

98, Harmonized Tariff Schedule of the United States (19 U.S.C. 1202)"; and

- h. Paragraph (f) is amended by removing the language "\$400, \$600, or \$1,200" and adding in its place the language, "\$800 or \$1,600".

The revisions to § 148.33 read as follows:

**§ 148.33 Articles acquired abroad.**

(a) \* \* \*

(2) \$800 in the case of a direct arrival from a beneficiary country, as defined in U.S. Note 4 to Chapter 98, Harmonized Tariff Schedule of the United States, whether or not the articles accompany the returning resident. Articles acquired elsewhere than in such beneficiary country that do not accompany the returning resident are not entitled to the duty exemption; or

(3) \$1,600 in the case of a direct or indirect arrival from American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands of the United States, whether or not the articles accompany the returning resident, not more than \$800 of which may have been acquired elsewhere than in such locations. Articles acquired elsewhere than in such insular possessions that do not accompany the returning resident are not entitled to the duty exemption.

■ 8. In § 148.34:

- a. Paragraph (a) is amended by removing the language "\$400, \$600, or \$1,200" wherever it appears and adding in each place the language, "\$800 or \$1,600", and by removing the word "shall" where it appears and adding in each place the word "will"; and

- b. The introductory text to paragraph (b) is amended by removing the words "shall include" and adding in their place the word "includes".

■ 9. In § 148.35:

- a. The heading text to paragraph (a) is revised to read, "Requirements for allowance of \$800 or \$1,600 exemption.";

- b. Paragraph (a) is amended, in the first sentence, by removing the language "\$400, \$600, or \$1,200" and adding in its place the language "\$800 or \$1,600" and by removing the word "shall" and adding in its place the word "will" and, in the second sentence, by removing the reference to "\$400" and adding in its place "\$800".

- c. The heading text to paragraph (b) is revised to read, "Not required for allowance of \$1,600 exemption on return from the Virgin Islands.";

- d. Paragraph (b) is amended by removing the reference to "\$1,200" and adding in its place "\$1,600"; and

- e. Paragraph (c) is amended by removing the word "shall" and adding in its place the word "will".

■ 10. In § 148.36:

- a. Paragraph (a) is amended by removing the language "\$400, \$600, or \$1,200" wherever it appears and adding in each place the language "\$800 or \$1,600", and by removing the word "shall" wherever it appears and adding in each place the word "will"; and

- b. Paragraph (b) is amended by removing the word "shall" and adding in its place the word "will", and by removing the language "\$400, \$600, or \$1,200" and adding in its place the language "\$800 or \$1,600".

■ 11. In § 148.37:

- a. Paragraph (a) is amended by removing the language "\$400, \$600, or \$1,200" and adding in its place the language, "\$800 or \$1,600", by removing the word "shall" and adding in its place the word "will" and, in the last sentence, by removing the words "Customs matters" and adding in their place the words "customs matters" and by removing the words "Customs supervision" and adding in their place the words "CBP supervision";

- b. Paragraph (b) is amended, in the first sentence, by removing the language "\$400, \$600, or \$1,200" and adding in its place the language, "\$800 or \$1,600", by removing the word "shall" and adding in its place the word "must", and by removing the word "Customs" each place it appears and adding the term "CBP"; and, in the second sentence, by removing the word "shall" and adding in its place the word "will", and by removing the word "Customs" and adding in its place the term "CBP"; and

- c. Paragraph (c) is amended by removing the language "\$400, \$600, or \$1,200" wherever it appears and adding in each place the language, "\$800 or \$1,600", by removing the word "Customs" wherever it appears and adding in each place the term "CBP", and by removing the word "shall" wherever it appears and adding in each place the word "will".

■ 12. Section 148.38 is amended by removing the language "\$400, \$600, or \$1,200" and adding in its place the language, "\$800 or \$1,600".

■ 13. In § 148.51:

- a. Paragraph (a)(2) is amended by removing the language "\$400, \$600, or \$1,200" and adding in its place the language, "\$800 or \$1,600"; and

- b. The introductory text to paragraph (b), and paragraph (b)(2), are amended by removing the word "shall" wherever it appears and adding in each place the word "will".

- 14. In § 148.113(a): the number "\$1,200" is removed and the number "\$1,600" is added in its place; the word "shall" is removed wherever it appears and the word "must" is added in each place, and; the word "Customs" is removed wherever it appears and the term "CBP" is added in each place.

**Jayson P. Ahern,**

*Acting Commissioner, U.S. Customs and Border Protection.*

Approved: September 21, 2009.

**Timothy E. Skud,**

*Deputy Assistant Secretary of the Treasury.*  
[FR Doc. E9-23158 Filed 9-24-09; 8:45 am]

BILLING CODE 9111-14-P

## SOCIAL SECURITY ADMINISTRATION

### 20 CFR Part 404

[Docket No. SSA-2008-0047]

RIN 0960-AG62

#### Payments to Beneficiaries Residing in Vietnam and Cambodia and Other Conforming Changes

**AGENCY:** Social Security Administration.

**ACTION:** Final rule.

**SUMMARY:** We are revising our regulation to remove Vietnam and Democratic Kampuchea (now Cambodia) from the list of countries to which social security benefits may not be sent under restrictions imposed by the Department of the Treasury (Treasury). This revision reflects published Treasury regulations that removed the restrictions on sending Federal payments to beneficiaries living in those countries. In addition, we are updating the citation for Treasury's authority to restrict payments to beneficiaries living in certain countries and correcting a typographical error in one of the section headings.

**DATES:** This regulation is effective September 25, 2009.

**FOR FURTHER INFORMATION CONTACT:**

Rebecca Tothoro, Social Insurance Specialist, Office of International Programs, 3700 Operations, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235-6401, (410) 966-6975.

For information on eligibility or filing for benefits, call our national toll-free number, 1-800-772-1213 or visit our Internet Web site, SSA Online, at <http://www.ssa.gov>.

**SUPPLEMENTARY INFORMATION:**

#### Electronic Version

The electronic file of this document is available on the date of publication in

the **Federal Register** at <http://www.gpoaccess.gov/fr/index.html>.

## Background

We cannot pay monthly title II benefits to any beneficiary for any month in which he or she resides in a country to which Treasury prohibits sending benefit checks. 31 U.S.C. 3329. Those countries are identified in the Treasury regulation which imposes the payment restriction as well as in a corresponding regulation promulgated by the Social Security Administration. 31 CFR 211.1 and 20 CFR 404.460(c)(3). On August 12, 1996, Treasury published a final rule permitting delivery of Treasury checks to beneficiaries living in Vietnam. 61 FR 41739. Treasury published a similar final rule on December 10, 2001, permitting delivery of Treasury checks to beneficiaries living in Cambodia. 66 FR 63623.

Since the enactment of those rules, we have provided payment to beneficiaries living in Vietnam and Cambodia. However, our regulations were not updated to reflect the changes in Treasury's rules. We are removing Vietnam and Democratic Kampuchea from the list of countries subject to alien payment restrictions consistent with the change in policy implemented by Treasury. 20 CFR 404.460(c)(3).

In addition, our current regulation contains an outdated citation for Treasury's statutory authority to withhold payments to beneficiaries living in certain countries. We are revising § 404.460(b)(2)(ii), (c)(1), and (c)(2), to refer to the appropriate statute. Additionally, we are correcting a typographical error in the heading of § 404.460.

## Regulatory Procedures

We follow the Administrative Procedure Act (APA) rulemaking procedures specified in 5 U.S.C. 553 in the development of our regulations. The Social Security Act, 702(a)(5); 42 U.S.C. 902(a)(5). Generally, the APA requires that an agency provide prior notice and opportunity for public comment before issuing a final regulation. The APA provides exceptions to the notice and comment requirements when an agency finds there is good cause for dispensing with such procedures because they are impracticable, unnecessary, or contrary to the public interest.

We are issuing this revised regulation as a final rule. We have determined that good cause exists for dispensing with the notice and public comment procedures. See 5 U.S.C. 553(b)(B). The revised regulation merely expands the list of countries to which we can send benefits checks, consistent with current

Treasury regulations. We are not exercising any discretion. Further delay in revising our regulation could mislead the public and is, therefore, contrary to the public interest.

In addition, for the reasons cited above, we also find good cause for dispensing with the 30-day delay in the effective date of this final rule. 5 U.S.C. 553(d)(3). As the superseding Treasury rule change is already in effect, it is contrary to the public interest to delay the effective date of our conforming rule change. We therefore find it is in the public interest to make this change effective with the publication date of this final rule.

## Executive Order 12866

The Office of Management and Budget (OMB) has reviewed this final rule in accordance with Executive Order 12866. We have also determined that this final rule meets the plain language requirements of the Executive Order.

## Regulatory Flexibility Act

We certify that this regulation will not have a significant economic impact on a substantial number of small entities as it affects only individuals. Therefore, a regulatory flexibility analysis as provided in the Regulatory Flexibility Act, as amended, is not required.

## Paperwork Reduction Act

This final regulation imposes no reporting or recordkeeping requirements requiring OMB clearance.

(Catalog of Federal Domestic Assistance Program Nos. 96.001, Social Security—Disability Insurance; 96.002, Social Security—Retirement Insurance; 96.004, Social Security—Survivors Insurance)

## List of Subjects in 20 CFR Part 404

Administrative practice and procedure, Blind, Disability benefits, Old-Age, Survivors and Disability Insurance, Reporting and recordkeeping requirements, Social Security.

Dated: July 30, 2009.

**Michael J. Astrue,**

*Commissioner of Social Security.*

■ For the reasons set forth in the preamble, we are amending subpart E of part 404 of Title 20 of the Code of Federal Regulations as follows:

## PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950— )

### Subpart E—[Amended]

■ 1. The authority citation for subpart E of part 404 continues to read as follows:

**Authority:** Secs. 202, 203, 204(a) and (e), 205(a) and (c), 216(l), 222(c), 223(e), 224, 225,

702(a)(5) and 1129A of the Social Security Act (42 U.S.C. 402, 403, 404(a) and (e), 405(a) and (c), 416(l), 422(c), 423(e), 424a, 425, 902(a)(5), and 1320a–8a and 48 U.S.C. 1801.

■ 2. In § 404.460, revise the section heading and paragraphs (b)(2)(ii), (c)(1), (c)(2) introductory text, and (c)(3) to read as follows:

### § 404.460 Nonpayment of monthly benefits to aliens outside the United States.

\* \* \* \* \*

(b) \* \* \*

(2) \* \* \*

(ii) Except that, effective with July 1968, § 404.460(b)(2)(i) does not apply if:

(A) The beneficiary is a citizen of a country with a social insurance or pension system meeting the conditions described in paragraphs (b)(7)(i), (ii), and (iii) of this section but does not meet the condition described in paragraph (b)(7)(iv) of this section; or

(B) The beneficiary is a citizen of a country with no social insurance or pension system of general application and at any time within 5 years before January 1968 (or the first month after December 1967 in which benefits are subject to suspension pursuant to paragraph (a) of this section) such beneficiary was residing in a country to which payments were withheld by the Treasury Department pursuant to Vol. II, 31 U.S.C. 3329. See § 404.460(c).

\* \* \* \* \*

(c) *Nonpayment of monthly benefits to aliens residing in certain countries—*

(1) *Benefits for months after June 1968.* Notwithstanding the provisions of

paragraphs (a) and (b) of this section, we cannot pay monthly benefits for any month after June 1968 to anyone not a citizen or national of the United States for any month while residing in a country to which payments are being withheld by the Treasury Department pursuant to Vol. II, 31 U.S.C. 3329.

(2) *Benefits for months before July 1968.* If a person who is not a United States citizen or national is entitled to receive benefits under title II of the Social Security Act, and was residing in a country where the Treasury Department withheld benefits on June 30, 1968 pursuant to Vol. II, 31 U.S.C. 3329, benefits cannot be paid. However, if the Treasury Department subsequently removes that restriction, a person who is not a United States citizen or national may be able to be paid benefits to which they were entitled for months prior to July 1968. Benefits cannot be paid,—

\* \* \* \* \*

(3) *List of countries under Treasury Department alien payment restriction.*

The Treasury Department is currently withholding payments to persons residing in the following countries pursuant to Vol. II, 31 U.S.C. 3329. We will publish future additions to or deletions from the list of countries in the **Federal Register**: Cuba, North Korea.

\* \* \* \* \*

[FR Doc. E9-22883 Filed 9-24-09; 8:45 am]

BILLING CODE 4191-02-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R05-OAR-2009-0368; FRL-8950-9]

### Approval and Promulgation of Air Quality Implementation Plans; Ohio; Clean Air Interstate Rule

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving a revision to the Ohio State Implementation Plan (SIP) that would address the requirements of EPA's Clean Air Interstate Rule (CAIR). EPA previously approved an "abbreviated SIP" for Ohio, primarily consisting of rules governing allocation of allowances to electric generating units (EGUs) for use in the trading programs established pursuant to CAIR and providing for voluntary opt-in to these programs. The abbreviated SIP was implemented in conjunction with a Federal Implementation Plan (FIP) that specified requirements for emissions monitoring, permit provisions, and other elements of the CAIR programs. EPA is now approving the addition of non-EGUs to the CAIR Nitrogen Oxides (NO<sub>x</sub>) Ozone Season Trading Program, and EPA is issuing a "full SIP" approval under which the various CAIR implementation provisions would be governed by State rules rather than FIP rules. This rulemaking addresses rules Ohio submitted on July 15, 2009, and August 13, 2009. This action also causes the CAIR Federal Implementation Plans (CAIR FIPs) concerning sulfur dioxides (SO<sub>2</sub>), NO<sub>x</sub> annual, and NO<sub>x</sub> ozone season emissions by Ohio sources to be automatically withdrawn.

**DATES:** This direct final rule will be effective November 24, 2009, unless EPA receives adverse comments by October 26, 2009. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID Number EPA-R05-OAR-2009-0368 by one of the following methods:

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

2. *E-mail*: [mooney.john@epa.gov](mailto:mooney.john@epa.gov).

3. *Fax*: (312) 692-2551.

4. *Mail*: John M. Mooney, Chief, Criteria Pollutant Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

5. *Hand Delivery*: John M. Mooney, Chief, Criteria Pollutant Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

*Instructions:* Direct your comments to Docket ID No. EPA-R05-OAR-2009-0368. 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 and any form of encryption and should be free of any defects or viruses.

*Docket:* All documents in the electronic docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy during normal business hours at the Air and Radiation Division, U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, IL 60604. This Facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone John Summerhays, Environmental Scientist, at (312) 886-6067, before visiting the Region 5 office. **FOR FURTHER INFORMATION CONTACT:** John Summerhays, (312) 886-6067, or by e-mail at [summerhays.john@epa.gov](mailto:summerhays.john@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Table of Contents

- I. What Action Is EPA Taking?
- II. What Is the Regulatory History of CAIR and the CAIR FIPs?
- III. What Are the General Requirements of CAIR and the CAIR FIPs?
- IV. What Are the Types of CAIR SIP Submittals?
- V. History of Ohio's CAIR Submittals
- VI. Analysis of Ohio's CAIR SIP Submittal
  - A. Elements of Ohio's Submittal
  - B. State Budgets for Allowance Allocations
  - C. CAIR Cap-and-Trade Programs
  - D. Applicability Provisions
  - E. NO<sub>x</sub> Allowance Allocations
  - F. Allocation of NO<sub>x</sub> Allowances From Compliance Supplement Pool
  - G. Individual Opt-In Units
- VII. Final Action
- VIII. Statutory and Executive Order Reviews

#### I. What Action Is EPA Taking?

EPA is approving a "full SIP" revision addressing CAIR in Ohio. In this action, EPA is approving the entire set of rules in Ohio Administrative Code (OAC) Chapter 3745-109, entitled "Clean Air Interstate Rule." Ohio submitted these rules in two parts: A submittal dated July 15, 2009, provided rules that were to become effective July 16, 2009, and a submittal dated August 13, 2009, provided rules that had become effective on September 27, 2007.

On February 1, 2008, at 73 FR 6034, EPA approved an "abbreviated SIP," primarily consisting of rules governing allocation of NO<sub>x</sub> allowances to EGUs for use in the trading programs established pursuant to CAIR and rules