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[FR Doc. 02-3653 Filed 2-15-02; 8:45 am]

BILLING CODE 6560-50-P

**GENERAL SERVICES
ADMINISTRATION****41 CFR Chapter 301**

[FTR Amendment 103]

RIN 3090-AH56

**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 District of Columbia, Washington, DC, the State of Oregon, city of Portland, and the State of Washington, city of Seattle, should be increased to provide for the reimbursement of Federal employees' lodging expenses covered by the per diem rates. This final rule adjusts the maximum lodging amounts in the prescribed areas.

EFFECTIVE DATE: February 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 the District of Columbia, Washington, DC, the State of Oregon, city of Portland, and the State of Washington, city of Seattle.

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 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 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. Appendix A to chapter 301 is amended as follows:

a. On the page that includes the entry for the District of Columbia, city of Washington, DC, column three (maximum lodging amount) is revised to read "150".

b. On the page that includes entries for the State of Oregon, under the State of Oregon, city of Portland, column three (maximum lodging amount) is revised to read "91".

c. On the page that includes entries for the State of Washington, under the State of Washington, city of Seattle, column three (maximum lodging amount) is revised to read "143".

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 ⁴ (c)
Key city ¹	County and/or other defined location ^{2, 3}				

Hartford	Hartford	120	42	162
Lakeville/Salisbury	Litchfield	95	38	133
Middlesex County	Middlesex	78	30	108
New Haven	New Haven	87	38	125
New London/Groton	New London			
(May 1-October 31)		107	34	141
(November 1-April 30)		79	34	113
Putnam/Danielson	Windham	56	30	86
DELAWARE				
Dover	Kent			
(May 25-September 4)		75	34	109
(September 5-May 24)		64	34	98
Lewes	Sussex	120	42	162
Wilmington	New Castle			
(April 1-September 30)		109	34	143
(October 1-March 31)		99	34	133
DISTRICT OF COLUMBIA				
Washington, DC (also the cities of Alexandria, Falls Church, and Fairfax, and the counties of Arlington, Loudoun, and Fairfax, in Virginia; and the counties of Montgomery and Prince George's in Maryland). (See also Maryland and Virginia.)		150	46	196
FLORIDA				
Altamonte Springs	Seminole	71	38	109
Bradenton	Manatee			
(January 1-April 30)		65	30	95
(May 1-December 31)		55	30	85
Cocoa Beach	Brevard	105	34	139
Daytona Beach	Volusia			
(February 1-August 31)		90	38	128
(September 1-January 31)		69	38	107
Fort Lauderdale	Broward			
(December 15-April 30)		100	42	142
(May 1-December 14)		69	42	111
Fort Myers	Lee			
(January 15-April 15)		70	42	112
(April 16-January 14)		55	42	97
Fort Pierce	Saint Lucie			
(December 15-April 30)		70	46	116
(May 1-December 14)		55	46	101
Fort Walton Beach	Okaloosa			
(May 1-October 31)		110	38	148
(November 1-April 30)		80	38	118
Gainesville	Alachua	61	34	95
Gulf Breeze	Santa Rosa			

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	91	38	129
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}				

Colonial Heights*		77	30	107
Dinwiddie County	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	143	46	189
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

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Dated: February 12, 2002.

Stephen A. Perry,

Administrator of General Services.

[FR Doc. 02-3998 Filed 2-15-02; 8:45 am]

BILLING CODE 6820-14-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 54

[CC 96-45; FCC 01-376]

Implementation of Interim Filing Procedures for Filings of Requests for Review; Withdrawal

AGENCY: Federal Communications Commission.

ACTION: Temporary waiver of procedural requirements; withdrawal.

SUMMARY: This document withdraws FR Doc. 02-873 published in the **Federal Register** of January 25, 2002 (67 FR 3620), regarding Implementation of Interim Filing Procedures for Filings of Requests for Review. Withdrawal is necessary because this item is a duplicate of a document published on January 24, 2002 (67 FR 3441).

FOR FURTHER INFORMATION CONTACT:

Peter Trachtenberg, Attorney/Advisor, Common Carrier Bureau, (202) 418-7369.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 02-3723 Filed 2-15-02; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 25 and 101

[IB Docket No. 00-203; FCC-02-17]

Partial Band Licensing and Loading Standards for Earth Stations in the FSS That Share Spectrum With Terrestrial Services, Blanket Licensing for Small Aperture Terminals in the C-Band, Routine Licensing of 3.7 Meter Transmit and Receive Stations at C-Band, and Deployment of Geostationary-Orbit FSS Earth Stations in the Shared Portion of the Ka-Band

AGENCY: Federal Communications Commission.

ACTION: Final rule; termination of consideration.

SUMMARY: This document terminates the consideration of issues related to the

FWCC request for declaratory ruling and petition for rulemaking in the proceeding in IB Docket No. 00-203. We conclude that the record in this proceeding provides an insufficient basis to impose the proposed conditions upon Fixed-Satellite Service (FSS) earth stations in bands that are shared on a co-primary basis with Fixed Service (FS) operations. Additionally, we defer to a future Order the petition for reconsideration and the request contained in the *ex parte* letter filed by Hughes concerning deployment of geostationary orbit fixed-satellite service earth stations in the shared portion of the Ka-band.

FOR FURTHER INFORMATION CONTACT:

Edward R. Jacobs, Planning & Negotiations Division, International Bureau. (202) 418-0624 or via electronic mail: ejacobs@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Second Report and Order* in IB Docket No. 00-203, adopted January 23, 2002 and released January 30, 2002. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center, (Room CY-A257), 445 12th Street, SW., Washington, DC and may also be purchased from the Commission copy contractor, International Transcription Services (ITS), Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

Summary of the Second Report and Order

1. In this Order the Commission terminates its consideration of the issues raised by the Fixed Wireless Communications Coalition (FWCC). We conclude that the record in this proceeding provides an insufficient basis to impose the FWCC proposed conditions upon Fixed-Satellite Service (FSS) earth stations in bands that are shared on a co-primary basis with Fixed Service (FS) operations.

2. Specifically, the Commission finds that the record lacks necessary information on how to achieve more equitable sharing of the spectrum. As previously noted, the *FWCC/Onsat/Hughes NPRM*, 65 FR 7051, November 24, 2000, rejected FWCC's specific proposals to achieve more equitable sharing. Instead, the *FWCC/Onsat/Hughes NPRM* proposed in essence to achieve greater equity in the sharing of spectrum by amending § 25.203 of the Commission's rules to indicate that, under certain circumstances an FSS earth station licensee must demonstrate that it is using, has recently used, or has plans to use the requested spectrum in

the near future. Both the FS and the FSS commenters, however, rejected the proposed rule. The FWCC rejected it because it believed that such procedures may result in disputes over an earth station's "demonstrated use" of frequencies at the worst possible time, that is, when an FS applicant is attempting to finalize coordination and begin operations. The FWCC also rejected the proposal in the *FWCC/Onsat/Hughes NPRM* because it would not allow an earth station to reserve specific frequencies to use in the event of satellite or transponder failure. The FSS commenters rejected the proposed rule for other reasons, including that there was no data to back up the claims of problems; that the proposed rules would impose burdensome administrative requirements while decreasing flexibility; and that the proposed rules constrain the provision of emergency services, and provide no relief in the event of satellite failure. The comments of the FWCC include additional proposals for how to achieve more equitable sharing of the spectrum. The Commission agrees, however, with the reply comments of the FSS operators, and concludes that these counter-proposals are unsuitable for substantially the same reasons articulated in the *FWCC/Onsat/Hughes NPRM* for denying the FWCC Petition. That is, FWCC's proposals fail to fully and properly take into account the fact that the FSS and FS services have significantly different requirements for access to the electromagnetic spectrum in order to meet their business needs, and these needs must be recognized and accommodated in the context of the entire interference environment, in any rules that we adopt to address the perceived "inequities." Thus, the Commission finds that this record presents no effective solution that addresses the concerns raised in this proceeding.

3. The Commission is, nonetheless, open to new proposals or approaches that could effectively address concerns that have been raised regarding the equitable sharing of the spectrum. We, therefore, do not foreclose the possibility that changes to our rules could improve the sharing environment and licensing processes for both the FS and FSS services.

4. Finally, the Commission defers to a future Order the petition for reconsideration and the request contained in the *ex parte* letter filed by Hughes concerning deployment of geostationary orbit fixed-satellite service earth stations in the shared portion of the Ka-band.