

Proposed Rules

Federal Register

Vol. 74, No. 212

Wednesday, November 4, 2009

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.

Dated: October 30, 2009.

Thomas K. Emswiler,
General Counsel.

[FR Doc. E9-26583 Filed 11-3-09; 8:45 am]

BILLING CODE 6760-01-P

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

5 CFR Parts 1604, 1651, 1653, and 1690

Uniformed Services Accounts; Death Benefits; Court Orders and Legal Processes Affecting Thrift Savings Plan Accounts; Thrift Savings Plan; Correction

AGENCY: Federal Retirement Thrift Investment Board.

ACTION: Proposed rules; correction.

SUMMARY: The Federal Retirement Thrift Investment Board (Agency) corrects its statement regarding the Regulatory Flexibility Act in proposed rules that appeared in the **Federal Register** of October 22, 2009. The correction clarifies that the proposed rules will not have a significant economic impact on a substantial number of small entities because they will only affect Federal employees and members of the uniformed services.

FOR FURTHER INFORMATION CONTACT: Tim Carey at 202-942-1666 or Laurissa Stokes at 202-942-1645.

Correction

In proposed rules FR Doc. 09-25426, beginning on page 54491 in the issue of October 22, 2009, make the following correction in the **SUPPLEMENTARY INFORMATION** section. On page 54492 in the second column, under the heading "Regulatory Flexibility Act," after the sentence "I certify that this regulation will not have a significant economic impact on a substantial number of small entities," add the following:

"This regulation will affect Federal employees and members of the uniformed services who participate in the Thrift Savings Plan, which is a Federal defined contribution retirement savings plan created under the Federal Employees' Retirement System Act of 1986 (FERSA), Public Law 99-335, 100 Stat. 514, and which is administered by the Agency."

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

DEPARTMENT OF THE TREASURY

19 CFR Parts 113 and 191

[USCBP-2009-0021]

RIN 1505-AC18

Drawback of Internal Revenue Excise Tax

AGENCIES: Customs and Border Protection, Department of Homeland Security; Department of the Treasury.

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: This document provides an additional 30 days for interested parties to submit comments on the proposal to amend title 19 of the Code of Federal Regulations to preclude the filing of substitution drawback claims for internal revenue excise tax paid on imported merchandise in situations where no excise tax was paid upon the substituted merchandise or where the substituted merchandise is the subject of a different claim for refund or drawback of excise tax under any provision of the Internal Revenue Code. The proposed rule was published in the **Federal Register** on October 15, 2009, with comments due on or before November 16, 2009. A related proposed rulemaking prepared by the Alcohol and Tobacco Tax and Trade Bureau (TTB) within the Department of the Treasury was published in the same edition of the **Federal Register**, with comments due on or before December 14, 2009. In an effort to provide the public with equal opportunity to comment on these related proposals, CBP is extending the comment period to December 14, 2009.

DATES: Comments on the proposed rule must be received on or before December 14, 2009.

ADDRESSES: You may submit comments, identified by *USCBP docket number*, by one of the following methods:

• **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the instructions for submitting comments via docket number USCBP-2009-0021.

• **Mail:** Trade and Commercial Regulations Branch, Regulations and Rulings, Office of International Trade, U.S. Customs and Border Protection, 799 9th Street, NW. (Mint Annex), Washington, DC 20229-1179.

Instructions: All submissions received must include the agency name and USCBP docket number for this proposed rulemaking. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. For detailed instructions on submitting comments and additional information on the rulemaking process, see the "Public Participation" heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. Submitted comments may also be inspected during regular business days between the hours of 9 a.m. and 4:30 p.m. at the Trade and Commercial Regulations Branch, Regulations and Rulings, Office of International Trade, U.S. Customs and Border Protection, 799 9th Street, NW., 5th Floor, Washington, DC. Arrangements to inspect submitted comments should be made in advance by calling Joseph Clark at (202) 325-0118.

FOR FURTHER INFORMATION CONTACT: William Rosoff, Entry Process and Duty Refunds, Regulations and Rulings, Office of International Trade, (202) 325-0047.

SUPPLEMENTARY INFORMATION:

Public Participation

Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments on all aspects of the proposed rule. Customs and Border Protection (CBP) also invites comments that relate to the economic, environmental, or federalism effects that might result from this proposed rule. If appropriate to a specific comment, the commenter should reference the specific portion of the proposed rule, explain the reason for any recommended change, and include data, information, or

authority that support such recommended change.

Background

Customs and Border Protection (CBP) published a document in the **Federal Register** (74 FR 52928) on October 15, 2009 proposing to amend title 19 of the Code of Federal Regulations to preclude the filing of substitution drawback claims for internal revenue excise tax paid on imported merchandise in situations where no excise tax was paid upon the substituted merchandise or where the substituted merchandise is the subject of a different claim for refund or drawback of excise tax under any provision of the Internal Revenue Code. The document solicited public comment on the proposed amendments, and requested that submitted comments be received by CBP on or before November 16, 2009.

