



Federal Register

9-27-01

Vol. 66 No. 188

Pages 49271-49510

Thursday

Sept. 27, 2001



The **FEDERAL REGISTER** 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.

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 <http://www.nara.gov/fedreg>.

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** 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 it includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward.

GPO Access users can choose to retrieve online **Federal Register** documents as TEXT (ASCII text, graphics omitted), PDF (Adobe Portable Document Format, including full text and all graphics), or SUMMARY (abbreviated text) files. Users should carefully check retrieved material to ensure that documents were properly downloaded.

On the World Wide Web, connect to the **Federal Register** at <http://www.access.gpo.gov/nara>. Those without World Wide Web access can also connect with a local WAIS client, by Telnet to swais.access.gpo.gov, or by dialing (202) 512-1661 with a computer and modem. When using Telnet or modem, type `swais`, then log in as guest with no password.

For more information about GPO Access, contact the GPO Access User Support Team by E-mail at gpoaccess@gpo.gov; by fax at (202) 512-1262; or call (202) 512-1530 or 1-888-293-6498 (toll free) between 7 a.m. and 5 p.m. Eastern time, Monday-Friday, except Federal holidays.

The annual subscription price for the **Federal Register** paper edition is \$638, or \$697 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 \$253. Six month subscriptions are available for one-half the annual rate. The charge for individual copies in paper form is \$9.00 for each issue, or \$9.00 for each group of pages as actually bound; or \$2.00 for each issue in microfiche form. All prices include regular domestic postage and handling. International customers please add 25% for foreign handling. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard or Discover. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954.

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: 66 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	202-512-1800
Assistance with public subscriptions	512-1806

General online information 202-512-1530; 1-888-293-6498

Single copies/back copies:

Paper or fiche	512-1800
Assistance with public single copies	512-1803

FEDERAL AGENCIES

Subscriptions:

Paper or fiche	523-5243
Assistance with Federal agency subscriptions	523-5243



Contents

Federal Register

Vol. 66, No. 188

Thursday, September 27, 2001

Agency for Healthcare Research and Quality

NOTICES

Meetings:

Health Services Research Initial Review Group
Committee, 49387

Agriculture Department

See Animal and Plant Health Inspection Service

See Forest Service

RULES

Acquisition regulations:

North American Industrial Classification System, 49316–
49317

NOTICES

Emergency declarations:

Western United States; chronic wasting disease in deer
and elk, 49342–49343

Alcohol, Tobacco and Firearms Bureau

RULES

Alcoholic beverages:

Wine; labeling and advertising—
Counoise and St. Laurent; new grape variety names,
49279–49280

Animal and Plant Health Inspection Service

RULES

Interstate transportation of animals and animal products
(quarantine):

Tuberculosis in cattle, bison, and captive cervids—
State and area classifications, 49271

Arts and Humanities, National Foundation

See National Foundation on the Arts and the Humanities

Centers for Medicare & Medicaid Services

NOTICES

Agency information collection activities:

Submission for OMB review; comment request, 49387–
49388

Medicare and medicaid:

Hospice wage index FY 2002, 49453–49475

Coast Guard

RULES

Anchorage regulations, etc.

Boston Marine Inspection Zone and Captain of the Port
Zone, MA, 49280–49284

Ports and waterways safety:

Charleston, SC; security zones, 49287–49288
Lake Ontario, NY; security zone, 49284–49286
St. Lawrence River, NY; security zone, 49288–49292

NOTICES

Agency information collection activities:

Submission for OMB review; comment request, 49444–
49445

Meetings:

National Boating Safety Advisory Council, 49445–49446

Commerce Department

See International Trade Administration

See National Oceanic and Atmospheric Administration

Commodity Futures Trading Commission

NOTICES

Agency information collection activities:

Proposed collection; comment request, 49355–49356
Reports and guidance documents; availability, etc.:
Temporary relief from regulatory compliance due to
terrorist attacks; policy statement, 49356–49357

Copyright Office, Library of Congress

PROPOSED RULES

Copyright arbitration royalty panel rules and procedures:

Digital performance of sound recordings; reasonable rates
and terms determination, 49330

Customs Service

RULES

User fee airports; Customs services fees

Ocala International Airport, FL; name change, 49274–
49275

NOTICES

Liquidation of duties:

Continued dumping and subsidy offset; distribution to
affected domestic producers, 49451

Defense Department

NOTICES

Arms sales notification; transmittal letter, etc., 49357–49370

Senior Executive Service:

Defense Threat Reduction Agency Performance Review
Board; membership, 49371

Education Department

NOTICES

Grants and cooperative agreements; availability, etc.:

Postsecondary education—
Jacob K. Javits Fellowship Program, 49371–49372

Employment and Training Administration

RULES

Aliens:

Labor certification and petition process for temporary
employment of nonimmigrant aliens in U.S.
agriculture; Labor Department adjudication authority
Effective date deferred, 49275–49276

PROPOSED RULES

Aliens:

Labor certification and petition process for temporary
employment of nonimmigrant aliens in U.S.
agriculture; fee structure modification,

Informal briefings, 49329–49330

Energy Department

See Energy Efficiency and Renewable Energy Office

See Federal Energy Regulatory Commission

NOTICES

Meetings:

Environmental Management Site-Specific Advisory
Board—
Oak Ridge Reservation, TN, 49372

Radioactive waste:

- Yucca Mountain, NV—
Site recommendation consideration; hearings, etc.,
49372–49373

Energy Efficiency and Renewable Energy Office**PROPOSED RULES**

- Consumer products; energy conservation program:
Energy conservation standards—
Central air conditioners and heat pumps, 49325–49326
Commercial unitary air conditioners and heat pumps,
49325

Environmental Protection Agency**RULES**

- Air pollutants, hazardous; national emission standards:
Natural gas transmission and storage facilities; technical
correction, 49299–49300
- Air quality implementation plans; approval and
promulgation; various States:
Arizona, 49293–49295
California, 49295–49297
Indiana, 49297–49299
Pennsylvania, 49292–49293
Texas, 49293
- Pesticides; tolerances in food, animal feeds, and raw
agricultural commodities:
Bifenthrin, 49300–49308
Cyhalofop-butyl, 49308–49316

NOTICES

- Air pollution control:
Acid rain program—
Excess emission penalty; annual adjustment factors,
49379
- Committees; establishment, renewal, termination, etc.:
Children's Health Protection Advisory Committee, 49380
- Meetings:
Children's Health Protection Advisory Committee, 49380
Local Government Advisory Committee, 49380–49381
- Pesticide registration, cancellation, etc.:
Cheminova AGRO A/S et al. [**Editorial Note:** This
document inadvertently published twice in the
September 26, 2001, **Federal Register** at 66 FR 49182
and 49238. The document on page 49238 should be
ignored.]
- Reports and guidance documents; availability, etc.:
Ballast water discharges; aquatic nuisance species study
results; report and recommendations, 49381–49382
- Water pollution control:
Clean Water Act—
Class II administrative penalty assessments, 49379–
49380, 49382–49383

Executive Office of the President

See Presidential Documents

Federal Aviation Administration**RULES**

- Airworthiness directives:
McDonnell Douglas, 49509–49510
- Airworthiness standards:
Special conditions—
Dassault Aviation Mystere-Falcon 50 airplanes, 49271–
49273

PROPOSED RULES

- Airworthiness directives:
General Electric Co., 49326–49328

NOTICES

- Airport noise compatibility program:
Phoenix Sky Harbor International Airport, AZ, 49446–
49448
- Passenger facility charges; applications, etc.:
Nashville International Airport, TN, 49448

Federal Communications Commission**RULES**

- Radio stations; table of assignments:
Texas, 49330

NOTICES

- Agency information collection activities:
Reporting and recordkeeping requirements, 49383–49384

Federal Energy Regulatory Commission**NOTICES**

- Dockets:
New docket prefix PF, 49375
- Electric rate and corporate regulation filings:
West Valley Generation, LLC, et al., 49375–49378
- Environmental statements; availability, etc.:
Calypso Pipeline, L.L.C., 49378
- Applications, hearings, determinations, etc.:*
Dominion North Carolina Power, 49373
Dominion Transmission, Inc., 49373
Kinder Morgan Power Co., 49373–49374
Nevada Sun-Peak L.P. et al., 49374
Niagara Mohawk Power Corp., 49374
Nine Mile Point Nuclear Station, LLC, 49374–49375

Federal Highway Administration**NOTICES**

- Environmental statements; notice of intent:
Cleveland, Cuyahoga County, OH, 49448–49449

Federal Railroad Administration**NOTICES**

- Exemption petitions; etc.:
Burlington Northern & Santa Fe Railway Co., 49449
- Traffic control systems; discontinuance or modification:
Pioneer Valley Railroad, 49449–49450

