

individuals filing a joint return will each be subject to a separate net worth limitation of two million dollars.

(2) *Estates and trusts.* An estate or a trust meets the net worth and size limitations of this paragraph if the taxpayer's net worth does not exceed two million dollars. The net worth of an estate shall be determined using the fair market value of the assets of the estate as of the date of the decedent's death provided the date of death is prior to the date the court proceeding is commenced. The net worth of a trust shall be determined using the fair market value of the assets of the trust as of the last day of the last taxable year involved in the proceeding.

(3) *Others.* (i) A taxpayer that is a partnership, corporation, association, unit of local government, or organization (other than an organization described in paragraph (g)(4) of this section) meets the net worth and size limitations of this paragraph if, as of the administrative proceeding date:

(A) The taxpayer's net worth does not exceed seven million dollars.; and

(B) The taxpayer does not have more than 500 employees.

(ii) A taxpayer who is a natural person and owns an unincorporated business is subject to the net worth and size limitations contained in paragraph (g)(3)(i) of this section if the tax at issue (or any interest, additional amount, addition to tax, or penalty, together with any costs in addition to the tax) relates directly to the business activities of the unincorporated business.

(4) \* \* \*

(5) *Special rule for TEFRA partnership proceedings.* (i) In cases involving partnerships subject to the unified audit and litigation procedures of subchapter C of chapter 63 of the Internal Revenue Code (TEFRA partnership cases), the TEFRA partnership meets the net worth and size limitations requirements of this paragraph (g) if, on the administrative proceeding date—

(A) The partnership's net worth does not exceed seven million dollars; and

(B) The partnership does not have more than 500 employees.

(ii) In addition, each partner requesting fees pursuant to section 7430 must meet the appropriate net worth and size limitations set forth in paragraph (g)(1), (g)(2) or (g)(3) of this section. For example, if a partner is an individual, his or her net worth must not exceed two million dollars as of the administrative proceeding date. If the partner is a corporation, its net worth must not exceed seven million dollars and it must not have more than 500 employees.

**Par. 9.** Section 301.7430–6 is amended by revising the section heading and adding a new sentence at the end of the paragraph to read as follows:

**§ 301.7430–6 Effective/applicability dates.**

\* \* \* Sections 301.7430–2(c)(3)(i)(B), (c)(3)(i)(E), (c)(3)(ii)(C), (c)(3)(iii)(C), (c)(5), (c)(7), (e); 301.7430–3(c)(1), (c)(4), (d); 301.7430–4(b)(3)(i), (b)(3)(iii)(B), (b)(3)(iii)(D), (b)(3)(iii)(E), (c)(4), (d); and 301.7430–5(a), (b), (c), (d)(2), (d)(3), (d)(4), (d)(5), (f)(2), (g)(1), (g)(2) and (g)(5), as proposed, apply to costs incurred and services performed as of the date of publication of a Treasury decision adopting these rules as final regulations in the **Federal Register**.

**Par. 10.** Section 301.7430–7 is amended by adding new paragraph (c)(8) and new *Examples 16* and *17* to paragraph (e) to read as follows:

**§ 301.7430–7 Qualified offers.**

\* \* \* \* \*

(c) \* \* \*

(8) *Interest as a contested issue.* To constitute a qualified offer, an offer must specify the offered amount of the taxpayer's liability (determined without regard to interest, unless interest is a contested issue in the proceeding), as provided in paragraphs (c)(1)(ii) and (c)(3) of this section. Therefore, a qualified offer generally may only include an offer to compromise tax, penalties, additions to the tax and additional amounts. Interest may only be included in a qualified offer if interest is a contested issue in the proceeding. For purposes of this section, interest is a contested issue in the proceeding only if the court in which the proceeding could be brought would have jurisdiction to determine the amount of interest due on the underlying tax, penalties, additions to the tax and additional amounts. Examples of proceedings in which interest might be a contested issue include proceedings in which the increased interest rate for large corporate underpayments under section 6621(c) is imposed by the Internal Revenue Service and interest abatement proceedings brought under section 6404. Interest is not a contested issue in the proceeding if the court that would have jurisdiction over the proceeding would not have jurisdiction to determine the amount or rate of interest, regardless of whether the taxpayer attempts to raise interest as an issue in the proceeding. Consequently, interest will not be a contested issue in the vast majority of tax cases because they merely involve the straight forward application of statutory interest under

section 6601. Accordingly, in those cases, interest may not be included in the offer.

