



# Federal Register

---

5-19-05

Vol. 70 No. 96

Thursday

May 19, 2005

Pages 28773-29188



The **FEDERAL REGISTER** (ISSN 0097-6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see [www.archives.gov](http://www.archives.gov).

The seal of the National Archives and Records Administration authenticates the **Federal Register** as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge as one of the databases on GPO Access, a service of the U.S. Government Printing Office.

The online edition of the **Federal Register** [www.gpoaccess.gov/nara](http://www.gpoaccess.gov/nara), available through GPO Access, is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward.

For more information about GPO Access, contact the GPO Access User Support Team, call toll free 1-888-293-6498; DC area 202-512-1530; fax at 202-512-1262; or via e-mail at [gpoaccess@gpo.gov](mailto:gpoaccess@gpo.gov). The Support Team is available between 7:00 a.m. and 9:00 p.m. Eastern Time, Monday–Friday, except official holidays.

The annual subscription price for the **Federal Register** paper edition is \$749 plus postage, or \$808, plus postage, for a combined **Federal Register**, **Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is \$165, plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily **Federal Register**, including postage, is based on the number of pages: \$11 for an issue containing less than 200 pages; \$22 for an issue containing 200 to 400 pages; and \$33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for \$3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, see [bookstore.gpo.gov](http://bookstore.gpo.gov).

There are no restrictions on the republication of material appearing in the **Federal Register**.

**How To Cite This Publication:** Use the volume number and the page number. Example: 70 FR 12345.

**Postmaster:** Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Printing Office, Washington DC 20402, along with the entire mailing label from the last issue received.

## SUBSCRIPTIONS AND COPIES

### PUBLIC

#### Subscriptions:

Paper or fiche 202-512-1800  
Assistance with public subscriptions 202-512-1806

**General online information** 202-512-1530; 1-888-293-6498

#### Single copies/back copies:

Paper or fiche 202-512-1800  
Assistance with public single copies 1-866-512-1800  
(Toll-Free)

### FEDERAL AGENCIES

#### Subscriptions:

Paper or fiche 202-741-6005  
Assistance with Federal agency subscriptions 202-741-6005

### FEDERAL REGISTER WORKSHOP

#### THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

**FOR:** Any person who uses the Federal Register and Code of Federal Regulations.

**WHO:** Sponsored by the Office of the Federal Register.

**WHAT:** Free public briefings (approximately 3 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

**WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

**WHEN:** Tuesday, Tuesday, July 19, 2005  
9:00 a.m.–Noon

**WHERE:** Office of the Federal Register  
Conference Room, Suite 700  
800 North Capitol Street, NW.  
Washington, DC 20002

**RESERVATIONS:** (202) 741-6008



# Contents

Federal Register

Vol. 70, No. 96

Thursday, May 19, 2005

## Agricultural Marketing Service

### RULES

Plant Variety Protection Office; fee increase, 28783–28786

## Agriculture Department

See Agricultural Marketing Service

See Forest Service

See Rural Utilities Service

## Alcohol and Tobacco Tax and Trade Bureau

### PROPOSED RULES

Alcohol; viticultural area designations:

Livermore Valley, Alameda County, CA, 28873–28878

San Antonio Valley, Monterey County, CA, 28865–28870

San Francisco Bay and Central Coast, CA, 28870–28873

Wahluke Slope, Grant County, WA, 28861–28865

### NOTICES

Agency information collection activities; proposals, submissions, and approvals, 28982–28983

## Alcohol, Tobacco, Firearms, and Explosives Bureau

### NOTICES

Agency information collection activities; proposals, submissions, and approvals, 28957

## Antitrust Modernization Commission

### NOTICES

Reports and guidance documents; availability, etc.:  
Antitrust laws modernization, 28902–28907

## Army Department

See Engineers Corps

## Arts and Humanities, National Foundation

See National Foundation on the Arts and the Humanities

## Centers for Disease Control and Prevention

### NOTICES

Meetings:

Disease, Disability, and Injury Prevention and Control

Special Emphasis Panel, 28946

## Centers for Medicare & Medicaid Services

### PROPOSED RULES

Medicare:

Skilled nursing facilities; prospective payment system and consolidated billing; update, 29070–29162

## Coast Guard

### RULES

Ports and waterways safety; regulated navigation areas, safety zones, security zones, etc.:

Portland Captain of Port Zone, OR, 28826

### NOTICES

Meetings:

Merchant Mariner; identity security and modernization, 28947–28949

## Commerce Department

See National Institute of Standards and Technology

See National Oceanic and Atmospheric Administration

## Defense Department

See Engineers Corps

## NOTICES

Arms sales notification; transmittal letter, etc., 28911–28920

Federal Acquisition Regulation (FAR):

