

Commodity	Parts per million	Expiration/Revocation Date
Soybean .....	0.1	12/31/05
Soybean, hay .....	1.0	12/31/05
Sunflower, seed .....	0.2	12/31/05
Wheat .....	1.0	12/31/05

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

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**GENERAL SERVICES ADMINISTRATION**

**41 CFR Chapter 301**

[FTR Amendment 105]

RIN 3090-AH62

**Federal Travel Regulation; Maximum Per Diem Rates**

**AGENCY:** Office of Governmentwide Policy, GSA.

**ACTION:** Final rule.

**SUMMARY:** To improve the ability of the per diem rates to meet the lodging demands of Federal travelers to high cost travel locations, the General Services Administration (GSA) has integrated the contracting mechanism of the new Federal Premier Lodging Program (FPLP) into the per diem rate-setting process. An analysis of FPLP contracting actions and the lodging rate survey data reveals that the maximum per diem rate for the State of Maryland, city of Baltimore including Baltimore County, and Lexington Park/Leonardtown/Lusby, including St. Mary's and Calvert Counties; and the State of Tennessee, city of Memphis including Shelby County, should be increased; and the maximum per diem rate for State of Alabama, city of Montgomery, including Montgomery County, should be decreased to provide for the reimbursement of Federal employees' lodging expenses covered by the per diem. This final rule increases the maximum lodging amounts in the prescribed areas.

**EFFECTIVE DATE:** May 15, 2002.

**FOR FURTHER INFORMATION CONTACT:** Joddy P. Garner, Office of

Governmentwide Policy, Travel Management Policy, at 202-501-4857.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

In the past, properties in high cost travel areas have been under no obligation to provide lodging to Federal travelers at the prescribed per diem rate. Thus, GSA established the FPLP to contract directly with properties in high cost travel markets to make available a set number of rooms to Federal travelers at contract rates. FPLP contract results along with the lodging survey data are integrated together to determine reasonable per diem rates that more accurately reflect lodging costs in these areas. In addition, the FPLP will enhance the Government's ability to better meet its overall room night demand, and allow travelers to find lodging close to where they need to conduct business. After an analysis of this additional data, the maximum lodging amounts are being changed in Montgomery, Alabama; Memphis, Tennessee; Baltimore, Maryland; and Lexington Park/Leonardtown/Lusby, Maryland.

**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 the proposed revisions do not impose record keeping 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 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**

1. In Chapter 301, amend the table in Appendix A as follows:

a. At the entry for Montgomery, Alabama, including Montgomery County, the column entitled "Maximum lodging amount" is revised to read "57" and the column entitled "Maximum per diem rate" is revised to read "95".

b. At the entry for Baltimore, Maryland, including Baltimore County, the column entitled "Maximum lodging amount" is revised to read "137" and the column entitled "Maximum per diem rate" is revised to read "179".

c. At the entries for Lexington Park/Leonardtown/Lusby, Maryland, including St. Mary's and Calvert Counties, the column entitled "Maximum lodging amount" is revised to read "72" and the column entitled "Maximum per diem rate" is revised to read "106".

d. At the entry for Memphis, Tennessee, city of Memphis, including Shelby County, the column entitled "Maximum lodging amount" is revised to read "75" and the column entitled "Maximum per diem rate" is revised to read "113".

The revised pages containing the amendments to the table set forth above read as follows:

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

\* \* \* \* \*

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

Gonzales	Ascension Parish	59	34	93
Lake Charles	Calcasieu Parish	70	34	104
New Orleans/St. Bernard	Orleans, St. Bernard, Plaquemine and Jefferson Parishes			
(January 1-May 31)		139	42	181
(June 1-December 31)		89	42	131
Shreveport/Bossier City	Caddo	60	38	98
Slidell	St. Tammany	65	30	95
St. Francisville	West Feliciana	75	38	113
<b>MAINE</b>				
Bar Harbor	Hancock			
(June 15-October 15)		110	38	148
(October 16-June 14)		89	38	127
Bath	Sagadahoc			
(May 1-October 31)		61	34	95
(November 1-April 30)		55	34	89
Kennebunk/Kittery/Sanford	York			
(June 15-October 31)		129	38	167
(November 1-June 14)		69	38	107
Portland	Cumberland			
(July 1-October 31)		119	38	157
(November 1-June 30)		79	38	117
Rockport	Knox			
(July 1-August 26)		87	42	129
(August 27-June 30)		55	42	97
Wiscasset	Lincoln			
(July 1-October 31)		99	38	137
(November 1-June 30)		72	38	110
<b>MARYLAND</b>				
(For the counties of Montgomery and Prince George's, see District of Columbia.)				
Annapolis	Anne Arundel	90	42	132
Baltimore	Baltimore	137	42	179
Columbia	Howard	110	42	152
Frederick	Frederick	65	30	95
Grasonville	Queen Annes	75	38	113
Harford County	Harford County	104	38	142
Lexington Park/Leonardtown/Lusby	St. Mary's and Calvert	72	34	106
Ocean City	Worcester			
(June 15-October 31)		144	46	190
(November 1-June 14)		59	46	105
St. Michaels	Talbot	100	42	142
<b>MASSACHUSETTS</b>				
Andover	Essex	109	38	147
Boston	Suffolk	159	46	205
Cambridge	Middlesex (except Lowell)	159	46	205

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

(April 1-December 31)					
(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	75	38		113
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

\* \* \* \* \*

Dated: May 16, 2002.

**Stephen A. Perry,***Administrator of General Services.*

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**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 648**

[Docket No. 020409080-2134-03; I.D. 052402C]

RIN 0648-AP78

**Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery****AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.**ACTION:** Interim final rule; request for comments.

