

Actions	Compliance	Procedures
(1) Inspect the installation of the stand-off hardware between the heater fuel line and heater over-temperature sensor wires for minimum clearance.	Within the next 50 hours time-in-service (TIS) after the effective date of this AD or within the next 12 months after the effective date of this AD, whichever occurs first.	Follow Hawker Beechcraft Mandatory Service Bulletin SB 32-3898, dated November 2008.
(2) If, during the inspection required in paragraph (f)(1) of this AD, the stand-off hardware is not installed or it does not maintain the minimum clearance, install stand-off hardware as specified in the service information.	Before further flight after the inspection where the missing stand-off hardware and/or inadequate clearance was found.	Follow Hawker Beechcraft Mandatory Service Bulletin SB 32-3898, dated November 2008.
(3) Inspect the brake reservoir line and the fuel heater power wire for damage.	Within the next 50 hours TIS after the effective date of this AD or within the next 12 months after the effective date of this AD, whichever occurs first.	Follow Hawker Beechcraft Mandatory Service Bulletin SB 32-3898, dated November 2008.
(4) If, during the inspection required in paragraph (f)(3) of this AD, damage is found, repair or replace damaged tubing and/or wiring found.	Before further flight after the inspection where damaged tubing and/or wiring was found.	Follow Hawker Beechcraft Mandatory Service Bulletin SB 32-3898, dated November 2008.
(5) Inspect the installation of the stand-off hardware between the brake reservoir line and the fuel heater power wire for minimum clearance.	Within the next 50 hours TIS after the effective date of this AD or within the next 12 months after the effective date of this AD, whichever occurs first.	Follow Hawker Beechcraft Mandatory Service Bulletin SB 32-3898, dated November 2008.
(6) If, during the inspection required in paragraph (f)(5) of this AD, the stand-off hardware is not installed or it does not maintain the minimum clearance, install stand-off hardware as specified in the service information.	Before further flight after the inspection where the missing stand-off hardware and/or inadequate clearance was found.	Follow Hawker Beechcraft Mandatory Service Bulletin SB 32-3898, dated November 2008.

#### Alternative Methods of Compliance (AMOCs)

(g) The Manager, Wichita Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Kevin Schwemmer, Aerospace Engineer, 1801 Airport Road, Room 100, Wichita, Kansas 67209; telephone: (316) 946-4174; fax: (316) 946-4107. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

#### Related Information

(h) To get copies of the service information referenced in this AD, contact Hawker Beechcraft Corporation, P.O. Box 85, Wichita, Kansas 67201-0085; telephone: 1 (800) 429-5372 or (316) 676-3140; fax: (316) 676-3340; Internet: <http://hawkerbeechcraft.com>. To view the AD docket, go to U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, or on the Internet at <http://www.regulations.gov>.

Issued in Kansas City, Missouri on December 8, 2009.

**Margaret Kline,**

*Acting Manager, Small Airplane Directorate, Aircraft Certification Service.*

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## DEPARTMENT OF HOMELAND SECURITY

### U.S. Customs and Border Protection

#### 19 CFR Parts 123 and 142

[Docket No.: USCBP-2006-0132]

RIN 1651-AA68

#### Land Border Carrier Initiative Program

**AGENCY:** Customs and Border Protection, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This document proposes to amend U.S. Customs and Border Protection (CBP) regulations by removing the provisions pertaining to the Land Border Carrier Initiative Program (LBCIP). The LBCIP is a voluntary industry partnership program under which participating land and rail commercial carriers agree to enhance the security of their facilities and conveyances to prevent controlled substances from being smuggled into the United States.

Since the promulgation of the LBCIP regulations, CBP has developed a more comprehensive voluntary industry partnership program known as the Customs-Trade Partnership Against Terrorism ("C-TPAT.") C-TPAT builds upon the best practices of the LBCIP, while providing greater border and supply chain security with expanded benefits to approved participants. For this reason, CBP intends to terminate the LBCIP and focus its partnership efforts on the further development of

C-TPAT. Current LBCIP members may participate in the program until a final rule terminating the LBCIP is published in the **Federal Register** and goes into effect.

An LBCIP participant may apply for participation in C-TPAT at any time and, if accepted, will receive the expanded benefits offered under that program. For a more detailed description of C-TPAT, and information regarding eligibility, application criteria, and benefits, CBP directs current LBCIP participants and all other interested parties to the CBP Internet Web site located at <http://www.cbp.gov>.

**DATES:** Comments must be received on or before February 16, 2010.

**ADDRESSES:** You may submit comments, identified by *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 2006-0132.

- **Mail:** Border Security Regulations Branch, Customs and Border Protection, 1300 Pennsylvania Avenue, NW. (Mint Annex), Washington, DC 20229.

