



Federal Register

11-13-09

Vol. 74 No. 218

Friday

Nov. 13, 2009

Pages 58533-58842



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



Contents

Federal Register

Vol. 74, No. 218

Friday, November 13, 2009

Actuaries, Joint Board for Enrollment

See Joint Board for Enrollment of Actuaries

Agricultural Marketing Service

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 58597–58598

Agriculture Department

See Agricultural Marketing Service

See Forest Service

See Rural Business–Cooperative Service

Army Department

See Engineers Corps

NOTICES

Record of Decision:

Stationing and Training of Increased Aviation Assets within U.S. Army Alaska, 58617–58618

Centers for Disease Control and Prevention

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 58631–58634

Criteria for Vaccination Requirements for U.S. Immigration Purposes, 58634–58638

Centers for Medicare & Medicaid Services

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 58632–58633

Coast Guard

RULES

Safety Zone and Regulated Navigation Area:

Chicago Sanitary and Ship Canal, Romeoville, IL, 58545–58550

Safety Zones:

Fireworks Displays, Potomac River, National Harbor, MD, 58550–58553

Commerce Department

See National Oceanic and Atmospheric Administration

See Patent and Trademark Office

Commodity Futures Trading Commission

NOTICES

Petition to Exempt Certain Over-The-Counter Agricultural Swaps From Certain Requirements; Request for Comment, 58608–58610

Consumer Product Safety Commission

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 58610–58611

Workshop on Product Testing, 58611–58616

Council on Environmental Quality

PROPOSED RULES

Revision of Freedom of Information Act Regulations, 58576–58584

Defense Department

See Army Department

See Engineers Corps

PROPOSED RULES

Federal Acquisition Regulation:

FAR Case 2008–025, Preventing Personal Conflicts of Interest for Contractor Employees Performing Acquisition Functions, 58584–58589

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 58627–58628

Federal Acquisition Regulation:

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 58628–58630

Energy Department

See Federal Energy Regulatory Commission

Engineers Corps

NOTICES

Environmental Impact Statements; Availability, etc.:

Proposed Construction of Lower Bois d'Arc Creek Reservoir in Fannin County, TX, 58616–58617

Environmental Protection Agency

RULES

Air Quality Designations for the 2006 24-Hour Fine Particle (PM_{2.5}) National Ambient Air Quality Standards, 58688–58781

National Oil and Hazardous Substance Pollution

Contingency Plan; National Priorities List:

Partial Deletion of the California Gulch Superfund Site, 58554–58560

Oil Pollution Prevention:

Spill Prevention, Control, and Countermeasure Rule; Amendments, 58784–58832

Revisions to the Arizona State PM–10 Implementation Plan:

Maricopa County Air Quality Department, 58553–58554

PROPOSED RULES

Emissions Factors Program Improvements, 58574–58575

National Oil and Hazardous Substance Pollution

Contingency Plan; National Priorities List:

Partial Deletion of the California Gulch Superfund Site, 58575–58576

NOTICES

Environmental Impact Statements; Availability, etc., 58625–58626

Meetings:

NACEPT Subcommittee on Promoting Environmental Stewardship, 58626

Environmental Quality Council

See Council on Environmental Quality

Equal Employment Opportunity Commission

NOTICES

Meetings; Sunshine Act, 58626–58627

Senior Executive Service Performance Review Board

Membership, 58627

Executive Office of the President

See Council on Environmental Quality

See Presidential Documents

Federal Aviation Administration

RULES

Airworthiness Directives:

SOCATA Model TBM 700 Airplanes, 58539–58540

PROPOSED RULES

Proposed Establishment and Modification of Class E

Airspace:

Gunnison, CO, 58569–58570

Proposed Establishment of Class E Airspace:

Bonnars Ferry, ID, 58570–58571

Proposed Establishment of Low Altitude Area Navigation

Route (T–284):

Houston, TX, 58571–58573

Proposed Modification of Class E Airspace:

Astoria, OR, 58573–58574

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 58676–58677

Federal Energy Regulatory Commission

NOTICES

Applications:

Bowersock Mills and Power Co., 58619–58620

Domtar Maine LLC, 58620–58621

Ha-Best Inc., 58618–58619

Combined Notice of Filings, 58621–58622

Environmental Impact Statements; Availability, etc.:

Eugene Water and Electric Board, 58624

Gulfstream Natural Gas System LLC, 58622–58624

Filings:

Conectiv Mid Merit, LLC, 58624–58625

Initial Market-Based Rate Filing:

North American Power and Gas, LLC, 58625

Petitions for Rate Approval:

PELICO Pipeline, LLC, 58625

Federal Railroad Administration

RULES

State Highway-Rail Grade Crossing Action Plans, 58560–58562

PROPOSED RULES

State Highway-Rail Grade Crossing Action Plans, 58589–58596

Federal Reserve System

RULES

Availability of Funds and Collection of Checks:

Technical Amendment, 58537–58538

Federal Transit Administration

NOTICES

Proposed Policy Statement:

Eligibility of Pedestrian and Bicycle Improvements under Federal Transit Law, 58678–58681

Fish and Wildlife Service

NOTICES

Multi-Species Habitat Conservation Plan, 58602–58603

Permits:

Commercial Park in Brevard County, FL, 58652–58653

Receipt of 32 Applications for Incidental Take Permits:

Single Family and Duplex Residential Developments on the Fort Morgan Peninsula, Baldwin County, AL, 58653–58654

Food and Drug Administration

NOTICES

Debarment Order:

Michelle Lynn Torgerson, 58639

Medical Devices:

Ophthalmic Devices; Laser-Assisted In Situ

Keratomileusis (LASIK) Devices, Reopening of the Comment Period, 58640

Forest Service

NOTICES

Meetings:

Alpine County Resource Advisory Committee, 58598

Deschutes Provincial Advisory Committee (DPAC), 58598–58599

General Services Administration

PROPOSED RULES

Federal Acquisition Regulation:

FAR Case 2008–025, Preventing Personal Conflicts of Interest for Contractor Employees Performing Acquisition Functions, 58584–58589

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 58627–58628, 58630–58631

Federal Acquisition Regulation:

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 58628–58630

Geological Survey

NOTICES

Meetings:

National Geospatial Advisory Committee, 58652

Health and Human Services Department

See Centers for Disease Control and Prevention

See Centers for Medicare & Medicaid Services

See Food and Drug Administration

See National Institutes of Health

Homeland Security Department

See Coast Guard

Housing and Urban Development Department

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 58640–58644

Federal Property Suitable as Facilities to Assist the Homeless, 58644–58646

Interior Department

See Fish and Wildlife Service

See Geological Survey

See Land Management Bureau

See National Park Service

See Reclamation Bureau

See Surface Mining Reclamation and Enforcement Office

Internal Revenue Service

PROPOSED RULES

Payout Requirements for Type III Supporting Organizations That Are Not Functionally Integrated; Correction, 58574

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 58681–58683

Joint Board for Enrollment of Actuaries**NOTICES**

Meetings:

Federal Advisory Committee, 58654–58655

Justice Department**RULES**Paroling, Recommitting, and Supervising Federal Prisoners:
Prisoners Serving Sentences Under the United States and
District of Columbia Codes, 58540–58544**NOTICES**

Consent Decrees:

United States v. Carlyle Manufacturing Co., Inc., et al.,
58655Lodging of Consent Decree Under the Clean Water Act:
United States and State of Tennessee v. John Wieland
Homes and Neighborhoods, Inc. et al., 58655–58656**Labor Department****NOTICES**Delegation of Authorities and Assignment of
Responsibilities to the Administrator, Wage and Hour
Division, 58836–58838Delegation of Authorities and Assignment of
Responsibilities to the Director, Office of Labor-
Management Standards, 58835–58836Delegation of Authorities and Assignment of
Responsibilities to the Director, Office of Workers'
Compensation Programs, 58834Delegation of Authority and Assignment of Responsibilities
to the Director, Office of Federal Contract Compliance
Programs, 58834–58835**Land Management Bureau****NOTICES**Environmental Impact Statements; Availability, etc.:
Bald Mountain Mine North Operations Area Project,
White Pine County, NV, 58648
Carrizo Plain National Monument, CA, 58647–58648**National Aeronautics and Space Administration****PROPOSED RULES**

Federal Acquisition Regulation:

FAR Case 2008–025, Preventing Personal Conflicts of
Interest for Contractor Employees Performing
Acquisition Functions, 58584–58589**NOTICES**Agency Information Collection Activities; Proposals,
Submissions, and Approvals, 58627–58628

Federal Acquisition Regulation:

Agency Information Collection Activities; Proposals,
Submissions, and Approvals, 58628–58630**National Highway Traffic Safety Administration****RULES**

Federal Motor Vehicle Safety Standards:

Air Brake Systems, 58562–58567

National Institutes of Health**NOTICES**

Meetings:

National Institute of General Medical Sciences, 58640
Office of the Director, National Institutes of Health;
Correction, 58640**National Oceanic and Atmospheric Administration****RULES**Extension of Emergency Fishery Closure Due to the
Presence of the Toxin that Causes Paralytic Shellfish
Poisoning:Magnuson-Stevens Fishery Conservation and
Management Act Provisions; Fisheries of the
Northeastern United States, 58567–58568**NOTICES**