Federal Reserve System**NOTICES**

- Banks and bank holding companies:
Formations, acquisitions, and mergers, 49384–49385
- Reports and guidance documents; availability, etc.:
Payments system risk; policy statements—
Potential longer-term policy direction, 49385

Federal Trade Commission**NOTICES**

- Premerger notification waiting periods; early terminations,
49385–49386

Fish and Wildlife Service**RULES**

- Migratory bird hunting:
Seasons, limits, and shooting hours; establishment, etc.,
49477–49501

NOTICES

- Endangered and threatened species:
American peregrine falcons; monitoring plan; comment
request, 49395

Food and Drug Administration**RULES**

Human drugs:

- Cold, cough, allergy, bronchodilator, and antiasthmatic products (OTC)—
- Combination products containing brochodilator, 49276–49278

NOTICES

Agency information collection activities:

- Proposed collection; comment request, 49388–49392

Biological products:

- Patent extension; regulatory review period determinations—
- TNKase, 49392–49393

Meetings:

- Biological Response Modifiers Advisory Committee, 49393
- Medical Devices Advisory Committee, 49393–49394

Reports and guidance documents; availability, etc.:

- Creutzfeldt-Jakob disease and variant; preventive measures to reduce possible risk of transmission by blood and blood products, 49394–49395

Forest Service**NOTICES**

Meetings:

- National Urban and Community Forestry Advisory Council, 49343

Health and Human Services Department

See Agency for Healthcare Research and Quality

See Centers for Medicare & Medicaid Services

See Food and Drug Administration

See Substance Abuse and Mental Health Services Administration

NOTICES

- Scientific misconduct findings; administrative actions: Sanchez, David D., 49386–49387

Immigration and Naturalization Service**NOTICES**

Agency information collection activities:

- Submission for OMB review; comment request, 49397–49400

Interior Department

See Fish and Wildlife Service

See Land Management Bureau

Internal Revenue Service**RULES**

Income taxes:

- Corporations; liability assumptions in certain corporate transactions, 49278–49279

NOTICES

Meetings:

- Citizen Advocacy Panels—
- Midwest District, 49451

International Trade Administration**NOTICES**

Antidumping:

- Freshwater crawfish tail meat from—
- China, 49343–49344
- Greenhouse tomatoes from—
- Canada, 49344–49345
- Pure magnesium (granular form) from—
- China, 49345–49347

Pure magnesium from—

- Israel, 49349–49351
- Russian Federation, 49347–49349

Countervailing duties:

- Pure magnesium from—
- Israel, 49351–49353

International Trade Commission**NOTICES**

Import investigations:

- Wheat gluten; import relief; effectiveness evaluations, 49396–49397

Justice Department

See Immigration and Naturalization Service

See Justice Programs Office

Justice Programs Office**NOTICES**

Grants and cooperative agreements; availability, etc.:

- Young Offender Initiative: Reentry Program, 49400

Labor Department

See Employment and Training Administration

See Pension and Welfare Benefits Administration

Land Management Bureau**NOTICES**

Environmental statements; notice of intent:

- Douglas Point, MD; land acquisition planning analysis, 49396

Library of Congress

See Copyright Office, Library of Congress

National Foundation on the Arts and the Humanities**NOTICES**

Agency information collection activities:

- Submission for OMB review; comment request, 49424

National Oceanic and Atmospheric Administration**RULES**

Fishery conservation and management:

- Atlantic highly migratory species—
- Atlantic bluefin tuna, 49321–49322
- West Coast States and Western Pacific fisheries—
- West Coast salmon, 49322–49323

International fisheries regulations:

- Pacific tuna—
- Eastern Pacific Ocean; purse seine fishery; bycatch reduction, 49317–49321

NOTICES

Permits:

- Endangered and threatened species, 49353–49355

Senior Executive Service:

- Performance Review Board; membership, 49355

Northeast Dairy Compact Commission**NOTICES**

Meetings, 49424

Nuclear Regulatory Commission**PROPOSED RULES**

Nuclear power plants; early site permits, standard design certifications, and combined licenses:

- Draft rule wording, 49324

NOTICES

Applications, hearings, determinations, etc.:

- Entergy Operations, Inc., 49424–49425

Nuclear Management Co., LLC, 49425–49427
Wisconsin Public Service Corp. et al., 49427–49428

Pension and Welfare Benefits Administration

NOTICES

Employee benefit plans; prohibited transaction exemptions:
Metropolitan Life Insurance Co. et al., 49400–49418
Penske Corp. et al., 49418–49424

Pension Benefit Guaranty Corporation

NOTICES

Agency information collection activities:
Submission for OMB review; comment request, 49428–
49431

Presidential Documents

PROCLAMATIONS

Special observances:

Family Day (Proc. 7470), 49503–49506

ADMINISTRATIVE ORDERS

Air carriers; delegation of authority to compensate for
losses resulting from terrorist attacks of September 11,
2001 (Memorandum of September 25, 2001), 49507

Public Health Service

See Agency for Healthcare Research and Quality
See Food and Drug Administration
See Substance Abuse and Mental Health Services
Administration

Securities and Exchange Commission

RULES

Financial reporting matters, etc.:
Average weekly trading volume; calculation under Rule
144 and termination of Rule 10b5-1 trading plan;
interpretation, 49273–49274

NOTICES

Investment Company Act of 1940:
Exemption applications—
ING Pilgrim Investments, LLC, et al., 49433–49435
Met Investors Series Trust et al., 49435–49437
Temporary exemptions due to terrorist attacks, 49437–
49438
Meetings; Sunshine Act, 49438
Securities Exchange Act; emergency orders:
American Stock Exchange LLC; temporary response
action, 49438
Market developments; temporary response action, 49438–
49439
Self-regulatory organizations; proposed rule changes:
National Futures Association, 49439–49442
New York Stock Exchange, Inc., 49442–49443
Applications, hearings, determinations, etc.:
Pharmaceutical Resources, Inc., 49431
Public utility holding company filings, 49431–49433

Selective Service System

NOTICES

Agency information collection activities:
Submission for OMB review; comment request, 49443

Social Security Administration

NOTICES

Organization, functions, and authority delegations:
Information Technology Architecture Office, 49443

State Department

NOTICES

Meetings:
Shipping Coordinating Committee, 49443–49444

Substance Abuse and Mental Health Services Administration

NOTICES

Meetings:
Mental Health Services Center National Advisory
Council, 49395

Surface Transportation Board

NOTICES

Railroad operation, acquisition, construction, etc.:
CSX Transportation, Inc., 49450
Illinois Central Railroad Co., 49450

Transportation Department

See Coast Guard

See Federal Aviation Administration

See Federal Highway Administration

See Federal Railroad Administration

See Surface Transportation Board

NOTICES

Committees; establishment, renewal, termination, etc.:
Airport Security and Aircraft Security Rapid Response
Teams, 49444

Treasury Department

See Alcohol, Tobacco and Firearms Bureau

See Customs Service

See Internal Revenue Service

NOTICES

Agency information collection activities:
Submission for OMB review; comment request, 49450–
49451

Veterans Affairs Department

PROPOSED RULES

Acquisition regulations:

Construction and architect-engineer contracts, 49331–
49341

Separate Parts In This Issue

Part II

Department of Health and Human Services, Centers for
Medicare & Medicaid Services, 49453–49475

Part III

Department of Interior, Fish and Wildlife Service, 49477–
49501

Part IV

The President, 49503–49507

Part V

Department of Transportation, Federal Aviation
Administration, 49509–49510

Reader Aids

Consult the Reader Aids section at the end of this issue for
phone numbers, online resources, finding aids, reminders,
and notice of recently enacted public laws.

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	Proposed Rules:
Proclamations:	80149331
747049505	82549331
Administrative Orders:	83249331
Memorandums:	83649331
Memorandum of	84649331
September 25,	85249331
200149507	50 CFR
9 CFR	2049478
7749271	30049317
	63549321
	66049322
10 CFR	
Proposed Rules:	
5249324	
430 (2 documents)49325	
14 CFR	
2549271	
3949510	
Proposed Rules:	
3949326	
17 CFR	
21149273	
23149273	
24149273	
19 CFR	
12249274	
20 CFR	
65549275	
Proposed Rules:	
655 (2 documents)49328,	
49329	
21 CFR	
34149276	
26 CFR	
149278	
27 CFR	
449279	
33 CFR	
11049280	
165 (6 documents)49280,	
49284, 49285, 49287, 49288,	
49290	
37 CFR	
Proposed Rules:	
20149330	
40 CFR	
52 (8 documents)49292,	
49293, 49295, 49297	
6349299	
180 (2 documents)49300,	
49308	
47 CFR	
Proposed Rules:	
7349330	
48 CFR	
41949316	
45249316	