

6402, 6404, 6806, 7011, 7212, 7342, 7606, 7805; 31 U.S.C. 9301, 9303, 9304, 9306.

9. Section 44.61 is amended by adding a new paragraph (c) to read as follows:

**§ 44.61 Removals, withdrawals, and shipments authorized.**

\* \* \* \* \*

(c) Tobacco products and cigarette papers and tubes removed from a factory or an export warehouse, and cigars withdrawn from a customs bonded warehouse, without payment of tax under this subpart may not be substituted for imported merchandise for purposes of drawback of tax under section 313(j)(2) of the Tariff Act of 1930, as amended (19 U.S.C. 1313(j)(2)). See 19 CFR 191.32(b)(4).

10. Section 44.221 is amended by designating the existing text as paragraph (a) and adding a new paragraph (b) to read as follows:

**§ 44.221 Application of drawback of tax.**

\* \* \* \* \*

(b) Tobacco products and cigarette papers and tubes on which drawback is allowed under this subpart may not be substituted for imported merchandise for purposes of drawback of tax under section 313(j)(2) of the Tariff Act of 1930, as amended (19 U.S.C. 1313(j)(2)). See 19 CFR 191.32(b)(4).

\* \* \* \* \*

Signed: September 3, 2009.

**John J. Manfreda,**  
Administrator.

Approved: September 17, 2009.

**Timothy E. Skud,**  
Deputy Assistant Secretary (Tax, Trade, and Tariff Policy).

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 151

#### 46 CFR Part 162

[USCG-2001-10486]

RIN 1625-AA32

### Standards for Living Organisms in Ships' Ballast Water Discharged in U.S. Waters

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice; extension of comment periods.

**SUMMARY:** The Coast Guard is extending the periods for public comment on the

notice of proposed rulemaking (NPRM) and the Draft Programmatic Environmental Impact Statement (DPEIS) for the rulemaking entitled "Standards for Living Organisms in Ships' Ballast Water" (Docket No. USCG-2001-10486).

**DATES:** Comments and related material for the NPRM and the DPEIS must either be submitted to our online docket via <http://www.regulations.gov> on or before the new date for the close of the comment period, December 4, 2009, or reach the Docket Management Facility by that date.

**ADDRESSES:** You may submit comments identified by Coast Guard docket number USCG-2001-10486 to the Docket Management Facility at the U.S. Department of Transportation. To avoid duplication, please use only one of the following methods:

(1) *Federal eRulemaking Portal:*  
<http://www.regulations.gov>.

(2) *Mail:* Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001.

(3) *Hand delivery:* Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

(4) *Fax:* 202-493-2251.

To avoid duplication, please use only one of these four methods. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this proposed rulemaking, call or e-mail Mr. John Morris, Project Manager, Environmental Standards Division, U.S. Coast Guard Headquarters, telephone 202-372-1433, e-mail [John.C.Morris@uscg.mil](mailto:John.C.Morris@uscg.mil). If you have questions on viewing or submitting material to the docket, call Ms. Renee Wright, Chief, Dockets, Department of Transportation, telephone 202-366-9826.

#### SUPPLEMENTARY INFORMATION:

##### Public Participation and Request for Comments

We encourage you to participate in this aspect of the rulemaking by submitting comments and related materials. All comments received will be posted, without change, to [http://](http://www.regulations.gov)

[www.regulations.gov](http://www.regulations.gov) and will include any personal information you have provided.

#### Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG-2001-10486), indicate the specific section of the document to which each comment applies, and provide a reason for each suggestion or recommendation. You may comment on either the NPRM or the DPEIS or both. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. We recommend that you include your name and a mailing address, an e-mail address, or a phone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov> and click on the "submit a comment" box, which will then become highlighted in blue. Insert "USCG-2001-10486" in the Keyword box, click "Search", and then click on the balloon shape in the Actions column. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and material received during the comment period and may change this proposed rule or the DPEIS based on your comments.

#### Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov> at any time. Enter the docket number for this rulemaking (USCG-2001-10486) in the Keyword box, and click "Search". You may also visit the Docket Management Facility in Room W12-140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. We have an agreement with the Department of Transportation to use the Docket Management Facility.

#### Privacy Act

Anyone can search the electronic form of all comments received into 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 a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

### Background and Purpose

On August 28, 2009, the Coast Guard published an NPRM entitled "Standards for Living Organisms in Ships' Ballast Water Discharged in U.S. Waters" in the **Federal Register** (74 FR 44632). The comment period for the NPRM was to close on November 27, 2009. On the same day, the Coast Guard also published a Notice of Availability in the **Federal Register** informing the public that the DPEIS for the "Standards for Living Organisms in Ships' Ballast Water Discharged in U.S. Waters" rulemaking had been added to the docket and was available for public comment (74 FR 44673). The August 28, 2009 Notice of Availability for the DPEIS stated that the public comment period for the DPEIS would close on November 27, 2009.