\* \* \* \* \*

(e) \* \* \*

*Example 16. Qualified offer may not compromise interest unless it is a contested issue.* Taxpayer J receives a notice of deficiency making an adjustment resulting in a deficiency in tax of \$6,500 plus a penalty of \$500. Interest is not a contested issue in the proceeding. Within the qualified offer period, J submits a written offer to settle the case for a deficiency of \$1,000, including all taxes, penalties, and interest. The offer states that it is a qualified offer for purposes of section 7430(g) and that it will remain open for acceptance by the IRS for a period of 90 days. Section 7430(g)(2)(B) and paragraph (c)(3) of this section state that the amount of a qualified offer must be without regard to interest unless interest is at issue in the proceeding. Since J's offer attempts to compromise interest, which is not a contested issue in the proceeding, it is not a qualified offer.

*Example 17. Qualified offer based on new defense or legal theory.* Taxpayers K and L received a statutory notice of deficiency for tax year 2005, a tax year when they were married and filed a joint income tax return. Taxpayer K files a sole petition claiming innocent spouse relief and simultaneously submits an offer purporting to be a qualified offer. The offer states that K is entitled to innocent spouse relief and offers to settle the 2005 deficiency as to K in the amount of \$1,000. K's innocent spouse claim was not raised during K and L's audit, nor was it raised during their appeals conference. Additionally, at no time prior to or contemporaneously with submitting the offer did K file with the IRS a Form 8857, Request for Innocent Spouse Relief, or otherwise provide the information specified in § 1.6015–5(a) of this chapter. K's offer is not a qualified offer because K did not file a Form 8857 or otherwise provide substantiation or legal and factual arguments necessary to allow for informed consideration of the merits of the innocent spouse claim as required by paragraph (c)(4) of this section, contemporaneously with the offer or prior to making the offer.

**Linda E. Stiff,**

*Deputy Commissioner for Services and Enforcement.*

[FR Doc. E9–27948 Filed 11–24–09; 8:45 am]

**BILLING CODE 4830–01–P**

**DEPARTMENT OF THE INTERIOR**

**National Park Service**

**36 CFR Part 9**

**RIN 1024–AD78**

**Minerals Management, Nonfederal Oil and Gas Development**

**AGENCY:** National Park Service, Interior.

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

**SUMMARY:** We are seeking comments to assist us in developing proposed a proposed rule to revise regulations governing nonfederal oil and gas development within the boundaries of units of the National Park System. The regulations have been in effect for over thirty years and have not been substantively updated during that period. The National Park Service (NPS) is seeking public input on how to bring exempted operations under the scope of the regulations, and on how to improve resource protection aspects of the regulations while accounting for advances in oil and gas technology and industry practices.

**DATES:** Comments must be received by January 25, 2010.

**ADDRESSES:** You may submit comments, identified by RIN 1024-AD78, by any of the following methods:

*Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

*Fax:* 303-987-6792. Attn: 9B Rulemaking Team. Include RIN 1024-AD78 on cover page.

*Mail:* Department of the Interior; National Park Service; Attention: 9B Rulemaking Team, Geologic Resources Division, National Park Service, P.O. Box 25287, Denver, Colorado 80225-0287.

*Instructions:* All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this 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>.

**FOR FURTHER INFORMATION CONTACT:** Carol McCoy, Chief, Planning, Evaluation & Permits Branch, Geologic Resources Division, National Park Service, (303) 969-2096; P.O. Box 25287, Denver, Colorado 80225-0287.

**SUPPLEMENTARY INFORMATION:**

**Background**

The NPS promulgated regulations at 36 CFR part 9, subpart B ("9B regulations") governing nonfederal oil and gas development in units of the

National Park System in December 1978, with a January 1979 effective date. The regulations control all activities associated with nonfederal oil and gas development inside park boundaries where access is on, across, or through federally owned or controlled lands or waters. As of the drafting of this Advance Notice of Proposed Rulemaking (ANPR), there are 693 nonfederal oil and gas operations that exist in a total of 13 units of the National Park System.

The legal authority for the NPS to promulgate the 9B regulations is derived from the Property Clause (art. IV, section 3, cl. 2) and the Commerce Clause (art. I, section 8, cl. 3) of the United States Constitution, and from various statutes enacted by Congress for the administration of the National Park System. Under sections 1 and 3 of the NPS Organic Act, Congress has given the NPS, through the Secretary of the Interior, the authority to promulgate regulations necessary for the administration and management of the National Park System, which includes the authority to regulate nonfederal oil and gas activities within park boundaries for the purpose of protecting park resources and values. In addition, the enabling statutes for several individual parks contain specific provisions authorizing the NPS to regulate such oil-and gas-related activities.

Not all parks with non-federal oil and gas development occurring within their boundaries have such specific direction within their enabling statutes. Whether or not specified in an individual park enabling act, the Organic Act authority alone is legally sufficient to authorize such regulations.

Non-Federal oil and gas rights are the result of a conveyance of an interest in real property from a grantor other than the United States and may be held by individuals, companies, nonprofit organizations, or state and local governments. Such rights are a form of real property and fall under the protection of the 5th Amendment of the U.S. Constitution ("No person shall be \* \* \* deprived of \* \* \* property, without due process of law; nor shall private property be taken for public use, without just compensation."). The NPS nonetheless may regulate these rights pursuant to the authority stated above.

Under the existing 9B regulations, an entity seeking to undertake nonfederal oil and gas activities in a park generally must submit and obtain NPS approval of a proposed plan of operations before commencing operations inside a park. A plan is essentially a prospective operator's blueprint of all intended

activities within the boundary of the park, including exploration, drilling, production, transportation, and reclamation. The regulations require the operator to provide documentation demonstrating that the operator is exercising a bona fide property right to non-federal oil and gas in the park unit. In a proposed plan, an operator must also identify those specific measures that will be undertaken to protect park resources and values. Finally, an operator must submit a performance bond for the principal purpose of ensuring that funds will be available to reclaim a site should an operator default on its obligations under a plan.

The plan of operations requirement is the primary tool for protecting park resources and values from potential adverse impacts associated with the exercise of nonfederal oil and gas rights inside park boundaries. In reviewing a proposed plan to determine whether the NPS can approve an operation, the NPS undertakes a variety of analyses required by federal statutes, such as the National Environmental Policy Act, the Endangered Species Act, and the National Historic Preservation Act, as well as the standards specified in the 9B regulations. In analyzing proposed plans, the NPS coordinates and consults with a variety of other regulatory agencies at the federal and state level. The NPS also works closely with the operator in order to have park protection concerns addressed through the incorporation of appropriate mitigation measures into plans.

Once the NPS has completed its review and environmental compliance responsibilities and determined that a given proposal meets applicable requirements and approval standards, the NPS will approve an operator's plan of operations. The approved plan authorizes the operator to conduct its operation in a unit of the National Park System.

During the life of an oil and gas operation in a park, park resource managers monitor activities at the operator's site to ensure compliance with the plan. The existing regulations also authorize the NPS to enforce the terms of the plan as may be necessary via such means as suspension of operations or revocation of the plan approval.

It is important to note that while nonfederal oil and gas operations in parks must also comply with state requirements, the 9B regulations differ from most state oil and gas regulations by focusing on the protection of the park's natural and cultural resources and visitors. State regulations may contain some surface use provisions but

mainly focus on conservation of the oil and gas resource, protection of the associated ownership interests, and protection of surface and groundwater.

### Information Requested

The NPS is interested in ideas from the public on ways the NPS could improve the existing regulations. The NPS intends to use the input from the public to aid in developing a proposed rulemaking, which will then also be published in the **Federal Register** for comment. In particular, the NPS encourages the public to provide comments and suggestions related to the topics described in the body of this ANPR.

Please indicate which of the topics your comments address and which question you are responding to. If your comments cover issues outside of these topics, please identify them as "other."

### Regulation of Exempt Operations

The existing regulations, as provided at § 9.30(a), apply where an operator's access is "on across, or through federally owned or controlled lands or waters." As a result, 109 operations (17%) are currently exempt from the regulatory requirements even though the operations occur inside park boundaries. For example, oil and gas rights under privately owned lands just inside the boundary of a park unit, and for which access to those lands is solely maintained without crossing park owned or administered lands, are not subject to these regulations.

In addition, under § 9.33, operations covered by a valid state permit in existence at the time the regulations became effective are also exempt (i.e., 255 operations or 37%). Ultimately, as these operations change hands or state permits expire, the exemption no longer applies and operators must comply with the regulations. However, the rate of turnover and permit expiration has been much slower than anticipated by the original drafters of the 9B regulations, leaving a large number of this class of operations outside the scope of the Service's regulations.

Because of these two exemptions, 53% (364 wells) of the wells in parks today are not subject to the requirements of the regulations to protect park resources and values. These exemptions are not specified in any statute, but were an exercise of the NPS's discretion at the time the regulations were promulgated.

The NPS has identified the following factors to be considered in evaluating options for possibly revising the current approach to existing operations:

A. Existing exempt operations already have established site locations and associated access routes.

B. The operations may or may not have equipment on site that reflects current-day industry standards.

C. Most of the currently exempt operations exist in 3 out of the 13 parks with nonfederal oil and gas operations within their boundaries.

D. Limited park staff and fiscal resources exist in parks for carrying out a multitude of responsibilities, including the administration of the 9B regulatory program.

The NPS is considering requiring all previously exempt operations to comply with the 9B regulations. The following ideas for how such operations could be brought under the regulations have been discussed:

Option #1—Require presently exempt operators to submit plans of operations, comply with operating standards, and provide financial assurance by a set date.

Option #2—Same as Option #1, however, the submittal of a plan of operations, compliance with operating standards, and financial assurance would be under a phased timeframe.

Option #3—Instead of requiring the submittal of a plan of operations for approval, require operators with exempt operations to verify that their operations are being conducted in a manner that fulfills a defined set of operating standards which would be enforceable by park staff. Under this option, operators will also be required to provide documentation of the legal basis for their respective oil and gas activities within the park unit, and submit financial assurance.

#### Questions:

1. Taking into account the factors identified above, do any of the option(s) above have greater merit for bringing previously exempt operations under the 9B regulations, and if so, why?

2. Do you have another option that you would like to suggest?

### Directional Drilling

Under the existing regulations at § 9.32(e), if an operator locates surface facilities outside the park and proposes to directionally drill from those surface facilities to reach its non-Federal oil and gas rights inside the park, the operator can apply for an exemption to the 9B regulatory requirements. This provision provides an incentive to operators to locate their surface facilities outside the park and thereby greatly reduce impacts to park resources and values.

The scope of § 9.32(e) addresses only those activities that are occurring within the external boundaries of a park; that

is, the downhole operations that pass through Federal subsurface estate within the boundary of a park. Surface activities associated with directional drilling operations outside the park are not within the scope of the jurisdiction provided to the NPS under § 9.32(e), or under the 9B regulations in general. If granted an exemption, operators do not need to submit a proposed plan of operation or a bond covering the activities occurring in the park (i.e., the downhole activities) to the NPS for approval. Essentially, under this provision of the regulations if an operator meets the requirements, the NPS must determine that the 9B regulations do not apply to the operator's activities.

The Service's goal relative to non-Federal oil and gas operations is to protect parks by eliminating direct impacts to park resources and values. When an operator takes advantage of the directional drilling provision of the regulations and locates its surface facilities outside park boundaries, the operator has significantly reduced direct impacts to park resources and values. By so doing, the operator has deployed a major park protection mitigation measure. While potential indirect impacts of sight, sound, artificial light, odor, and spills may exist from drilling operations outside a park, they are usually much reduced relative to surface operations in a park. Such impacts are diminished even further once the operation progresses from the drilling to production phase.

In evaluating options for revising this section of the existing regulation, the NPS has identified the following factors:

A. The NPS wants to ensure that it retain incentives for operators to locate their surface facilities outside park boundaries, and, if possible, even enhance those incentives. The NPS realizes that the primary incentive for operators to locate facilities outside park boundaries is the ability to save time and money.

B. The NPS wants to ensure the protection of park resources and values from indirect effects potentially resulting from operations that are located outside park boundaries.

The NPS is evaluating how to address directional drilling operations for the proposed rulemaking. The following ideas have been discussed:

Option #1: Retain the scope of the existing regulatory provision governing directional drilling operations.

Option #2: Expand the regulation to cover all activities associated with directional drilling operations which may affect park resources and values, both the downhole operations in the

park and the surface location outside the park.

Option #3: Exempt directional drilling operations entirely from the scope of the 9B regulations.

*Questions:*

3. Taking into account the factors identified above, what option(s) do you recommend for addressing directional drilling operations under the 9B regulations?

4. Are there other options for addressing the potential indirect impacts from directional drilling operations that retain the incentive for operators to locate their well pad and surface access routes outside the boundary of a park?

### Operating Standards

The existing regulations contain requirements that operators must meet in conducting their operations, such as using technologically feasible least damaging methods in their operations; locating facilities away from water courses, structures, and visitor and administrative developed areas; and maintaining sites in a safe and workmanlike manner. These operating standards are found throughout various sections of the existing regulations.

The NPS realizes that the formulation of the existing standards is 30 years old. The NPS is aware that in the intervening years other agencies and industry groups have developed effective standards (e.g., API and AGA Standards and Practices, BLM Gold Book, State operating standards) that the NPS could incorporate into its regulations.

*Question:*

5. Do you know of examples of effective, enforceable operating standards that the NPS should consider when it develops its own comprehensive list?

### Financial Assurance

The existing 9B regulations require that an operator file a performance bond, or other acceptable method of financial assurance, for all types of nonfederal oil and gas operations and all phases of the operation(s). The objective of requiring a bond is to ensure that in the event an operator becomes insolvent or defaults on his/her obligations under an approved plan of operations, adequate funds will be available for the NPS to have a third party carry out the plugging and reclamation requirements. The existing regulations place a bonding cap of up to \$200,000 per operator, per NPS unit. Therefore, if one operator has multiple wells in a park unit, the NPS can only require up to \$200,000 financial assurance from that one operator.

The NPS is considering eliminating the bonding cap, which was established in 1978, and replacing it with a variable amount of financial assurance equal to the reasonable estimated cost of reclamation and liability today.

*Questions:*

6. Are there alternatives to the existing acceptable financial assurance instruments (e.g., performance bonds, irrevocable letters of credit, and cash) that will protect the taxpayer in the event an operator defaults on its responsibilities under its approved plan of operations?

7. If so, please describe the advantages or disadvantages of one type of instrument over another.

### Access Fees

The current 9B regulations at § 9.50(a)(1) authorize the park to impose a registration fee for vehicles used in connection with oil and gas operations that are using existing roads administered by the NPS. While this fee provision applies to the use of existing roads administered by the NPS, it does not apply to an operator's construction of new roads across federally owned lands to reach their non-Federal oil and gas rights.

As a result, the NPS is considering eliminating the current registration fee and replacing it with an access fee. This fee would compensate the United States for an operator's access across federally owned surface estate in order to reach the operator's non-Federal oil and gas rights, be it on an existing road administered by the NPS, or across undisturbed federally owned lands. Because the operator generally has only a right to reasonably use the federally owned surface estate immediately above the non-federal oil and gas right, this fee would not apply to access within this area. It would also bring NPS practice with respect to access fees in line with what other agencies and private land owners are doing.

Both the BLM and USFS charge fees for access where the operator has no pre-existing right to cross Federal lands. Similarly, adjacent private land owners also require operators to pay a fee to cross their land to reach the operator's oil and gas rights. Such fees are generally recognized today by the oil and gas industry as a cost of doing business.

*Questions:*

8. Should the NPS calculate fees for the privilege of access across federally owned lands, and how?

9. Should the NPS use an appraisal, available data from other Federal agencies that calculate and compile fair market land values (such as the National

Agricultural Statistics Service), or other means to determine fair compensation for such use?

### Assessments for Non-Compliance

The Superintendent's current enforcement mechanisms for operations under an approved plan are limited to suspension or revocation of the plan. If an operator fails to comply with a suspension or revocation order, the NPS must request that the Department of Justice file a civil action in Federal court seeking an injunction or restraining order to halt operations. The Superintendent has no practical method for dealing with minor regulatory infractions that do not rise to the level of suspension, revocation, or judicial intervention. Examples of minor infractions include accumulation of oilfield debris onsite, slow response to small contained spills, and lack of maintenance on access roads.

The NPS is considering revising the regulations to allow the use of administrative assessments to address minor violations of the regulations or a term or condition of an approved permit. Whenever the NPS learns of a compliance issue associated with an operation in a park, the Service's first approach is always to work with operators to have them rectify the situation. If this approach is not successful, then the NPS issues a formal notice of non-compliance to the operator. The NPS is now considering authorizing park staff to issue administrative assessments upon the failure of an operator to comply with a notice of non-compliance. The assessment would be a monetary amount that an operator must pay to the park, based on an estimation of the cost of damages to park resources due to the operator's violation of a term or condition of an approved permit. An example of such an approach is found under BLM regulations at 43 CFR 3163.1, which gives BLM authority to assess a penalty of \$500 per day for major violations, and \$250 for minor violations.

*Question:*

10. Are there other more effective means beyond the imposition of an administrative assessment that the NPS can use to address minor infractions and to provide operators an incentive to comply with the regulations?

NPS seeks responses to the above noted questions from the public. Additionally, the NPS seeks any relevant comments to other issues regarding these regulations. Where options are presented, the NPS especially seeks comments as to which ones may be considered the most

effective and efficient approach to managing nonfederal oil and gas development inside park boundaries. After analyzing the comments received from this notice, the NPS intends to determine how to proceed with a proposed rulemaking.

Additional information about the NPS Non-Federal Oil and Gas Program is available at [http://www.nature.nps.gov/geology/oil\\_and\\_gas/index.cfm](http://www.nature.nps.gov/geology/oil_and_gas/index.cfm).

#### Public Participation

All submissions received must include the agency name and RIN 1024-AD78 for this notice. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

At this time, the NPS is not soliciting comments on environmental impacts. The NPS will do so as part of its environmental compliance under the National Environmental Policy Act.

Dated: October 2, 2009.

#### Will Shafroth,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. E9-28248 Filed 11-24-09; 8:45 am]

BILLING CODE 4310-EH-P

### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Parts 86 and 600

[EPA-HQ-OAR-2005-0169; FRL-8982-2]

RIN 2060-A036

#### Fuel Economy Regulations for Automobiles: Technical Amendments and Corrections

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to amend and correct portions of its existing fuel economy regulations. There are three reasons for this action. First, some minor corrections and amendments are needed to EPA's December 27, 2006 final rule for fuel economy labeling requirements for cars and light trucks. Second, the Department of Transportation finalized new average fuel economy standards for 2008-2011 light trucks on April 6, 2006. Third, on

March 30, 2009, NHTSA revised CAFE requirements for 2011 trucks and finalized new average fuel economy (CAFE) standards for 2011 passenger automobiles. In order for DOT to administer these new standards, EPA must make some conforming changes to its regulations. In addition, some minor conforming changes to EPA's regulations are needed for two other separate statutory and regulatory actions. None of the above amendments and corrections would have any direct impact on human health and the environment, but they would allow for the more effective administration of existing regulations. In the "Rules and Regulations" section of this **Federal Register**, we published the above actions as a direct final rule without a prior proposed rule. If we receive no adverse comment, we will not take further action on this proposed rule. If we receive adverse comment, we will withdraw the portions of the final rule receiving such comment and those portions will not take effect. We will address all public comments in a subsequent final rule based on this proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

**DATES:** Written comments must be received by December 28, 2009.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-OAR-2005-0169, by one of the following methods:

- <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.

- *Fax:* (202) 566-1741.

- *Mail:* Environmental Protection Agency, EPA Docket Center (EPA/DC), Air and Radiation Docket, Mail Code 6102T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, Attention Docket ID No. EPA-HQ-OAR-2005-0169. In addition, please mail a copy of your comments on the information collection provisions to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *Attn:* Desk Officer for EPA, 725 17th St., NW., Washington, DC 20503."

- *Hand Delivery:* Docket Center, (EPA/DC) EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC, Attention Docket ID No. OAR-2005-0169. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

*Instructions:* Direct your comments to Docket ID No. EPA-HQ-OAR-2005-0169. EPA's policy is that all comments

received will be included in the public docket without change and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through <http://www.regulations.gov> or e-mail. The <http://www.regulations.gov> Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through <http://www.regulations.gov> your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>. For additional instructions on submitting comments, go to Section VII of the **SUPPLEMENTARY INFORMATION** section of this document.

*Docket:* All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov) index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in [www.regulations.gov](http://www.regulations.gov) or in hard copy at the EPA Docket Center, EPA/DC, EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. This Docket Facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The EPA Docket Center telephone number is (202) 566-1742. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number