

sufficient to enable CBP to identify the article.

(d) *Conditional release.* In lieu of immediate refusal of admission into the customs territory of the United States, CBP, upon a recommendation from the DOE or FTC, may permit the release of a noncompliant covered import to the importer of record for purposes of reconditioning, re-labeling, or other modification. The release from CBP custody of any such covered import will be deemed conditional and subject to the bond conditions set forth in § 113.62 of this Chapter. Note: Conditionally released covered imports will also be subject to the jurisdiction of DOE and/ or FTC.

(1) *Duration.* Unless extended in accordance with paragraph (d)(2) of this section, the conditional release period will terminate upon the earliest occurring of the following events:

(i) The date that CBP issues a notice of refusal of admission pursuant to paragraph (c) of this section;

(ii) The date that the DOE or FTC issues a notice to CBP stating that the covered import is in compliance and may proceed; or

(iii) At the conclusion of the 30-day period following the date of release.

(2) *Extension.* The conditional release period may be extended if both CBP and the importer of record receive, within the initial 30-day conditional release period or any subsequent authorized extension thereof, a written or electronic notice from the DOE or FTC stating the reason for and anticipated length of the extension.

(3) *Issuance of a redelivery notice and demand for redelivery.* If the noncompliant covered import is not timely brought into compliance, and if so directed by DOE or FTC, CBP will issue a refusal of admission notice to the importer pursuant to paragraph (c) of this section and, in addition, CBP will demand the redelivery of the specified covered product to CBP custody. The demand for redelivery may be made concurrently with the notice of refusal of admission.

(4) *Liquidated damages.* A failure to comply with a demand for redelivery made under this paragraph (d) will result in the assessment of liquidated damages equal to three times the value of the covered product. Value as used in this provision means value as determined under 19 U.S.C. 1401a.

Approved: March 20, 2012.

**David V. Aguilar,**

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

**Timothy E. Skud,**

*Deputy Assistant Secretary of the Treasury.*

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## DEPARTMENT OF HOMELAND SECURITY

### U.S. Customs and Border Protection

#### 19 CFR Part 111

[USCBP-2010-0038]

RIN 1651-AA80

#### Permissible Sharing of Client Records by Customs Brokers

**AGENCY:** U.S. Customs and Border Protection, Department of Homeland Security.

**ACTION:** Withdrawal of notice of proposed rulemaking.

**SUMMARY:** This document withdraws a notice of proposed rulemaking, published in the **Federal Register** on October 27, 2010, that proposed amendments to the Customs and Border Protection (CBP) regulations that would allow brokers, upon the client's consent in a written authorization, to share client information with affiliated entities related to the broker so that these entities may offer non-customs business services to the broker's clients. Although the proposed rule was prepared in response to a request from a member of the broker community seeking to allow brokers to share clients' information for marketing purposes, there was opposition to the proposal from brokers due to the condition on sharing the information that CBP included in the document to protect importers' proprietary information. The notice is being withdrawn to permit further consideration of the relevant issues involved in the proposed rulemaking.

**DATES:** Effective March 26, 2012, the proposed rule published October 27, 2010, (75 FR 66050), is withdrawn.

**FOR FURTHER INFORMATION CONTACT:** Anita Harris, Chief, Broker Compliance Branch, Trade Policy and Programs, Office of International Trade, (202) 863-6069.

#### SUPPLEMENTARY INFORMATION:

##### Background

On October 27, 2010, Customs and Border Protection (CBP) published a

notice of proposed rulemaking in the **Federal Register** (75 FR 66050) pertaining to the obligations of customs brokers to keep clients' information confidential. The proposed amendment would allow brokers, upon the client's written consent, to share client information with affiliated entities related to the broker so that these entities may offer non-customs business services to the broker's clients. The proposed amendment would also allow customs brokers to use a third-party to perform photocopying, scanning, and delivery of client records for the broker. These proposed changes were intended to update the regulations to reflect modern business practices, while protecting the confidentiality of client (importer) information. The comment period ended on December 27, 2010.

CBP received public comment on the proposed rulemaking. The majority of commenters expressed concern that the proposed rule did not serve the interests of the importing public. Specifically, there was opposition to the proposal from brokers due to the condition on sharing the information that CBP included in the document to protect importers' proprietary information.

#### Withdrawal of Notice of Proposed Rulemaking

CBP is withdrawing the notice published in the **Federal Register** (75 FR 66050) on October 27, 2010, pending further consideration of the relevant issues involved in the proposed rulemaking.

Dated: March 21, 2012.

**David V. Aguilar,**

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

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R01-OAR-2009-0919; A-1-FRL-9651-9]

#### Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Regional Haze

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing approval of a revision to the Connecticut State Implementation Plan (SIP) that addresses regional haze for the first planning period from 2008 through