

(e) *Effective date.* (1) The provisions of this section shall apply to applications referred to in § 1.7476-1(a) made on or after January 1, 2003.

(2) For applications made on or after June 21, 1976 and before January 1, 2003, § 1.7476-2 (as it appeared in the April 1, 2002 edition of 26 CFR part 1) applies.

PART 601—STATEMENT OF PROCEDURAL RULES

Par. 4. The authority citation for part 601 continues to read as follows:

Authority: 26 U.S.C. 7805.

Par. 5. Section 601.201 is amended as follows:

1. In paragraph (o)(3)(xv), the first two sentences are removed and a new sentence is added in their place.

2. In paragraph (o)(3)(xvi), the introductory text is revised.

3. Paragraph (o)(3)(xvii) is revised.

4. In paragraph (o)(3)(xxi), the second sentence is revised.

The revisions and addition read as follows:

§ 601.201 Rulings and determination letters.

* * * * *

(o) * * *

(3) * * *

(xv) When the notice referred to in paragraph (o)(3)(xiv) of this section is given in the manner set forth in § 1.7476-2(c) of this chapter, such notice must be given not less than 10 days nor more than 24 days prior to the date the application for a determination is made. * * *

(xvi) The notice referred to in paragraph (o)(3)(xiv) of this section shall be given in the manner prescribed in § 1.7476-2 of this chapter and shall contain the following information:

* * * * *

(xvii) The procedure referred to in paragraph (o)(3)(xvi)(i) of this section whereby the additional informational material required by paragraphs (o)(3)(xviii), (xix), and (xx) of this section will (to the extent not included in this notice) be made available to interested parties, may consist of making such material available for inspection and copying by interested parties at a place or places reasonably accessible to such parties, or supplying such material by using a method of delivery or a combination thereof that is reasonably calculated to ensure that all interested parties will have access to the materials. The procedure referred to in paragraph (o)(3)(xvi)(i) of this section must be immediately available to all interested parties and must be designed

to supply them with such additional informational material in time for them to pursue their rights within the time period prescribed, and must be available until the earlier of the filing of a pleading commencing a declaratory judgment action under section 7476 with respect to the qualification of the plan or the ninety-second day after the day the notice of final determination is mailed to the applicant.

* * * * *

(xxi) * * * The notice to interested parties required by paragraph (o)(3)(xiv) of this section shall be deemed given when the notice is posted or sent to the person in the manner prescribed in § 1.7476-2 of this chapter. * * *

* * * * *

David A. Mader,

Acting Deputy Commissioner of Internal Revenue.

Approved: July 10, 2002.

Pamela F. Olson,

Acting Assistant Secretary of the Treasury (Tax Policy).

[FR Doc. 02-18020 Filed 7-18-02; 8:45 am]

BILLING CODE 4830-01-P

GENERAL SERVICES ADMINISTRATION

41 CFR Chapter 301

[FTR Amendment 106]

RIN 3090-AH64

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 reveal that the maximum per diem rate for the State of Florida, city of Jacksonville/Mayport including Duval County and Mayport Naval Station, the State of Georgia, city of Savannah including Chatham County, and the State of South Carolina, city of Charleston/Berkeley County including Charleston and Berkeley Counties, should be increased; and the maximum per diem rate for the State of Alabama, city of Huntsville including Madison County, and the State of Mississippi,

city of Biloxi/Gulfport including Harrison County, should be decreased to provide for the reimbursement of Federal employees' lodging expenses covered by the per diem. This final rule increases or decreases the maximum lodging amounts in the prescribed areas.

EFFECTIVE DATE: July 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 Huntsville, Alabama; Savannah, Georgia; Charleston/Berkeley County, South Carolina; Jacksonville/Mayport, Florida; and Biloxi/Gulfport, Mississippi.

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 Huntsville, Alabama, including Madison County,

the column entitled “Maximum lodging amount” is revised to read “67” and the column entitled “Maximum per diem rate” is revised to read “105”.

b. At the entry for Jacksonville/ Mayport, Florida, including Duval County and Mayport Naval Station, the column entitled “Maximum lodging amount” is revised to read “81” and the column entitled “Maximum per diem rate” is revised to read “115”.

c. At the entry for Savannah, Georgia, including Chatham County, the column entitled “Maximum lodging amount” is revised to read “89” and the column entitled “Maximum per diem rate” is revised to read “127”.

d. At the entry for Biloxi/Gulfport, Mississippi, including Harrison County, the column entitled “Maximum lodging

amount” is revised to read “61” and the column entitled “Maximum per diem rate” is revised to read “99”.

e. At the entry for Charleston/ Berkeley County, South Carolina, including Charleston and Berkeley Counties, the column entitled “Maximum lodging amount” is revised to read “106” and the column entitled “Maximum per diem rate” is revised to read “148”.

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

* * * * *

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}					

CONUS, Standard rate:		55	30	85
(Applies to all locations within CONUS not specifically listed below or encompassed by the boundary definition of a listed point. However, the standard CONUS rate applies to all locations within CONUS, including those defined below, for certain relocation subsistence allowances. See parts 302-2, 302-4, and 302-5 of this subtitle.)				
ALABAMA				
Birmingham	Jefferson	59	38	97
Decatur	Morgan	69	30	99
Gulf Shores	Baldwin			
(May 15-September 4)		101	34	135
(September 5-May 14)		64	34	98
Huntsville	Madison	67	38	105
Montgomery	Montgomery	57	38	95
ARIZONA				
Casa Grande	Pinal			
(January 1-April 30)		80	34	114
(May 1-December 31)		65	34	99
Chinle	Apache			
(May 1-October 31)		98	34	132
(November 1-April 30)		55	34	89
Flagstaff	All points in Coconino County not covered under Grand Canyon per diem area			
(May 1-October 31)		67	34	101
(November 1-April 30)		55	34	89
Grand Canyon	All points in the Grand Canyon National Park and Kaibab National Forest within Coconino County			
(May 1-October 21)		106	42	148
(October 22-April 30)		94	42	136
Kayenta	Navajo			
(April 15-October 15)		98	30	128
(October 16-April 14)		65	30	95
Phoenix/Scottsdale	Maricopa			
(January 1-April 15)		107	42	149
(April 16-May 31)		79	42	121
(June 1-August 31)		59	42	101
(September 1-December 31)		90	42	132
Tucson	Pima County; Davis-Monthan AFB			
(January 1-April 15)		85	38	123
(April 16-December 31)		58	38	96
Yuma	Yuma	68	34	102
ARKANSAS				
Hot Springs	Garland	60	30	90

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}				

(May 1-September 30)		115	38	153
(October 1-April 30)		59	38	97
Jacksonville/Mayport	Duval; Mayport Naval Station	81	34	115
Key West	Monroe			
(January 1-April 30)		180	46	226
(May 1-December 31)		109	46	155
Kissimmee	Osceola			
(February 1-April 30)		77	34	111
(May 1-January 31)		64	34	98
Lakeland	Polk	71	34	105
Leesburg	Lake			
(November 1-April 15)		68	30	98
(April 16-October 31)		55	30	85
Miami	Dade			
(January 1-April 15)		89	42	131
(April 16-December 31)		75	42	117
Naples	Collier			
(December 16-April 15)		109	38	147
(April 16-December 15)		69	38	107
Ocala	Marion	59	30	89
Orlando	Orange	95	42	137
Palm Beach (also the cities of Boca Raton, Delray Beach, Jupiter, Palm Beach Gardens, Palm Beach Shores, Singer Island and West Palm Beach)	Palm Beach			
(January 1-April 30)		129	46	175
(May 1-December 31)		70	46	116
Panama City	Bay	74	38	112
Pensacola	Escambia	60	30	90
Punta Gorda	Charlotte			
(December 15-April 15)		75	38	113
(April 16-December 14)		55	38	93
Sarasota	Sarasota			
(January 1-April 30)		80	38	118
(May 1-December 31)		70	38	108
Sebring	Highlands	64	30	94
St. Augustine	St. Johns	65	38	103
Stuart	Martin	57	38	95
Tallahassee	Leon	65	34	99
Tampa/St. Petersburg	Pinellas and Hillsborough			
(January 1-April 30)		105	38	143
(May 1-December 31)		89	38	127
Vero Beach	Indian River			
(December 15-April 15)		99	38	137
(April 16-December 14)		59	38	97
GEORGIA				
Albany	Dougherty	57	34	91
Athens	Clarke	69	34	103

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}				

Atlanta	Fulton and Gwinnett	93	38	131
Clayton County	Clayton	64	30	94
Cobb County	Cobb	78	34	112
Columbus	Muscogee	63	34	97
Conyers	Rockdale	69	34	103
DeKalb County	DeKalb	78	34	112
Savannah	Chatham	89	38	127
IDAHO				
Boise	Ada	61	38	99
Coeur d'Alene	Kootenai	56	34	90
Ketchum	Blaine (except Sun Valley)			
(May 1-November 30)		84	42	126
(December 1-April 30)		74	42	116
McCall	Valley	62	38	100
Sun Valley	City limits of Sun Valley (see Blaine County)	149	42	191
ILLINOIS				
Aurora	Kane (except Elgin)	66	30	96
Chicago	Cook and Lake	155	46	201
Du Page County	Du Page	89	38	127
Elgin	City limits of Elgin (see Kane County)	60	30	90
Rockford	Winnebago	60	30	90
INDIANA				
Carmel	Hamilton	65	38	103
Ft. Wayne	Allen	58	30	88
Indianapolis	Marion County; Fort Benjamin Harrison	70	42	112
Lafayette	Tippecanoe	59	30	89
Michigan City	La Porte	65	34	99
Nashville	Brown			
(April 1-November 15)		75	38	113
(November 16-March 31)		59	38	97
South Bend	St. Joseph	61	34	95
Valparaiso/Burlington Beach	Porter	89	34	123
IOWA				
Cedar Rapids	Linn	60	34	94
Des Moines	Polk	67	34	101
KANSAS				
Kansas City/Overland Park	Wyandotte and Johnson	85	38	123
Wichita	Sedgwick	59	38	97
KENTUCKY				
Covington	Kenton	80	38	118
Lexington	Fayette	65	30	95
Louisville	Jefferson	69	38	107
LOUISIANA				
Baton Rouge	East Baton Rouge Parish	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}				

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	61	38	99
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}				

(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	106	42	148
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: July 11, 2002.

Stephen A. Perry,

Administrator of General Services.

[FR Doc. 02-18235 Filed 7-18-02; 8:45 am]

BILLING CODE 6820-14-C

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 401

[USCG-2002-12840]

RIN 2115-AG46

Basic Rates and Charges on Lake Erie and the Navigable Waters From Southeast Shoal to Port Huron, MI

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule; request for comments.

SUMMARY: This temporary final rule amends the rates charged for Great Lakes pilotage on the Designated Waters of Area 5 in District Two and restores them to those effective before August 13, 2001. The Lake Pilots Association, representing pilots in District Two, challenged the ratemaking effective on and after that date, and sued. The Coast Guard, while not agreeing with the allegations in the complaint, did learn during the course of litigation that it had inadvertently accounted for hours of delay and detention in District Two differently from how it was done in Districts One and Three. The Coast Guard is currently working on an updated ratemaking that will, among other things, correct this error. In the interim, it is considered in the best interest of the public to temporarily return the rates (in District Two, Area 5) to those effective prior to August 13, 2001. This temporary final rule will not be retroactive and future rates will not be adjusted as a result of this action.

DATES: This temporary final rule is effective from July 19, 2002, to July 21, 2003. Comments and related material must reach the Docket Management Facility on or before September 17, 2002.

ADDRESSES: To make sure your comments and related material are not entered more than once in the docket [USCG-2002-12840], please submit them by only one of the following means:

(1) By mail to the Docket Management Facility, U.S. Department of Transportation, room PL-401, 400 Seventh Street SW., Washington, DC 20590-0001.

(2) By delivery to room PL-401 on the Plaza level of the Nassif Building, 400

Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

(3) By fax to the Facility at 202-493-2251.

(4) Electronically through the Web Site for the Docket Management System at <http://dms.dot.gov>.

You must also mail comments on collection of information to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, ATTN: Desk Officer, U.S. Coast Guard.

The Docket Management Facility maintains the public docket for this temporary rule. Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at room PL-401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary final rule, call Paul Wasserman, Office of Maritime and International Law, Commandant (G-LMI), U.S. Coast Guard, telephone 202-267-0093. If you have questions on viewing or submitting material to the docket, call Dorothy Beard, Chief, Dockets, Department of Transportation, at 202-366-5149.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this temporary rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this temporary rule [USCG-2002-12840], indicate the specific section of this document to which each comment applies, and give the reason for each comment. You may submit your comments and material by mail, delivery, fax, or electronic means to the Docket Management Facility at the address under **ADDRESSES**; but please submit your comments and material by only one means. If you submit them by mail or delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider

all comments and material received during the comment period. We may change this temporary final rule in view of them.

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one to the Docket Management Facility at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this temporary final rule, and it takes effect immediately. Delay in implementing this rule would be contrary to the public interest. In 2001, the Coast Guard amended existing ratemaking requirements for Great Lakes Pilotage and inadvertently accounted for hours of delay and detention in District Two in a manner different from Districts One and Three. Due to the impact on and disparate treatment among the districts, it is necessary to immediately correct this situation. This rule simply, and temporarily, restores the rates that were effective before the amendment, while we further evaluate the situation. Therefore, the Coast Guard finds under 5 U.S.C. 553(b)(B) and (d)(3), respectively, that neither notice-and-comment rulemaking nor 30 days' notice of effective date is required.

Background and Purpose

On July 12, 2001, the Coast Guard published a final rule in the **Federal Register** [66 FR 36484] amending the ratemaking for the Great Lakes Pilotage. The new rates became effective August 13, 2001. They were challenged in court by the Lake Pilots Association, representing the pilots in District Two, Lake Erie. While preparing our defense, we discovered that we had inadvertently accounted for hours of delay and detention in District Two differently from how we had in Districts One and Three. We also noticed minor errors in computing the rates in District Two. We are undertaking a study to address, among other things, the issue of how we should count hours of delay and detention when computing bridge-hours in all three Districts.

Discussion of Temporary Final Rule

While not agreeing with the allegations contained in the complaint of the Lake Pilots Association, for the reasons stated, the Coast Guard agreed to the relief sought in the lawsuit and