Council on Environmental Quality regulations at 40 CFR part 1506.10 state that "(a) The Environmental Protection Agency shall publish a notice in the **Federal Register** each week of the environmental impact statements filed during the preceding week. The minimum time periods set forth in this section shall be calculated from the date of publication of this notice. (b) No decision on the proposed action shall be made or recorded under Sec. 1505.2 by a Federal agency until the later of the following dates: (1) Ninety days after publication of the notice described above in paragraph (a) of this section for a draft environmental impact statement." The Environmental Protection Agency did not publish their notice of availability for the DPEIS until September 4, 2009. Accordingly, the Coast Guard has decided to extend the comment periods for both the NPRM and the DPEIS in order to ensure that the public has adequate time to submit comments regarding these important proposals. The comment period for the NPRM and the DPEIS will now close on December 4, 2009.

Additionally, you are reminded that you may comment on any aspect of the rulemaking, including on any comments placed in the docket. We may change the proposed rule or the DPEIS in response to the comments received.

Dated: October 8, 2009.

**J.G. Lantz,**

*Director of Commercial Regulations and Standards, U.S. Coast Guard.*

[FR Doc. E9-24745 Filed 10-14-09; 8:45 am]

**BILLING CODE 4910-15-P**

## POSTAL REGULATORY COMMISSION

### 39 CFR Part 3050

[Docket No. RM2010-1; Order No. 311]

### Periodic Reporting Rules

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Proposed rulemaking; availability of rulemaking petition.

**SUMMARY:** This document announces a proposed rulemaking in response to a recent Postal Service petition involving periodic reporting rules. It concerns a new Postal Service special study updating the density factors that are used to distribute certain attributable transportation costs in two cost segments (Nos. 8 and 14). The public is invited to comment.

**DATES:** Comments are due October 28, 2009.

**ADDRESSES:** Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>.

**FOR FURTHER INFORMATION CONTACT:** Stephen L. Sharfman, General Counsel, at 202-789-6824 or [stephen.sharfman@prc.gov](mailto:stephen.sharfman@prc.gov).

**SUPPLEMENTARY INFORMATION:** On October 6, 2009, the Postal Service filed a petition to initiate an informal rulemaking proceeding to consider changes in the analytical methods approved for use in periodic reporting.<sup>1</sup> The Petition explains that the Postal Service has conducted a new special study for the purpose of updating density factors used to distribute vehicle service drive attributable costs in Cost Segment 8 and attributable transportation costs in Cost Segment 14. The data-collection method is similar to the previous special study described in Library Reference USPS-LR-K-33 in Docket No. R2001-1. *See id.*, Proposal 20 at 1.

The attachment to the Postal Service's Petition explains its proposal in more detail, including the background, objective, rationale, and estimated impact. For illustrative purposes, the Postal Service provides a table showing

<sup>1</sup> Petition of the United States Postal Service Requesting Initiation of a Proceeding to Consider a Proposed Change in Analytic Principles (Proposal Twenty), October 6, 2009 (Petition).

the impact of distributing FY 2008 highway, rail, and vehicle service driver costs based on the new and existing density factors. *See id.*, Proposal 20 at 3.

*It is ordered:*

1. The Petition of the United States Postal Service Requesting Initiation of a Proceeding to Consider a Proposed Change in Analytic Principles (Proposal Twenty), filed October 6, 2009, is granted.

2. The Commission establishes Docket No. RM2010-1 to consider the matters raised by the Postal Service's Petition.

3. Interested persons may submit comments on or before October 28, 2009.

4. The Commission will determine the need for reply comments after review of the initial comments.

5. Cassie D'Souza is designated to serve as the Public Representative representing the interests of the general public in this proceeding.

6. The Secretary shall arrange for publication of this notice in the **Federal Register**.

By the Commission.

**Shoshana M. Grove,**

*Secretary.*

[FR Doc. E9-24860 Filed 10-14-09; 8:45 am]

**BILLING CODE 7710-FW-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R05-OAR-2009-0120; FRL-8968-2]

### Approval and Promulgation of Air Quality Implementation Plans; Indiana; Carbon Monoxide Maintenance Plan Updates; Limited Maintenance Plan

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve a request submitted by the Indiana Department of Environmental Management (IDEM) on January 12, 2009, for a State Implementation Plan (SIP) revision of the carbon monoxide (CO) "Limited Maintenance Plan" update for Lake and Marion Counties, Indiana. These Limited Maintenance Plans demonstrate continued attainment of the CO National Ambient Air Quality Standard for Lake and Marion counties for an additional ten years.

**DATES:** Comments must be received on or before November 16, 2009.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R05-