to address section 335(a) of FAARA 2018.

Issued in Washington, DC, under authority provided by 49 U.S.C. 106(f) and 44701(a) on September 18, 2019.

**Robert C. Carty,**

*Deputy Executive Director, Flight Standards Service, Federal Aviation Administration.*

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**POSTAL REGULATORY COMMISSION**

**39 CFR part 3050**

**[Docket No. RM2019–14; Order No. 5238]**

**Periodic Reporting**

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Commission is acknowledging a recent filing requesting the Commission initiate a rulemaking proceeding to consider changes to analytical principles relating to periodic reports (Proposal Eight). This document informs the public of the filing, invites public comment, and takes other administrative steps.

**DATES:** *Comments are due:* October 16, 2019.

**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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**I. Introduction**

On September 18, 2019, 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.<sup>1</sup> The Petition identifies the proposed analytical changes filed in this docket as Proposal Eight.

**II. Proposal Eight**

*Background.* Proposal Eight relates to modifications to the Parcel Select/Parcel Return Service (PRS) mail processing and transportation cost models. Petition, Proposal Eight at 1. The cost models were last presented in Docket No. ACR2018, USPS-FY-18-NP15 and USPS-FY18-NP16, respectively. *Id.* The proposed modifications to the mail processing cost model are based on two observations made during the preparation of Docket No. ACR2017 materials: (1) A Parcel Select mail flow was missing from the cost model; and (2) the Postal Service had implemented new PRS processing methods for return delivery unit (RDU) and return sectional center facility (RSCF) mailpieces. *Id.*

With respect to the transportation cost model, the Postal Service explains that prior to being classified as a competitive product, Parcel Select Lightweight (PSLW) volume was part of Marketing Mail parcels and transportation costs estimates for that mail were included in the cost model presented mostly recently in Docket No. ACR2018. *Id.* The Postal Service states that there have been no PSLW transportation cost estimates presented in Annual Compliance Report dockets since PSLW was reclassified as a competitive product. *Id.*

<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), September 18, 2019 (Petition). The Postal Service filed a notice of filing of non-public materials relating to Proposal Eight. Notice of Filing of USPS-RM2019-14/NP1 and Application for Nonpublic Treatment, September 18, 2019.

*Proposal.* The Postal Service proposes two modifications to the Parcel Select/PRS mail processing cost model: (1) A machinable destination sectional center facility (DSCF) 3-Digit presort mail flow worksheet be added to the model to accommodate negotiated service agreements (NSAs); and (2) the results from a 2018 PRS field study be incorporated into the model. *Id.* at 2. The Postal Service also proposes that the Parcel Select/PRS transportation cost model be modified to incorporate PSLW into the analysis. *Id.* at 11.

*Rationale and impact.* The Postal Service states that the price list does not contain published prices for machinable 3-Digit DSCF presort parcels but there are some NSAs that include machinable DSCF 3-Digit presort parcels. *Id.* at 2. The Postal Service explains that the addition of a machinable DSCF 3-Digit presort model cost estimate to the mail processing cost model would increase that portion of the DSCF costs, which results in a lower Cost and Revenue Analysis (CRA) proportional adjustment factors. *Id.* at 13. Due to the lower proportional adjustment factor, the mail processing unit cost estimates for all other Parcel Select price categories would decrease roughly one percent. *Id.*

In 2018, the Postal Service conducted a field study to collect PRS-specific input data in order to improve the PRS portion of the cost model. *Id.* at 4. The Postal Service states that PRS mail processing unit cost estimates have historically been developed using proxy input data. *Id.* The Postal Service explains that the proposed treatment of the data collected from the field study is consistent with past rulemaking dockets where the proposals included productivity estimates that were collected manually in the field. *Id.* at 7. In describing the impact of the proposed modification, the Postal Service states that, in total, the PRS mail processing cost model changes would result in a lower proportional CRA adjustment factor which results in decreases to the Full Network machinable, nonmachinable, and oversize mail processing unit cost estimates. *Id.* at 14.

Finally, the Postal Service states that the addition of PSLW to the transportation cost model would have no impact on the Parcel Select/PRS transportation cost-per-cubic-foot estimates. *Id.*

**III. Notice and Comment**

The Commission establishes Docket No. RM2019-14 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 Eight no later than October 16, 2019. Pursuant to 39 U.S.C. 505, Katalin K. Clendenin 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. RM2019-14 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 September 18, 2019.

2. Comments by interested persons in this proceeding are due no later than October 16, 2019.

3. Pursuant to 39 U.S.C. 505, the Commission appoints Katalin K. Clendenin 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.

**Darcie S. Tokioka,**

*Acting Secretary.*

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R05-OAR-2019-0377; FRL-10000-40-Region 5]

**Air Plan Approval; Indiana; Second Maintenance Plan for 1997 Ozone NAAQS**

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

**ACTION:** Proposed rule.

**SUMMARY:** Pursuant to the Clean Air Act (CAA), the Environmental Protection Agency (EPA) is proposing to approve a state implementation plan (SIP) revision. On June 20, 2019, the Indiana Department of Environmental Management (IDEM) submitted the State's plan for maintaining the 1997 ozone National Ambient Air Quality Standards (NAAQS or standard) in the following areas: Indianapolis, La Porte County, and South Bend-Elkhart areas in Indiana; and the Indiana portions of the Chicago-Gary-Lake County, IL-IN (Chicago), Cincinnati-Hamilton, OH-KY-