

have federalism implications.” “Policies that have federalism implications” is defined in the Executive Order to include regulations that have “substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.” This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDC section 408(n)(4). For these same reasons, the Agency has determined that this rule does not have any tribal implications as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications. Policies that have tribal implications is defined in the Executive Order to include regulations that have substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes. This rule will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

VIII. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this final rule in the **Federal Register**. This final rule is not a “major rule” as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: December 17, 2001.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180— [AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346(a) and 371.

2. Section 180.556 is amended by revising paragraph (a) to read as follows:

§ 180.556 Pymetrozine; tolerances for residues.

(a) *General.* Tolerances are established for residues of the insecticide pymetrozine 1,2,4-triazin-3(2H)-one,4,5-dihydro-6-methyl-4-[(3-pyridinylmethylene) amino] in or on the following raw agricultural commodities. The tolerance level for each commodity is expressed in terms of the parent insecticide only, which serves as an indicator of the use of pymetrozine on these raw agricultural commodities.

Commodity	Parts per million
Brassica, head and stem, subgroup (Crop Subgroup 5-A) ..	0.5
Brassica, leafy greens, subgroup (Crop Subgroup 5-B) ..	0.25
Cotton gin byproducts	2.0
Cotton, undelinted seed	0.3
Hops, dried cones	6.0
Pecans	0.02
Turnip, greens	0.25
Vegetable, fruiting, group (Crop Group 8)	0.2
Vegetable, cucurbit, group (Crop Group 9)	0.1
Vegetable, leafy, except brassica, group (Crop Group 4) ...	0.6
Vegetable, tuberous and corm, subgroup (Crop Subgroup 1-C)	0.02

* * * * *

[FR Doc. 01-31801 Filed 12-26-01; 8:45 am]

BILLING CODE 6560-50-S

GENERAL SERVICES ADMINISTRATION

41 CFR Chapter 301

[FTR Amendment 99]

RIN 3090-AH51

Federal Travel Regulation; Maximum Per Diem Rates

AGENCY: Office of Governmentwide Policy, GSA.

ACTION: Final rule.

SUMMARY: This final rule amends the Federal Travel Regulation (FTR), Amendment 97, published in the **Federal Register** of Friday, August 31, 2001. This final rule updates the table of prescribed maximum per diem rates for the continental United States (CONUS) by revising previous entries and adding new entries.

EFFECTIVE DATE: October 1, 2001.

FOR FURTHER INFORMATION CONTACT:

Joddy P. Garner, Office of Governmentwide Policy (MTT), Washington, DC 20405, telephone 202-501-4857.

SUPPLEMENTARY INFORMATION:

A. Background

The General Services Administration (GSA), after an analysis of additional data, is revising previous entries and adding new entries that were inadvertently omitted from FTR Amendment 97 published as Part II in the **Federal Register** of Friday, August 31, 2001 (66 FR 46070). This final rule revises the key city for Pontiac/Troy, Michigan, and the county and/or other defined locations for Denver, Colorado; Anoka County, Minnesota; Harrisburg and Hershey, Pennsylvania; and Sturgis, South Dakota. This final rule further adds new per diem city/county localities and rates for Dinwiddie County, Hopewell, Petersburg, and Prince George County, Virginia. In addition, this final rule revises footnote four (4) of the per diem rate table.

B. Executive Order 12866

GSA has determined that this final rule is not a significant regulatory action for the purposes of Executive Order 12866 of September 30, 1993.

C. Regulatory Flexibility Act

This final rule is not required to be published in the **Federal Register** for notice and comment; therefore, the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, does not apply.

D. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this final rule does

not impose recordkeeping or information collection requirements, or the collection of information from offerors, contractors, or members of the public which require the approval of the Office of Management and Budget under 44 U.S.C. 501 *et seq.*

E. Small Business Regulatory Enforcement Fairness Act

This final rule is also exempt from congressional review prescribed under 5 U.S.C. 801 since it relates solely to agency management and personnel.

List of Subjects in 41 CFR Chapter 301

Government employees, Travel and transportation expenses.