Agency information collection activities; proposals, submissions, and approvals, 28920–28921

Meetings:

National Security Education Board, 28921

## Education Department

### NOTICES

Agency information collection activities; proposals, submissions, and approvals, 28926–28927

## Employment and Training Administration

### NOTICES

Adjustment assistance; applications, determinations, etc.:

Acco Chain and Lifting Products, 28959

AVX Corp., 28959

Bic Corp., 28959

Brandon Hosiery, et al., 28959–28961

Cedar Creek Corp., 28961

Citicorp Credit Services, Inc., 28961

Gaylord Inland, 28961

Neat Feet Hosiery, Inc., 28961

Source Electronics Corp., 28961

Stoneridge Control Devices, 28961

## Energy Department

See Energy Efficiency and Renewable Energy Office

See Federal Energy Regulatory Commission

### NOTICES

Committees; establishment, renewal, termination, etc.:

Basic Energy Sciences Advisory Committee, 28927

Recommendations:

Nuclear material; storage and handling outside engineered contamination barriers; safe packaging criteria, 28927–28930

## Energy Efficiency and Renewable Energy Office

### NOTICES

Consumer products; energy conservation program:

Fujitsu General Ltd.; waiver from air conditioner and heat pump test procedures, 28930

## Engineers Corps

### NOTICES

Environmental statements; notice of intent:

Caminada and Shell Island Restoration Feasibility Study, LA, 28921–28923

Kissimmee River Restoration Project, FL, 28923–28924

North Topsail Beach, NC, 28924–28926

## Environmental Protection Agency

### RULES

Air quality implementation plans; approval and promulgation; various States:

California, 28826–28829

District of Columbia; correction, 28988

### PROPOSED RULES

Air quality implementation plans; approval and promulgation; various States:

California, 28878

**NOTICES**

Agency information collection activities; proposals, submissions, and approvals, 28934–28936

**Equal Employment Opportunity Commission****NOTICES**

Meetings; Sunshine Act, 28936

**Executive Office of the President**

See Presidential Documents

**Federal Accounting Standards Advisory Board****NOTICES**

Meetings:

Federal Accounting Standards Advisory Board, 28936–28937

**Federal Aviation Administration****RULES**

Airports:

Airport noise compatibility planning, 29066–29067

Air traffic operating and flight rules, etc.:

Ronald Reagan Washington National Airport, VA; commuter aircraft definition, 29062–29063

Airworthiness directives:

Boeing, 28793–28806

General Electric, 28806–28808

Turbomeca, 28791–28793

**PROPOSED RULES**

Airworthiness directives:

Boeing; correction, 28988

Bombardier; correction, 28988

Cessna Aircraft Co., 28857–28859

Tiger Aircraft, LLC, 28854–28856

Commercial space transportation:

Miscellaneous changes, 29164–29168

**Federal Energy Regulatory Commission****NOTICES**

Electric rate and corporate regulation filings, 28931–28933

**Federal Mine Safety and Health Review Commission****NOTICES**

Meetings; Sunshine Act, 28962

**Federal Motor Carrier Safety Administration****PROPOSED RULES**

Motor carrier safety standards:

Unified Registration System, 28990–29060

**Federal Reserve System****NOTICES**

Banks and bank holding companies:

Change in bank control, 28937

Formations, acquisitions, and mergers, 28937

Permissible nonbanking activities, 28937

**Federal Trade Commission****NOTICES**

Agency information collection activities; proposals, submissions, and approvals, 28937–28943

Premerger notification waiting periods; early terminations, 28944–28945

**Fish and Wildlife Service****PROPOSED RULES**

Endangered and threatened species:

Findings on petitions, etc.—

Mexican bobcat, 28895–28900

**NOTICES**

Agency information collection activities; proposals, submissions, and approvals, 28950–28951

Endangered and threatened species permit applications, 28951–28952

Environmental statements; availability, etc.:

Driftless Area National Wildlife Refuge, 28952–28953

Wild Bird Conservation Act:

Blue-eyed cockatoo; breeding program, 28953

**Food and Drug Administration****NOTICES**

Reports and guidance documents; availability, etc.:

Nonclinical Studies for Safety Evaluation of Pharmaceutical Excipients, 28946–28947

**Forest Service****NOTICES**

Meetings:

Resource Advisory Committees—

Ravalli County, 28901

Resource management plans, etc.:

Clearwater and Nez Perce National Forests, 28901

Kootenai and Idaho Panhandle National Forests, 28901–28902

Western Montana Planning Zone, 28902

**General Services Administration****NOTICES**

Federal Acquisition Regulation (FAR):

Agency information collection activities; proposals, submissions, and approvals, 28920–28921

Federal Management Regulation:

Web Site location for annual motor vehicle reports, 28945

**Health and Human Services Department**

See Centers for Disease Control and Prevention

See Centers for Medicare & Medicaid Services

See Food and Drug Administration

**NOTICES**

Agency information collection activities; proposals, submissions, and approvals, 28946

**Homeland Security Department**

See Coast Guard

**Housing and Urban Development Department****NOTICES**

Privacy Act:

Computer matching programs, 28949–28950

**Indian Affairs Bureau****PROPOSED RULES**

Indian tribes, acknowledgment of existence determinations, etc.:

Western Shoshone, 28859–28861

**NOTICES**

Indian entities recognized as eligible to receive services from BIA; list, 28953–28954

**Interior Department**

See Fish and Wildlife Service

See Indian Affairs Bureau

See Minerals Management Service

See Surface Mining Reclamation and Enforcement Office

**Internal Revenue Service****RULES**

Income taxes:

Personal property exchanges, 28818–28820

**NOTICES**

Agency information collection activities; proposals, submissions, and approvals, 28983–28987

**Justice Department**

See Alcohol, Tobacco, Firearms, and Explosives Bureau  
See Justice Programs Office

**NOTICES**

Pollution control; consent judgments:

Abeldgaard, 28956

Gorman Park Properties, et al., 28956

W.J. Sherard Co., 28956–28957

**Justice Programs Office****NOTICES**

Agency information collection activities; proposals, submissions, and approvals, 28957–28959

**Labor Department**

See Employment and Training Administration

**Maritime Administration****RULES**

Merchant Marine training:

Maritime education and training, 28829–28833

**Minerals Management Service****NOTICES**

Environmental statements; availability, etc.:

Gulf of Mexico OCS—

Oil and gas operations, 28954–28955

**Mine Safety and Health Federal Review Commission**

See Federal Mine Safety and Health Review Commission

**National Aeronautics and Space Administration****RULES**

Grant and cooperative agreement handbook:

Research misconduct defined; agency requirements implemented, 28808–28809

**NOTICES**

Federal Acquisition Regulation (FAR):

Agency information collection activities; proposals, submissions, and approvals, 28920–28921

**National Foundation on the Arts and the Humanities****NOTICES**

Meetings:

Arts Advisory Panel, 28962

Federal Advisory Committee on International Exhibitions, 28962

**National Highway Traffic Safety Administration****RULES**

Motor vehicle theft prevention standard:

Response to petitions for reconsideration, 28843–28852

**PROPOSED RULES**

Motor vehicle safety standards:

Occupant crash protection—

Attaching child restraints to the LATCH system for the suppression test, 28878–28888

Tires; performance requirements, 28888–28895

**National Institute of Standards and Technology****NOTICES**

Information processing standards, Federal:

Withdrawal of FIPS 46-3, Fips 74, and FIPS 81, 28907–28908

Trade workshops:

Request for technical input, 28909

**National Oceanic and Atmospheric Administration****RULES**

Fishery conservation and management:

West Coast States and Western Pacific fisheries—  
Pacific Coast groundfish, 28852–28853

**NOTICES**

Permits:

Marine mammals, 28909–28911

**National Prison Rape Elimination Commission****NOTICES**

Meetings, 28962

**National Science Foundation****NOTICES**

Meetings; Sunshine Act, 28962–28963

**Nuclear Regulatory Commission****NOTICES**

Environmental statements; availability, etc.:

Allegheny General Hospital, PA, 28963

Princeton Healthcare System, NJ, 28964

Meetings:

Reactor Safeguards Advisory Committee, 28964–28965

**Personnel Management Office****RULES**

Presidential Management Fellows Program, 28775–28783

**Pipeline and Hazardous Materials Safety Administration****RULES**

Pipeline safety:

Pipeline Operator Public Awareness Program, 28833–28843

**PROPOSED RULES**

Hazardous materials transportation:

Infectious substances; United Nations recommendations harmonization, 29170–29187

**Presidential Documents****ADMINISTRATIVE ORDERS**

Government agencies and employees:

Office of Personnel Management; designation of officers to act as Director (Memorandum of May 5, 2005), 28773–28774

**Regulatory Information Service Center****PROPOSED RULES**

Introduction to Unified Agenda of Federal Regulatory and

Deregulatory Actions

Correction, 28988

**Rural Utilities Service****RULES**

Grants:

Household Water Well System Program, 28786–28791

**Securities and Exchange Commission****NOTICES**

Agency information collection activities; proposals, submissions, and approvals, 28965

Securities:

Suspension of trading—

Sino Silver Corp., 28965

Self-regulatory organizations; proposed rule changes:

American Stock Exchange LLC, 28965–28968

Chicago Board Options Exchange, Inc., 28968–28969  
 Chicago Stock Exchange, Inc., 28969–28970  
 National Association of Securities Dealers, Inc., 28970–  
 28973  
 National Stock Exchange, Inc., 28973–28974

