



Federal Register

8-19-09

Vol. 74 No. 159

Wednesday

Aug. 19, 2009

Pages 41787-42024



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.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, 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. 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.

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, September 15, 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. 159

Wednesday, August 19, 2009

Advisory Council on Historic Preservation

See Historic Preservation, Advisory Council

Agency for Healthcare Research and Quality

NOTICES

Intent to Publish Grant and Contract Solicitations for Comparative Effectiveness Research Projects, etc., 41913–41914

Agriculture Department

See Food and Nutrition Service

See Forest Service

Army Department

NOTICES

Privacy Act; Systems of Records, 41877–41878

Centers for Disease Control and Prevention

PROPOSED RULES

Possession, Use, and Transfer of Select Agents and Toxins—Chapare virus, 41829–41831

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 41913

Coast Guard

RULES

Drawbridge Operation Regulations:
Franklin Canal, Franklin, LA, 41789–41790
Gowanus Canal, Brooklyn, NY, Maintenance, 41790
Gulf Intracoastal Waterway, Sargent, TX, 41790–41791

PROPOSED RULES

Drawbridge Operation Regulations:
Franklin Canal, Franklin, LA, 41816–41818

Commerce Department

See International Trade Administration

See National Oceanic and Atmospheric Administration

Comptroller of the Currency

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 41973–41981

Consumer Product Safety Commission

NOTICES

Statement of Policy:
Interpretation and Enforcement of Section 103(a) of the Consumer Product Safety Improvement Act, 41868

Defense Department

See Army Department

NOTICES

Meetings:
Defense Acquisition University Board of Visitors, 41868
National Defense University Board of Visitors, 41868
Privacy Act; Systems of Records, 41868–41877

Education Department

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 41878–41879

Employment and Training Administration

PROPOSED RULES

Workforce Investment Act Amendments, 41815–41816

NOTICES

Determinations Regarding Eligibility to Apply for Worker Adjustment Assistance, 41931–41936
Determinations Regarding Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance, 41936–41938

Energy Department

See Federal Energy Regulatory Commission

NOTICES

Meetings:

Environmental Management Site-Specific Advisory Board, Northern New Mexico, 41880
Environmental Management Site-Specific Advisory Board, Portsmouth, 41879–41880

Environmental Protection Agency

RULES

Exemption from the Requirement of a Tolerance:
1,2-ethanediamine, *N,N,N',N'*-tetramethyl-, polymer with 1,1'-oxybis[2-chloroethane], 41794–41798

PROPOSED RULES

Approval and Promulgation of Air Quality Implementation Plans:
California; Motor Vehicle Inspection and Maintenance Program, 41818–41826
Revisions to the California State Implementation Plan:
San Joaquin Valley Unified Air Pollution Control District, 41826–41829
Withdrawal of Proposed Rule Revising the California State Implementation Plan:
San Joaquin Valley Unified Air Pollution Control District, 41829

NOTICES

Access to Confidential Business Information:
Abt Associates Wholly-Owned Subsidiary Abt SRBI, 41882–41883
Coastal Nonpoint Pollution Control Program:
Approval Decision on the New Jersey Coastal Nonpoint Pollution Control Program, 41864
Drinking Water:
Perchlorate Supplemental Request for Comments, 41883–41893
Meetings:
National Advisory Committee for Acute Exposure Guideline Levels for Hazardous Substances, 41893–41894
State FIFRA Issues Research and Evaluation Group, 41894
Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities, 41895–41896
Proposed Acute Exposure Guideline Levels for Hazardous Substances; Availability, 41896–41898
Receipt of Several Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities, 41898–41902

Executive Office of the President

See Presidential Documents

Federal Accounting Standards Advisory Board**NOTICES**

Meetings (August 26–27, 2009), 41907

Federal Aviation Administration**PROPOSED RULES**

Airworthiness Directives:

Empresa Brasileira de Aeronautica S.A. (EMBRAER)
Model EMB 120, 120ER, 120FC, 120QC, and 120RT
Airplanes, 41805–41807

Empresa Brasileira de Aeronautica S.A. (EMBRAER)
Model EMB 135 and Model EMB 145, 145ER,
145MR, 145LR, 145XR, 145MP, and 145EP Airplanes,
41807–41810

Empresa Brasileira de Aeronautica S.A. (EMBRAER)
Model EMB 135BJ, –135ER, –135KE, et al. Airplanes
Modified in Accordance with Brazilian Supplemental
Type Certificate, 41810–41813

McDonnell Douglas Model MD–11 and MD 11F
Airplanes, 41813–41815

Federal Communications Commission**RULES**

Radio Broadcasting Services:

Dulac, LA, 41798–41799

Ten Sleep, WY, 41799

Television Broadcasting Services:

Fond du Lac, WI, 41799–41800

PROPOSED RULES

Radio Broadcasting Services:

Maupin, OR, 41831–41832

Television Broadcasting Services:

Chicago, IL, 41832

NOTICES

Agency Information Collection Activities; Proposals,
Submissions, and Approvals, 41902–41906

Federal Deposit Insurance Corporation**NOTICES**

Agency Information Collection Activities; Proposals,
Submissions, and Approvals, 41973–41981

Federal Emergency Management Agency**NOTICES**

National Flood Insurance Program:

Assistance to Private Sector Property Insurers,

Availability of FY 2010 Arrangement, 41924

Federal Energy Regulatory Commission**NOTICES**

Applications:

Community Hydro, LLC, 41880–41881

Filings:

Freeport LNG Development, L.P. et al., 41881

Initial Market-Based Rate Filing:

RMH Energy, LP, 41881–41882

Federal Maritime Commission**PROPOSED RULES**

Repeal of Marine Terminal Agreement Exemption, 41831

NOTICES

Agreements Filed, 41907

Ocean Transportation intermediary License Applicants,
41907–41908

Federal Motor Carrier Safety Administration**NOTICES**

Petition for Declaratory Order:

Fullington Trailways, LLC, 41970–41971

Qualification of Drivers; Exemption Applications; Vision,
41971–41972

Federal Reserve System**NOTICES**

Agency Information Collection Activities; Proposals,
Submissions, and Approvals, 41973–41981

Change in Bank Control Notices; Acquisition of Shares of
Bank or Bank Holding Companies, 41907

Federal Trade Commission**PROPOSED RULES**

Telemarketing Sales Rule, 41988–42024

NOTICES

Analysis of Proposed Consent Order:

CSE, Inc., et al., 41908–41910

Pure Bamboo LLC et al., 41911–41913

Sami Designs LLC et al., 41910–41911

Fish and Wildlife Service**PROPOSED RULES**

Endangered and Threatened Wildlife and Plants:

12-Month Finding on a Petition to List the Ashy Storm-
Petrel as Threatened or Endangered, 41832–41860

NOTICES

Endangered and Threatened Species Permit Applications,
41927

Environmental Impact Statements; Availability, etc.:

Desert National Wildlife Refuge Complex, Clark, Lincoln,
and Nye Counties, NV; Final Comprehensive
Conservation Plan, 41928–41930

Food and Drug Administration**NOTICES**

Public Workshop:

Methodologies for Post-Approval Studies of Medical
Devices, 41916

Food and Nutrition Service**NOTICES**

Agency Information Collection Activities; Proposals,
Submissions, and Approvals, 41861

Forest Service**NOTICES**

Meetings:

Fresno County Resource Advisory Committee, 41861–
41862

Health and Human Services Department

See Agency for Healthcare Research and Quality

See Centers for Disease Control and Prevention

See Food and Drug Administration

See National Institutes of Health

Historic Preservation, Advisory Council**NOTICES**

Program Comment Issued:

U.S. General Services Administration on Select Envelope
and Infrastructure Repairs and Upgrades to Historic
Public Buildings, 41917–41919

Homeland Security Department

See Coast Guard

See Federal Emergency Management Agency

PROPOSED RULES

Safe-Harbor Procedures for Employers Who Receive a No-
Match Letter; Rescission, 41801–41805

NOTICES

Privacy Act; Systems of Records, 41919–41924

Housing and Urban Development Department**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 41924–41925

Indian Affairs Bureau**NOTICES**

Environmental Impact Statements; Availability, etc.:
Spokane Tribes 2719(b)(1)(A) Application and the
Proposed West Plains Mixed-Use Development
Project, Spokane County, WA, 41928

Indian Gaming, 41930–41931

Interior Department

See Fish and Wildlife Service

See Indian Affairs Bureau

See Land Management Bureau

See National Park Service

International Trade Administration**NOTICES**

Extension of Time Limit for Preliminary Results of
Countervailing Duty Administrative Review:
Carbazole Violet Pigment 23 from India, 41864–41865

Partial Rescission of Ninth Antidumping Duty
Administrative Review:

Polyester Staple Fiber from the Republic of Korea,
41866–41867

Labor Department

See Employment and Training Administration

See Occupational Safety and Health Administration

Land Management Bureau**NOTICES**

Alaska Native Claims Selection, 41925–41927

National Institutes of Health**NOTICES**

Meetings:

Center for Scientific Review, 41915–41916

National Institute of Allergy and Infectious Diseases,
41916

National Institute of Diabetes and Digestive and Kidney
Diseases, 41914

Recombinant DNA Advisory Committee, 41914–41915

National Oceanic and Atmospheric Administration**NOTICES**

Coastal and Estuarine Land Conservation Program:
Re-opening of FY 2010 Competition, 41862–41864

Coastal Nonpoint Pollution Control Program:

Approval Decision on the New Jersey Coastal Nonpoint
Pollution Control Program, 41864

NOAA Ocean and Coastal Mapping Contracting Policy,
41865–41866

Taking and Importing Marine Mammals:

Taking Marine Mammals Incidental to Navy Operations
of Surveillance Towed Array Sensor System Low
Frequency Active Sonar, 41867

National Park Service**NOTICES**

Meetings:

Boston Harbor Islands National Recreation Area Advisory
Council, 41931

Nuclear Regulatory Commission**NOTICES**

Consideration of Issuance of Amendments to Facility
Operating Licenses, etc.:

Virginia Electric and Power Co., 41939–41944

Environmental Impact Statements; Availability, etc.:

Department of the Army, U.S. Army Research,
Development and Engineering Command, Army
Research Laboratory Facility, Aberdeen Proving
Ground, MD, 41944–41946

Standard Review Plan for the Review of a License

Application for a Fuel Cycle Facility, Draft for Public
Comment (Revision 1), 41946–41947

Occupational Safety and Health Administration**NOTICES**

Meetings:

Federal Advisory Council on Occupational Safety and
Health, 41938–41939

Postal Regulatory Commission**RULES**

International Mail, 41791–41794

NOTICES

Postal Service Price Changes, 41947–41948

Presidential Documents**ADMINISTRATIVE ORDERS**

Palestinian Authority; waiver of restrictions on providing
funds (Presidential Determination)

No. 2009–23 of July 8, 2009, 41787

Securities and Exchange Commission**NOTICES**

Agency Information Collection Activities; Proposals,
Submissions, and Approvals, 41948–41949

Order of Suspension of Trading:

Tasty Fries, Inc., 41949

Self-Regulatory Organizations; Proposed Rule Changes:

Chicago Board Options Exchange, Inc., 41953–41955

NASDAQ Stock Market LLC, 41955–41957

NYSE Arca, Inc., 41957–41958

Public Company Accounting Oversight Board, 41950–
41953, 41955

Social Security Administration**NOTICES**

Agency Information Collection Activities; Proposals,
Submissions, and Approvals, 41959–41961

Privacy Act; Computer Matching Program, 41961–41962

Privacy Act; Systems of Records, 41962–41967

State Department**NOTICES**

Waiver of Restriction on Assistance:

Central Government of Maldives, 41967

Central Government of Turkmenistan, 41967

Surface Transportation Board**NOTICES**

Adverse Discontinuance of Rail Service:

Lake County, OR; Modoc Railway and Land Co., LLC and
Modoc Northern Railroad Co., 41969–41970

Trackage Rights Exemption:

CSX Transportation, Inc.; Birmingham Southern Railroad
Co., 41972

Thrift Supervision Office**NOTICES**

Agency Information Collection Activities; Proposals,
Submissions, and Approvals, 41981–41986

Transportation Department

See Federal Aviation Administration

See Federal Motor Carrier Safety Administration

See Surface Transportation Board

NOTICES

Agency Information Collection Activities; Proposals,
Submissions, and Approvals, 41967–41969

Treasury Department

See Comptroller of the Currency

See Thrift Supervision Office

Separate Parts In This Issue**Part II**

Federal Trade Commission, 41988–42024

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.

3 CFR**Administrative Orders:**

Presidential

Determinations:

Presidential

Determination

2009-23 of

July 8, 2009.....41787

8 CFR**Proposed Rules:**

274a.....41801

14 CFR**Proposed Rules:**

39 (4 documents)41805,

41807, 41810, 41813

16 CFR**Proposed Rules:**

310.....41988

20 CFR**Proposed Rules:**

652.....41815

661.....41815

662.....41815

663.....41815

664.....41815

667.....41815

33 CFR

117 (3 documents)41789,

41790

Proposed Rules:

117.....41816

39 CFR

3020.....41791

40 CFR

180.....41794

Proposed Rules:

52 (3 documents)41818,

41826, 41829

42 CFR**Proposed Rules:**

73.....41829

46 CFR**Proposed Rules:**

535.....41831

47 CFR

73 (3 documents)41798,

41799

Proposed Rules:

73 (2 documents)41831,

41832

50 CFR**Proposed Rules:**

17.....41832