

with the changes described in its application for program revisions. Nebraska is responsible for carrying out the aspects of the RCRA program described in its approved program applications, subject to the limitations of the Hazardous and Solid Waste Amendments (HSWA) of 1984. New Federal requirements and prohibitions imposed by Federal regulations that EPA promulgates under the authority of HSWA take effect in authorized States before they are authorized for the requirements. Thus, EPA will implement any such HSWA requirements and prohibitions in Nebraska, including issuing HSWA permits, until the State is granted authorization to do so. For further background on the scope and effect of today's action to approve Nebraska's RCRA program revisions, please refer to the preambles of EPA's December 30, 2008, Proposed and Immediate Final Rules at 73 FR 79761 and 73 FR 79661 respectively.

#### D. Statutory and Executive Order Reviews

The Office of Management and Budget (OMB) has exempted this action from the requirements of Executive Order 12866 (58 FR 51735, October 4, 1993), and therefore this action is not subject to review by OMB. This action authorizes state requirements for the purpose of RCRA 3006 and imposes no additional requirements beyond those imposed by state law. Accordingly, I certify that this action will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this action authorizes pre-existing requirements under State law and does not impose any additional enforceable duty beyond that required by State law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4). For the same reason, this action also does not significantly or uniquely affect the communities of Tribal governments, as specified by Executive Order 13175, "Consultation and Coordination With Indian Tribal Governments" (65 FR 67249, November 9, 2000). This action will not 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, as specified in Executive Order 13132, "Federalism" (64 FR 43255, August 10, 1999), because it merely authorizes state requirements

as part of the state RCRA hazardous waste program without altering the relationship or the distribution of power and responsibilities established by RCRA. This action also is not subject to Executive Order 13045, "Protection of Children From Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it is not economically significant and it does not make decisions based on environmental health or safety risks that may affect children. This rule is not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001), because it is not a significant regulatory action under Executive Order 12866.

Under RCRA 3006(b), EPA grants a State's application for authorization as long as the State meets the criteria required by RCRA. It would thus be inconsistent with applicable law for EPA, when it reviews a State authorization application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies the requirements of RCRA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988, "Civil Justice Reform" (61 FR 47729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630, "Government Actions and Interference with Constitutionally Protected Property Rights" (53 FR 8859, March 15, 1988) by examining the takings implications the rule in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

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 document 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 in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2). This action will be effective September 24, 2010.

#### List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

**Authority:** This action is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: September 13, 2010.

**Karl Brooks,**

*Regional Administrator, Region 7.*

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## GENERAL SERVICES ADMINISTRATION

### 41 CFR Part 300-80

[FTR Amendment 2010-03; FTR Case 2010-304; Docket 2010-0016; Sequence 1]

RIN 3090-ZA01

#### Federal Travel Regulation (FTR); Relocation Expenses Test Programs

**AGENCY:** Office of Governmentwide Policy, General Services Administration (GSA).

**ACTION:** Final rule.

**SUMMARY:** This final rule updates the Federal Travel Regulation (FTR) to reflect statutory changes that extended the authority for relocation expenses test programs for Federal employees, made by the passage of Public Law 111-112 on November 30, 2009.

**DATES:** *Effective Date:* This final rule is effective September 24, 2010.

**FOR FURTHER INFORMATION CONTACT:** The Regulatory Secretariat (MVCB), Room 4035, GS Building, Washington, DC 20405, (202) 501-4755, for information pertaining to status or publication schedules. For clarification of content, contact Mr. Henry Maury, Office of Governmentwide Policy (M), Office of Travel, Transportation and Asset Management (MT), General Services Administration at (202) 208-7928 or e-

mail at [henry.maurry@gsa.gov](mailto:henry.maurry@gsa.gov). Please cite FTR Amendment 2010-03; FTR case 2010-304.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

On October 19, 1998, the President signed into law the Travel and Transportation Reform Act of 1998 (Pub. L. 105-264). Subsection 5(b) of Public Law 105-264, codified at 5 U.S.C. 5739, permits the Administrator of General Services to authorize Federal agencies to test new and innovative methods of reimbursing relocation expenses without seeking authorizing legislation or a waiver of regulations. This statutory provision is implemented in part 300-80 the Federal Travel Regulation (FTR) (41 CFR part 300-80), "Relocation Expenses Test Programs." Public Law 109-325 extended the test program authority through October 19, 2009. Public Law 111-112, enacted on November 30, 2009, extended the test program authority indefinitely.

##### B. Changes to the Current FTR

This final rule:

- Revises section 300-80.4 to update the maximum number of test programs that may be simultaneously running from 10 to 12;
- Revises section 300-80.6 to clarify test programs are limited to making payments in lieu of the relocation reimbursements contained in 5 U.S.C. chapter 57, subchapter II;
- Revises section 300-80.7 to update the duration of test programs and possible extensions from 24 months to four years;
- Redesignates current section 300-80.8 as section 300-80.9 and removes current section 300-80.9 because it is no longer valid;
- Adds new section 300-80.8 to add instructions for agencies wishing to apply for a test program extension; and
- Revises newly designated section 300-80.9 to clarify the reporting requirements for agencies conducting test programs.

##### C. Executive Order 12866

This regulation is excepted from the definition of "regulation" or "rule" under Section 3(d)(3) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993 and, therefore, was not subject to review under Section 6(b) of that Executive Order.

##### D. Regulatory Flexibility Act

This final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory

Flexibility Act, 5 U.S.C. 601, *et seq.*, because the revisions are not considered substantive. This final rule is also exempt from the Regulatory Flexibility Act per 5 U.S.C. 553 (a)(2) because it applies to agency management. However, this final rule is being published to provide transparency in the promulgation of federal policies.

##### E. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the Federal Travel Regulation do not impose recordkeeping or information collection requirements, or the collection of information from offerors, contractors, or members of the public that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

##### F. 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 Part 300-80

Government employees, Reporting and recordkeeping requirements, Travel and transportation expenses.

Dated: July 16, 2010.

Martha Johnson,

Administrator of General Services.

- For the reasons set forth in the preamble, under 5 U.S.C. 5701-5739, GSA amends 41 CFR part 300-80 as set forth below:

#### PART 300-80—RELOCATION EXPENSES TEST PROGRAMS

- 1. The authority citation for 41 CFR part 300-80 continues to read as follows:

Authority: 5 U.S.C. 5707, 5738, and 5739.

##### § 300-80.4 [Amended]

- 2. Amend § 300-80.4 by removing "10" and adding "12" in its place.

##### § 300-80.6 [Amended]

- 3. Amend § 300.80-6 by—
  - a. Removing the word "None."; and
  - b. Removing "Chapter 302 of this title." and adding "5 U.S.C. chapter 57, subchapter II." in its place.
- 4. Revise § 300-80.7 to read as follows:

##### § 300-80.7 How long is the duration of test programs?

The duration of a test program is up to four years from the date of authorization unless terminated prior to that time by the Administrator of General Services. The agency

conducting a test program may also terminate the test program at any time by providing written notice of the termination to the Administrator of General Services. The Administrator of General Services may grant test program extensions of up to an additional four years (see § 300-80.8).

##### § 300-80.9 [Removed]

- 5. Remove § 300-80.9.

##### § 300-80.8 [Redesignated as § 300-80.9]

- 6. Redesignate § 300-80.8 as § 300-80.9.
- 7. Add a new § 300-80.8 to read as follows:

##### § 300-80.8 What must we do to apply for a test program extension?

The head of the agency or designee must submit a request to extend the test program to the Administrator of General Services (Attention: MTT), 1800 F Street, NW., Washington, DC 20405, not later than 120 days prior to the expiration of the test period. The request for extension must contain the test program results to that date and clearly enumerate the benefits, qualitatively or quantitatively or both, of granting a test program extension and must specify the duration of time for which an extension is requested.

- 8. Amend newly redesignated § 300-80.9 by—
  - a. Removing the introductory text;
  - b. Removing in paragraph (a), "an approved test program" and adding "any test program approved or extended" in its place; and
  - c. Adding new paragraph (c) to read as follows:

##### § 300-80.9 What reports are required for a test program?

\* \* \* \* \*

(c) All reports must include quantitative or qualitative assessments, or both, clearly evaluating the results of the test program and enumerating benefits and costs.

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### 43 CFR Part 3000

#### Minerals Management: General

##### CFR Correction

In Title 43 of the Code of Federal Regulations, Part 1000 to End, revised as of October 1, 2009, on page 331, in