



Federal Register

6-6-02

Vol. 67 No. 109

Pages 38841-39240

Thursday

June 6, 2002



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 \$699, or \$764 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 \$264. Six month subscriptions are available for one-half the annual rate. The charge for individual copies in paper form is \$10.00 for each issue, or \$10.00 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: 67 FR 12345.

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 202-523-5243
Assistance with Federal agency subscriptions 202-523-5243

What's NEW!

Federal Register Table of Contents via e-mail

Subscribe to FEDREGTOC, to receive the **Federal Register** Table of Contents in your e-mail every day.

If you get the HTML version, you can click directly to any document in the issue.

To subscribe, go to <http://listserv.access.gpo.gov> and select:

Online mailing list archives

FEDREGTOC-L

Join or leave the list

Then follow the instructions.

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.

WASHINGTON, DC

WHEN: July 23, 2002—9:00 a.m. to noon

WHERE: Office of the Federal Register
Conference Room
800 North Capitol Street, NW.
Washington, DC
(3 blocks north of Union Station Metro)

RESERVATIONS: 202-523-4538; or
info@fedreg.nara.gov



Contents

Federal Register

Vol. 67, No. 109

Thursday, June 6, 2002

Agency for Healthcare Research and Quality

NOTICES

Meetings:

Technical Review Committee, 39010

Agency for International Development

NOTICES

Agency information collection activities:

Submission for OMB review; comment request, 38926

Agricultural Research Service

NOTICES

Patent licenses; non-exclusive, exclusive, or partially

exclusive:

FFS, Inc., 38926

Agriculture Department

See Agricultural Research Service

See Animal and Plant Health Inspection Service

See Foreign Agricultural Service

See Forest Service

See Natural Resources Conservation Service

Alcohol, Tobacco and Firearms Bureau

PROPOSED RULES

Alcoholic beverages:

Wine; labeling and advertising—

American wines; Petite Sirah and Zinfandel; new prime grape variety names, 38915–38917

Animal and Plant Health Inspection Service

RULES

Interstate transportation of animals and animal products (quarantine):

Tuberculosis in cattle and bison—

State and area classifications, 38841–38844

Army Department

See Engineers Corps

NOTICES

Patent licenses; non-exclusive, exclusive, or partially exclusive:

Nomadics, Inc., et al.; bacterial spore detection and quantification methods, 38943

Recombinant DNA molecules for producing terminal transference-like polypeptides, 38943

Site-directed mutagenesis of esterases, 38943–38944

Centers for Disease Control and Prevention

NOTICES

Agency information collection activities:

Proposed collection; comment request, 39010–39011

Submission for OMB review; comment request, 39011

Centers for Medicare & Medicaid Services

See Inspector General Office, Health and Human Services Department

Commerce Department

See Foreign-Trade Zones Board

See Industry and Security Bureau

See International Trade Administration

See National Oceanic and Atmospheric Administration

NOTICES

Reports and guidance documents; availability, etc.:

Information disseminated by Federal agencies; quality, objectivity, utility, and integrity guidelines, 38931–38932

Commodity Futures Trading Commission

RULES

Intermediaries; registration in futures industry, 38869–38877

NOTICES

Meetings; Sunshine Act, 38941

Securities:

Narrow-based security index; definition exclusions, 38941–38942

Comptroller of the Currency

RULES

Riegle-Neal Interstate Banking and Branching Efficiency Act; implementation:

Interstate branches used primarily for deposit production; prohibition, 38844–38849

Customs Service

RULES

Merchandise, special classes:

Import restrictions—

Peru; archaeological and ethnological materials, 38877–38878

NOTICES

Automatic program test:

Semi-monthly statement processing; expansion to additional ports of entry, 39098–39099

Defense Department

See Army Department

See Engineers Corps

NOTICES

Federal Acquisition Regulation (FAR):

