



Federal Register

7-23-10

Vol. 75 No. 141

Friday

July 23, 2010

Pages 43031-43394



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: 75 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 14, 2010
9 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. 75, No. 141

Friday, July 23, 2010

Administration on Aging

See Aging Administration

Agency for Healthcare Research and Quality

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 43169–43172

Meetings:

Healthcare Policy and Research Special Emphasis Panel, 43182

Agency for Toxic Substances and Disease Registry

NOTICES

Charter Renewal:

Board of Scientific Counselors, National Center for Environmental Health, 43172

Aging Administration

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 43168

Agricultural Marketing Service

RULES

Changes to District Boundaries:

Kiwifruit Grown in California, 43038–43039

Modification of the Aflatoxin Regulations:

Pistachios Grown in California, Arizona, and New Mexico, 43045–43049

National Sheep Industry Improvement Center, 43031–43037

Suspension of Reporting and Assessment Requirements:

Fresh Prunes Grown in Designated Counties in Washington and in Umatilla County, OR, 43039–43042

Temporary Changes to the Handling Regulations and Reporting Requirements:

Irish Potatoes Grown in Washington, 43042–43045

NOTICES

United States Standards for Grades of Frozen Vegetables, 43141–43142

United States Standards for Grades of Refried Beans; Withdrawal, 43142–43143

Agriculture Department

See Agricultural Marketing Service

See Food Safety and Inspection Service

See Foreign Agricultural Service

See Forest Service

RULES

Revision of Delegations of Authority, 43366–43393

Blind or Severely Disabled, Committee for Purchase From People Who Are

See Committee for Purchase From People Who Are Blind or Severely Disabled

Centers for Disease Control and Prevention

NOTICES

Meetings:

Advisory Board on Radiation and Worker Health, 43180–43181

Statement of Organization, Functions and Delegations of Authority, 43190–43193

Centers for Medicare & Medicaid Services

PROPOSED RULES

Medicare Program:

Home Health Prospective Payment System Rate Update (CY 2011); Changes in Certification Requirements for Home Health Agencies and Hospices, 43236–43306

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 43167–43169

Medicare and Medicaid Programs:

Announcement of an Application from a Hospital Requesting Waiver for Organ Procurement Service Area, 43177–43178

Medicare Program:

Solicitation for Proposals for the Medicare Imaging Demonstration, 43178–43180

Children and Families Administration

NOTICES

Maternal, Infant, and Early Childhood Home Visiting Program, 43172–43177

Requests for Public Comment:

Adoption and Foster Care Analysis and Reporting System (AFCARS), 43187–43188

Redesign of Statewide Automated Child Welfare Information System Requirements, 43188–43190

Commerce Department

See International Trade Administration

See National Oceanic and Atmospheric Administration

Committee for Purchase From People Who Are Blind or Severely Disabled

NOTICES

Procurement List; Additions and Deletions, 43152–43153

Procurement List; Proposed Additions and Deletions, 43153–43155

Consumer Product Safety Commission

PROPOSED RULES

Full-Size and Non-Full Size Baby Cribs; Withdrawal, 43107

Revocation of Requirements for Full-Size Baby Cribs and Non-Full-Size Baby Cribs, 43107–43109

Safety Standards for Full-Size Baby Cribs and Non-Full-Size Baby Cribs, 43308–43327

Defense Department

RULES

Federal Acquisition Regulations; Correction, 43090

NOTICES

Meetings:

Missile Defense Advisory Committee, 43156

Department of Transportation

See Pipeline and Hazardous Materials Safety Administration

Education Department

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 43156–43158

Employee Benefits Security Administration**RULES**

Group Health Plans and Health Insurance Issuers:
Internal Claims and Appeals and External Review
Processes under the Patient Protection and
Affordable Care Act, 43330–43364

Employment and Training Administration**NOTICES**

Requests for Certifications of Compliance:
Rural Industrialization Loan and Grant Program, 43207

Energy Department

See Energy Information Administration
See Federal Energy Regulatory Commission

NOTICES

Amended Records of Decision:
Decommissioning of Eight Surplus Production Reactors at
the Hanford Site, Richland, WA, 43158–43159
Solicitation of Nominations:
Biomass Research and Development Technical Advisory
Committee; Correction, 43159

Energy Information Administration**NOTICES**

Agency Information Collection Activities; Proposals,
Submissions, and Approvals, 43159–43160

Environmental Protection Agency**RULES**

Approval and Promulgation of Air Quality Implementation
Plans:

Texas; Revisions to Emission Inventory Reporting
Requirements and Conformity of General Federal
Action, etc., 43062–43066

Approval and Promulgation of Implementation Plans:
New York Reasonably Available Control Technology and
Reasonably Available Control Measures, 43066–
43069

Approval of One-Year Extension for Attaining the 1997 8-
Hour Ozone Standard:

Baltimore Moderate Nonattainment Area, 43069–43072

Exemptions from the Requirement of a Tolerance:
2-Propanol, 1',1'-nitrotritis, 43076–43082

Trichoderma Hamatum Isolate 382, 43072–43076

National Oil and Hazardous Substances Pollution

Contingency Plan; National Priorities List:

Partial Deletion of the Letterkenny Army Depot
Southeastern (SE) Area; et al., 43082–43088

PROPOSED RULES

Approval and Promulgation of Air Quality Implementation
Plans:

Texas; Revisions to Emissions Inventory Reporting
Requirements and Conformity of General Federal
Actions, etc., 43114

Approval of One-Year Extension for Attaining the 1997 8-
Hour Ozone Standard:

Baltimore Moderate Nonattainment Area, 43114–43115

National Oil and Hazardous Substances Pollution

Contingency Plan; National Priorities List:

Intent to Partially Delete Letterkenny Army Depot
Southeastern (SE) Area, et al., 43115–43116

NOTICES

Clean Water Act Section 303(d):
Final Agency Action on One Arkansas Total Maximum
Daily Load, 43160

Environmental Impact Statements:

Weekly Receipt, 43160–43161

Meetings:

Environmental Engineering Committee, 43161–43162

Transfer of Data:

Tetrahedron, Inc., et al., 43162–43163

Federal Aviation Administration**RULES**

Airworthiness Directives:

Empresa Brasileira de Aeronautica S.A. (EMBRAER)
Model EMB–500 Airplanes, 43049–43059

PROPOSED RULES

Airworthiness Directives:

Boeing Co. Model 757 Airplanes, 43097–43099
CENTRAIR Models 101, 101A, 101P, and 101AP Gliders,
43103–43105

General Electric Co. (GE) CT7–9C and –9C3 Turboprop
Engines, 43099–43101

PIAGGIO AERO INDUSTRIES S.p.A Model PIAGGIO P–
180 Airplanes, 43101–43103, 43105–43107

Piaggio Aero Industries S.p.A. Model PIAGGIO P–180
Airplanes, 43095–43097

Viking Air Limited Model DHC–7 Airplanes, 43092–
43095

Federal Communications Commission**RULES**

Personal Communications Services and Miscellaneous
Wireless Communications Services; CFR Correction,
43088–43090

NOTICES

Agency Information Collection Activities; Proposals,
Submissions, and Approvals, 43163–43164

Establishment of Committees:

Emergency Response Interoperability Center Public Safety
Advisory Committee, 43164

Federal Contract Compliance Programs Office**PROPOSED RULES**

Affirmative Action and Nondiscrimination Obligations of
Contractors and Subcontractors:

Evaluation of Affirmative Action Provisions, 43116–
43118

Federal Energy Regulatory Commission**RULES**

Mandatory Reliability Standards:

Calculation of Available Transfer Capability, etc., 43059–
43062

Federal Highway Administration**NOTICES**

Agency Information Collection Activities; Proposals,
Submissions, and Approvals, 43229–43230

Federal Reserve System**NOTICES**

Change in Bank Control:

Acquisition of Shares of Bank or Bank Holding
Companies, 43164–43165

Formations of, Acquisitions by, and Mergers of Bank
Holding Companies, 43165

Food and Drug Administration**NOTICES**

International Conference on Harmonisation; Draft Guidance on Q4B Evaluation and Recommendation of Pharmacopoeial Texts:

Annex 13 on Bulk Density and Tapped Density of Powders General Chapter; Availability; Correction, 43172

Patient Protection and Affordable Care Act of 2010; Menu and Vending Machine Labeling Requirements:

Voluntary Registration by Authorized Officials of Non-Covered Retail Food Establishments and Vending Machine Operators, 43182–43184

Food Safety and Inspection Service**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 43137–43138

Re-establishment of National Advisory Committee on Meat and Poultry Inspection, 43140

Foreign Agricultural Service**NOTICES**

Trade Adjustment for Farmers, 43140–43141

Foreign Assets Control Office**NOTICES**

Designation of Anwar Al-Aulaqi Pursuant to Executive Order 13224 and Global Terrorism Sanctions Regulations, 43233–43234

