

### B. 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 the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

### C. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 10, 2001. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action approving revisions to West Virginia's title V operating permit program may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

### List of Subjects in 40 CFR Part 70

Administrative practice and procedure, Air pollution control, Environmental protection, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Dated: September 25, 2001.

**Donald S. Welsh,**

*Regional Administrator, Region III.*

Appendix A of part 70 of title 40, chapter I, of the Code of Federal Regulations is amended as follows:

### PART 70—[AMENDED]

1. The authority citation for part 70 continues to read as follows:

**Authority:** 42 U.S.C. 7401 *et seq.*

2. Appendix A to part 70 is amended by adding paragraph (d) in the entry for West Virginia to read as follows:

### Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

\* \* \* \* \*

West Virginia

\* \* \* \* \*

(d) The West Virginia Department of Environmental Protection submitted program revisions on June 1, 2001. The rule revisions contained in the June 1, 2001 submittal revise West Virginia's existing approved program. The State is hereby granted revised approval effective on November 23, 2001.

\* \* \* \* \*

[FR Doc. 01-24711 Filed 10-5-01; 8:45 am]

**BILLING CODE 6560-50-P**

### FEDERAL EMERGENCY MANAGEMENT AGENCY

#### 44 CFR Part 64

[Docket No. FEMA-7769]

#### Suspension of Community Eligibility

**AGENCY:** Federal Emergency Management Agency, FEMA.

**ACTION:** Final rule.

**SUMMARY:** This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**.

**EFFECTIVE DATES:** The effective date of each community's suspension is the third date ("Susp.") listed in the third column of the following tables.

**ADDRESSES:** If you wish to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

**FOR FURTHER INFORMATION CONTACT:** Edward Pasterick, Division Director, Program Marketing and Partnership Division, Federal Insurance Administration and Mitigation Directorate, 500 C Street, SW.; Room 411, Washington, DC 20472, (202) 646-3098.

**SUPPLEMENTARY INFORMATION:** The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return,

communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the National Flood Insurance Program, 42 U.S.C. 4001 *et seq.*; unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59 *et seq.* Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Associate Director finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended

unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications have been made, this final rule may take effect within less than 30 days.

#### National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Considerations. No environmental impact assessment has been prepared.

#### Regulatory Flexibility Act

The Associate Director has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement

measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless they take remedial action.

#### Regulatory Classification

This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

#### Paperwork Reduction Act

This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq.

#### Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, October 26, 1987, 3 CFR, 1987 Comp.; p. 252.

#### Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, October 25, 1991, 56 FR 55195, 3 CFR, 1991 Comp.; p. 309.

#### List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

#### PART 64—[AMENDED]

1. The authority citation for Part 64 continues to read as follows:

**Authority:** 42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

#### § 64.6 [Amended]

2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in special flood hazard areas
<b>Region III</b>				
Virginia:				
Franklin County., Unincorporated Areas. ...	510061	May 23, 1974, Emerg.; May 19, 1981, Reg. October 5, 2001.	10/05/01	10/05/01
<b>Region II</b>				
New York:				
Carmel, Town of, Putnam County. ....	360669	March 21, 1975, Emerg.; June 18, 1987, Reg. October 19, 2001.	10/19/01	10/19/01
Lumberland, Town of, Sullivan County, .....	360825	April 21, 1975, Emerg.; February 27, 1984, Reg. October 19, 2001.	do	do
<b>Region III</b>				
Pennsylvania:				
Green Lane, Borough of, Montgomery County.	421902	November 22, 1974, Emerg., September 2, 1981, Reg. October 19, 2001.	do	do
Limerick, Township of, Montgomery County	421912	November 7, 1974, Emerg.; March 16, 1981, Reg. October 19, 2001.	do	do
Lower Frederick Township of, Montgomery County.	420952	January 28, 1974, Emerg.; September 30, 1977, Reg. October 19, 2001.	do	do
Marlborough, Township of, Montgomery County.	421913	August 14, 1974, Emerg.; September 2, 1981, Reg. October 19, 2001.	do	do
New Hanover, Township of, Montgomery County.	421914	August 1, 1974, Emerg.; September 16, 1981, Reg. October 19, 2001.	do	do
Perkiomen, Township of, Montgomery County.	421915	October 29, 1974, Emerg.; February 3, 1982, Reg. October 19, 2001.	do	do
Salford, Township of, Montgomery County	422497	August 29, 1975, Emerg.; February 3, 2002, Reg. October 19, 2001.	do	do
Trappe, Borough of, Montgomery County ..	421907	January 20, 1975, Emerg.; January 20, 1982, Reg. October 19, 2001.	do	do
Upper Frederick, Township of, Montgomery County.	421916	November 15, 1974, Emerg.; August 17, 1981, Reg. October 19, 2001.	do	do
Upper Merion, Township of, Montgomery County.	420957	December 17, 1973, Emerg.; November 16, 1977, Reg. October 19, 2001.	do	do
<b>Region VI</b>				
Texas:				
Gillespie County, Unincorporated Areas .....	480696	May 31, 1974, Emerg.; May 1, 1987, Reg. October 19, 2001.	do	do
<b>Region IX</b>				
California:				
San Mateo, City of San Mateo County .....	060328	December 26, 1974, Emerg.; March 6, 1981, Reg. October 19, 2001.	do	do

Code for reading third column:  
Emerg.—Emergency; Reg.—Regular;  
Susp.—Suspension.

Dated: September 28, 2001.

**Robert F. Shea,**

*Acting Administrator, Federal Insurance and Mitigation Administration.*

[FR Doc. 01–25242 Filed 10–5–01; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 01–2205; MM Docket No. 00–169; RM–9953]

#### Radio Broadcasting Services; Oswego and Granby, NY

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In response to a *Notice of Proposed Rule Making*, 65 FR 57800 (September 26, 2000) this document reallocates Channel 288A from Oswego to Granby, New York and provides Granby with its first local aural transmission service. The coordinates for Channel 288A at Granby are 43–17–44 North Latitude and 76–26–16 West Longitude.

**DATES:** Effective November 5, 2001.

**FOR FURTHER INFORMATION CONTACT:** R. Barthen Gorman, Mass Media Bureau, (202) 418–2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 00–169, adopted September 12, 2001, and released September 21, 2001. The full text of this Commission 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, D.C. 20554.

#### 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 reads as follows:

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

#### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under New York, is amended by adding Granby, Channel 288A, and removing Channel 288A from Oswego.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 01–25116 Filed 10–5–01; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

RIN 1018–AF57

#### Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the Scaleshell Mussel

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), determine the scaleshell mussel (*Leptodea leptodon*) to be an endangered species under the Endangered Species Act of 1973, as amended (Act). The scaleshell mussel historically occurred in 55 rivers in 13 states in the eastern United States. Currently, the species is known to exist in 14 rivers (and may occur in 6 others) within the Mississippi River Basin in Missouri, Oklahoma, and Arkansas. Its abundance and distribution have decreased markedly due to habitat loss and adverse effects associated with water quality degradation, sedimentation, channelization, sand and gravel mining, dredging, and reservoir construction.

**DATES:** This final rule is effective on November 8, 2001.

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

**FOR FURTHER INFORMATION CONTACT:** Andy Roberts (at the above address or telephone 573–876–1911, ext. 110; fax 573–876–1914). TTY users may contact us through the Federal Relay Service at 1–800–877–8339.

**SUPPLEMENTARY INFORMATION:**

#### Background

Buchanan (1980), Cummings and Mayer (1992), Oesch (1995), and Watters (1995) provide descriptions of the scaleshell mussel. The shell grows to approximately three to ten centimeters (one to four inches) in length. The shells are elongate, very thin, and compressed. The anterior (front) end is rounded. In males, the posterior (rear) end is bluntly pointed. In females, the periostracum (the outside layer or covering of the shell) forms a wavy, fluted extension of the posterior end of the shell. The dorsal (top) margin is straight and the ventral (bottom) margin is gently rounded. Beaks (the raised or domed part of the dorsal margin of the shell) are small and low, and nearly even with the hinge line. The beak sculpture is inconspicuously compressed and consists of four or five double-looped ridges. The periostracum is smooth, yellowish green or brown, with numerous faint green rays. The pseudocardinal teeth (the triangular, often serrated, teeth located on the upper part of the shell) are reduced to a small thickened ridge. The lateral teeth (the elongated teeth along the hinge line of the shell) are moderately long with two indistinct teeth occurring in the left valve (shell) and one fine tooth in the right. The beak cavity (a cavity located inside the shell that extends into the beak) is very shallow. The nacre (the interior layer of the shell) is pinkish white or light purple and highly iridescent.

#### Life History

The biology of the scaleshell mussel is similar to the biology of other bivalved mollusks belonging to the family Unionidae. Adult unionids are filter-feeders, spending their entire lives partially or completely buried in the stream bottom (Murray and Leonard 1962). The posterior margin of the shell is usually exposed and the siphons extended to facilitate feeding. During periods of activity, movement is accomplished by extending and contracting a single muscular foot between the valves. Extension of the foot also enables the mussel to wedge itself into the river bottom. Their food includes detritus (disintegrated organic material), plankton, and other microorganisms (Fuller 1974). Some freshwater mussel species are long-lived. Individuals of many species live more than 10 years and some have been reported to live over 100 years (Cummings and Mayer 1992).

Unionids have an unusual and complex mode of reproduction, which includes a brief, obligatory parasitic