

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]

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## 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

Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: October 26, 2009.

**Charlene Frizzera,**

*Acting Administrator, Centers for Medicare & Medicaid Services.*

Approved: October 30, 2009.

**Kathleen Sebelius,**

*Secretary.*

[FR Doc. E9–26529 Filed 11–3–09; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 635

[Docket No. 090508897–91141–02]

RIN 0648–AX85

#### Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Season and Retention Limit Adjustments

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed rule; request for comments; notice of public hearings.

**SUMMARY:** NMFS proposes to adjust the Atlantic bluefin tuna (BFT) fishery regulations to increase the General category maximum daily retention limit, allow the General category season to remain open until the January subquota is reached, and increase the Harpoon category daily incidental retention limit. The intent of this proposed rule is to enable more thorough utilization of the available U.S. BFT quota, while ending BFT overfishing, rebuilding the BFT stock by 2019, and minimizing bycatch and bycatch mortality to the extent practicable. NMFS solicits written comments and will hold public hearings to receive oral comments on these proposed actions.

**DATES:** Written comments must be received on or before December 21, 2009.

The public hearing dates are:

1. December 14, 2009, 3 p.m. to 5 p.m., Silver Spring, MD.
2. December 15, 2009, 3 p.m. to 5 p.m., Gloucester, MA.

**ADDRESSES:** You may submit comments, identified by “0648–AX85”, by any one of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal <http://www.regulations.gov>

- Fax: 978–281–9340, Attn: Sarah McLaughlin
- Mail: Sarah McLaughlin, Highly Migratory Species Management Division, Office of Sustainable Fisheries (F/SF1), NMFS, 55 Great Republic Drive, Gloucester, MA 01930.

Instructions: All comments received are a part of the public record and will generally be posted to Portal <http://www.regulations.gov> without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

NMFS will accept anonymous comments (enter “n/a” in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

The hearing locations are:

1. Silver Spring – NMFS Science Center, 1301 East West Highway, Silver Spring, MD 20910.
2. Gloucester – NMFS, 55 Great Republic Drive, Gloucester, MA 01930.

Supporting documents including the draft Environmental Assessment (EA), Regulatory Impact Review (RIR), and Initial Regulatory Flexibility Analysis (IRFA) for this action are available by sending your request to Sarah McLaughlin at the mailing address specified above.

**FOR FURTHER INFORMATION CONTACT:** Sarah McLaughlin, 978–281–9260.

**SUPPLEMENTARY INFORMATION:** Atlantic tunas are managed under the dual authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and the Atlantic Tunas Convention Act (ATCA). ATCA authorizes the Secretary of Commerce (Secretary) to promulgate regulations, as may be necessary and appropriate, to implement recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT). The authority to issue regulations under the Magnuson-Stevens Act and ATCA has been delegated from the Secretary to the Assistant Administrator for Fisheries, NOAA (AA).

#### I. Background

On October 2, 2006, NMFS published in the *Federal Register* (71 FR 58058) final regulations, effective November 1, 2006, implementing the Consolidated Atlantic Highly Migratory Species Fishery Management Plan (Consolidated HMS FMP), which consolidated

management of all Atlantic HMS (i.e., sharks, swordfish, tunas, and billfish) into one comprehensive FMP. The implementing regulations for Atlantic HMS are at 50 CFR part 635.

In recent years, U.S. BFT landings have fallen below their respective ICCAT-recommended quotas. Factors that may have played a role in the underharvest of the domestic BFT fishery since 2004 include reduced availability of BFT for harvest, possibly due to recent changes in BFT regional availability and/or a reduced BFT population level, and reduced effort due to operational expenses (such as fuel costs). While the recreational Angling category and the commercial Longline category have been able to fill their subquotas in recent years, the commercial handgear categories (General and Harpoon) have not. In 2008, approximately 48 percent of the baseline and 31 percent of the adjusted General category quota was landed, and approximately 56 percent of the baseline and 36 percent of the adjusted Harpoon category quota was landed.

At its 2008 meeting, ICCAT recommended a reduction in the western Atlantic BFT Total Allowable Catch (TAC), set to allow for rebuilding of the stock through 2018, from 2,100 mt to 1,900 mt for 2009 and 1,800 mt for 2010. The baseline U.S. quotas for 2009 and 2010, respectively, are 1,009.9 and 952.4 mt, not including the annual allocation of 25 mt to account for incidental catch of BFT by pelagic longline vessels fishing in the Northeast Distant Area. Under the Consolidated HMS FMP, the General and Harpoon categories are allocated 47.1 and 3.9 percent, respectively, of the annual baseline BFT quota. For 2009, the General and Harpoon categories received base quotas of 475.7 mt and 39.4 mt, respectively, and adjusted quotas of 623.1 mt and 51.6 mt, respectively (74 FR 26110, June 1, 2009).

Over the last year, NMFS has received comments suggesting changes that could increase domestic BFT landings within existing quotas and subquotas. NMFS received these suggestions at the HMS Advisory Panel meetings in 2008 and 2009, during the 2009 BFT quota specifications public hearings, and in recent constituent and congressional correspondence. In response to these suggestions and related ones regarding the Atlantic swordfish fishery, NMFS published an Advance Notice of Proposed Rulemaking (ANPR) (74 FR 26174, June 1, 2009), requesting specific comment on potential regulatory changes that would potentially increase fishing opportunities in the BFT and