For the reasons set forth in the preamble, under 5 U.S.C. 5701–5709, 41 CFR chapter 301 is amended as follows:

CHAPTER 301—Temporary Duty (TDY) Travel Allowances

Appendix A to Chapter 301 [Amended]

1. Appendix A to chapter 301 is amended as follows:

a. On the page that includes entries for the State of Colorado, under the State of Colorado, city of Denver, column two (County and/or other defined location) is revised to read “Denver, Adams, and Arapahoe Counties, that portion of Westminster located in Jefferson County, and Lone Tree in Douglas County”.

b. On the page that includes entries for the States of Massachusetts and Michigan, under the State of Michigan, in the first column, the last entry, “Pontiac/Troy”, is revised to read “Pontiac/Troy/Auburn Hills”.

c. On the page that includes entries for the State of Michigan and Minnesota:

i. Under the State of Michigan, the entry for “Auburn Hills” is removed.

ii. Under the State of Minnesota, city of Anoka County, column two (County and/or other defined location) is revised to read “Anoka”.

d. On the page that includes entries for the State of Pennsylvania:

i. Under the State of Pennsylvania, city of Harrisburg, column two (County and/or other defined location) is revised to read “Dauphin (except Hershey)”.

ii. Under the State of Pennsylvania, city of Hershey, column two (County and/or other defined location) is revised to read “City limits of Hershey (see Dauphin County)”.

e. On the page that includes entries for the State of South Dakota, city of Sturgis, column two (County and/or other defined location) is revised to read “Meade”.

f. On the page beginning with the entry for Colonial Heights, Virginia:

i. Under the State of Virginia, a new entry is added after the city of Colonial Heights, to read: (column one)

“Dinwiddie County”; (column two) “Dinwiddie”; (column three) “77”; (column four) “30”; (column five) “107”.

ii. Under the State of Virginia, a new entry is added after the new entry for Dinwiddie County, to read: (column one) “Hopewell”; (column three) “77”; (column four) “30”; (column five) “107”.

iii. Under the State of Virginia, a new entry is added after the city of Manassas/Woodbridge, to read: (column one) “Petersburg”; (column three) “77”; (column four) “30”; (column five) “107”.

iv. Under the State of Virginia, a new entry is added after the new entry for Petersburg, to read: (column one) “Prince George County”; (column two) “Prince George”; (column three) “77”; (column four) “30”; (column five) “107”.

g. Note four at the end of the table is revised.

The revised pages containing the amendments to the table set forth above and a new page containing the notes to the table as amended above read as follows:

Appendix A to Chapter 301— Prescribed Maximum Per Diem Rates for CONUS

* * * * *

BILLING CODE 6820–14–P

Per diem locality:	Maximum lodging amount (room rate only—no taxes) (a)	+	M&IE rate (b)	=	Maximum per diem rate ⁴ (c)
Key city ¹	County and/or other defined location ^{2, 3}				

(October 1-June 14)		63	42		105
Visalia	Tulare	69	38		107
West Sacramento	Yolo	69	30		99
Yosemite National Park	Mariposa				
(May 1-September 30)		114	46		160
(October 1-April 30)		82	46		128
COLORADO					
Aspen	Pitkin				
(January 1-April 30)		145	46		191
(May 1-December 31)		89	46		135
Boulder	Boulder	93	42		135
Colorado Springs	El Paso				
(May 15-September 15)		73	38		111
(September 16-May 14)		59	38		97
Cortez	Montezuma	69	34		103
Crested Butte	City limits of Crested Butte (see Gunnison Co.)				
(November 15-April 15)		97	42		139
(April 16-June 15)		58	42		100
(June 16-November 14)		71	42		113
Denver	Denver, Adams, and Arapahoe Counties, that portion of Westminster located in Jefferson County, and Lone Tree in Douglas County.	112	42		154
Durango	La Plata				
(May 15-September 30)		99	38		137
(October 1-May 14)		70	38		108
Fort Collins	Larimer (except Loveland)	76	34		110
Glenwood Springs	Garfield				
(May 15-October 15)		95	30		125
(October 16-May 14)		55	30		85
Gunnison	Gunnison (except Crested Butte)				
(May 15-September 30)		70	34		104
(October 1-May 14)		55	34		89
Jefferson County	Jefferson	94	34		128
Loveland	City limits of Loveland (see Larimer County)	69	30		99
Montrose	Montrose	69	34		103
Pueblo	Pueblo				
(June 1-September 30)		72	34		106
(October 1-May 31)		58	34		92
Silverthorne/Keystone	Summit	170	38		208
Steamboat Springs	Routt	59	38		97
Telluride	San Miguel				
(December 20-September 30)		147	46		193
(October 1-December 19)		85	46		131
Trinidad	Las Animas	62	30		92
Vail	Eagle				
(December 1-March 31)		200	46		246
(April 1-November 30)		105	46		151
CONNECTICUT					
Bridgeport/Danbury	Fairfield	109	38		147