**Instructions:** All submissions received must include the agency name and docket number 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>. Submitted comments may also be inspected during regular business days between the hours of 9 a.m. and 4:30 p.m. at the Border Security Regulations Branch, 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:** Glenn Woodley, Jr., Office of Field Operations, (202) 344-2725.

**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. CBP also invites comments that relate to the economic, environmental, or federalism effects that might result from this proposed rule. Comments that will provide the most assistance to CBP in developing these procedures will reference a 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**

The Land Border Carrier Initiative Program (LBCIP) is a CBP-industry partnership regulatory program that enlists the voluntary cooperation of commercial conveyance entities as part of CBP's effort to prevent the smuggling of controlled substances into the United States.

Under the LBCIP regulations set forth in title 19 of the Code of Federal Regulations (19 CFR 123.71-76), land and rail commercial carrier participants may enter into a written agreement with CBP that specifies methods by which the carrier will enhance the security of its facilities and conveyances. LBCIP participants also agree to identify and report suspected smuggling attempts to CBP. In exchange for this cooperation, CBP provides training to carrier personnel in the areas of cargo and personnel security, document review techniques, drug awareness, and conveyance searches. If a controlled substance is found aboard a conveyance owned or operated by a participating carrier, CBP agrees to follow special administrative procedures relating to

the assessment and mitigation of drug-related penalties. It is also noted that only LBCIP participants may be approved for Line Release entry processing at certain high-risk border locations.<sup>1</sup> See 19 CFR 142.41.

In 2001, CBP introduced the Customs-Trade Partnership Against Terrorism (C-TPAT) program. C-TPAT is a voluntary industry partnership initiative that meets the objectives of the LBCIP while providing a more comprehensive approach to border and supply chain security. The program entails CBP's ongoing participation in a joint effort with importers, carriers, brokers, warehouse operators, manufacturers, and other industry sectors to develop a seamless security-conscious environment from manufacturing through transportation and importation to ultimate distribution. In addition to providing greater security for both government and business, C-TPAT provides its members with the same privileges accorded to LBCIP participants, as well as additional benefits such as priority processing for CBP inspections, reduced number of CBP inspections, assignment of a C-TPAT Supply Chain Security Specialist who will work with the company to validate and enhance security throughout the company's international supply chain, and eligibility to attend C-TPAT supply chain security training seminars. (For a detailed explanation of C-TPAT benefits, visit <http://www.cbp.gov>, and click on the link to C-TPAT).

C-TPAT builds upon the best practices of existing CBP-industry partnership programs and offers more comprehensive supply chain security measures for both government and industry than does LBCIP. For this reason, and in light of the fact that LBCIP is not an active program and CBP has not received an application to participate in LBCIP for several years, CBP proposes to terminate LBCIP and focus its partnership efforts in the C-TPAT arena. Accordingly, CBP encourages any existing LBCIP participants to apply for C-TPAT membership. Information on the C-TPAT application process is available on the CBP Web site (<http://www.cbp.gov>). Any existing LBCIP members in good standing remain eligible for LBCIP privileges until a final rule adopting the proposals set forth in this document is published in the **Federal Register** and becomes effective.

<sup>1</sup> Line Release provides for advance cargo screening and expedited release at land border ports.

As a result of these proposed changes, CBP also proposes to replace references to the LBCIP in 19 CFR 142.41 (Line Release) and 142.47 (examinations of Line Release transactions) with references to "CBP-approved industry partnership programs."

Lastly, this proposed rule would replace the word "Customs" where it appears in the regulations affected by these proposed changes with the acronym "CBP" to reflect the change in name resulting from the transfer of the legacy U.S. Customs Service of the Department of Treasury to the Department of Homeland Security.

**Explanation of Amendments**

For the reasons set forth above, CBP proposes to remove §§ 123.71, 123.72, 123.73, 123.74, 123.75, and 123.76 from 19 CFR, and amend 19 CFR 142.41 and 142.47.

**Regulatory Flexibility Act**

In Treasury Directive (T.D.) 99-2 (64 FR 27, January 4, 1999), it was certified that pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the LBCIP regulations set forth at 19 CFR 123.71-76 would not have a significant economic impact on a substantial number of small entities, because the LBCIP is a voluntary partnership program that confers benefits to the trade community. Accordingly, the LBCIP regulations were not subject to regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

Similarly, as this proposed rule would remove the voluntary LBCIP from the regulations and would not impose any direct costs on small entities, and as CBP encourages any existing LBCIP members to continue their partnership endeavors and benefits by applying for membership in C-TPAT, it is certified that pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. CBP invites comments from small entities regarding any direct costs commenters believe this rulemaking would impose.

**Executive Order 12866**

This proposed rule does not meet the criteria for a "significant regulatory action" under Executive Order 12866. As such, the Office of Management and Budget (OMB) has not reviewed this proposed rule.