### Small Business Administration

#### NOTICES

Meetings:

Regional Fairness Boards—  
 Region V; hearing, 28974–28975

Reports and guidance documents; availability, etc.:

Innovation Research Program Policy Directive, 28975–  
 28979

### Social Security Administration

#### RULES

Social security benefits:

Federal old age, survivors, and disability insurance—  
 Earnings; retirement beneficiaries annual test, 28809–  
 28815

### State Department

#### RULES

Exchange Visitor Program

Professor and research scholar participation, 28815–  
 28818

#### NOTICES

Arms Export Control Act:

Countries not cooperating fully with U.S. antiterrorism  
 efforts; determination and certification; congressional  
 notification, 28979

### Surface Mining Reclamation and Enforcement Office

#### RULES

Permanent program and abandoned mine land reclamation  
 plan submissions:  
 Illinois, 28820–28824

### Surface Transportation Board

#### NOTICES

Agency information collection activities; proposals,  
 submissions, and approvals, 28979–28982

Rail carriers:

Waybill data; release for use, 28982

Railroad operation, acquisition, construction, etc.:

Illinois Central Railroad Co., 28982

### Tennessee Valley Authority

#### NOTICES

Agency information collection activities; proposals,  
 submissions, and approvals, 28979

### Transportation Department

See Federal Aviation Administration

See Federal Motor Carrier Safety Administration  
 See Maritime Administration  
 See National Highway Traffic Safety Administration  
 See Pipeline and Hazardous Materials Safety  
 Administration  
 See Surface Transportation Board

### Treasury Department

See Alcohol and Tobacco Tax and Trade Bureau  
 See Internal Revenue Service

#### RULES

Practice and procedure:

Practice before Internal Revenue Service, 28824–28826

### Separate Parts In This Issue

#### Part II

Transportation Department, Federal Motor Carrier Safety  
 Administration, 28990–29060

#### Part III

Transportation Department, Federal Aviation  
 Administration, 29062–29063

#### Part IV

Transportation Department, Federal Aviation  
 Administration, 29066–29067

#### Part V

Health and Human Services Department, Centers for  
 Medicare & Medicaid Services, 29070–29162

#### Part VI

Transportation Department, Federal Aviation  
 Administration, 29164–29168

#### Part VII

Transportation Department, Pipeline and Hazardous  
 Materials Safety Administration, 29170–29187

### Reader Aids

Consult the Reader Aids section at the end of this issue for  
 phone numbers, online resources, finding aids, reminders,  
 and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents  
 LISTSERV electronic mailing list, go to <http://listserv.access.gpo.gov>  
 and select Online mailing list  
 archives, FEDREGTOC-L, Join or leave the list (or change  
 settings); then follow the instructions.

**CFR PARTS AFFECTED IN THIS ISSUE**

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

<b>3CFR</b>	195.....	28833
<b>Administrative Orders:</b>	541.....	28843
<b>Memorandums:</b>	543.....	28843
<b>Memorandum of March</b>	545.....	28843
11, 2003		
(Superceded by		
Memorandum of		
May 5, 2005).....	28773	
<b>Memorandum of May</b>		
5, 2005.....	28773	
<b>5 CFR</b>		
213.....	28775	
297.....	28775	
315.....	28775	
334.....	28775	
362.....	28775	
537.....	28775	
550.....	28775	
<b>7 CFR</b>		
97.....	28783	
1776.....	28786	
<b>14 CFR</b>		
39 (7 documents) .....	28791,	
28793, 28795, 28797, 28800,		
28803, 28806		
93.....	29062	
150.....	29066	
1260.....	28808	
1273.....	28808	
1274.....	28808	
<b>Proposed Rules:</b>		
39 (4 documents) .....	28854,	
28857, 28988		
401.....	29164	
404.....	29164	
413.....	29164	
415.....	29164	
420.....	29164	
<b>20 CFR</b>		
404.....	28809	
<b>22 CFR</b>		
62.....	28815	
<b>25 CFR</b>		
<b>Proposed Rules:</b>		
61.....	28859	
<b>26 CFR</b>		
1.....	28818	
<b>27 CFR</b>		
<b>Proposed Rules:</b>		
9 (4 documents) .....	28861,	
28865, 28870, 28873		
<b>30 CFR</b>		
913.....	28820	
<b>31 CFR</b>		
10.....	28824	
<b>33 CFR</b>		
165.....	28826	
<b>40 CFR</b>		
52 (2 documents) .....	28826,	
28988		
<b>Proposed Rules:</b>		
52.....	28878	
<b>42 CFR</b>		
<b>Proposed Rules:</b>		
424.....	29070	
<b>46 CFR</b>		
310.....	28829	
<b>49 CFR</b>		
192.....	28833	