Per diem locality:	Maximum lodging amount (room rate only—no taxes) (a)	+	M&IE rate (b)	=	Maximum per diem rate ⁴ (c)
Key city ¹	County and/or other defined location ^{2, 3}				

Falmouth	City limits of Falmouth				
(June 1-September 30)		105	38		143
(October 1-May 31)		70	38		108
Hyannis	Barnstable	94	38		132
Lowell	City limits of Lowell (except Cambridge) (see Middlesex County)	99	34		133
Martha's Vineyard	Dukes				
(June 1-October 15)		150	46		196
(October 16-May 31)		85	46		131
Nantucket	Nantucket				
(June 15-October 15)		150	46		196
(October 16-June 14)		75	46		121
New Bedford	City limits of New Bedford (see Bristol County)				
(May 15-October 15)		75	34		109
(October 16-May 14)		65	34		99
Northampton	Hampshire	72	34		106
Pittsfield	Berkshire	65	38		103
Plymouth	Plymouth				
(June 15-October 15)		119	34		153
(October 16-June 14)		99	34		133
Quincy	Norfolk	74	38		112
Springfield	Hampden	99	34		133
Taunton	Bristol (except New Bedford)	74	30		104
Worcester	Worcester	79	34		113
MICHIGAN					
Ann Arbor	Washtenaw	75	38		113
Berrien County	Berrien	59	30		89
Charlevoix	Charlevoix				
(June 1-August 31)		105	38		143
(September 1-May 31)		59	38		97
Detroit	Wayne	109	46		155
East Lansing/Lansing	Ingham	65	38		103
Frankenmuth	Saginaw	69	34		103
Frankfort	Benzie	62	34		96
Gaylord	Otsego	65	38		103
Grand Rapids	Kent	62	34		96
Holland	Ottawa	60	34		94
Leland	Leelanau	75	34		109
Mackinac Island	Mackinac	165	46		211
Midland	Midland	72	34		106
Mount Pleasant	Isabella	65	34		99
Muskegon	Muskegon				
(May 1-August 31)		79	30		109
(September 1-April 30)		59	30		89
Ontonagon	Ontonagon	65	30		95
Petoskey	Emmet				
(June 1-October 31)		65	38		103
(November 1-May 31)		55	38		93
Pontiac/Troy/Auburn Hills	Oakland	94	38		132

Per diem locality:	Maximum lodging amount (room rate only—no taxes) (a)	+	M&IE rate (b)	=	Maximum per diem rate ⁴ (c)
Key city ¹	County and/or other defined location ^{2, 3}				