Agency information collection activities—

Submission for OMB review; comment request, 38942–38943

Drug Enforcement Administration

NOTICES

Applications, hearings, determinations, etc.:

Johnson Matthey, Inc., 39041–39046

Education Department

NOTICES

Agency information collection activities:

Submission for OMB review; comment request, 38945

Grants and cooperative agreements; availability, etc.:

Elementary and secondary education—

Cultural Partnerships for At-Risk Children and Youth Program, 38945–38948

Native Hawaiian Education Program, 38948–38949

Privacy Act:

Systems of records, 39201–39204

Energy Department

See Federal Energy Regulatory Commission

See Southwestern Power Administration

NOTICES

Grants and cooperative agreements; availability, etc.:
Advanced liquid natural gas onboard storage systems,
38949–38950

Engineers Corps**NOTICES**

Environmental statements; notice of intent:
Los Angeles County, CA; Malibu Creek environmental
restoration feasibility study, 38944–38945

Environmental Protection Agency**RULES**

Air quality implementation plans; approval and
promulgation; various States:
Pennsylvania, 38894–38896

PROPOSED RULES

Air quality implementation plans; approval and
promulgation; various States:
Pennsylvania, 38924

NOTICES

Committees; establishment, renewal, termination, etc.:
Science Advisory Board, 38957–38959

Executive Office of the President

See National Drug Control Policy Office

Export-Import Bank**NOTICES**

Agency information collection activities:
Submission for OMB review; comment request, 38962–
39007

Federal Aviation Administration**RULES**

Airworthiness directives:
Raytheon, 38849–38851
Rolls-Royce plc, 38852–38855

Federal Communications Commission**RULES**

Radio frequency devices:
Biomedical telemetry transmitters; petition denied,
38903–38904

PROPOSED RULES

Digital television stations; table of assignments:
Alabama, 38924–38925

NOTICES

Agency information collection activities:
Submission for OMB review; comment request, 39008
Meetings:
Network Reliability and Interoperability Council, 39008
Rulemaking proceedings; petitions filed, granted, denied,
etc., 39008

Federal Deposit Insurance Corporation**RULES**

Riegle-Neal Interstate Banking and Branching Efficiency
Act; implementation:
Interstate branches used primarily for deposit production;
prohibition, 38844–38849

Federal Election Commission**NOTICES**

Meetings; Sunshine Act, 39008

Federal Energy Regulatory Commission**NOTICES**

Hydroelectric applications, 38956

Practice and procedure:

Off-the-record communications, 38956–38957
Reports and guidance documents; availability, etc.:
Capacity release transactions; rate ceiling; staff paper,
38957

Applications, hearings, determinations, etc.:

Auburndale Peaker Energy Center, L.L.C., 38950
Columbia Gulf Transmission Co., 38950–38951
El Dorado Irrigation District, 38951
Hermiston Power Partnership, 38951
Los Esteros Critical Energy Facility, LLC, 38951–38952
Power Development Co., L.L.C., 38952
PPL Edgewood Energy, LLC, 38952
PPL Shoreham Energy, LLC, 38952–38953
Rock Springs Generation, LLC, 38953
Southern Natural Gas Co., 38953
Springville City, UT, 38953–38954
Transcontinental Gas Pipe Line Corp., 38954–38955
Tuscarora Gas Transmission Co., 38955
Waterside Power, LLC, 38955
Western Gas Interstate Co., 38955–38956

Federal Reserve System**RULES**

Riegle-Neal Interstate Banking and Branching Efficiency
Act; implementation:
Interstate branches used primarily for deposit production;
prohibition, 38844–38849

NOTICES

Banks and bank holding companies:
Change in bank control, 39009
Formations, acquisitions, and mergers, 39009
Permissible nonbanking activities, 39009
Meetings:
Consumer Advisory Council, 39010

Federal Retirement Thrift Investment Board**NOTICES**

Meetings; Sunshine Act, 39010

Fish and Wildlife Service**PROPOSED RULES**

Endangered and threatened species:
Critical habitat designations—
Gulf sturgeon, 39105–39199
Rio Grande silvery minnow, 39205–39235

