

Reader Aids

Federal Register

Vol. 69, No. 161

Friday, August 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, AUGUST

46095-46398.....	2
46399-46978.....	3
46979-47352.....	4
47353-47762.....	5
47763-48128.....	6
48129-48358.....	9
48359-48764.....	10
48765-49782.....	11
49783-50048.....	12
50049-50264.....	13
50265-50994.....	16
50995-51154.....	17
51155-51354.....	18
51355-51546.....	19
51547-51760.....	20

CFR PARTS AFFECTED DURING AUGUST

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:	
7805.....	51353
Executive Orders:	
13222 (See Notice of August 6, 2004).....	48763
13334 (See EO 13351).....	50047
13351.....	50047
Administrative Orders:	
Notices:	
Notice of August 6, 2004.....	48763
Presidential Determinations:	
No. 2004-40 of July 21, 2004.....	46399
No. 2004-41 of August 6, 2004.....	50049

5 CFR

531.....	47353
831.....	50265
842.....	50265

7 CFR

301.....	50995, 50996
400.....	48652
402.....	48652
407.....	48652
457.....	48652
905.....	50265, 50269, 50275
916.....	50278
917.....	50278
925.....	50283
956.....	50286
989.....	50289
1435.....	48765

Proposed Rules:

304.....	49824
457.....	48166
927.....	50334
933.....	50337
987.....	50339
1775.....	48174
1777.....	48174
1778.....	48174
1780.....	48174
1942.....	48174
3570.....	48174
4274.....	48174

8 CFR

235.....	50051
274a.....	47763

9 CFR

93.....	49783
Proposed Rules:	
327.....	50086, 51194
381.....	51194

10 CFR

72.....	50053
430.....	50997
Proposed Rules:	
50.....	46452
72.....	50089
431.....	47486

12 CFR

5.....	50293
32.....	51355
201.....	51001
226.....	50298
229.....	47290
563e.....	51155

Proposed Rules:

345.....	51611
607.....	47984
614.....	47984
615.....	47984
620.....	47984

14 CFR

23.....	47354
39.....	46979, 47763, 48129, 48131, 48133, 48135, 48138, 48359, 48361, 48363, 48365, 48366, 48368, 49957, 50056, 50299, 50445, 51002, 51358, 51547, 51549, 51753
71.....	47357, 48141, 48142, 48143, 48144, 48765, 48766
73.....	47358
91.....	51162
97.....	48144

Proposed Rules:

25.....	50240
39.....	46456, 47028, 47031, 47035, 47038, 47040, 47041, 47388, 47391, 47393, 47802, 47804, 47806, 47808, 47811, 47814, 48424, 48426, 49829, 50341, 50344, 50346, 51015, 51017, 51196, 51198, 51200, 51203, 51206, 51402, 51616
71.....	48826, 51019
121.....	50090, 50350
125.....	50090
129.....	50350
135.....	50090, 50350

15 CFR

4.....	49783
303.....	51552
801.....	50062
Proposed Rules:	
806.....	51020

16 CFR

Proposed Rules:	
316.....	50091

17 CFR

1.....49784
 30.....49800
 232.....49803
 239.....48370, 49805
 240.....48008
 241.....48008
 242.....48008
 249.....48370
 274.....49805

Proposed Rules:

275.....51620
 279.....51620

18 CFR

358.....48371
 388.....48386

Proposed Rules:

35.....51024

19 CFR

101.....50064
 123.....51007

Proposed Rules:

101.....50107

20 CFR

404.....51553
 429.....48767

Proposed Rules:

603.....50022

21 CFR

1.....47765, 48774
 5.....48774
 17.....49807
 26.....48774
 203.....48774
 207.....48774
 310.....51362
 314.....48774
 510.....47360, 47361
 514.....51162
 520.....48774, 49808, 51171
 522.....47361, 47362
 524.....47361, 47363, 48391
 558.....51172, 51173
 878.....48146

22 CFR

Proposed Rules:

211.....51404

23 CFR

Proposed Rules:

772.....51620

25 CFR

11.....51556

26 CFR

1.....46401, 46982, 47364,
 48392, 50065, 50067, 50069,
 50302, 51175
 14a.....46401
 40.....48393
 48.....51559
 49.....48393
 301.....49809
 602.....46982, 51559

Proposed Rules:

1.....47043, 47395, 47816,
 47822, 48428, 48429, 48431,
 49832, 49836, 49957, 50108,
 50109, 50112, 51025, 51026,

51208, 51209
 40.....48432
 49.....48432
 301.....49840

28 CFR

Proposed Rules:

570.....51213

29 CFR

1910.....46986
 4022.....50070
 4044.....50070

Proposed Rules:

1210.....48177

30 CFR

917.....48776

Proposed Rules:

950.....51026

31 CFR

351.....50307
 359.....50307
 363.....50307

Proposed Rules:

538.....48183
 550.....48183
 560.....48183

32 CFR

199.....51559
 519.....47766, 51569

Proposed Rules:

199.....48433
 322.....48183

33 CFR

100.....46994, 46996, 49811
 104.....51176
 105.....51176
 117.....46998, 47771, 48394,
 48395, 49812
 160.....51176
 165.....48787, 48790, 49813,
 49816

Proposed Rules:

117.....47045
 165.....47047

36 CFR

242.....46999

Proposed Rules:

7.....49841

37 CFR

1.....49960
 2.....51362
 5.....49960
 10.....49960
 11.....49960
 41.....49960

Proposed Rules:

202.....47396

38 CFR

3.....46426, 48148

Proposed Rules:

17.....48184

39 CFR

601.....51364

40 CFR

9.....47210, 51570

52.....47365, 47366, 47773,
 48150, 48395, 50071, 50073,
 51181, 51368, 51371
 63.....47001, 51184
 81.....47366, 48792, 50073,
 51753

112.....48794
 122.....47210
 123.....47210
 124.....47210
 125.....47210
 180.....47005, 47013, 47022,
 48799, 50074, 51571
 300.....47377, 48153, 48398,
 51583

Proposed Rules:

51.....47828
 52.....47399, 48186, 48434,
 51215, 51404
 63.....47049, 48338
 72.....47828
 73.....47828
 74.....47828
 77.....47828
 78.....47828
 80.....48827
 81.....47399, 48835
 96.....47828
 156.....50014
 165.....50014
 180.....47051
 300.....47068, 47072, 48187,
 48434, 50015, 51623

42 CFR

403.....48916
 412.....48916
 413.....48916
 418.....48916
 460.....48916
 480.....48916
 482.....48916
 483.....48916
 485.....48916
 489.....48916

Proposed Rules:

403.....46632
 405.....47488
 410.....47488, 50448
 411.....46632, 47488, 50448
 414.....47488
 417.....46632, 46866
 418.....47488
 419.....50448
 422.....46866
 423.....46632
 424.....47488
 484.....47488
 486.....47488

44 CFR

64.....46435
 65.....47780, 47786, 50312,
 50318, 50320, 50321, 51373,
 51375, 51380
 67.....46436, 46437, 50324,
 50325, 50331, 50332, 51382,
 51388

Proposed Rules:

67.....47830, 47831, 47832,
 50351, 50357, 51405, 51406

45 CFR

Proposed Rules:

Ch. IX.....48435
 2510.....50122

2520.....50122
 2521.....50122
 2522.....50122
 2540.....50122
 2550.....50122

46 CFR

71.....47378
 114.....47378
 115.....47378
 125.....47378
 126.....47378
 167.....47378
 169.....47378
 175.....47378
 176.....47378

Proposed Rules:

66.....49844

47 CFR

0.....46438
 1.....46438, 47788, 47790
 2.....46438, 48157
 25.....47790, 48157, 51586
 73.....46447, 47385, 47795,
 49818, 51009, 51389, 51390,
 51588
 74.....48157
 90.....46438, 48157
 95.....46438
 101.....48157

Proposed Rules:

1.....48188, 51028
 2.....46462, 48192, 51028
 20.....48440
 25.....48192
 63.....48188
 64.....48188
 69.....50141
 73.....46474, 46476, 47399,
 48443, 50146, 51034, 51414,
 51415, 51624
 80.....48440
 90.....46462
 97.....51028

48 CFR

Proposed Rules:

228.....48444
 229.....48445
 1835.....49845
 1852.....49845

49 CFR

1.....51009
 192.....48400
 195.....48400
 375.....47386
 381.....51589
 383.....51391
 571.....48805, 48818, 51188,
 51393, 51399, 51598
 573.....49819, 50077
 574.....51399
 577.....49819
 579.....49822
 586.....51393

Proposed Rules:

171.....47074, 49846, 50976
 172.....47074, 49846, 50976
 173.....47074, 49846, 50976
 175.....47074
 178.....47074, 49846
 179.....49846
 180.....49846
 571.....47075

50 CFR	229.....48407	66046448, 51012, 51400,	Proposed Rules:
1747212, 47330, 48115	402.....47732	51609	1747834, 48102, 48570,
20.....48163	63547797, 51010, 51608	67946451, 47025, 47026,	50147, 51217, 51416, 51417
100.....46999	648.....47798, 51191	51013, 51014, 51191	20.....51036
			635.....49858

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 AUGUST 20, 2004**COMMERCE DEPARTMENT
International Trade
Administration**

Watches, watch movements, and jewelry:

Duty-exemption allocations—
Virgin Islands, Guam,
American Samoa, and
Northern Mariana
Islands; published 8-20-
04

**COMMERCE DEPARTMENT
National Oceanic and
Atmospheric Administration**

Fishery conservation and management:

Atlantic highly migratory
species—
Atlantic bluefin tuna;
published 8-20-04

**ENVIRONMENTAL
PROTECTION AGENCY**

Air quality implementation plans; approval and promulgation; various States; air quality planning purposes; designation of areas:
Pennsylvania; published 7-21-04

Air quality implementation plans; approval and promulgation; various States:
California; published 7-21-04
District of Columbia,
Maryland, and Virginia;
published 7-21-04

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:
DCPA; published 8-20-04
Reporting and recordkeeping requirements; published 8-20-04

**INTERIOR DEPARTMENT
Indian Affairs Bureau**

Law and order on Indian reservations:
Albuquerque Indian School property, NM; Courts of Indian Offenses addition to Santa Fe Indian School property listing; published 8-20-04

INTERIOR DEPARTMENT

Watches, watch movements, and jewelry:

Duty-exemption allocations—
Virgin Islands, Guam,
American Samoa, and
Northern Mariana
Islands; published 8-20-
04

**LABOR DEPARTMENT
Employment and Training
Administration**

Aliens:

Labor certification for permanent employment in U.S.; backlog reduction; published 7-21-04

**SECURITIES AND
EXCHANGE COMMISSION**

Securities:

Broker-dealers; alternative net capital requirements; published 6-21-04
Supervised investment bank holding companies; published 6-21-04

**TRANSPORTATION
DEPARTMENT****Federal Aviation
Administration**

Airworthiness directives:
Boeing; published 7-16-04

RULES GOING INTO EFFECT AUGUST 21, 2004**TRANSPORTATION
DEPARTMENT****Federal Aviation
Administration**

Airworthiness directives:
Stemme GmbH & Co.;
published 7-13-04

**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****Commodity Credit
Corporation**

Cherries (tart) grown in—
Michigan et al.; comments due by 8-23-04; published 6-22-04 [FR 04-14062]

**COMMERCE DEPARTMENT
National Oceanic and
Atmospheric Administration**

Fishery conservation and management:

West Coast States and
Western Pacific
fisheries—

American Samoa pelagic longline fishery; limited access permit program; comments due by 8-23-04; published 6-23-04 [FR 04-14241]

**COMMODITY FUTURES
TRADING COMMISSION**

Confidential information and commission records and information; comments due by 8-27-04; published 7-28-04 [FR 04-17051]

**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

Acquisition regulations:

Construction and architect-engineer services; comments due by 8-24-04; published 6-25-04 [FR 04-14341]

Firefighting services contracts; comments due by 8-24-04; published 6-25-04 [FR 04-14338]

Payment and billing instructions; comments due by 8-24-04; published 6-25-04 [FR 04-14335]

Polyacrylonitrile carbon fiber; restriction to domestic sources; comments due by 8-24-04; published 6-25-04 [FR 04-14339]

Small Business

Competitiveness
Demonstration Program; comments due by 8-24-04; published 6-25-04 [FR 04-14340]

DEFENSE DEPARTMENT**Engineers Corps**

Danger zones and restricted areas:

Fort Knox, KY; Salt River, Rolling Fork River, and Otter Creek; U.S. Army Garrison, Fort Knox Military Reservation; comments due by 8-26-04; published 7-27-04 [FR 04-16922]

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:

Ambient air quality standards, national—
Fine particulate matter and ozone; interstate transport control measures; comments due by 8-27-04; published 8-6-04 [FR 04-18029]

Air quality implementation plans; approval and promulgation; various States; air quality planning purposes; designation of areas:

Alaska; comments due by 8-26-04; published 7-27-04 [FR 04-17061]

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

California; comments due by 8-23-04; published 7-23-04 [FR 04-16566]

Illinois; comments due by 8-27-04; published 7-28-04 [FR 04-17165]

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]

Hazardous waste program authorizations:

Maryland; comments due by 8-25-04; published 7-26-04 [FR 04-16943]

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:

C8, C10, and C12 straight-chain fatty acid monoesters of glycerol and propylene glycol; comments due by 8-23-04; published 6-23-04 [FR 04-14222]

