

Reader Aids

Federal Register

Vol. 69, No. 181

Monday, September 20, 2004

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations	
General Information, indexes and other finding aids	202-741-6000
Laws	741-6000
Presidential Documents	
Executive orders and proclamations	741-6000
The United States Government Manual	741-6000
Other Services	
Electronic and on-line services (voice)	741-6020
Privacy Act Compilation	741-6064
Public Laws Update Service (numbers, dates, etc.)	741-6043
TTY for the deaf-and-hard-of-hearing	741-6086

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: <http://www.gpoaccess.gov/nara/index.html>

Federal Register information and research tools, including Public Inspection List, indexes, and links to GPO Access are located at: http://www.archives.gov/federal_register/

E-mail

FEDREGTOC-L (Federal Register Table of Contents LISTSERV) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, 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.

PENS (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to <http://listserv.gsa.gov/archives/publaws-l.html> and select *Join or leave the list* (or change settings); then follow the instructions.

FEDREGTOC-L and **PENS** are mailing lists only. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to: fedreg.info@nara.gov

The Federal Register staff cannot interpret specific documents or regulations.

FEDERAL REGISTER PAGES AND DATE, SEPTEMBER

53335-53602.....	1
53603-53790.....	2
53791-53998.....	3
53999-54192.....	7
54193-54556.....	8
54557-54748.....	9
54749-55060.....	10
55061-55314.....	13
55315-55498.....	14
55499-55718.....	15
55719-55940.....	16
55941-56152.....	17
56153-56344.....	20

CFR PARTS AFFECTED DURING SEPTEMBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:	
7463 (See Notice of September 10, 2004).....	55313
7807.....	54737
7808.....	54739
7809.....	55711
7810.....	55713
7811.....	55715
7812.....	55717
7813.....	56147
7814.....	56149
7815.....	56151

Executive Orders:

12333 (See EO 13354).....	53589
12333 (Amended by EO 13355).....	53593
12333 (See EO 13356).....	53599
12958 (See EO 13354).....	53589
12958 (See EO 13356).....	53599
13223 (See Notice of September 10, 2004).....	55313
13235 (See Notice of September 10, 2004).....	55313
13253 (See Notice of September 10, 2004).....	55313
13286 (See Notice of September 10, 2004).....	55313
13311 (See EO 13356).....	53599
13353.....	53585
13354.....	53589
13355.....	53593
13356.....	53599

Administrative Orders:

Notices:	
Notice of September 10, 2004.....	
10, 2004.....	55313
Presidential Determinations:	
No. 2004-44 of September 10, 2004.....	56153
No. 2004-45 of September 10, 2004.....	55497
No. 2004-46 of September 10, 2004.....	56155

5 CFR

550.....	55941
----------	-------

7 CFR

59.....	53784
226.....	53502
301.....	53335, 55315, 56157
319.....	55719
457.....	53500, 54179
916.....	53791
917.....	53791
920.....	54193, 55733
924.....	54199
1435.....	55061
1469.....	56159
Proposed Rules:	
784.....	54049

8 CFR

215.....	53603
235.....	53603
252.....	53603

10 CFR

35.....	55736
Proposed Rules:	
110.....	55785

12 CFR

Proposed Rules:	
205.....	55996
345.....	56175
615.....	55362

14 CFR

21.....	53335
39.....	53336, 53603, 53605, 53607, 53609, 53794, 53999, 54201, 54204, 54206, 54211, 54213, 54557, 55320, 55321, 55323, 55326, 55329, 55943, 56160
71.....	53614, 53976, 54000, 54749, 54750, 55499, 55947
73.....	53795, 53796
91.....	53337
97.....	53798, 56161

Proposed Rules:

23.....	55367
25.....	53841
39.....	53366, 53655, 53658, 53846, 53848, 53853, 53855, 53858, 54053, 54055, 54058, 54060, 54065, 54250, 54596, 55120, 55369, 56175
71.....	53661, 53860, 53861, 54758

15 CFR

801.....	54751
----------	-------

16 CFR

305.....	54558, 55063
309.....	55332

Proposed Rules:

436.....	53661
----------	-------

17 CFR	30 CFR	258.....54756	7354612, 54613, 54614, 54760, 54761, 54762, 55547
1.....55949	204.....55076	432.....54476	
200.....54182	870.....56122	761.....54025	
240.....54182	914.....55347	1620.....55512	
270.....54728	920.....55353	Proposed Rules:	48 CFR
Proposed Rules:	943.....55356	16.....55377	207.....55986
37.....53367	Proposed Rules:	51.....53378	209.....55987
38.....53367	870.....56132	52.....54097, 54600, 54601, 55386, 55790, 56182	217.....55987
210.....53550	872.....56132	62.....54759	219.....55986
240.....53550	917.....55373	63.....53380, 53987, 55791	225.....55989
248.....56304	946.....55375	70.....54254	226.....55989
249.....53550	31 CFR	82.....56182	237.....55991
18 CFR	1.....54002	85.....54846	246.....55987
342.....53800	356.....53619	86.....54846	252.....55989, 55992
19 CFR	Proposed Rules:	89.....54846	511.....55934
122.....54179	356.....54251	90.....54846	552.....55934, 55938
20 CFR	32 CFR	91.....54846	1871.....53652
422.....55065	199.....55358	92.....54846	Proposed Rules:
Proposed Rules:	33 CFR	94.....54846	2.....56316
404.....55874	100.....54572, 55949, 55951	112.....56182, 56184	10.....56316
1002.....56266	110.....55952	136.....55547	12.....56316
21 CFR	117.....53337, 53805, 54572, 55747	166.....53866	16.....56316
20.....53615	165.....54215, 54573, 55502, 55952, 55954	239.....54760	19.....53780
201.....53801	277.....54215	258.....54760	52.....53780, 56316
522.....53617, 53618	Proposed Rules:	312.....54097, 56016	
1301.....55343	100.....53373, 54598	1039.....54846	49 CFR
Proposed Rules:	117.....53376	1048.....54846	106.....54042
20.....53662	165.....55122, 55125, 56011	1051.....54846	107.....54042
22 CFR	36 CFR	1065.....54846	171.....53352, 54042, 55113
22.....53618	7.....53626, 53630	1068.....54846	172.....54042, 55113
23 CFR	292.....55092	42 CFR	173.....54042, 55113
630.....54562	1254.....55505	414.....55763	178.....54042
24 CFR	Proposed Rules:	43 CFR	179.....54042
24.....53978	7.....54072	Proposed Rules:	180.....54042
236.....53558	294.....54600	25.....54602	192.....54248, 54591
Proposed Rules:	1228.....54091, 56015	44 CFR	195.....54591
291.....56118	37 CFR	64.....53835	541.....53354
26 CFR	1.....55505	201.....55094	571.....54249, 55517, 55531, 55993
1.....53804, 55499, 55740, 55743	41.....55505	206.....55094	1552.....56324
20.....55743	38 CFR	45 CFR	Proposed Rules:
25.....55743	19.....53807	160.....55515	10.....53385
31.....55743	20.....53807	46 CFR	229.....54255
40.....55743	39 CFR	67.....53838	395.....53386
41.....55743	111.....53641, 53808, 54005	221.....54247	571.....54255, 55548, 55896
44.....55743	310.....54006	296.....54347	572.....55550
53.....55743	320.....54006	47 CFR	585.....55896
55.....55743	501.....55506	0.....55097	595.....56018
156.....55743	Proposed Rules:	1.....55097, 55516	1507.....54256
301.....55743	111.....53664, 53665, 53666	2.....54027, 55982	
Proposed Rules:	40 CFR	5.....54581	
1.....53373, 53664, 54067, 55790	52.....53778, 53835, 52006, 54019, 54216, 54574, 54575, 55749, 55752, 56163, 56170, 56171	15.....54027	
26.....53862	62.....54753	22.....55516	
301.....54067	63.....53338, 53980, 55218, 55759	24.....55516	
28 CFR	70.....54244	25.....53838, 54037, 54581, 55516	
549.....53804	81.....55956, 56163	32.....53645	
29 CFR	170.....53341	51.....53645, 54589, 55111	
1915.....55668	180.....55506, 55963, 55975	54.....55097, 55983	
4022.....55500	239.....54756	64.....53346, 55765, 55985	
4044.....55500		65.....53645	
Proposed Rules:		73.....53352, 55112, 55517, 55780, 55781	
1210.....53373		97.....54581	
		Proposed Rules:	
		51.....55128	
		64.....53382	

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT SEPTEMBER 20, 2004**COMMERCE DEPARTMENT
National Oceanic and Atmospheric Administration**

Fishery conservation and management:

West Coast States and Western Pacific fisheries—

Western Pacific bottomfish and seamount groundfish; published 8-19-04

**COMMERCE DEPARTMENT
Patent and Trademark Office**

Trademark cases:

Registrations; amendment and correction requirements; published 8-19-04

COMMODITY FUTURES TRADING COMMISSION

Commodity Exchange Act:

Exempt commercial markets; published 7-20-04

DEFENSE DEPARTMENT

Civilian health and medical program of uniformed services (CHAMPUS):

TRICARE program—

Individual Case Management Program terminated, Persons with Disabilities Program renamed, and extended and custodial care policies clarified; correction; published 8-20-04

ENVIRONMENTAL PROTECTION AGENCY

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

Minnesota; published 8-19-04

Ohio; published 7-20-04

Texas; published 7-22-04

FEDERAL COMMUNICATIONS COMMISSION

Common carrier services:

Satellite communications—
Satellite licensing procedures; published 8-20-04

GENERAL SERVICES ADMINISTRATION

Federal travel:

Government aircraft; CFR parts removed; published 6-21-04

HEALTH AND HUMAN SERVICES DEPARTMENT**Food and Drug Administration**

Administrative practice and procedure:

Civil money penalties hearings; maximum penalty amounts and compliance with Federal Civil Penalties Inflation Adjustment Act; published 7-20-04

Correction; published 8-12-04

HOMELAND SECURITY DEPARTMENT**Transportation Security Administration**

Civil aviation security:

Security awareness training for flight school employees; aliens and other designated individuals; notification; published 9-20-04

SOCIAL SECURITY ADMINISTRATION

Social security benefits:

Federal old age, survivors, and disability insurance—
Commonwealth of Northern Mariana Islands; coverage of ministers, clergy members, and Christian Science practitioners; published 8-20-04

TRANSPORTATION DEPARTMENT**Federal Aviation Administration**

Airworthiness directives:

McDonnell Douglas; published 9-3-04

Standard instrument approach procedures; published 9-20-04

TRANSPORTATION DEPARTMENT**Federal Motor Carrier Safety Administration**

Motor carrier safety standards:

Commercial driver's licenses with hazardous materials endorsement; limitations on issuance; compliance date delay; published 8-19-04

Waivers, exemptions, and pilot programs; procedures and requirements; published 8-20-04

**TREASURY DEPARTMENT
Fiscal Service**

Marketable book-entry Treasury bills, notes, and

bonds; pricing, negative-yield bidding, zero-filling, and noncompetitive bidding; published 9-2-04

COMMENTS DUE NEXT WEEK**AGRICULTURE DEPARTMENT****Agricultural Marketing Service**

Cotton classing, testing and standards:

Classification services to growers; 2004 user fees; Open for comments until further notice; published 5-28-04 [FR 04-12138]

AGRICULTURE DEPARTMENT**Animal and Plant Health Inspection Service**

Exportation and importation of animals and animal products:

Tuberculosis in cattle; import requirements; comments due by 9-20-04; published 7-20-04 [FR 04-16282]

AGRICULTURE DEPARTMENT**Commodity Credit Corporation**

Loan and purchase programs:

Conservation Security Program; comments due by 9-20-04; published 6-21-04 [FR 04-13745]

AGRICULTURE DEPARTMENT**Natural Resources Conservation Service**

Loan and purchase programs:

Conservation Security Program; comments due by 9-20-04; published 6-21-04 [FR 04-13745]

**COMMERCE DEPARTMENT
International Trade Administration**

Steel Import Monitoring and Analysis system; comments due by 9-24-04; published 8-25-04 [FR 04-19490]

**COMMERCE DEPARTMENT
National Oceanic and Atmospheric Administration**

Fishery conservation and management:
West Coast States and Western Pacific fisheries—
West Coast salmon; comments due by 9-22-04; published 9-7-04 [FR 04-20235]

COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

Semi-annual agenda; Open for comments until further

notice; published 12-22-03 [FR 03-25121]

DEFENSE DEPARTMENT

Federal Acquisition Regulation (FAR):

Performance-based service acquisition; comments due by 9-20-04; published 7-21-04 [FR 04-16534]

**DEFENSE DEPARTMENT
Engineers Corps**

Danger zones and restricted areas:

Fort Wainwright, AK; Small Arms Complex; comments due by 9-22-04; published 8-23-04 [FR 04-19229]

ENERGY DEPARTMENT**Energy Efficiency and Renewable Energy Office**

Consumer products; energy conservation program:

Energy conservation standards—
Commercial packaged boilers; test procedures and efficiency standards; Open for comments until further notice; published 12-30-99 [FR 04-17730]

ENERGY DEPARTMENT**Federal Energy Regulatory Commission**

Electric rate and corporate regulation filings:

Virginia Electric & Power Co. et al.; Open for comments until further notice; published 10-1-03 [FR 03-24818]

