

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### 14 CFR Part 259

[Docket No. DOT-OST-2016-0208]

RIN 2105-AE53

#### Refunding Baggage Fees for Delayed Checked Bags

**AGENCY:** Office of the Secretary (OST), Department of Transportation (DOT).

**ACTION:** Extension of comment period on advance notice of proposed rulemaking.

**SUMMARY:** This action extends the comment period for an Advance Notice of Proposed Rulemaking on refunding baggage fees for delayed checked bags that was published in the **Federal Register** on October 31, 2016. The Department of Transportation is extending the period for persons to submit comments on this rulemaking from November 30, 2016, to January 17, 2017. This extension is in response to a petition by Airlines for America.

**DATES:** Comments should be filed by January 17, 2017. Late-filed comments will be considered to the extent practicable.

**ADDRESSES:** You may file comments identified by the docket number DOT-OST-2016-0208 by any of the following methods:

- **Federal eRulemaking Portal:** go to <http://www.regulations.gov> and follow the online instructions for submitting comments.
- **Mail:** Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Ave. SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.
- **Hand Delivery or Courier:** West Building Ground Floor, Room W12-140, 1200 New Jersey Ave. SE., between 9:00 a.m. and 5:00 p.m. ET, Monday through Friday, except Federal holidays.
- **Fax:** (202) 493-2251.

**Instructions:** You must include the agency name and docket number DOT-

OST-2016-0208 or the Regulatory Identification Number (RIN) for the rulemaking at the beginning of your comment. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

**Privacy Act:** Anyone is able to search the electronic form of all comments received in any of our dockets by the name of the individual submitting the comment (or signing the comment, 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 (65 FR 19477-78), or you may visit <http://DocketsInfo.dot.gov>.

**Docket:** For access to the docket to read background documents and comments received, go to <http://www.regulations.gov> or to the street address listed above. Follow the online instructions for accessing the docket.

#### FOR FURTHER INFORMATION CONTACT:

Clereece Kroha, Senior Trial Attorney, Office of Aviation Enforcement and Proceedings, U.S. Department of Transportation, 1200 New Jersey Ave. SE., Washington, DC 20590, 202-366-9342, 202-366-7152 (fax), [clereece.kroha@dot.gov](mailto:clereece.kroha@dot.gov) (email).

**SUPPLEMENTARY INFORMATION:** On October 31, 2016, the Department of Transportation published an Advance Notice of Proposed Rulemaking (ANPRM) to solicit public comment on how to appropriately implement a statutory requirement in recent legislation for airlines to refund checked baggage fees when they fail to deliver the bags in a timely manner. Specifically, the Department seeks comment on how to define a baggage delay, and the appropriate method for providing the refund for delayed baggage. See 81 FR 75347 (October 31, 2016). Comments on the matters discussed in the ANPRM were to be received 30 days after publication or by November 30, 2016.

On November 15, 2016, we received a petition from Airlines for America (A4A) for a 48-day extension of the comment period for this rulemaking. According to the petition, the extension is appropriate because the ANPRM concerns a requirement that implicates several operational and financial disciplines within the airlines, which will require the assessment of how

internal information systems should be re-worked. A4A also indicates that additional time is needed in order to coordinate comments from different member carriers. Further, A4A points out that the current comment period is effectively diminished by the Thanksgiving holiday and an extension into December would be similarly diminished by the Christmas holiday season because many personnel would take extended vacations during these time periods. We received no comments on A4A's petition for extension.

After carefully considering A4A's petition, we have decided to grant the extension of 48 days (January 17, 2017), for the public to comment on the ANPRM.

Issued this 18th day of November, 2016, in Washington, DC.

**Judith S. Kaleta,**

*Deputy General Counsel.*

[FR Doc. 2016-28681 Filed 11-28-16; 8:45 am]

**BILLING CODE 4910-9X-P**

## POSTAL REGULATORY COMMISSION

### 39 CFR Part 3015

[Docket No. RM2017-1; Order No. 3624]

#### Competitive Postal Products

**AGENCY:** Postal Regulatory Commission.

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

**SUMMARY:** The Commission is initiating a review to determine whether competitive products provide the appropriate minimum contribution to the Postal Service's institutional costs. This advance notice informs the public of the docket's initiation, invites public comment, and takes other administrative steps.

**DATES:** *Comments are due:* January 23, 2017. *Reply Comments are due:* March 9, 2017.

**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:****Table of Contents**

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**I. Introduction**

The Commission initiates this rulemaking to seek comments and facilitate the Commission's examination of the appropriate minimum contribution to the Postal Service's institutional costs that competitive products must provide, pursuant to 39 U.S.C. 3633(b).