NOTICES

Endangered and threatened species:
Findings on petitions, etc.—
Slender moonwort, 39035–39037
Endangered and threatened species permit applications,
39035

Environmental statements; notice of intent:

Incidental take permits—
California; Mendocino Redwood Co.'s habitat and
natural community conservation plans, 38932–
38934

Grants and cooperative agreements; availability, etc.:
Ballast Water Treatment Technology Demonstration
Program, 38934–38939

Meetings:

North American Wetlands Conservation Council, 39038

Food and Drug Administration**RULES**

Medical devices:
Postmarket surveillance, 38878–38892

PROPOSED RULES

Food for human consumption:

Food labeling—

Raw fruits, vegetables, and fish; voluntary nutrition labeling; 20 most frequently consumed raw fruits, vegetables, and fish, identification; correction, 38913

NOTICES

Agency information collection activities:

Submission for OMB review; comment request, 39011–39012

Grants and cooperative agreements; availability, etc.:

Small Scientific Conferences Program, 39013–39015

Foreign Agricultural Service**NOTICES**

Uruguay Round Agreements Act (URAA); agricultural safeguard trigger levels, 38927–38928

Foreign-Trade Zones Board**NOTICES***Applications, hearings, determinations, etc.:*

North Carolina

General Electric Aircraft Engines; gas turbine engines manufacturing and distribution facilities, 38940–38941

Forest Service**NOTICES**

Appealable decisions; legal notice:

Southern Region, 38928–38931

General Services Administration**RULES**

Federal Management Regulation:

Federal mail management, 38896–38903

NOTICES

Federal Acquisition Regulation (FAR):

Agency information collection activities—

Submission for OMB review; comment request, 38942–38943

Health and Human Services Department*See* Agency for Healthcare Research and Quality*See* Centers for Disease Control and Prevention*See* Food and Drug Administration*See* Health Resources and Services Administration*See* Inspector General Office, Health and Human Services Department*See* National Institutes of Health**Health Resources and Services Administration****NOTICES**

Grants and cooperative agreements; availability, etc.:

Health workforce research; correction, 39015

Meetings:

Infant Mortality Advisory Committee, 39015

Housing and Urban Development Department**RULES**

FHA programs; introduction:

Non-profit organization participation in certain FHA single family activities; placement and removal procedures, 39237–39240

NOTICES

Agency information collection activities:

Proposed collection; comment request, 39033–39034

Grants and cooperative agreements; availability, etc.:

Discretionary grant programs (SuperNOFA), 39034

Facilities to assist homeless—

Excess and surplus Federal property, 39034–39035

Immigration and Naturalization Service**NOTICES**

Agency information collection activities:

Submission for OMB review; comment request, 39046–39048

Industry and Security Bureau**RULES**

Export administration regulations:

Commerce Control List—

Encryption controls; revisions and clarifications;

Wassenaar Arrangement List of dual-use items;

changes, 38855–38869

Inspector General Office, Health and Human Services Department**NOTICES**

Reports and guidance documents; availability, etc.:

Ambulance suppliers; compliance program guidance, 39015–39026

Interior Department*See* Fish and Wildlife Service*See* National Park Service*See* Surface Mining Reclamation and Enforcement Office**Internal Revenue Service****PROPOSED RULES**

Excise taxes:

Highway vehicle; definition, 38913–38915

International Trade Administration**NOTICES**

Antidumping:

Stainless steel flanges from—

India, 38932

International Trade Commission**NOTICES**

Import investigations:

Cold-rolled steel products from—

Various countries, 39039–39040

Metal folding tables and chairs from—

China, 39040–39041

Sulfanilic acid from—

Hungary and Portugal, 39041

Justice Department*See* Drug Enforcement Administration*See* Immigration and Naturalization Service**Labor Department***See* Occupational Safety and Health Administration*See* Pension and Welfare Benefits Administration**NOTICES**