ENVIRONMENTAL PROTECTION AGENCY

Air programs; approval and promulgation; State plans for designated facilities and pollutants:

Iowa; comments due by 9-23-04; published 8-24-04 [FR 04-19335]

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

Missouri; comments due by 9-23-04; published 8-24-04 [FR 04-19337]

Utah; comments due by 9-20-04; published 8-19-04 [FR 04-18935]

Virginia; comments due by 9-24-04; published 8-25-04 [FR 04-19432]

Environmental statements; availability, etc.:

Coastal nonpoint pollution control program—
Minnesota and Texas; Open for comments until further notice;

published 10-16-03 [FR 03-26087]

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities: Acequinocyl, etc.; comments due by 9-20-04; published 7-21-04 [FR 04-16213]

Bitertanol, chlorpropham, cloprop, combustion product gas, cyanazine, etc.; comments due by 9-21-04; published 7-23-04 [FR 04-16718]

Casein et al.; comments due by 9-20-04; published 7-21-04 [FR 04-16214]

Superfund program: National oil and hazardous substances contingency plan— National priorities list update; comments due by 9-20-04; published 8-20-04 [FR 04-18965]

National priorities list update; comments due by 9-20-04; published 8-20-04 [FR 04-18966]

Water pollution; effluent guidelines for point source categories: Meat and poultry products processing facilities; Open for comments until further notice; published 9-8-04 [FR 04-12017]

FEDERAL COMMUNICATIONS COMMISSION

Digital television stations; table of assignments: Montana; comments due by 9-23-04; published 8-5-04 [FR 04-17902]

Washington; comments due by 9-20-04; published 8-2-04 [FR 04-17246]

Radio stations; table of assignments: Kentucky and Wisconsin; comments due by 9-20-04; published 8-10-04 [FR 04-18261]

Television stations; table of assignments: Alabama; comments due by 9-20-04; published 8-3-04 [FR 04-17677]

FEDERAL DEPOSIT INSURANCE CORPORATION

Community Reinvestment Act; implementation: Community development criterion for small banks; small banks and community development definitions; comments due by 9-20-04; published 8-20-04 [FR 04-19021]

GENERAL SERVICES ADMINISTRATION

Federal Acquisition Regulation (FAR):

Performance-based service acquisition; comments due by 9-20-04; published 7-21-04 [FR 04-16534]

HEALTH AND HUMAN SERVICES DEPARTMENT

Centers for Medicare & Medicaid Services

Medicare:

Civil money penalties, assessments, exclusions and related appeals procedures; comments due by 9-21-04; published 7-23-04 [FR 04-16791]

Physician fee schedule (2005 CY); payment policies and relative value units; comments due by 9-24-04; published 8-5-04 [FR 04-17312]

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration

Medical devices:

Anesthesiology devices— Indwelling blood oxyhemoglobin concentration analyzer; premarket approval requirement effective date; comments due by 9-21-04; published 6-23-04 [FR 04-14126]

Reports and guidance documents; availability, etc.:

Evaluating safety of antimicrobial new animal drugs with regard to their microbiological effects on bacteria of human health concern; Open for comments until further notice; published 10-27-03 [FR 03-27113]

Medical devices—

Dental noble metal alloys and base metal alloys; Class II special controls; Open for comments until further notice; published 8-23-04 [FR 04-19179]

HOMELAND SECURITY DEPARTMENT

Coast Guard

Anchorage regulations:

Maryland; Open for comments until further notice; published 1-14-04 [FR 04-00749]

Regattas and marine parades:

World Championship Super Boat Race; comments due by 9-24-04; published 9-9-04 [FR 04-20456]

HOMELAND SECURITY DEPARTMENT

Citizenship and Immigration Services Bureau

Immigration:

Health care workers from Canada and Mexico; extension of deadline to obtain certifications; comments due by 9-20-04; published 7-22-04 [FR 04-16709]

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Public and Indian housing:

Supportive Housing Program; comments due by 9-20-04; published 7-20-04 [FR 04-16390]

INTERIOR DEPARTMENT

Land Management Bureau

Land use plans:

Cooperating agency status; comments due by 9-20-04; published 7-20-04 [FR 04-16224]

INTERIOR DEPARTMENT

Fish and Wildlife Service

Endangered and threatened species permit applications

Recovery plans—

Paiute cutthroat trout; Open for comments until further notice; published 9-10-04 [FR 04-20517]

Endangered and threatened species:

Critical habitat designations—

Santa Ana sucker; comments due by 9-20-04; published 8-19-04 [FR 04-18987]