Sault Ste Marie	Chippewa				
(May 15-October 15)		63	34		97
(October 16-May 14)		55	34		89
South Haven	Van Buren	76	34		110
Traverse City	Grand Traverse	125	42		167
Warren	Macomb	79	34		113
MINNESOTA					
Anoka County	Anoka	65	34		99
Dakota County	Dakota	80	34		114
Duluth	St. Louis				
(June 1-October 31)		85	42		127
(November 1-May 31)		56	42		98
Minneapolis/St. Paul	Hennepin County and Fort Snelling Military Reservation and Navy Astronautics Group (Detachment BRAVO), and Ramsey County	95	46		141
Rochester	Olmsted	73	34		107
MISSISSIPPI					
Bay St. Louis	Hancock				
(April 1-October 31)		69	38		107
(November 1-March 31)		55	38		93
Biloxi/Gulfport	Harrison	72	38		110
Robinsonville	Tunica	59	34		93
MISSOURI					
Branson	Taney				
(April 1-December 31)		62	34		96
(January 1-March 31)		55	34		89
Hannibal	Marion	57	30		87
Jefferson City	Cole	60	30		90
Kansas City	Jackson, Clay and Kansas City International Airport	85	42		127
Osage Beach	Camden	89	30		119
Platte	Platte (except Kansas City International Airport)	61	34		95
Springfield	Greene	63	30		93
St. Louis	St. Louis and St. Charles	90	46		136
MONTANA					
Big Sky	Gallatin (except West Yellowstone)	125	46		171
Polson/Kalispell	Lake and Flathead				
(June 1-September 15)		64	30		94
(September 16-May 31)		55	30		85
West Yellowstone	City limits of West Yellowstone (see Gallatin County)				
(June 1-September 30)		92	34		126
(October 1-May 31)		55	34		89

Per diem locality:	Maximum lodging amount (room rate only—no taxes) (a)	+	M&IE rate (b)	=	Maximum per diem rate ⁴ (c)
Key city ¹	County and/or other defined location ^{2, 3}				

Oklahoma City	Oklahoma	65	38		103
OREGON					
Ashland	Jackson	59	42		101
Beaverton	Washington	59	38		97
Bend	Deschutes				
(June 1-September 30)		69	38		107
(October 1-May 31)		59	38		97
Clackamas	Clackamas	66	34		100
Crater Lake	Klamath	74	38		112
Eugene	Lane (except Florence)	62	38		100
Florence	City limits of Florence (see Lane County)	80	34		114
Gold Beach	Curry	58	30		88
Lincoln City/Newport	Lincoln	65	34		99
Portland	Multnomah	77	38		115
Seaside	Clatsop				
(July 1-August 31)		79	34		113
(September 1-June 30)		59	34		93
PENNSYLVANIA					
Allentown	Lehigh	62	30		92
Chester/Radnor/Essington	Delaware (except Wayne)	75	34		109
Easton	Northampton	69	34		103
Erie	Erie	65	30		95
Gettysburg	Adams				
(May 1-October 31)		82	34		116
(November 1-April 30)		55	34		89
Harrisburg	Dauphin (except Hershey)	79	42		121
Hershey	City limits of Hershey (see Dauphin County)				
(June 1-September 15)		125	42		167
(September 16-May 31)		55	42		97
King of Prussia/Ft. Washington/Bala Cynwyd	Montgomery				
(April 1-November 30)		119	42		161
(December 1-March 31)		99	42		141
Lancaster	Lancaster				
(May 1-October 31)		70	38		108
(November 1-April 30)		60	38		98
Malvern/Downington/Valley Forge	Chester	83	38		121
Mechanicsburg	Cumberland	74	34		108
Philadelphia	Philadelphia	118	46		164
Pittsburgh	Allegheny	79	46		125
Reading	Berks	75	38		113
Scranton	Lackawanna	60	30		90
Warminster	Bucks County; Naval Air Development Center	75	42		117
Wayne	City limits of Wayne (see Delaware County)	100	42		142
RHODE ISLAND					
East Greenwich	Kent County; Naval Construction Battalion Center, Davisville	79	38		117
Newport	Newport				

Per diem locality:	Maximum lodging amount (room rate only—no taxes) (a)	+	M&IE rate (b)	=	Maximum per diem rate ⁴ (c)
Key city ¹	County and/or other defined location ^{2, 3}				

