



# Federal Register

---

5-12-09

Vol. 74 No. 90

Tuesday

May 12, 2009

Pages 22089-22416



The **FEDERAL REGISTER** (ISSN 0097-6326) is published daily, Tuesday 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.federalregister.gov](http://www.federalregister.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: U.S. Government Printing Office—New Orders, P.O. Box 979050, St. Louis, MO 63197-9000; 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: 74 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, June 9, 2009  
9:00 a.m.–12:30 p.m.

**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. 74, No. 90

Tuesday, May 12, 2009

## Agricultural Marketing Service

### PROPOSED RULES

Tart Cherries Grown in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin, 22112–22123

## Agriculture Department

See Agricultural Marketing Service

See Animal and Plant Health Inspection Service

See Commodity Credit Corporation

See Forest Service

### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 22152  
Correction, 22152–22153

## Animal and Plant Health Inspection Service

### RULES

Importation of Cattle from Mexico; Addition of Port at San Luis, AZ; Correction, 22090–22091

### PROPOSED RULES

Phytosanitary Treatments; Location of and Process for Updating Treatment Schedules, 22318–22345

## Centers for Disease Control and Prevention

### NOTICES

Meetings:

Board of Scientific Counselors, National Center for Injury Prevention and Control, 22173

## Centers for Medicare & Medicaid Services

### PROPOSED RULES

Medicare Program:

Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities for FY 2010, etc., 22208–22316

## Coast Guard

### RULES

Security Zones:

Escorted Vessels, Mobile, AL, Captain of the Port Zone, 22100–22103

Special Local Regulation for Marine Events:

Temporary Change of Dates for Recurring Marine Events in the Fifth Coast Guard District, 22095–22100

### PROPOSED RULES

Special Local Regulation for Marine Events:

Temporary Change of Dates for Recurring Marine Event in the Fifth Coast Guard District, 22142–22145

### NOTICES

Applications:

National Boating Safety Advisory Council; Vacancies, 22174

## Commerce Department

See International Trade Administration

See National Oceanic and Atmospheric Administration

See National Telecommunications and Information Administration

### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 22153–22154

## Commodity Credit Corporation

### RULES

Technical Assistance for Specialty Crops, 22089–22090

## Consumer Product Safety Commission

### NOTICES

Stay of Enforcement Pertaining to Youth Motorized Recreational Vehicles, 22154–22158

## Education Department

### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 22158–22162

## Environmental Protection Agency

### PROPOSED RULES

Stay of Clean Air Interstate Rule for Minnesota:

Stay of Federal Implementation Plan to Reduce Interstate Transport of Fine Particulate Matter and Ozone, 22147–22151

### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 22162–22164

Meetings:

Board of Scientific Counselors, Executive Committee, 22164–22165

Chartered Science Advisory Board; Teleconference, 22165–22166

## Federal Aviation Administration

### RULES

Airworthiness Directives:

Rolls-Royce Corporation (RRC) AE 3007A Series Turbofan Engines, 22091–22093

Establishment of Class E Airspace:

Rushville, NE, 22093–22094

### PROPOSED RULES

Airworthiness Directives

Bombardier Model CL 600 2C10 (Regional Jet Series 700 and 701) Airplanes and CL–600–2D24 (Regional Jet Series 900) Airplanes, 22123–22125

Airworthiness Directives:

EADS PZL Warszawa Okęcie S.A. Model PZL 104 WILGA 80 Airplanes, 22127–22129

SOCATA Model TBM 700 Airplanes, 22125–22127

### NOTICES

Meetings:

NextGen Mid-Term Implementation Task Force; Cancellation, 22201

RTCA Special Committee 205/EUROCAE Working Group 71, 22201–22202

## Federal Communications Commission

### RULES

Assessment and Collection of Regulatory Fees for 2008 Fiscal Year, 22104–22111

### NOTICES

Auction of FM Broadband Radio Service (BRS) Licenses Scheduled for October 27, 2009:

Comment Sought on Competitive Bidding Procedures for Auction 86, 22166–22170

**Federal Emergency Management Agency****PROPOSED RULES**

Proposed Flood Elevation Determinations; Correction,  
22151

**Federal Highway Administration****NOTICES**

Limitation on Claims:  
Fort Drum Connector, Towns of Le Ray and Pamela,  
Jefferson County, NY, 22200–22201

**Federal Railroad Administration****NOTICES**

Waiver Compliance Petitions:  
Hoosier Valley Railroad Museum, Inc., 22203

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

Meetings; Sunshine Act, 22170

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

Agency Information Collection Activities; Proposals,  
Submissions, and Approvals, 22396–22399

**Financial Crimes Enforcement Network****PROPOSED RULES**

Amendment to the Bank Secrecy Act Regulations:  
Definitions and Other Regulations Relating to Money  
Services Businesses, 22129–22142

**Fish and Wildlife Service****NOTICES**

Final Comprehensive Conservation Plan, etc.:  
12 National Wildlife Refuges in North Dakota, 22176–  
22177

**Forest Service****NOTICES**

Meetings:  
Central Idaho Resource Advisory Committee, 22153

**Health and Human Services Department**

*See* Centers for Disease Control and Prevention

*See* Centers for Medicare & Medicaid Services

*See* National Institutes of Health

**NOTICES**

Meetings:  
Federal Coordinating Council on Comparative  
Effectiveness Research, 22171–22172  
National Biodefense Science Board; Public  
Teleconference, 22170–22171