A related proposed rulemaking prepared by the Alcohol and Tobacco Tax and Trade Bureau (TTB) within the Department of the Treasury was published in the same edition of the **Federal Register** (74 FR 52937, October 15, 2009). Comments on TTB's proposed rule are due on or before December 14, 2009.

Extension of Comment Period

On October 21, 2009, CBP received a written submission from the trade requesting that the 30-day comment period be extended to align with the 60-day period designated in the TTB proposed rule so as to provide adequate time to prepare comments. Upon review, a decision has been made to grant the request in order to provide the public with equal opportunity to comment on the related proposals. Accordingly, the comment period is extended to December 14, 2009, and comments must be received by CBP on or before that date.

Dated: October 27, 2009.

Sandra L. Bell,

*Executive Director, Regulations and Rulings,
Office of International Trade, U.S. Customs
and Border Protection.*

[FR Doc. E9-26268 Filed 11-3-09; 8:45 am]

BILLING CODE 9111-14-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 51, 52, 70, and 71

[EPA-HQ-OAR-2009-0517; FRL-8977-3]

RIN 2060-AP86

Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public hearings.

SUMMARY: The EPA is announcing 2 public hearings to be held for the proposed rule "Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule" which published in the **Federal Register** on October 27, 2009. The hearings will be held on Wednesday, November 18, 2009, in Arlington, VA, and on Thursday, November 19, 2009, in Rosemont, IL.

DATES: The public hearings will be held on November 18, 2009, and November 19, 2009.

ADDRESSES: The November 18, 2009 hearing will be held at the Hyatt Regency Crystal City at Reagan National Airport, Second Floor, Room Tidewater 2, 2799 Jefferson Davis Highway, Arlington, VA 22202; phone number (703) 418-1234. The November 19, 2009 will be held at the Donald E. Stephens Convention Center, Level 2, Room 46, 5555 North River Road, Rosemont, IL 60018; phone number (847) 692-2220. Both public hearings will convene at 10 a.m. and continue until 7 p.m. (local time) or later, if necessary, depending on the number of speakers wishing to participate. The EPA will make every effort to accommodate all speakers that arrive and register before 7 p.m. A lunch break is scheduled from 12:30 p.m. until 2 p.m. during both hearings. The EPA Web site for the rulemaking, which includes the proposal and information about the public hearings, can be found at: <http://www.epa.gov/nsr>.

FOR FURTHER INFORMATION CONTACT: If you would like to speak at the public hearing, please contact Ms. Pamela Long, U.S. Environmental Protection Agency, OAQPS, Air Quality Planning Division, (C504-03), Research Triangle Park, NC 27711, telephone (919) 541-0641, fax number (919) 541-5509, e-mail address long.pam@epa.gov, no later than November 13, 2009. If you have any questions relating to the public hearing, please contact Ms. Long at the above number.

Questions concerning the October 27, 2009, proposed rule should be addressed to Mr. Joseph Mangino, U.S.

EPA, Office of Air Quality Planning and Standards, Operating Permits Group, (C504-05), Research Triangle Park, NC 27711, telephone number (919) 541-9778, e-mail at mangino.joseph@epa.gov.

SUPPLEMENTARY INFORMATION: The October 27, 2009, notice of proposed rulemaking proposes to tailor the major source applicability thresholds for greenhouse gas (GHG) emissions under the Prevention of Significant Deterioration (PSD) and title V programs of the Clean Air Act (CAA or Act) and to set a PSD significance level for GHG emissions. This proposal is necessary because EPA expects soon to promulgate regulations under the CAA to control GHG emissions and, as a result, trigger PSD and title V applicability requirements for GHG emissions. If PSD and title V requirements apply at the applicability levels provided under the CAA, State permitting authorities would be paralyzed by permit applications in numbers that are orders of magnitude greater than their current administrative resources could accommodate. On the basis of the legal doctrines of "absurd results" and "administrative necessity," this proposed rule would phase in the applicability thresholds for both the PSD and title V programs for sources of GHG emissions. The first phase, which would last 6 years, would establish a temporary level for the PSD and title V applicability thresholds at 25,000 tons per year (tpy), on a "carbon dioxide equivalent" (CO₂e) basis, and a temporary PSD significance level for GHG emissions of between 10,000 and 25,000 tpy CO₂e. EPA would also take other streamlining actions during this time. Within 5 years of the final version of this rule, EPA would conduct a study to assess the administrability issues. Then, EPA would conduct another rulemaking, to be completed by the end of the sixth year, that would promulgate, as the second phase, revised applicability and significance level thresholds and other streamlining techniques, as appropriate.

Public hearing: The proposal for which EPA is holding the public hearings was published in the **Federal Register** on October 27, 2009, (74 FR 55292) and is available at: <http://www.epa.gov/nsr> and also in the docket identified below. The public hearings will provide interested parties the opportunity to present data, views, or arguments concerning the proposal. The EPA may ask clarifying questions during the oral presentations, but will not respond to the presentations at that time. Written statements and supporting