Incidental Taking of Marine Mammals:

Explosive Removal of Offshore Structures in the Gulf of
Mexico, 58600

Meetings:

Gulf of Mexico Fishery Management Council, 58601–
58602North Pacific Fishery Management Council, 58600–58601
Multi-Species Habitat Conservation Plan, 58602–58603

New NOAA Cooperative Institutes (CIs):

A CI to Support NOAA Research Facilities in the Pacific
Northwest, etc., 58603–58607

Permits:

Endangered Species; File No. 14634, 58607

National Park Service**NOTICES**

Intent to Repatriate a Cultural Item:

Oregon Historical Society, Portland, OR, 58649–58650

Inventory Completion:

Riverside Metropolitan Museum, Riverside, CA, 58650–
58651U.S. Department of the Interior, National Park Service,
Pecos National Historical Park, Pecos, NM, 58651–
58652**Nuclear Regulatory Commission****NOTICES**

Acceptance of Renewal Application:

Idaho State University, etc., 58656–58660

Applications; Withdrawals:

Amendment to Facility Operating License; Tennessee
Valley Authority, 58660

Environmental Impact Statements; Availability, etc.:

FPL Energy Duane Arnold LLC; Duane Arnold Energy
Center, 58660–58661

Issuance of Renewed Facility Operating License:

FirstEnergy Nuclear Operating Co.; Beaver Valley Power
Station (Units 1 and 2), 58661**Patent and Trademark Office****NOTICES**

Agency Information Collection Activities; Proposals,

Submissions, and Approvals, 58599–58600

Pension Benefit Guaranty Corporation**RULES**Benefits Payable in Terminated Single-Employer Plans;
Interest Assumptions for Valuing and Paying Benefits,
58544–58545**Postal Regulatory Commission****NOTICES**Competitive Products Price and Classification Changes,
58661–58663**Presidential Documents****EXECUTIVE ORDERS**

Government Agencies and Employees:

Veterans; Employment in the Federal Government (EO
13518), 58533–58536

ADMINISTRATIVE ORDERS

Iran; Continuation of National Emergency (Notice of November 12, 2009), 58839–58841

Reclamation Bureau**NOTICES**

Environmental Impact Statements; Availability, etc.:
New Central Valley Project Water Service Contract, El Dorado County Water Agency, El Dorado County, CA, 58648–58649

Rural Business–Cooperative Service**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 58598

Securities and Exchange Commission**NOTICES**

Self-Regulatory Organizations; Proposed Rule Changes:
International Securities Exchange, LLC, 58674–58675
NASDAQ OMX BX, Inc., 58666–58668, 58671–58672
NASDAQ Stock Market LLC, 58672–58674
New York Stock Exchange LLC, 58665–58666
NYSE Amex LLC, 58670–58671
NYSE Arca, Inc., 58664–58665, 58668–58670

Small Business Administration**NOTICES**

Disaster Declarations:
Indiana, 58663
Pennsylvania, 58663

State Department**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 58675
Meetings:
Defense Trade Advisory Group, 58675–58676

Surface Mining Reclamation and Enforcement Office**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 58646–58647

Surface Transportation Board**NOTICES**

Lease and Operation Exemption:
Charleston, Blue Creek and Sanderson Railway Co.;
Norfolk Southern Railway Co., 58677–58678

Transportation Department

See Federal Aviation Administration
See Federal Railroad Administration
See Federal Transit Administration
See National Highway Traffic Safety Administration
See Surface Transportation Board

Treasury Department

See Internal Revenue Service

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 58681

Veterans Affairs Department**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 58683–58685

Separate Parts In This Issue**Part II**

Environmental Protection Agency, 58688–58781

Part III

Environmental Protection Agency, 58784–58832

Part IV

Labor Department, 58834–58838

Part V

Presidential Documents, 58839–58841

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**Executive Orders:**

13518.....58533

Administrative Orders:**Notices:**

Notice of November

12, 2009.....58841

12 CFR

229.....58537

14 CFR

39.....58539

Proposed Rules:71 (4 documents)58569,
58570, 58571, 58573**26 CFR****Proposed Rules:**

1.....58574

53.....58574

28 CFR

2.....58540

29 CFR

4022.....58544

33 CFR

165 (2 documents)58545

40 CFR

52.....58553

81.....58687

112.....58783

300.....58554

Proposed Rules:

60.....58574

61.....58574

63.....58574

300.....58575

1515.....58576

48 CFR**Proposed Rules:**

3.....58584

52.....58584

49 CFR

234.....58560

571.....58562

Proposed Rules:

234.....58589

50 CFR

648.....58567