

produced and a copy will be made available to the responsible party(ies);

(3) The Executive Secretary shall make a recommendation on the record of the proceeding not earlier than 15 days after the later of:

(i) The deadline for the party(ies)'s response under paragraph (i)(1) of this instruction; or,

(ii) The date of a hearing held under paragraph (i)(2) of this section; and,

(4) The Board or the Commerce Department's Assistant Secretary for Import Administration shall make a determination regarding the recommendation on whether to instruct CBP to suspend activated status. If the determination is affirmative, the Executive Secretary shall convey the instruction to CBP.

(j) *Enforcement of assessment.* Upon any failure to pay an assessed fine, the Board may request the U.S. Department of Justice to recover the amount assessed in any appropriate district court of the United States or may commence any other lawful action.

(k) *Adjustment for inflation.* The maximum dollar value of a fine for a violation of the FTZ Act or the Board's regulations is subject to adjustment for inflation pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101-410), as amended by the Debt Collection Improvement Act of 1996.

#### **§ 400.63 Prior disclosure.**

(a) A party subject to a fine pursuant to § 400.62 may provide a written disclosure of a violation of the FTZ Act or the Board's regulations to the Board prior to the commencement of an investigation by the Board of the violation.

(b) The disclosure should fully describe the circumstances surrounding the violation including:

- (1) The zone(s) or subzone(s) involved;
- (2) The CBP port(s) of entry involved;
- (3) The legal or regulatory provisions violated;

(4) The circumstances of the act(s) constituting the violation;

(5) The corrective measures undertaken to resolve the violation;

(6) An assurance that the violation will not reoccur; and,

(7) Copies of sufficient documentation for the Board to identify the act(s) constituting the violation.

(c) Upon receipt of a written disclosure of a violation, the Executive Secretary will first determine the validity of the disclosure and provide written notice of the determination to the disclosing party.

(d) The disclosure should be addressed to the Executive Secretary at

the address in 400.54(e). Disclosures may also be submitted via electronic transmission as long as an identical, original copy is also mailed within two business days.

(e) If a party subject to a fine pursuant to § 400.62 submits a valid written prior disclosure, it shall be the general policy of the Board (except in cases involving fraudulent intent) to reduce to a maximum of 1,000 dollars the total sum of potential fines for a single violation or series of offenses stemming from a continuing violation.

(f) A prior disclosure pursuant to this section shall not involve the loss of revenue and is only applicable to those fines imposed pursuant to this section. Any prior disclosure involving a loss of revenue must be addressed through the procedures established by 19 U.S.C. 1592(c)(4).

#### **§ 400.64 Appeals to the Board of decisions of the Assistant Secretary for Import Administration and the Executive Secretary.**

(a) *In general.* Decisions of the Commerce Department's Assistant Secretary for Import Administration and the Executive Secretary made pursuant to §§ 400.12(d)(2), 400.14(d)–400.14(f), 400.35(d), 400.46, 400.48, 400.49, 400.62 and 400.63(c) may be appealed to the Board by adversely affected parties showing good cause.

(b) *Procedures.* Parties appealing a decision under paragraph (a) of this section shall submit a request for review to the Board in writing, stating the basis for the request, and attaching a copy of the decision in question, as well as supporting information and documentation. After a review, the Board will notify the complaining party of its decision in writing.

Dated: December 27, 2010.

**Christian Marsh,**

*Acting Deputy Assistant Secretary for Import Administration, Chairman, Committee of Alternates, Foreign-Trade Zones Board.*

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## **DEPARTMENT OF THE INTERIOR**

### **National Park Service**

#### **36 CFR Part 9**

**[2310-0062-422]**

#### **Nonfederal Oil and Gas Development Within the Boundaries of Units of the National Park System; Intent To Prepare an Environmental Impact Statement for a Proposed Revision**

**AGENCY:** National Park Service, Interior.

**ACTION:** Proposed rule; intent to prepare an environmental impact statement.

**SUMMARY:** Notice is hereby given in accordance with the National Environmental Policy Act of 1969 (NEPA) and Council on Environmental Quality regulations that the U.S. Department of the Interior, National Park Service (NPS), will prepare a programmatic environmental impact statement (EIS) on proposed revisions to existing regulations governing the exercise of nonfederal oil and gas rights within the boundaries of units of the National Park System. The current regulations have been in effect for over thirty years and have not been substantively updated during that period. The EIS will analyze a range of reasonable alternatives for regulating nonfederal oil and gas development and the potential environmental impacts on park resources such as threatened and endangered species, water resources, soils, vegetation, wetlands, air resources, night skies, wildlife, cultural resources, and soundscapes. Effects on oil and gas operators, visitor experience and public safety, adjacent lands, and park operations will also be analyzed.

**DATES:** Comments must be received by February 28, 2011.

**ADDRESSES:** Written comments or requests for information should be addressed to Sandy Hamilton, Environmental Quality Division, National Park Service, Academy Place, P.O. Box 25287, Denver, CO 80225. If you wish to comment electronically, you may submit your comments online in the NPS Planning, Environment and Public Comment (PEPC) Web site at <http://parkplanning.nps.gov/WASO>. Faxed or e-mailed comments will not be accepted. Comments should be received by the NPS within 60 days of the date of the publication of this notice in the **Federal Register**. Please be aware that your entire comment—including personal identifying information—may be made publicly available at any time. While you can ask us in your comments to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

#### **FOR FURTHER INFORMATION CONTACT:**

Sandy Hamilton, Environmental Protection Specialist, at 303-969-2068, or by mail at Sandy Hamilton, Environmental Quality Division, National Park Service, Academy Place, P.O. Box 25287, Denver, CO 80225. Further information about this project, including the Advanced Notice of Public Rulemaking and "Frequently Asked Questions" about the difference

between the NEPA planning process and the rulemaking process, may also be found on the PEPC Web site for this project <http://parkplanning.nps.gov/WASO>.