Agency information collection activities:

Submission for OMB review; comment request, 39048–39049

Committees; establishment, renewal, termination, etc.:

North American Agreement on Labor Cooperation

National Advisory Committee, 39049–39050

Reports and guidance documents; availability, etc.:

Information disseminated by Federal agencies; quality, objectivity, utility, and integrity guidelines, 39050

Maritime Administration**NOTICES**

Grants and cooperative agreements; availability, etc.:
Ballast Water Treatment Technology Demonstration
Program, 38934–38939

National Aeronautics and Space Administration**RULES**

Acquisition regulations:

Non-commercial representations and certifications and
evaluation provisions for use in simplified
acquisitions, 38904–38908

Shipment by Government Bills of Lading, 38908–38909

Grant and Cooperative Agreement Handbook:

Incremental funding and deobligations limitations, etc.
Correction, 38855

NOTICES

Federal Acquisition Regulation (FAR):

Agency information collection activities—
Submission for OMB review; comment request, 38942–
38943

Meetings:

Advisory Council
Biological and Physical Research Committee, 39072–
39073

National Drug Control Policy Office**NOTICES**

Reports and guidance documents; availability, etc.:

Information disseminated by Federal agencies; quality,
objectivity, utility, and integrity guidelines, 38959–
38962

National Institutes of Health**NOTICES**

Agency information collection activities:

Proposed collection; comment request, 39026–39027

Meetings:

National Cancer Institute, 39027
National Center for Complementary and Alternative
Medicine, 39027–39028
National Institute of Allergy and Infectious Diseases,
39030
National Institute of Arthritis and Musculoskeletal and
Skin Diseases, 39029
National Institute of Child Health and Human
Development, 39028
National Institute of Mental Health, 39028–39029
National Institute of Nursing Research, 39028
National Institute on Drug Abuse, 39029–39030
National Library of Medicine, 39030–39031
Scientific Review Center, 39031–39033

National Oceanic and Atmospheric Administration**RULES**

Fishery conservation and management:

Northeastern United States fisheries—
Atlantic bluefish, 38909–38912
Black sea bass, 38909

PROPOSED RULES

Endangered and threatened species:

Critical habitat designations—
Gulf sturgeon, 39105–39199

NOTICES

Environmental statements; notice of intent:

Incidental take permits—
California; Mendocino Redwood Co.'s habitat and
natural community conservation plans, 38932–
38934

Grants and cooperative agreements; availability, etc.:
Ballast Water Treatment Technology Demonstration
Program, 38934–38939

Marine mammals:

Incidental taking; authorization letters, etc.—
Vandenberg Air Force Base, CA; 30th Space Wing, U.S.
Air Force; rocket launches; seals and sea lions,
38939–38940

Permits:

Endangered and threatened species, 38940

National Park Service**NOTICES**

Environmental statements; availability, etc.:

Denali National Park and Preserve, AK; termination,
39037–39038

Wilson's Creek National Battlefield, MO, 39038

Meetings:

Trail of Tears National Historic Trail Advisory Council,
39038–39039

Natural Resources Conservation Service**NOTICES**

Field office technical guides; changes:

Indiana, 38931
Virginia, 38931

Nuclear Regulatory Commission**NOTICES**

Applications, hearings, determinations, etc.:

Pacific Gas & Electric Co., 39073

Occupational Safety and Health Administration**NOTICES**

Agency information collection activities:

Proposed collection; comment request, 39050–39051

Pension and Welfare Benefits Administration**NOTICES**

Employee benefit plans; prohibited transaction exemptions:

Adams Wood Products, Inc., et al., 39051–39063

Employee benefit plans; prohibited transaction exemptions:

Massachusetts Mutual Insurance Co. et al., 39063–39072

Public Health Service

See Agency for Healthcare Research and Quality

See Centers for Disease Control and Prevention

See Food and Drug Administration

See Health Resources and Services Administration

See National Institutes of Health

Securities and Exchange Commission**NOTICES**

Investment Company Act of 1940:

Deregistration applications—

Fulcrum Trust et al., 39076–39077

Exemption applications—

Metropolitan Series Fund, Inc., et al., 39077–39086

Order applications—

Ameritas Life Insurance Corp. et al., 39086–39089

Securities:

Narrow-based security index; definition exclusions,
38941–38942

Self-regulatory organizations; proposed rule changes:

New York Stock Exchange, Inc., 39089–39090

Philadelphia Stock Exchange, Inc., 39090–39095

Applications, hearings, determinations, etc.:

Public utility holding company filings, 39073–39076

Southwestern Power Administration**NOTICES**

Power rates:

Integrated System rate schedules; correction, 39103–39104

State Department**RULES**

Consular services; fee schedules, 38892–38894

NOTICES

Art objects; importation for exhibition:

Connecting Museums, 39095–39096

Surface Mining Reclamation and Enforcement Office**PROPOSED RULES**

Permanent program and abandoned mine land reclamation plan submissions:

Kentucky, 38917–38919

West Virginia, 38919–38924

Surface Transportation Board**NOTICES**

Railroad operation, acquisition, construction, etc.:

Twin Cities & Western Railroad Co. et al., 39097

Railroad services abandonment:

CSX Transportation, Inc., 39097–39098

Transportation Department*See* Federal Aviation Administration*See* Maritime Administration*See* Surface Transportation Board**NOTICES**

Aviation proceedings:

Certificates of public convenience and necessity and foreign air carrier permits; weekly applications, 39096

Reports and guidance documents; availability, etc.:

Information dissemination to by Federal agencies; quality, objectivity, utility, and integrity guidelines, 39096–39097

Treasury Department*See* Alcohol, Tobacco and Firearms Bureau*See* Comptroller of the Currency*See* Customs Service*See* Internal Revenue Service**United States Institute of Peace****NOTICES**

Meetings; Sunshine Act, 39099

Veterans Affairs Department**NOTICES**

Agency information collection activities:

Proposed collection; comment request, 39099–39100

Submission for OMB review; comment request, 39100–39101

Meetings:

Gulf War Veterans' Illnesses Research Advisory Committee, 39101

Real property; enhanced-use leases:

Tuscaloosa, AL; V A Medical Center, 39101–39102

Separate Parts In This Issue**Part II**

Commerce Department, National Oceanic and Atmospheric Administration; Interior Department, Fish and Wildlife Service, 39105–39199

Part III

Education Department, 39201–39204

Part IV

Interior Department, Fish and Wildlife Service, 39205–39235

Part V

Housing and Urban Development Department, 39237–39240

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.

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.

9 CFR

77.....38841

12 CFR

25.....38844

208.....38844

369.....38844

14 CFR

39 (2 documents)38849,

38852

1260.....38855

15 CFR

732.....38855

734.....38855

738.....38855

740.....38855

742.....38855

748.....38855

770.....38855

772.....38855

774.....38855

17 CFR

3.....38869

19 CFR

12.....38877

21 CFR

822.....38878

Proposed Rules:

101.....38913

22 CFR

41.....38892

42.....38892

24 CFR

200.....39238

26 CFR**Proposed Rules:**

41.....38913

48.....38913

145.....38913

27 CFR**Proposed Rules:**

4.....38915

30 CFR**Proposed Rules:**

917 (2 documents)38917,

38919

40 CFR

52.....38894

Proposed Rules:

52.....38924

41 CFR

101-9.....38896

101-192.....38896

47 CFR

15.....38903

Proposed Rules:

73.....38924

48 CFR

1813.....38904

1847.....38908

1852 (2 documents)38904,

38908

50 CFR

648 (2 documents)38909

Proposed Rules:

17 (2 documents)39106,

39206

226.....39106