(April 1-December 31)		111	42	153
(January 1-March 31)		79	42	121
North Kingstown	Washington	89	30	119
Providence	Providence	89	42	131
SOUTH CAROLINA				
Aiken	Aiken	65	30	95
Charleston/Berkeley County	Charleston and Berkeley	99	42	141
Columbia	Richland	65	30	95
Greenville	Greenville	65	38	103
Hilton Head	Beaufort			
(March 15-September 30)		95	42	137
(October 1-March 14)		75	42	117
Myrtle Beach	Horry County; Myrtle Beach AFB			
(March 1-November 30)		99	42	141
(December 1-February 28)		59	42	101
SOUTH DAKOTA				
Custer	Custer			
(June 15-August 19)		70	30	100
(August 20-June 14)		55	30	85
Hot Springs	Fall River			
(June 15-October 15)		108	30	138
(October 16-June 14)		79	30	109
Rapid City	Pennington			
(May 15-September 30)		99	34	133
(October 1-May 14)		55	34	89
Sturgis	Meade			
(June 15-August 15)		79	30	109
(August 16-June 14)		55	30	85
TENNESSEE				
Alcoa/Townsend	Blount	63	34	97
Gatlinburg	Sevier			
(May 1-October 31)		78	38	116
(November 1-April 30)		70	38	108
Memphis	Shelby	70	38	108
Murfreesboro	Rutherford	57	30	87
Nashville	Davidson	82	42	124
Williamson County	Williamson	60	30	90
TEXAS				
Amarillo	Potter	57	30	87
Arlington	Tarrant	77	34	111
Austin	Travis	80	38	118
Bryan	Brazos (except College Station)	60	30	90
College Station	City limits of College Station (see Brazos County)	69	34	103
Corpus Christi	Nueces	59	38	97
Dallas	Dallas	89	46	135
El Paso	El Paso	78	38	116

Per diem locality:	Maximum lodging amount (room rate only—no taxes) (a)	+	M&IE rate (b)	=	Maximum per diem rate ⁴ (c)
Key city ¹	County and/or other defined location ^{2, 3}				

Colonial Heights*		77	30	107
Dinwiddie	Dinwiddie	77	30	107
Hopewell		77	30	107
Lynchburg*		64	38	102
Manassas/Woodbridge	Prince William	84	34	118
Petersburg		77	30	107
Prince George County	Prince George	77	30	107
Richmond*	Chesterfield and Henrico Counties, also Defense Supply Center	77	38	115
Roanoke*		59	34	93
Virginia Beach*	Virginia Beach (also Norfolk, Portsmouth and Chesapeake)*			
(April 1-October 31)		109	38	147
(November 1-March 31)		55	38	93
Wallops Island	Accomack			
(June 1-September 5)		89	34	123
(September 6-May 31)		69	34	103
Williamsburg*	Williamsburg (also Hampton, Newport News, York County, Naval Weapons Station, Yorktown)*			
(April 1-October 31)		99	38	137
(November 1-March 31)		59	38	97
Wintergreen	Nelson	125	46	171
*Denotes independent cities.				
WASHINGTON				
Anacortes	Skagit and Island	64	38	102
Bremerton	Kitsap	61	34	95
Everett	Snohomish (except Lynnwood)	59	38	97
Friday Harbor	San Juan			
(May 1-September 30)		95	42	137
(October 1-April 30)		65	42	107
Lynnwood	City limits of Lynnwood (see Snohomish County)	89	34	123
Ocean Shores	Grays Harbor			
(April 1-September 30)		82	38	120
(October 1-March 31)		55	38	93
Olympia/Tumwater	Thurston	58	38	96
Port Angeles	City limits of Port Angeles (see Clallam County)	65	38	103
Port Townsend	Jefferson	79	34	113
Seattle	King	109	46	155
Sequim	Clallam (except Port Angeles)			
(June 29 -September 1)		62	34	96
(September 2 -June 28)		55	34	89
Spokane	Spokane	63	38	101
WEST VIRGINIA				
Berkeley Springs	Morgan	69	34	103
Charleston	Kanawha	78	38	116
Martinsburg/Hedgesville	Berkeley	59	30	89

Per diem locality:	Maximum lodging amount (room rate only—no taxes) (a)	+	M&IE rate (b)	=	Maximum per diem rate ⁴ (c)
Key city ¹					County and/or other defined location ^{2, 3}

Morgantown	Monongalia	66	34	100
Shepherdstown	Jefferson	79	38	117
Wheeling	Ohio	71	34	105
WISCONSIN				
Brookfield	Waukesha	66	38	104
Green Bay	Brown	59	34	93
Lake Geneva	Walworth			
(June 1-September 4)		85	38	123
(September 5-May 31)		66	38	104
Madison	Dane	62	38	100
Milwaukee	Milwaukee	95	42	137
Racine	Racine	80	30	110
Sheboygan	Sheboygan	59	30	89
Sturgeon Bay	Door			
(May 15-October 15)		81	34	115
(October 16-May 14)		56	34	90
Wisconsin Dells	Columbia			
(June 1-September 30)		85	38	123
(October 1-May 31)		55	38	93
WYOMING				
Cody	Park			
(May 15-October 15)		98	30	128
(October 16-May 14)		55	30	85
Jackson	Teton			
(November 1-September 15)		115	42	157
(September 16-October 31)		69	42	111

- ¹ Unless otherwise specified, the per diem locality is defined as "all locations within, or entirely surrounded by, the corporate limits of the key city, including independent entities located within those boundaries."
- ² Per diem localities with county definitions shall include "all locations within, or entirely surrounded by, the corporate limits of the key city as well as the boundaries of the listed counties, including independent entities located within the boundaries of the key city and the listed counties (unless otherwise listed separately)."
- ³ When a military installation or Government-related facility (whether or not specifically named) is located partially within more than one city or county boundary, the applicable per diem rate for the entire installation or facility is the higher of the two rates which apply to the cities and/or counties, even though part(s) of such activities may be located outside the defined per diem locality.
- ⁴ Federal agencies may submit a request to GSA for review of the costs covered by per diem in a particular city or area where the standard CONUS rate applies when travel to that location is repetitive or on a continuing basis and travelers' experiences indicate that the prescribed rate is inadequate. Other per diem localities listed in this appendix will be reviewed on an annual basis by GSA to determine whether rates are adequate. Requests for per diem rate adjustments shall be submitted by the agency headquarters office to the General Services Administration, Office of Governmentwide Policy, Attn: Travel and Transportation Management Policy Division (MTT), Washington, DC 20405. Agencies should submit their request to GSA no later than 2/27 for the city to be included in the annual review. Agencies should designate an individual responsible for reviewing, coordinating, and submitting to GSA any requests from bureaus or subagencies. Requests for rate adjustments shall include a city designation, a description of the surrounding location involved (county or other defined area), and a recommended rate supported by a statement explaining the circumstances that cause the existing rate to be inadequate. The request also must contain an estimate of the annual number of trips to the location, the average duration of such trips, and the primary purpose of travel to the location.
- ⁵ The standard CONUS rate of \$85 (\$55 for lodging and \$30 for M&IE) applies to all per diem localities in the State of North Dakota.

Note: Recognizing that all locations are not incorporated cities, the term "city limits" has been used as a general phrase to denote the commonly recognized local boundaries of the location cited.

* * * * *

Dated: December 14, 2001.
Stephen A. Perry,
Administrator of General Services.
 [FR Doc. 01-31776 Filed 12-26-01; 8:45 am]
BILLING CODE 6820-14-C

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 73**

[DA 01-2846; MM Docket No. 00-173; RM-9964, RM-10328]

Radio Broadcasting Services; Burgin and Science Hill, KY**AGENCY:** Federal Communications Commission**ACTION:** Final rule.

SUMMARY: At the request of Vernon R. Baldwin this document allots Channel 290A to Burgin, Kentucky. At the request of Pulaski County Broadcasting, this document also allots Channel 291A to Science Hill, Kentucky. See 65 FR 59164, published October 4, 2000. The reference coordinates for the Channel 290A allotment at Burgin, Kentucky, are 37-48-37 and 84-41-30. The reference coordinates for the Channel 291A allotment at Science Hill, Kentucky, are 37-10-36 and 84-29-10.

DATES: Effective January 22, 2002.