**II. Background**

The Postal Accountability and Enhancement Act (PAEA) directed the Commission to promulgate regulations to ensure that competitive products, collectively, cover an appropriate share of the Postal Service's institutional costs.<sup>1</sup> In the initial rulemaking setting the appropriate share, the Commission gave considerable weight to the historical contribution made by items categorized as competitive products by the PAEA and set the minimum contribution level for competitive products at 5.5 percent of total institutional costs.<sup>2</sup> The 5.5 percent minimum contribution level was set in line with the competitive products' estimated contribution to institutional costs of 5.4 percent in Fiscal Year (FY) 2005 and 5.7 percent in FY 2006.<sup>3</sup>

The PAEA further directs the Commission to revisit competitive products' minimum contribution level every 5 years and determine whether the institutional cost contribution requirement of 39 U.S.C. 3633(a)(3) should be retained in its current form, modified, or eliminated. *See* 39 U.S.C. 3633(b).

The Commission's first 5-year review occurred in Docket No. RM2012-3.<sup>4</sup> In that docket, the Commission found the minimum contribution level of 5.5 percent for competitive products should be retained.<sup>5</sup>

<sup>1</sup> Postal Accountability and Enhancement Act (PAEA), Public Law 109-435, 120 Stat. 3198 (2006); *See* 39 U.S.C. 3633(a)(3). *See also* 39 CFR 3015.7(c).

<sup>2</sup> Docket No. RM2007-1, Order No. 43, Order Establishing Ratemaking Regulations for Market Dominant and Competitive Products, October 29, 2007, ¶¶ 3040-47.

<sup>3</sup> *See* Docket No. RM2007-1, Order No. 26, Order Proposing Regulations to Establish a System of Ratemaking, August 15, 2007, at ¶ 3059.

<sup>4</sup> Docket No. RM2012-3, Order Reviewing Competitive Products' Appropriate Share Contributions to Institutional Costs, August 23, 2012 (Order No. 1449).

<sup>5</sup> Order No. 1449 at 24-26. The Commission considered circumstances such as a lack of evidence of a Postal Service competitive advantage;

Five years have passed since the Commission's previous review. As such, the Commission initiates Docket No. RM2017-1 to conduct its second review of the competitive products' appropriate share contribution requirement. The Commission will decide whether 39 CFR 3015.7(c) should be retained in its current form, modified, or eliminated. *See* 39 CFR 3015.7(c).

**III. Invitation To Comment**

Interested persons are invited to provide written comments to facilitate the Commission in its examination of the appropriateness of the current contribution level for competitive products. Only comments filed in the instant docket will be considered as part of the Commission's review. Comments related to the Commission's 5-year review and competitive products' appropriate share of institutional costs filed in other dockets will not be considered.<sup>6</sup>

Comments are due no later than January 23, 2017. Reply comments are due no later than March 9, 2017. 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 R. Moeller 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.

**IV. Ordering Paragraphs***It is ordered:*

1. The Commission establishes Docket No. RM2017-1, in compliance with 39 U.S.C. 3633(b).

2. Comments are due no later than January 23, 2017. Reply comments are due no later than March 9, 2017.

3. Pursuant to 39 U.S.C. 505, the Commission appoints Kenneth R. Moeller to serve as an officer of the Commission (Public Representative) to

the market share analysis; changes to the market and competitors; historical competitive contribution levels; changes to competitive product offers and the mail mix; and uncertainties raised in the proceeding. *Id.* at 24.

<sup>6</sup> In Docket No. RM2016-2, as part of Proposal Three, UPS petitioned for a review of competitive products' share of institutional costs. 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, at Proposal Three. In its final order in that docket, the Commission declined to consider Proposal Three but stated it will conduct its review as required by section 3633(b). Docket No. RM2016-2, Order No. 3506, Order Concerning United Parcel Service, Inc.'s Proposed Changes to Postal Service Costing Methodologies (UPS Proposals One, Two, and Three), September 9, 2016.

represent the interests of the general public in this docket.

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

By the Commission.

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

[FR Doc. 2016-28603 Filed 11-28-16; 8:45 am]

BILLING CODE 7710-FW-P

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[EPA-R06-OAR-2007-0989; FRL-9955-03-Region 6]

**Approval and Promulgation of Implementation Plans; Oklahoma; Revisions to Minor New Source Review Permitting Program**

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve severable portions of revisions to the Oklahoma New Source Review (NSR) State Implementation Plan (SIP) submitted by the State of Oklahoma on February 14, 2002 (the February 14, 2002, SIP submittal). This action addresses revisions to the Oklahoma Administrative Code (OAC), Title 252, Chapters 4 and 100, concerning the State's Minor New Source Review air permitting program. Many revisions are administrative in nature and modify redundant or incorrect text within the SIP. The revisions also include renumbered or codified portions of the SIP and new sections that incorporate Federal rules. This rulemaking is being taken in accordance with section 110 of the Clean Air Act (CAA).

**DATES:** Written comments must be received on or before December 29, 2016.

**ADDRESSES:** Submit your comments, identified by Docket No. EPA-R06-OAR-2007-0989, at <http://www.regulations.gov> or via email to [barrett.richard@epa.gov](mailto:barrett.richard@epa.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