Forest Service**NOTICES**

Environmental Impact Statements; Availability, etc.: Ochoco National Forest; Lookout Ranger Mountain District, 43138–43139

Meetings:

Gogebic Resource Advisory Committee, 43139–43140
Humboldt Resource Advisory Committee, 43140

General Services Administration**RULES**

Federal Acquisition Regulations; Correction, 43090

NOTICES

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

Central Contractor Registration Requirements for Prime Grant Recipients, 43166

FFATA Subaward and Executive Compensation Reporting Requirements, 43165–43166

FSRS Registration and Prime Awardee Entity-Related Information Reporting Requirements, 43166–43167

Geological Survey**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Comprehensive Test Ban Treaty, 43198

Health and Human Services Department

See Agency for Healthcare Research and Quality

See Agency for Toxic Substances and Disease Registry

See Aging Administration

See Centers for Disease Control and Prevention

See Centers for Medicare & Medicaid Services

See Children and Families Administration

See Food and Drug Administration

See Health Resources and Services Administration

See National Institutes of Health

RULES

Group Health Plans and Health Insurance Issuers: Internal Claims and Appeals and External Review Processes under the Patient Protection and Affordable Care Act, 43330–43364

Health Resources and Services Administration**NOTICES**

Maternal, Infant, and Early Childhood Home Visiting Program, 43172–43177

Housing and Urban Development Department**NOTICES**

Federal Property Suitable as Facilities to Assist the Homeless, 43194–43195

Funding Availabilities:

2010 Fiscal Year Alaska Native/Native Hawaiian Institutions Assisting Communities Program, 43196

2010 Fiscal Year Doctoral Dissertation Research Grant Program, 43195

2010 Fiscal Year Hispanic-Serving Institutions Assisting Communities Program, 43195–43196

2010 Fiscal Year Tribal Colleges and Universities Program, 43196

Funding Availability for Fiscal Year 2010:

Historically Black Colleges and Universities Program, 43196–43197

Public Housing Assessment System:

Asset Management Transition Year 2 Extension, 43197–43198

Interior Department

See Geological Survey

See Land Management Bureau

See National Park Service

Internal Revenue Service**RULES**

Group Health Plans and Health Insurance Issuers: Internal Claims and Appeals and External Review Processes under the Patient Protection and Affordable Care Act, 43330–43364

PROPOSED RULES

Requirements for Group Health Plans and Health Insurance Issuers:

Internal Claims and Appeals and External Review Processes under the Patient Protection and Affordable Care Act, 43109–43110

User Fees Relating to Enrollment and Preparer Tax Identification Numbers, 43110–43114

International Trade Administration**NOTICES**

Antidumping Duty Order:

Certain Steel Grating from the People's Republic of China, 43143–43144

Countervailing Duty Order:

Certain Steel Grating from the People's Republic of China, 43144–43145

Final Results of the 2008–2009 Antidumping Duty

Administrative Review:

Saccharin from the People's Republic of China, 43146–43147

Partial Rescission of the First Antidumping Duty

Administrative Review:

Certain Steel Nails from the People's Republic of China, 43149–43150

International Trade Commission**NOTICES**

Final Determinations:

Certain Voltage Regulators, Component Thereof and Products Containing Same, 43205–43206

Termination of Investigations:

Certain Wireless Communications System Server Software, Wireless Handheld Devices and Battery Packs, 43206

Justice Department**NOTICES**

Lodging of Consent Decree Under the Clean Water Act, 43206–43207

Labor Department

See Employee Benefits Security Administration
See Employment and Training Administration
See Federal Contract Compliance Programs Office

Land Management Bureau**NOTICES**

Alaska Native Claims Selection, 43198–43199

Meetings:

Central Montana Resource Advisory Council, 43199

Proposed Supplementary Rules for Public Lands in Colorado:

Arkansas River Travel Management Area in Area in Chaffee, Custer, and Fremont Counties, 43200–43202

Realty Actions:

Recreation and Public Purposes Act Classification for Conveyance of Public Lands in Blaine County, ID, 43204–43205

Recreation and Public Purposes Act Classification, Lake County, CO, 43202–43203

National Aeronautics and Space Administration**RULES**

Federal Acquisition Regulations; Correction, 43090

National Institutes of Health**NOTICES**

Meetings:

Center for Scientific Review, 43182

National Institute of Allergy and Infectious Diseases, 43181

National Institute of General Medical Sciences, 43180

Record of Decision:

Transport of Laboratory Personnel Potentially Exposed to Infectious Agents, etc., 43184–43187