Lactic acid, n-butyl ester, (S); comments due by 8-

- 23-04; published 6-23-04 [FR 04-14221]
 Superfund program:
 National oil and hazardous substances contingency plan—
 National priorities list update; comments due by 8-25-04; published 7-26-04 [FR 04-16726]
 National priorities list update; comments due by 8-25-04; published 7-26-04 [FR 04-16727]
- Water pollution; effluent guidelines for point source categories:
 Meat and poultry products processing facilities; Open for comments until further notice; published 12-30-99 [FR 04-12017]
- FEDERAL COMMUNICATIONS COMMISSION**
 Common carrier services:
 Federal-State Joint Board on Universal Service—
 Lifeline and Link-Up Program; comments due by 8-23-04; published 6-22-04 [FR 04-13997]
 Radio and television broadcasting:
 Program recordings; broadcasters retention requirements; comments due by 8-27-04; published 7-30-04 [FR 04-17428]
 Radio broadcasting:
 Broadcast and cable EEO rules and policies—
 Revision; comments due by 8-23-04; published 6-23-04 [FR 04-14120]
- HEALTH AND HUMAN SERVICES DEPARTMENT**
Centers for Medicare & Medicaid Services
 Medicare:
 Health care provider reimbursement determinations and appeals; comments due by 8-24-04; published 6-25-04 [FR 04-13246]
- HEALTH AND HUMAN SERVICES DEPARTMENT**
Food and Drug Administration
 Color additives:
 D&C Black No. 2; cosmetics coloring; comments due by 8-27-04; published 7-28-04 [FR 04-17153]
 Reports and guidance documents; availability, etc.:
 Dental devices—
 Noble metal alloys and base metal alloys;
- Class II special controls; Open for comments until further notice; published 8-23-04 [FR 04-19179]
 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]
- HOMELAND SECURITY DEPARTMENT**
Coast Guard
 Anchorage regulations:
 Maryland; Open for comments until further notice; published 1-14-04 [FR 04-00749]
- INTERIOR DEPARTMENT**
Fish and Wildlife Service
 Endangered and threatened species:
 Critical habitat designations—
 Bull trout; Jarbridge River, Coastal-Puget Sound, and Saint Mary-Belly River populations; comments due by 8-24-04; published 6-25-04 [FR 04-14014]
 Migratory bird hunting:
 Federal Indian reservations, off-reservation trust lands, and ceded lands; comments due by 8-27-04; published 8-17-04 [FR 04-18755]
- INTERIOR DEPARTMENT**
Minerals Management Service
 Outer Continental Shelf; oil, gas, and sulphur operations:
 Minimum blowout prevention system requirements for well-workover operations using coiled tubing with production tree in place; comments due by 8-23-04; published 6-22-04 [FR 04-13943]
- JUSTICE DEPARTMENT**
 Child Protection Restoration and Penalties Enhancement Act of 1990 and Protect Act; record-keeping and record inspection provisions:
 Depiction of sexually explicit performances; inspection of records; comments due by 8-24-04; published 6-25-04 [FR 04-13792]
 Executive Office for Immigration Review:
 Definitions; fees; powers and authority of Department of Homeland
- Security officers and employees in removal proceedings; comments due by 8-27-04; published 7-28-04 [FR 04-17118]
- LABOR DEPARTMENT**
Mine Safety and Health Administration
 Coal mine safety and health:
 Underground mines—
 Low- and medium-voltage diesel-powered generators; use as alternative means of powering electrical equipment; comments due by 8-24-04; published 6-25-04 [FR 04-14400]
- LABOR DEPARTMENT**
Occupational Safety and Health Administration
 Safety and health standards, etc.:
 Personal protective equipment; employer payment; comments due by 8-23-04; published 7-8-04 [FR 04-15525]
- NATIONAL LABOR RELATIONS BOARD**
 Practice and procedure:
 Consent-election agreements; comments due by 8-26-04; published 7-27-04 [FR 04-17095]
- 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]
- SMALL BUSINESS ADMINISTRATION**
 Disaster loan areas:
 Maine; Open for comments until further notice; published 2-17-04 [FR 04-03374]
- 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:
 BAE Systems (Operations) Ltd.; comments due by 8-25-04; published 7-26-04 [FR 04-16917]
 Bell Helicopter Textron Canada; comments due by 8-23-04; published 6-24-04 [FR 04-14315]
 Boeing; comments due by 8-23-04; published 7-8-04 [FR 04-15518]
 Bombardier; comments due by 8-23-04; published 6-24-04 [FR 04-13915]
 Lockheed; comments due by 8-23-04; published 7-7-04 [FR 04-15381]
 McDonnell Douglas; comments due by 8-23-04; published 7-8-04 [FR 04-15519]
 Rolls-Royce (1971) Ltd.; comments due by 8-23-04; published 6-22-04 [FR 04-14051]
 Short Brothers; comments due by 8-23-04; published 7-22-04 [FR 04-16682]
 Class E airspace; comments due by 8-23-04; published 7-8-04 [FR 04-15553]
- TRANSPORTATION DEPARTMENT**
National Highway Traffic Safety Administration
 Motor vehicle safety standards:
 Certification issues; vehicles built in two or more stages; comments due by 8-27-04; published 6-28-04 [FR 04-14564]
- TRANSPORTATION DEPARTMENT**
Research and Special Programs Administration
 Hazardous materials:
 Transportation—
 Harmonization with UN recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's technical instructions; comments due by 8-23-04; published 6-22-04 [FR 04-12411]
 Pipeline safety:
 Hazardous liquid and gas pipeline operators public education programs; comments due by 8-23-04; published 6-24-04 [FR 04-12993]
- TREASURY DEPARTMENT**
Internal Revenue Service
 Income taxes:
 Foreign tax expenditures; partner's distributive

share; cross-reference;
comments due by 8-24-
04; published 4-21-04 [FR
04-08705]

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. 4842/P.L. 108-302

United States-Morocco Free
Trade Agreement
Implementation Act (Aug. 17,
2004; 118 Stat. 1103)
Last List August 12, 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.