FOR FURTHER INFORMATION CONTACT: Robert Hayne, Mass Media Bureau (202) 418-2177.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order* in MM Docket No. 00-173, adopted December 5, 2001, and released December 7, 2001. The full text of this decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY-A257, 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail qualexint@aol.com

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—RADIO BROADCAST SERVICES

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Kentucky, is amended by adding Burgin, Channel 290A and by adding Science Hill, Channel 291A.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 01-31830 Filed 12-26-01; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 17****RIN: 1018-A119****Endangered and Threatened Wildlife and Plants; Listing the Tumbling Creek Cavesnail as Endangered****AGENCY:** Fish and Wildlife Service, Interior.**ACTION:** Emergency rule.

SUMMARY: We, the Fish and Wildlife Service (Service), exercise our authority to emergency list the Tumbling Creek cavesnail (*Antrobia culveri*) as endangered under the Endangered Species Act of 1973, as amended (Act). This species is known to occur in one cave in Missouri. The distribution of this species has decreased in Tumbling Creek by 90 percent since 1974. Although cavesnail numbers fluctuated seasonally and annually between 1996 and 2000, the species was not found in the monitored section of the cave stream during five surveys in 2001. Because the sudden population decline demonstrates a significant and imminent risk to the well-being of the Tumbling Creek cavesnail, we find that emergency listing is necessary to provide Federal protection pursuant to the Act for 240 days. A proposed rule to list the Tumbling Creek cavesnail as endangered is published concurrently with this emergency rule, and can be found in this issue of the **Federal Register** in the proposed rules section.

DATES: This emergency rule becomes effective December 27, 2001 and expires August 26, 2002.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service, Columbia, Missouri Field Office, 608 E. Cherry St., Room 200, Columbia, Missouri 65201-7712.

FOR FURTHER INFORMATION CONTACT: Paul McKenzie, Ph.D., Columbia, Missouri Field Office, at the address listed above (telephone: 573-876-1911, ext. 107; e-mail: paul_mckenzie@fws.gov; facsimile: 573-876-1914). Individuals who are hearing-impaired or speech-impaired may call the Federal Relay

Service at 1-800-877-8337 for TTY assistance.

SUPPLEMENTARY INFORMATION:**Background**

The Tumbling Creek cavesnail (*Antrobia culveri*) was described as a new species by Hubricht (1971) from specimens taken by David Culver, Thomas Aley, and Leslie Hubricht in 1969 and 1970. *Antrobia culveri* is the type species for the genus *Antrobia*, also described new to science in 1971 by Hubricht. Hershler and Hubricht (1988) examined specimens of *Antrobia culveri* and confirmed the taxonomic placement of this species in the subfamily Littoridininae of the Gastropod family Hydrobiidae. They also noted the apparent close relatedness of the genus *Antrobia* to the genus *Fontigens*, which contains cave-adapted snails found in other Missouri caves and springs. The Tumbling Creek cavesnail is a small, white, blind, aquatic snail (height 2.3 millimeters (mm) (0.09 inches (in)); diameter 2.0 mm (0.08 in); aperture height 1.2 mm (0.05 in); aperture diameter 1.1 mm (0.04 in)) with a small, conical, well-rounded, pale-yellow shell containing about 3.5 whorls (Hubricht 1971). The Tumbling Creek cavesnail is restricted to a single cave stream in Tumbling Creek Cave in Taney County, southwestern Missouri.

Greenlee (1974) provided the first information on the habitat of the species. He reported that the species was found primarily on "3 inch gravel substrate" (presumably meaning small stones or cobble of 3-inch diameter), with a few individuals observed using the recesses of a solid rock stream bottom. Greenlee (1974) did not note whether the snails used the upper or lower surface of the 3-inch gravel he observed them on, or whether the species was ever observed using larger rocks within the cave stream. Subsequent surveyors, however, have failed to document *Antrobia culveri* using a solid rock bottom, and the species is usually observed on the undersurface of rocks with a diameter greater than 3 inches (Ashley 2000). Additionally, Greenlee (1974) stated that the Tumbling Creek cavesnail was absent from areas of the stream that contained bat guano. Subsequent observers (McKenzie *in litt.* 1996; Ashley 2000, 2001a, 2001b) have noted *Antrobia culveri* in portions of Tumbling Creek where bat guano occurs. Finally, Greenlee (1974) and subsequent observers have all noted that the species appears to prefer areas of the stream that lack silt.