National Oceanic and Atmospheric Administration**RULES**

Fisheries of the Exclusive Economic Zone Off Alaska:

Pacific Ocean Perch in the Western Yakutat District of the Gulf of Alaska; Closure, 43090–43091

Fisheries of the Northeastern United States:

Atlantic Mackerel, Squid, and Butterfish Fisheries; Adjustment to the Loligo Trimester 2 and 3 Quota; Correction, 43090

PROPOSED RULES

Fisheries of the Exclusive Economic Zone Off Alaska:

Gulf of Alaska License Limitation Program, 43118–43136

NOTICES

Evaluation of State Coastal Management Programs and National Estuarine Research Reserves, 43145–43146

Fisheries of the Exclusive Economic Zone Off Alaska:

Bering Sea and Aleutian Islands Crab Rationalization Cost Recovery Program, 43147

Meetings:

Gulf of Mexico Fishery Management Council, 43147–43148

New England Fishery Management Council, 43148–43149

Permits:

Marine Mammals; File Nos. 10018, 13846, 14451, 14585, 14599, 14122, 14296, and 14353, 43150–43152

National Park Service**NOTICES**

Meetings:

Flight 93 National Memorial Advisory Commission, 43199–43200

Nuclear Regulatory Commission**NOTICES**

Issuance of Regulatory Guide, 43207–43208

Withdrawal of Regulatory Guide 5.17, 43208

Pipeline and Hazardous Materials Safety Administration**NOTICES**

Applications for Special Permits, 43230–43231

Revisions of the Emergency Response Guidebook, 43232–43233

Securities and Exchange Commission**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 43208–43209

Meetings; Sunshine Act, 43209–43210

Self-Regulatory Organizations; Proposed Rule Changes:

BATS Exchange, Inc., 43217–43219

EDGA Exchange, Inc., 43216–43217

EDGX Exchange, Inc., 43214–43215

International Securities Exchange, LLC, 43211–43214, 43221–43222

NASDAQ OMX BX, Inc., 43210–43211, 43223–43225

NASDAQ OMX PHLX, Inc., 43219–43221

State Department**NOTICES**

Culturally Significant Objects Imported for Exhibition Determinations:

Man, Myth, and Sensual Pleasures: Jan Gossart's Renaissance, 43225

The Holocaust—Uniforms, Canisters, and Shoes, 43225

Finding of No Significant Impact:

San Diego–Tijuana Airport Cross Border Facility, 43225–43228

Lifting of Policy of Denial:

Presidential Airways, Inc., 43228–43229

Toxic Substances and Disease Registry Agency

See Agency for Toxic Substances and Disease Registry

Transportation Department

See Federal Aviation Administration

See Federal Highway Administration

See Pipeline and Hazardous Materials Safety Administration

Treasury Department

See Foreign Assets Control Office

See Internal Revenue Service

Separate Parts In This Issue

Part II

Health and Human Services Department, Centers for Medicare & Medicaid Services, 43236–43306

Part III

Consumer Product Safety Commission, 43308–43327

Part IV

Health and Human Services Department, 43330–43364
Labor Department, Employee Benefits Security Administration, 43330–43364
Treasury Department, Internal Revenue Service, 43330–43364

Part V

Agriculture Department, 43366–43393

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

2.....	43366
63.....	43031
920.....	43038
924.....	43039
946.....	43042
983.....	43045

14 CFR

39.....	43049
---------	-------

Proposed Rules:

39 (7 documents)	43092,
43095, 43097, 43099, 43101,	
43103, 43105	

16 CFR**Proposed Rules:**

1219.....	43308
1220.....	43308
1500.....	43308
1508 (2 documents)	43107
1509 (2 documents)	43107

18 CFR

38.....	43059
40.....	43059

26 CFR

54.....	43330
602.....	43330

Proposed Rules:

54.....	43109
300.....	43110

29 CFR

2590.....	43330
-----------	-------

40 CFR

52 (2 documents)	43062,
43066	
81.....	43069
180 (2 documents)	43072,
43076	
300.....	43082

Proposed Rules:

52.....	43114
81.....	43114
300.....	43115

41 CFR**Proposed Rules:**

60-741.....	43116
-------------	-------

42 CFR**Proposed Rules:**

409.....	43236
418.....	43236
424.....	43236
484.....	43236
489.....	43236

45 CFR

147.....	43330
----------	-------

47 CFR

24.....	43088
27.....	43088

48 CFR

52.....	43090
---------	-------

50 CFR

648.....	43090
679.....	43090

Proposed Rules:

679.....	43118
----------	-------