**Paperwork Reduction Act**

The collections of information affected by this proposed rulemaking

were previously reviewed and approved by the Office of Management and Budget (OMB) in accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507) under control number 1651-0077. There are no new collections of information proposed in this document.

Part 178 of the CBP regulations (19 CFR part 178), which lists the information collections contained in the regulations and control numbers assigned by OMB, will be amended accordingly if this proposal is adopted

#### Signing Authority

This document is being issued in accordance with 19 CFR 0.2(a), which provides that the authority of the Secretary of the Treasury with respect to CBP regulations that are not related to customs revenue functions was transferred to the Secretary of Homeland Security pursuant to section 403(1) of the Homeland Security Act of 2002 and that such regulations are signed by the Secretary of Homeland Security.

#### List of Subjects

##### 19 CFR Part 123

Administrative Practice and Procedure, Canada, Common carriers, Customs duties and inspection, Entry of merchandise, Freight, Imports, International traffic, Mexico, Motor carriers, Penalties, Railroads, Reporting and recordkeeping requirements, Vehicles.

##### 19 CFR Part 142

Administrative Practice and Procedure, Canada, Computer technology (Line release), Common carriers (Carrier initiative program), Customs duties and inspection, Entry of merchandise (Line release), Forms, Reporting and recordkeeping requirements.

#### Proposed Amendments to the Regulations

For the reasons stated above, CBP proposes to amend parts 123 and 142 of title 19 of the CFR as set forth below:

#### PART 123—CBP RELATIONS WITH CANADA AND MEXICO

1. Revise the Part heading to read as set forth above.

2. The general authority citation for part 123 continues to read as follows, and the specific authority citation for §§ 123.71–123.76 is removed.

**Authority:** 19 U.S.C. 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States (HTSUS)), 1431, 1433, 1436, 1448, 1624, 2071 note.

\* \* \* \* \*

#### Subpart H—[Removed and Reserved]

3. Subpart H is removed and reserved consisting of §§ 123.71 through 123.76.

#### PART 142—ENTRY PROCESS

4. The authority citation for part 142 continues to read as follows:

**Authority:** 19 U.S.C. 66, 1448, 1484, 1624.

5. Section 142.41 is amended by removing the word “Customs” where it appears and adding in each place the term “CBP” and, in the last sentence, by removing the language, “the Land Border Carrier Initiative Program (*see*, subpart H of part 123 of this chapter)” and adding in its place the language, “a CBP-approved industry partnership program”.

6. In § 142.47:

(a) Paragraph (a) is amended by removing the word “Customs” where it appears and adding in each place the term “CBP”; and

(b) Paragraph (b) is amended by removing the word “Customs” where it appears and adding in each place the term “CBP”, by removing the language “the Land Border Carrier Initiative Program (LBCIP)” in the first sentence and adding in its place the language “a CBP-approved industry partnership program” and, in the second sentence, by removing the word “shall” and adding in its place the word “must”.

Dated: December 11, 2009.

**Janet Napolitano,**

*Secretary.*

[FR Doc. E9-29954 Filed 12-16-09; 8:45 am]

**BILLING CODE 9111-14-P**

#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Part 52

[EPA-R09-OAR-2009-0359; FRL-8983-3]

#### Approval and Promulgation of Air Quality Implementation Plans; California; Monterey Bay Region 8-Hour Ozone Maintenance Plan

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

**ACTION:** Proposed rule.

**SUMMARY:** On December 19, 2007, the State of California submitted an 8-hour ozone maintenance plan for the Monterey Bay Unified Air Pollution Control District and requested that EPA approve the plan as a revision to the California State Implementation Plan (SIP). In this action, EPA is proposing to approve the maintenance plan. In the “Rules and Regulations” section of this

**Federal Register,** EPA is approving the State’s request for approval of the maintenance plan as a direct final rule without prior proposal because the Agency views the maintenance plan and SIP revision as non-controversial and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

**DATES:** Comments on this proposed rule must be received in writing by January 19, 2010.

**ADDRESSES:** Submit your comments, identified by [EPA-R09-OAR-2009-0359] by one of the following methods:

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

- *E-mail:* Sarvy Mahdavi at [mahdavi.sarvy@epa.gov](mailto:mahdavi.sarvy@epa.gov). Please also send a copy by e-mail to the person listed in the **FOR FURTHER INFORMATION CONTACT** section below.

- *Fax:* Sarvy Mahdavi, Planning Office (AIR-2), at fax number (415) 947-3579.

- *Mail or deliver:* Sarvy Mahdavi, Air Planning Office, (AIR-2), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, California 94105-3901. Hand or courier deliveries are accepted only between the hours of 8 a.m. and 4 p.m. weekdays except for legal holidays. Special arrangements should be made for deliveries of boxed information.

*Instructions:* All comments 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://](http://www.regulations.gov)