**Homeland Security Department**

*See* Coast Guard

*See* Federal Emergency Management Agency

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

Agency Information Collection Activities; Proposals,  
Submissions, and Approvals, 22174–22175  
Funding Availability for American Recovery and  
Reinvestment Act Capital Fund Recovery Competition  
Grants, 22175

**Interior Department**

*See* Fish and Wildlife Service

*See* Land Management Bureau

*See* National Park Service

*See* Reclamation Bureau

**International Trade Administration****RULES**

Mexican Cement Import Licensing System, 22094–22095

**International Trade Commission****NOTICES**

Investigations:  
Circular Welded Carbon Quality Steel Line Pipe from  
China, 22178

**Land Management Bureau****NOTICES**

Meetings:  
Utah Resource Advisory Council/Recreation RAC, 22177

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

Federal Motor Vehicle Safety Standards:  
Roof Crush Resistance; Phase-In Reporting Requirements,  
22348–22393

**NOTICES**

Petition for Decision of Inconsequential Noncompliance:  
American Honda Motor Co., Inc., 22202–22203

**National Institutes of Health****NOTICES**

Agency Information Collection Activities; Proposals,  
Submissions, and Approvals, 22172

**Meetings:**

National Center for Complementary and Alternative  
Medicine, 22174

National Institute of Mental Health, 22172–22173

**National Oceanic and Atmospheric Administration****NOTICES**

Agency Information Collection Activities; Proposals,  
Submissions, and Approvals, 22154

**National Park Service****NOTICES**

Meetings:  
National Preservation Technology and Training Board,  
22177–22178

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

Agency Information Collection Activities; Proposals,  
Submissions, and Approvals, 22178–22179

**National Telecommunications and Information Administration****NOTICES**

Low-Power Television and Translator Upgrade Program:  
Availability of Funds, 22402–22415

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

Applications and Amendments to Facility Operating  
Licenses Involving Proposed No Significant Hazards  
Considerations, etc., 22179–22184

Establishment of Atomic Safety and Licensing Boards:

South Texas Project Nuclear Operating Co., 22184

Meetings; Sunshine Act, 22184–22185

**Postal Regulatory Commission****NOTICES**

Global Direct Contracts Agreement, 22185–22186

**Postal Service****NOTICES**

Privacy Act; Systems of Records, 22186–22188

**Public Debt Bureau****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 22203–22205

**Reclamation Bureau****NOTICES**

Environmental Impact Statements; Availability, etc.:  
North Bay Water Recycling Program (formerly North San Pablo Bay Restoration and Reuse Project), California, 22175–22176

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

Meetings; Sunshine Act, 22189–22190  
Self-Regulatory Organizations; Proposed Rule Changes:  
Chicago Board Options Exchange, Inc., 22195–22196  
NASDAQ OMX BX, Inc., 22198–22199  
NASDAQ OMX PHLX, Inc., 22190–22191  
NASDAQ Stock Market LLC, 22191–22194, 22197–22198  
New York Stock Exchange LLC, 22194–22195

**Small Business Administration****NOTICES**

Disaster Declarations:  
Alabama, 22188–22189  
Florida, 22189  
Georgia, 22189

**State Department****NOTICES**

Culturally Significant Objects Imported for Exhibition  
Determinations:  
Lords of the Samurai; Legacy of a Daimyo Family, 22199–22200  
Ron Arad; No Discipline, 22200

**Transportation Department**

See Federal Aviation Administration  
See Federal Highway Administration  
See Federal Railroad Administration

See National Highway Traffic Safety Administration

**Treasury Department**

See Financial Crimes Enforcement Network  
See Public Debt Bureau

**Veterans Affairs Department****RULES**

Reimbursement for Interment Costs, 22103–22104

**PROPOSED RULES**

Loan Guaranty:  
Assistance to Eligible Individuals in Acquiring Specially Adapted Housing; Cost-of-Construction Index, 22145–22147

**Separate Parts In This Issue****Part II**

Health and Human Services Department, Centers for Medicare & Medicaid Services, 22208–22316

**Part III**

Agriculture Department, Animal and Plant Health Inspection Service, 22318–22345

**Part IV**

Transportation Department, National Highway Traffic Safety Administration, 22348–22393

**Part V**

Federal Trade Commission, 22396–22399

**Part VI**

Commerce Department, National Telecommunications and Information Administration, 22402–22415

**Reader Aids**

Consult the Reader Aids section at the end of this page 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.

**7 CFR**

1487 .....22089

**Proposed Rules:**

301 .....22318

305 .....22318

318 .....22318

319 .....22318

330 .....22318

352 .....22318

930 .....22112

**9 CFR**

93 .....22090

**14 CFR**

39 .....22091

71 .....22093

**Proposed Rules:**39 (3 documents) .....22123,  
22125, 22127**19 CFR**

361 .....22094

**31 CFR****Proposed Rules:**

103 .....22129

**33 CFR**

100 .....22095

165 .....22100

**Proposed Rules:**

100 .....22142

**38 CFR**

3 .....22103

**Proposed Rules:**

36 .....22145

**40 CFR****Proposed Rules:**

51 .....22147

52 .....22147

**42 CFR****Proposed Rules:**

483 .....22208

**44 CFR****Proposed Rules:**

67 .....22151

**47 CFR**

1 .....22104

**49 CFR**

571 .....22348

585 .....22348