INTERIOR DEPARTMENT

Minerals Management Service

Royalty management:

Gas produced from Federal leases; valuation provisions; comments due by 9-21-04; published 7-23-04 [FR 04-16725]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Federal Acquisition Regulation (FAR):

Performance-based service acquisition; comments due by 9-20-04; published 7-21-04 [FR 04-16534]

NATIONAL MEDIATION BOARD

Arbitration programs administration; comments due by 9-20-04; published 9-1-04 [FR 04-19878]

NUCLEAR REGULATORY COMMISSION

Environmental statements; availability, etc.:

Fort Wayne State Developmental Center;

Open for comments until further notice; published 5-10-04 [FR 04-10516]

SECURITIES AND EXCHANGE COMMISSION

Investment advisers:

Broker-dealers deemed not to be investment advisers; comments due by 9-22-04; published 8-20-04 [FR 04-19258]

SMALL BUSINESS ADMINISTRATION

Disaster loan areas:

Maine; Open for comments until further notice; published 2-17-04 [FR 04-03374]

SOCIAL SECURITY ADMINISTRATION

Social security benefits, special veterans benefits, and supplemental security income:

Federal old age, survivors, and disability insurance, and aged, blind, and disabled—

Cross-program recovery of benefit overpayments; expanded authority; comments due by 9-23-04; published 8-24-04 [FR 04-19321]

STATE DEPARTMENT

Consular services; fee schedule; comments due by 9-24-04; published 9-2-04 [FR 04-20043]

OFFICE OF UNITED STATES TRADE REPRESENTATIVE

Trade Representative, Office of United States

Generalized System of Preferences:

2003 Annual Product Review, 2002 Annual Country Practices Review, and previously deferred product decisions; petitions disposition; Open for comments until further notice; published 7-6-04 [FR 04-15361]

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:

Boeing; comments due by 9-20-04; published 8-4-04 [FR 04-17763]

Bombardier Inc.; comments due by 9-21-04; published 7-29-04 [FR 04-17285]

Hartzell Propeller Inc.; comments due by 9-20-04; published 7-22-04 [FR 04-16662]

McDonnell Douglas; comments due by 9-20-

04; published 8-5-04 [FR 04-17859]

Ostmecklenburgische Flugzeugbau GmbH; comments due by 9-22-04; published 8-18-04 [FR 04-18927]

Pilatus Aircraft Ltd.; comments due by 9-22-04; published 8-20-04 [FR 04-19158]

TRANSPORTATION DEPARTMENT

Federal Motor Carrier Safety Administration

Motor carrier safety standards:

Waivers, exemptions, and pilot programs; procedures and requirements; comments due by 9-20-04; published 8-20-04 [FR 04-19155]

TRANSPORTATION DEPARTMENT

Federal Railroad Administration

Occupational noise exposure; railroad operating employees; comments due by 9-21-04; published 6-23-04 [FR 04-13582]

TREASURY DEPARTMENT

Internal Revenue Service

Income taxes:

Adjustment to net unrealized built-in gain; comments due by 9-23-04; published 6-25-04 [FR 04-14391]

Stock held by foreign insurance companies; comments due by 9-23-04; published 6-25-04 [FR 04-14392]

TREASURY DEPARTMENT

Currency and foreign transactions; financial reporting and recordkeeping requirements:

Bank Secrecy Act; implementation—

First Merchant Bank OSH Ltd., et al.; special measures imposition due to designation as primary money laundering concern; comments due by 9-23-04; published 8-24-04 [FR 04-19267]

Infobank; special measures imposition due to designation as

institution of primary money laundering concern; comments due by 9-23-04; published 8-24-04 [FR 04-19266]

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "PLUS" (Public Laws Update Service) on 202-741-6043. This list is also available online at http://www.archives.gov/federal_register/public_laws/public_laws.html.

The text of laws is not published in the **Federal Register** but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202-512-1808). The text will also be made available on the Internet from GPO Access at <http://>

www.gpoaccess.gov/plaws/index.html. Some laws may not yet be available.

H.R. 5005/P.L. 108-303

Emergency Supplemental Appropriations for Disaster Relief Act, 2004 (Sept. 8, 2004; 118 Stat. 1124)

Last List August 18, 2004

Public Laws Electronic Notification Service (PENS)

PENS is a free electronic mail notification service of newly enacted public laws. To subscribe, go to <http://listserv.gsa.gov/archives/publaws-l.html>

Note: This service is strictly for E-mail notification of new laws. The text of laws is not available through this service. PENS cannot respond to specific inquiries sent to this address.