**SUMMARY:** NMFS publishes this interim final rule to amend the regulations governing the Northeast multispecies fishery to bring them into compliance with a Court Order. On May 23, 2002, the U.S. District Court for the District of Columbia (Court) issued an Order in *Conservation Law Foundation, et al. v. Evans, et al.*, which granted the motions for reconsideration submitted to the Court by NMFS and several other parties to the lawsuit in response to the Court's April 26, 2002, Remedial Order. In granting the motion for reconsideration, the Court ordered NMFS to implement, by June 1, 2002, an amended interim rule to bring the regulations into conformance with the Settlement Agreement Among Certain Parties (Settlement Agreement) that was filed earlier with the Court. Therefore, NMFS is making the following changes to the regulations: The year-round Cashes Ledge East and Cashes Ledge West Area Closures (blocks 128 and 130) are removed; the requirement to use a minimum of 6-inch (15.2-cm) spacing between the fairlead rollers of de-hooking gear ("crucifiers") is removed; and the minimum fish size for cod that may be lawfully sold is decreased from 22 inches (55.9 cm) to 19 inches (28.3 cm).

**DATES:** Effective June 1, 2002, except for an amendment to § 648.83 paragraph (a)(3), which is effective from June 1,

2002, through July 31, 2002. Comments on this interim final rule must be received no later than 5 p.m., local time, on July 5, 2002.

**ADDRESSES:** Written comments should be sent to Patricia A. Kurkul, Regional Administrator, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope, "Comments on the June Interim Final Rule for Groundfish." Comments also may be sent via facsimile (fax) to (978) 281-9135. Comments will not be accepted if submitted via e-mail or Internet.

**FOR FURTHER INFORMATION CONTACT:** Thomas Warren, Fishery Policy Analyst, phone: 978-281-9347, fax: 978-281-9135; email: [thomas.warren@noaa.gov](mailto:thomas.warren@noaa.gov)

**SUPPLEMENTARY INFORMATION:****Background**

On December 28, 2001, a decision was rendered by the Court on a lawsuit brought by the Conservation Law Foundation (CLF), Center for Marine Conservation, National Audubon Society and Natural Resources Defense Council against NMFS (*Conservation Law Foundation, et al., v. Evans*, Case No. 00CVO1134, (D.D.C., December 28, 2001)). The lawsuit alleged that Framework Adjustment 33 to the Fishery Management Plan for the Northeast Multispecies Fishery (FMP) violated the overfishing, rebuilding and bycatch provisions of the Magnuson-Stevens Fishery Conservation and Management Act (18 U.S.C. 1801 *et seq.*), as amended by the Sustainable Fisheries Act (SFA). The Court granted Plaintiffs' Motion for Summary Judgment on all counts. The Court had not yet imposed a remedy, but it did ask the parties to the lawsuit to propose remedies consistent with the Court's findings. Additional background on the lawsuit is contained in the preamble to the interim rules published by NMFS on April 29, 2002 (67 FR 21140) and May 6, 2002 (67 FR 30331) and is not repeated here.

From April 5-9, 2002, Plaintiffs, Defendants and Intervenors engaged in Court-assisted mediation to try to agree upon mutually acceptable short-term and long-term solutions to present to the Court as a possible settlement. Although these discussions ended with no settlement, several of the parties continued mediation and filed with the Court a Settlement Agreement on April 16, 2002. In addition to NMFS, the parties signing the agreement include CLF, which is one of the plaintiff conservation groups, all four state intervenors, and two of three industry intervenors.

In order to ensure the implementation of protective management measures by May 1, 2002, NMFS, notwithstanding that the Court had not yet issued its Remedial Order, filed an interim final rule with the Office of the **Federal Register** on April 25, 2002, for publication on April 29, 2002. The interim final rule that was published on April 29, 2002, implemented measures identical to the short-term measures contained in the Settlement Agreement filed with the Court.

On April 26, 2002, the Court issued a Remedial Order that ordered the promulgation of two specific sets of management measures--one to be effective from May 1, 2002, to July 31, 2002, and the other from August 1, 2002, until promulgation of Amendment 13 to the FMP. The Court-ordered measures for the first set of measures were, in the majority, identical with those contained in the Settlement Agreement and the measures contained in NMFS' April 29, 2002, interim final rule. However, the Court-ordered measures included additional provisions and an accelerated schedule of effectiveness for all measures, which were not contained in either the Settlement Agreement or the April 29, 2002, interim final rule. According to the Court, these additional provisions were included to strengthen the Settlement Agreement provisions "in terms of reducing overfishing and minimizing bycatch without risking the lives of fishermen or endangering the future of their communities and their way of life" (Remedial Order, p.13). Further, the Court ordered that NMFS publish in the *Federal Register*, as quickly as possible, an "amended interim rule and an amended second interim rule" that would "include the departures from the Settlement Agreement incorporated in the Remedial Order." To comply with the Court Order, NMFS published a second interim final rule ("amended interim rule") to modify the measures implemented through the April 29, 2002, interim final rule and to accelerate the effectiveness of the gear restrictions, as required by the Remedial Order.

Because the Court's Remedial Order was not entirely consistent with the terms of the Settlement Agreement, NMFS, CLF, and the Intervenors filed motions for reconsideration with the Court, requesting that the Court implement the terms of the Settlement Agreement without change. On May 23, 2002, the Court issued an Order granting the motions for reconsideration on the basis that "the important changes made by the Court in the complex and carefully crafted Settlement Agreement