

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)

[www.regulations.gov](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.

**Docket:** All documents in the docket are listed in the <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 <http://www.regulations.gov> or in hard copy at the Planning Office (AIR-2), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, California 94105-3901. To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

**FOR FURTHER INFORMATION CONTACT:** Sarvy Mahdavi, Planning Office (AIR-2), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, California 94105-3901, telephone (415) 972-3173; fax (415) 947-3579; e-mail address [mahdavi.sarvy@epa.gov](mailto:mahdavi.sarvy@epa.gov).

**SUPPLEMENTARY INFORMATION:** For further information see the direct final rule, of the same day, published in the "Rules and Regulations" section of this **Federal Register**.

Dated: November 6, 2009.

**Jane Diamond,**

*Acting Regional Administrator, Region IX.*

[FR Doc. E9-29890 Filed 12-16-09; 8:45 am]

**BILLING CODE 6560-50-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### 42 CFR Part 84

[Docket Number NIOSH-0137]

RIN 0920-AA33

### Total Inward Leakage Requirements for Respirators

**AGENCY:** Centers for Disease Control and Prevention, Department of Health and Human Services.

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

**SUMMARY:** The Centers for Disease Control and Prevention (CDC) is extending to March 29, 2010, the comment period for the notice of proposed rulemaking by the National Institute for Occupational Safety and Health (NIOSH) of CDC, entitled "Total Inward Leakage Requirements for Respirators," published in the **Federal Register** on Friday, October 30, 2009 (74 FR 56141). In the notice of proposed rulemaking, CDC requested comments by December 29, 2009. The Agency is taking this action in response to requests for an extension to allow interested parties additional time to submit comments.

**DATES:** *Comments:* The public comment period is extended by 90 days, from December 29, 2009, as established in the proposed rule of October 30, 2009 (74 FR 56141). All written comments must be received on or before March 29, 2010.

**ADDRESSES:** You may submit comments, identified by RIN: 0920-AA33, by any of the following methods:

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

- *E-mail:* [niocindocket@cdc.gov](mailto:niocindocket@cdc.gov). Include "RIN: 0920-AA33" and "42 CFR Part 84" in the subject line of the message.

- *Mail:* NIOSH Docket Office, Robert A. Taft Laboratories, MS-C34, 4676 Columbia Parkway, Cincinnati, OH 45226.

**Instructions:** All submissions received must include the agency name and docket number or Regulation Identifier Number (RIN) for this rulemaking, RIN: 0920-AA33. All comments received will be posted without change to <http://www.cdc.gov/niosh/docket>, including any personal information provided.

**Docket:** For access to the docket to read background documents or comments received, go to <http://www.cdc.gov/niosh/docket>.

**FOR FURTHER INFORMATION CONTACT:** Jonathan V. Szalajda, NIOSH, National

Personal Protective Technology Laboratory (NPPTL), Post Office Box 18070, 626 Cochran Mill Road, Pittsburgh, Pennsylvania 15236, telephone (412) 386-5200, facsimile (412) 386-4089, e-mail [zfx1@cdc.gov](mailto:zfx1@cdc.gov).

**SUPPLEMENTARY INFORMATION:** The Department of Health and Human Services published a proposed rule entitled "Total Inward Leakage Requirements for Respirators," on Friday, October 30, 2009 (74 FR 56141). A public meeting was held on December 3, 2009.

The proposed rule would establish total inward leakage (TIL) requirements for half-mask air-purifying particulate respirators approved by NIOSH. The proposed new requirements specify TIL minimum performance requirements and testing to be conducted by NIOSH and respirator manufacturers to demonstrate that these respirators, when selected and used correctly, provide effective respiratory protection to intended users against toxic dusts, mists, fumes, fibers, and biological and infectious aerosols (e.g. influenza A(H5N1), severe acute respiratory syndrome (SARS) coronavirus, and *Mycobacterium tuberculosis*).

CDC received a written request to extend the comment period for 90 days beyond the December 3, 2009 public meeting on this proposed rule. CDC also received notice during presentations at the December 3, 2009 public meeting that two stakeholders intend to submit written requests for 90-day extensions from the original December 29 deadline. One of these stakeholders indicated that additional time is necessary in order to conduct laboratory research and collect and analyze data on the potential impact of the proposed rule. CDC has considered the requests and is extending the comment period for an additional 90 days past the original deadline of December 29, 2009, such that all written comments must now be received on or before March 29, 2010. The proposed rule contains only one performance requirement and uses criteria and a test method which are already required by the Occupational Safety and Health Administration (OSHA) for the use of this type of respirator. This extended deadline will have provided commenters with a full 90 days for comment on the proposed rule while preserving the Agency's ability to make timely progress on this occupational health priority.

Dated: December 10, 2009.

**Kathleen Sebelius,**  
*Secretary.*

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