**SUPPLEMENTARY INFORMATION:** To determine the scope of issues to be addressed in the EIS and to identify significant issues related to the proposed regulations revision, the NPS is seeking public comment on the draft purpose and need, objectives, and issues and concerns related to revisions of the NPS regulations governing nonfederal oil and gas development on units of the National Park System. The NPS also seeks comment on possible alternatives it should consider for revising the regulations. The NPS invites the public to submit comments electronically on the NPS Planning, Environment and Public Comment (PEPC) Web site at <http://parkplanning.nps.gov/WASO> or by mail to the address cited in the **ADDRESSES** section during the 60-day comment period following the publication of this notice of intent in the **Federal Register**.

The NPS does not plan to hold national public scoping meetings for this DEIS due to the programmatic nature of the regulations and the widely dispersed locations of the 45 parks that could be affected by the revisions. However, some individual parks may choose to hold public scoping meetings in their locality. Such meetings would be advertised by those parks using their normal media and mailing list contacts. At present, 12 park units contain existing nonfederal oil and gas development within their boundaries.

The NPS promulgated regulations at 36 CFR part 9, subpart B ("9B regulations") governing nonfederal oil and gas development in units of the National Park System in December 1978, with a January 1979 effective date. The regulations control all activities associated with nonfederal oil and gas development inside park boundaries where access is on, across, or through federally owned or controlled lands or waters. At this time 693 nonfederal oil and gas operations exist in a total of 12 units of the National Park System.

The purpose of the 9B regulations is to avoid or minimize the adverse effects of nonfederal oil and gas operations on natural and cultural resources, visitor uses and experiences, provide for public safety, and minimize adverse effects on park infrastructure and management.

Revisions to the 9B regulations are needed because:

- The NPS has limited ability to address 53% of nonfederal oil and gas operations (grandfathered operations

and operations that do not require access across federally owned lands) that are currently exempt from the 9B regulatory requirements.

- The existing regulations do not incorporate industry advances in technology and practices developed over the last 30 years.

- The existing regulations limit the NPS ability to require adequate financial assurance from operators to ensure that funds are available to reclaim operation sites in the event operators fail to fulfill their obligations under an approved plan of operations.

- There is an opportunity to have more understandable, comprehensive, and enforceable operating standards.

- The NPS has limited means under the existing regulations to address minor violations of an approved plan of operations or the 9B regulations that would not justify a suspension.

- The existing regulations do not clearly state the scope of NPS jurisdiction for directional drilling operations sited on lands outside park boundaries.

- The existing regulations are not consistent with practices of other Federal agencies and private landowners by requiring compensation for privileged access across federally owned lands for operators accessing their leaseholds.

- The existing regulations do not provide a means for the NPS, as appropriate, to recover the costs for processing and monitoring nonfederal oil and gas operations in parks.

The NPS has identified the following draft objectives for revising the 9B regulations:

- All operations within the boundary of NPS units are regulated under the 9B regulations.

- Operating standards are updated to incorporate new scientific findings, technologies, and methods least damaging to park resources and values.

- The public and park staff are protected from health and safety hazards associated with nonfederal oil and gas operations.

- Financial assurance is adequate to ensure that park resources and values are protected.

- The regulations provide a practical means for dealing with minor acts of noncompliance or with illegal operations (unauthorized operations).

- Fair compensation for an operator's use of federal land outside of its leasehold is obtained.

- Regulations are more understandable to the regulated operating community, public, and park staff.

- Directional drilling operations are regulated to retain incentives for

operators to site operations outside of parks but still retain the NPS' ability to protect park resources and values to the fullest extent practical.

The draft and final 9B Regulations Revision EIS will be made available to all known interested parties and appropriate agencies. Full public participation by Federal, State, and local agencies as well as other concerned organizations and private citizens is invited throughout the preparation process of this document.

The responsible official for this 9B Regulations Revision EIS is Herbert Frost, Associate Director for Natural Resources Stewardship and Science, 1849 C Street, NW., Room 3130, Washington, DC 20240-0001.

Dated: December 10, 2010.

**Herbert C. Frost,**

*Associate Director, Natural Resource Stewardship and Science.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R05-OAR-2010-0259; FRL-9245-8]

### Approval and Promulgation of Implementation Plans; Ohio; Volatile Organic Compound Emission Control Measures for Lithographic and Letterpress Printing in Cleveland

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

**ACTION:** Proposed rule.

**SUMMARY:** On March 9, 2010, the Ohio Environmental Protection Agency (Ohio EPA) submitted revisions to its previously approved offset lithographic and letterpress printing volatile organic compound (VOC) rule for approval into the Ohio State Implementation Plan (SIP). This submittal revises certain compliance date and recordkeeping requirements of this rule, which was previously approved as satisfying the VOC reasonably available control technology (RACT) requirement for Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage and Summit Counties. These rule revisions are approvable because they satisfy the requirements of RACT and the Clean Air Act (CAA).

**DATES:** Comments must be received on or before January 31, 2011.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R05-OAR-2010-0259, by one of the following methods: