

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. Section 804, however, exempts from section 801 the following types of rules: rules of particular applicability; rules relating to agency management or personnel; and rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). EPA is not required to submit a rule report regarding today's action under section 801 because this negative declaration does not substantially affect the rights or obligations of non-agency parties.

H. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use "voluntary consensus standards" (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

In approving or disapproving negative declarations under section 129 of the Clean Air Act, EPA does not have the authority to revise or rewrite the State's rule, so the Agency does not have authority to require the use of particular voluntary consensus standards. Accordingly, EPA has not sought to identify or require the State to use voluntary consensus standards. Therefore, the requirements of the NTTAA are not applicable to this final rule.

I. Executive Order 13211 (Energy Effects)

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.

J. 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 May 13, 2002. 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 may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2), 42 U.S.C. 7607(b)(2)). EPA encourages interested parties to comment in response to the proposed rule rather than petition for judicial review, unless the objection arises after the comment period allowed for in the proposal.

List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements, Sulfur oxides, Waste treatment and disposal.

Dated: April 3, 2002.

Robert W. Varney,
Regional Administrator, EPA New England.

40 CFR Part 62 is amended as follows:

PART 62—[AMENDED]

1. The authority citation for part 62 continues to read as follows:

Authority: 42 U.S.C. 7401–7642

Subpart OO—Rhode Island

2. Subpart OO is amended by adding a new § 62.9970 and a new undesignated center heading to read as follows:

Air Emissions From Existing Commercial and Industrial Solid Waste Incineration Units

§ 62.9970 Identification of plan—negative declaration.

On January 8, 2002, the Rhode Island Department of Environmental Management submitted a letter certifying that there are no existing commercial and industrial solid waste incineration units in the state subject to the emission guidelines under part 60, subpart DDDD of this chapter.

3. Subpart OO is also amended by adding a new § 62.9980 and a new undesignated center heading to read as follows:

Air Emissions From Existing Municipal Waste Combustors With the Capacity To Combust at Least 35 Tons Per Day But No More Than 250 Tons Per Day of Municipal Solid Waste

§ 62.9980 Identification of plan—negative declaration.

On January 8, 2002, the Rhode Island Department of Environmental Management submitted a letter certifying that there are no existing small municipal waste combustors in the state subject to the emission

guidelines under part 60, subpart BBBB of this chapter.

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GENERAL SERVICES ADMINISTRATION

41 CFR Parts 301–10 and 301–53

[FTR Amendment 104]

RIN 3090–AH57

Federal Travel Regulation; Using Promotional Materials and Frequent Traveler Programs

AGENCY: Office of Governmentwide Policy, GSA.

ACTION: Final rule.

SUMMARY: This final rule amends the Federal Travel Regulation (FTR) to remove those provisions requiring that promotional benefits, including frequent flyer miles, earned on official travel are considered the property of the Government and may only be used for official travel. On December 28, 2001, The President signed into law a provision that Federal employees may retain such promotional items for personal use.

DATES: This final rule is effective April 12, 2002 and applies to travel performed before, on, or after December 28, 2001.

FOR FURTHER INFORMATION CONTACT: Jim Harte, Program Analyst (Travel Team Leader and Facilitator) at telephone (202) 501–0483.

SUPPLEMENTARY INFORMATION:

A. Background

Pursuant to Section 1116 of the National Defense Authorization Act for Fiscal Year 2002 (the Act) (Public Law 107–107, December 28, 2001), the General Services Administration (GSA) is issuing regulations allowing Federal employees to retain and make personal use of promotional items earned while on official Government travel. A Federal traveler who receives a promotional item such as frequent flyer miles, upgrades, or access to carrier clubs or facilities received as a result of using travel or transportation services obtained at Federal Government expense, or accepted under section 1353 of title 31, United States Code, may retain the promotional item for personal use, if the promotional item is obtained under the same terms as those offered to the general public and at no additional cost to the Federal Government. The Act also repealed Section 6008 of the Federal Acquisition Streamlining Act of

1994 (5 U.S.C. 5702 note; Public Law 103-355) that had previously prohibited personal retention of such promotional items.

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 this final rule does 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 in 41 CFR Parts 301-10 and 301-53

Government employees, Travel and transportation expenses.

For the reasons set forth in the preamble, 41 CFR Chapter 301 is amended as follows:

PART 301-10—TRANSPORTATION EXPENSES

1. The authority citation for 41 CFR part 301-10 continues to read as follows:

Authority: 5 U.S.C. 5707; 40 U.S.C. 486(c); 49 U.S.C. 40118.

2. Section 301-10.123 is amended by adding a note at the end of the section to read as follows:

§ 301-10.123 When may I use first-class airline accommodations?

* * * * *

Note to § 301-10.123: You may upgrade to first-class at your personal expense, including through redemption of frequent flyer benefits.

3. Section 301-10.124 is amended by:
a. Revising the phrase “paragraphs (a) through (j) of this section” in the introductory text to read “paragraphs (a) through (i) of this section”.

b. Removing paragraph (g) and redesignating paragraphs (h), (i), and (j) as paragraphs (g), (h), and (i), respectively.

c. Adding a note at the end of the section to read as follows:

§ 301-10.124 When may I use premium-class other than first-class airline accommodations?

* * * * *

Note to § 301-10.124: You may upgrade to premium-class other than first-class at your personal expense, including through redemption of frequent flyer benefits.

4. Part 301-53 is revised to read as follows:

PART 301-53—USING PROMOTIONAL MATERIALS AND FREQUENT TRAVELER PROGRAMS

Sec.

301-53.1 To whom do the pronouns “I”, “you”, and their variants refer throughout this part?

301-53.2 What may I do with promotional benefits or materials I receive from a travel service provider?

301-53.3 How may I use frequent traveler benefits?

301-53.4 May I select travel service providers for which my agency is not a mandatory user in order to maximize my frequent traveler benefits?

301-53.5 Are there exceptions to the mandatory use of contract city-pair fares and an agency’s travel management system?

301-53.6 Is a denied boarding benefit considered a promotional item for which I may retain compensation received from an airline whether voluntary or involuntary?

Authority: 5 U.S.C. 5707; 31 U.S.C. 1353.

§ 301-53.1 To whom do the pronouns “I”, “you”, and their variants refer throughout this part?

The pronouns “I”, “you”, and their variants throughout this part refer to the employee.

§ 301-53.2 What may I do with promotional benefits or materials I receive from a travel service provider?

Any promotional benefits or materials received from a travel service provider in connection with official travel may be retained for personal use, if such items

are obtained under the same conditions as those offered to the general public and at no additional cost to the Government.

§ 301-53.3 How may I use frequent traveler benefits?

You may use frequent traveler benefits earned on official travel to obtain travel services for a subsequent official travel assignment(s); however, you may also retain such benefits for your personal use, including upgrading to a higher class of service.

§ 301-53.4 May I select travel service providers for which my agency is not a mandatory user in order to maximize my frequent traveler benefits?

No, you may not select a traveler service provider based on whether it provides frequent traveler benefits. You must use the travel service provider for which your agency is a mandatory user. This includes contract passenger transportation services and travel management systems. You may not choose a travel service provider to gain frequent traveler benefits for personal use. (Also see §§ 301-10.109 and 301-10.110 of this chapter.)

§ 301-53.5 Are there exceptions to the mandatory use of contract city-pair fares and an agency’s travel management system?

Yes, the exceptions are in accordance with §§ 301-10.107 and 301-10.108 of this chapter for the mandatory use of a contract city-pair fare, and § 301-73.103 of this chapter for the mandatory use of a travel management system.

§ 301-53.6 Is a denied boarding benefit considered a promotional item for which I may retain compensation received from an airline whether voluntary or involuntary?

A denied boarding benefit (e.g., cash, free ticket coupon) is not a promotional item given by an airline. See the provisions of § 301-10.116 of this chapter when an airline denies you a seat (involuntary) and § 301-10.117 of this chapter when you vacate your seat (voluntary).

Dated: April 1, 2002.

Stephen A. Perry,

Administrator of General Services.

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