

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](mailto: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](mailto: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" (CO<sub>2</sub>e) basis, and a temporary PSD significance level for GHG emissions of between 10,000 and 25,000 tpy CO<sub>2</sub>e. 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

information submitted during the comment period will be considered with the same weight as any oral comments and supporting information presented at the public hearing. Written comments on the proposed rule must be postmarked by December 28, 2009.

Commenters should notify Ms. Long if they will need specific equipment, or if there are other special needs related to providing comments at the hearings. The EPA will provide equipment for commenters to show overhead slides or make computerized slide presentations if we receive special requests in advance. Oral testimony will be limited to 5 minutes for each commenter. The EPA encourages commenters to provide EPA with a copy of their oral testimony electronically (via e-mail or CD) or in hard copy form.

The hearing schedules, including lists of speakers, will be posted on EPA's Web site <http://www.epa.gov/nsr>. Verbatim transcripts of the hearings and written statements will be included in the docket for the rulemaking.

#### How Can I Get Copies of This Document and Other Related Information?

The EPA has established a docket for the proposed rule "Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule" under Docket ID No. EPA-HQ-OAR-2009-0517 (available at <http://www.regulations.gov>).

As stated previously, the proposed rule was published in the **Federal Register** on October 27, 2009 (74 FR 55292) and is available at <http://www.epa.gov/nsr> and in the above-cited docket.

Dated: October 29, 2009.

Mary Henigin,

Acting Director, Office of Air Quality Planning and Standards.

[FR Doc. E9-26537 Filed 11-3-09; 8:45 am]

BILLING CODE 6560-50-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

#### 42 CFR Part 410, 413 and 414

[CMS-1418-N]

RIN 0938-AP57

#### Medicare Programs; End-Stage Renal Disease Prospective Payment System; Extension of Comment Period

**AGENCY:** Centers for Medicare & Medicaid Services (CMS), HHS.

**ACTION:** Notice of extension of comment period for proposed rule.

**SUMMARY:** This notice extends the comment period for a proposed rule published in the **Federal Register** on September 29, 2009, (74 FR 49922). The proposed rule would implement a case-mix adjusted bundled prospective payment system (PPS) for Medicare outpatient end-stage renal disease (ESRD) dialysis facilities. The proposed ESRD PPS would also replace the current basic case-mix adjusted composite payment system and the methodologies for the reimbursement of separately billable outpatient ESRD services. The comment period for the proposed rule, which would have ended on November 16, 2009, is extended for 30 days.

**DATES:** *Effective Date:* The comment period is extended to 5 p.m. on December 16, 2009.

**ADDRESSES:** In commenting, please refer to file code CMS-1418-P. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

You may submit comments in one of four ways (please choose only one of the ways listed):

1. *Electronically.* You may submit electronic comments on this regulation to <http://www.regulations.gov>.

Follow the instructions under the "More Search Options" tab.

2. *By regular mail.* You may mail written comments to the following address only:

Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS-1418-P, P.O. Box 8010, Baltimore, MD 21244-8010.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the following address ONLY:

Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS-1418-P, Mail Stop C4-26-05, 7500 Security Boulevard, Baltimore, MD 21244-1850.

4. *By hand or courier.* If you prefer, you may deliver (by hand or courier) your written comments before the close of the comment period to either of the following addresses:

a. For delivery in Washington, DC—Centers for Medicare & Medicaid Services, Department of Health and Human Services, Room 445-G, Hubert H. Humphrey Building, 200

Independence Avenue, SW., Washington, DC 20201.

(Because access to the interior of the Hubert H. Humphrey Building is not readily available to persons without Federal government identification, commenters are encouraged to leave their comments in the CMS drop slots located in the main lobby of the building. A stamp-in clock is available for persons wishing to retain a proof of filing by stamping in and retaining an extra copy of the comments being filed.)

b. For delivery in Baltimore, MD—Centers for Medicare & Medicaid Services, Department of Health and Human Services, 7500 Security Boulevard, Baltimore, MD 21244-1850.

If you intend to deliver your comments to the Baltimore address, please call telephone number (410) 786-9994 in advance to schedule your arrival with one of our staff members.

Comments mailed to the addresses indicated as appropriate for hand or courier delivery may be delayed and received after the comment period.

**FOR FURTHER INFORMATION CONTACT:** William Cymer, (410) 786-4533. Lynn Riley, (410) 786-1286, (ESRD Quality Incentive Program).

**SUPPLEMENTARY INFORMATION:** On September 29, 2009, we published a proposed rule in the **Federal Register** (74 FR 49922 through 50102) that would implement a case-mix adjusted bundled PPS for Medicare outpatient ESRD dialysis facilities beginning January 1, 2011, in compliance with the statutory requirement of the Medicare Improvements for Patients and Providers Act (MIPPA), enacted July 15, 2008. The proposed ESRD PPS would replace the current basic case-mix adjusted composite payment system and the methodologies for the reimbursement of separately billable outpatient ESRD services.

The proposed rule, "Medicare Program; End-Stage Renal Disease Prospective Payment System," is significant in that it proposes a completely new payment system for outpatient ESRD services. Due to the complexity and scope of the September 29, 2009 proposed rule, we believe additional time is necessary for the public to examine the proposed rule and to provide meaningful comments on its provisions. Therefore, we have decided to extend the comment period for an additional 30 days. This document announces the extension of the public comment period to December 16, 2009.

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital