

technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by VCS bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable VCS.

This action does not involve technical standards. Therefore, EPA did not consider the use of any VCS.

L. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order (EO) 12898 (59 FR 7629 (Feb. 16, 1994)) establishes Federal executive policy on environmental justice. Its main provision directs Federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

EPA has determined that this final rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not directly affect the level of protection provided to human health or the environment. This notice finds that certain states have not met the requirement to submit one or more SIPs and begins a clock requiring them to do so to meet this statutory obligation. If the state fails to submit the required SIPs or if they submit SIPs that EPA cannot approve, then EPA will be required to develop the plans in lieu of the states.

M. Congressional Review Act

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 rule report, a copy of 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**. 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 rule will be effective January 15, 2009.

N. Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the District of Columbia Circuit within 60 days from the date this final action is published in the **Federal Register**. 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 must be filed, and shall not postpone the effectiveness of such rule or action.

Thus, any petitions for review of this action making findings of failure to submit regional haze SIPs identified in section II above, must be filed in the Court of Appeals for the District of Columbia Circuit within 60 days from the date final action is published in the **Federal Register**.

List of Subjects in 40 CFR Part 52

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

Dated: January 9, 2009.

Robert J. Meyers,

Principal Deputy Assistant Administrator.

[FR Doc. E9-779 Filed 1-14-09; 8:45 am]

BILLING CODE 6560-50-P

**GENERAL SERVICES
ADMINISTRATION**

41 CFR Part 102-42

[FMR Amendment 2009-01; FMR Case 2008-102-2; Docket 2008-0001; Sequence 3]

RIN 3090-AI60

Federal Management Regulation; FMR Case 2008-102-2, Utilization, Donation, and Disposal of Foreign Gifts and Decorations

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

ACTION: Final rule.

SUMMARY: The General Services Administration is amending the Federal Management Regulation (FMR) to revise its policy on appraisals of foreign gifts and decorations, and to encourage agencies to use various methods in obtaining appraisals, including reliable retail Web sites.

DATES: *Effective Date:* February 17, 2009.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Holcombe, Director, Asset Management (MTA), at (202) 501-3828, or e-mail at robert.holcombe@gsa.gov for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat, Room 4041, GS Building, Washington, DC 20405, (202) 501-4755. Please cite FMR Amendment 2009-01, FMR Case 2008-102-2.

SUPPLEMENTARY INFORMATION:

A. Background

This final rule amends part 102-42 of the Federal Management Regulation (FMR) (41 CFR part 102-42) to bring this policy into alignment with 5 U.S.C. 7342 by placing the responsibility and guidelines for obtaining appraisals for foreign gifts and decorations onto the agencies (as required by 5 U.S.C. 7342(g)(2)(b)). Removing the policies from this part that specify the format and content of an appraisal will give agencies greater flexibility in obtaining appraisals. The flexibility is not intended to preclude the reporting of gifts, nor does it eliminate the need for a commercial appraisal when a retail value appraisal is not an option. This applies to all gifts, even when the recipient wishes to retain and/or purchase the item. This flexibility may include agency use of reliable retail Web sites (e.g., Department store Web sites, Commercial merchandise catalogs) to obtain the retail value in the United States of the items(s). This excludes the use of any auction or discount sale offerings that appear on the Internet or written publications (e.g., EBAY, Craig's List, or other non-commercial sites). Also, GSA now requires the employing agency to obtain an appraisal of a gift or decoration that the agency has retained for official use and no longer needs before accepting the agency's report of the item as excess personal property. Additionally, appraisals are required for gifts that are personalized (e.g., Books signed by the author, or gifts personally labeled).

This final rule also updates the address in section 102-42.95.

B. Executive Order 12866

This final rule 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.

C. Regulatory Flexibility Act

This final rule is not required to be published in the **Federal Register** for comment. Therefore, the Regulatory Flexibility Act does not apply.

D. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FMR do not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

E. Small Business Regulatory Enforcement Fairness Act

This final rule is exempt from Congressional review under 5 U.S.C. 801 since it relates solely to agency management and personnel.

List of Subjects in 41 CFR Part 102–42

Government property management.

Dated: December 19, 2008.

James A. Williams,

Acting Administrator of General Services.

■ For the reasons set forth in the preamble, GSA amends 41 CFR part 102–42 as set forth below:

PART 102–42—UTILIZATION, DONATION, AND DISPOSAL OF FOREIGN GIFTS AND DONATIONS

■ 1. The authority citation for 41 CFR part 102–42 continues to read as follows:

Authority: 40 U.S.C. 121(c); 5 U.S.C. 7342.

§§ 102–42.40, 102–42.45, 102–42.50, and 102–42.55 [Removed]

■ 2. Remove §§ 102–42.40, 102–42.45, 102–42.50, and 102–42.55.

■ 3. Add new §§ 102–42.40, 102–42.45, 102–42.50, and 102–42.55 under the undesignated heading “Appraisals” to read as follows:

§ 102–42.40 When is an appraisal necessary?

An appraisal is necessary when—

(a) An employee indicates an interest in purchasing a gift or decoration. In this situation, the appraisal must be obtained before the gift or decoration is reported to GSA for screening (see 102–42.20); or

(b) GSA requires the employing agency to obtain an appraisal of a gift or decoration that the agency has retained for official use and no longer needs before accepting the agency’s report of the item as excess personal property; or

(c) The policy of one’s own agency requires it, pursuant to 5 U.S.C. 7342(g).

Note to § 102–42.40 paragraphs (a) and (b):
Refer to § 102–42.50 for how appraisals under these two situations are handled.

§ 102–42.45 What is my agency’s responsibility for establishing procedures for obtaining an appraisal?

The employing agency is responsible for establishing its own procedure for obtaining an appraisal that represents the value of the gift in the United States. This applies to all gifts, even when the recipient wishes to retain and/or purchase the gift. Appraisals are required for gifts that are personalized (e.g., Books signed by the author, Gifts personally labeled).

§ 102–42.50 What types of appraisals may my agency consider?

Your agency may allow—

(a) Written commercial appraisals conducted by an appraisal firm or trade organization; and

(b) Retail value appraisals where the value of the gift may be ascertained by reviewing current and reliable non-discounted retail catalogs, retail price lists, or retail Web site valuations.

§ 102–42.55 What does the employing agency do with the appraisal?

When an appraisal is necessary under § 102–42.40, the employing agency must include the appraisal with the Standard Form (SF) 120, Report of Excess Personal Property, and send it to GSA in accordance with the requirements of § 102–42.95. By attaching the appraisal, the employing agency is certifying that the value cited is the retail value/appraised value of the item in the United States in U.S. dollars on the date set forth on the appraisal.

§ 102–42.95 [Amended]

■ 4. Amend § 102–42.95 in the first paragraph by removing the words “Property Management Division (FBP)” and adding the words “Utilization and Donation Program Division (QSCA)” in its place.

[FR Doc. E9–562 Filed 1–14–09; 8:45 am]

BILLING CODE 6820–14–P

GENERAL SERVICES ADMINISTRATION

41 CFR Part 301–10

[FTR Amendment 2009–02; FTR Case 2009–302; Docket 2009–0001; Sequence 02]

RIN 3090–AI43

Federal Travel Regulation (FTR); Fly America Act; United States and European Union “Open Skies” Air Transport Agreement (US-EU Open Skies Agreement)

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

ACTION: Final rule.

SUMMARY: GSA is amending the Federal Travel Regulation (FTR) provisions pertaining to the use of United States Flag air carriers under the provisions of the “Fly America Act.” This final rule incorporates language that informs readers where to find additional information regarding bilateral or multilateral air transportation agreements to which the United States Government and the government of a foreign country are parties, and which the Department of Transportation has determined meets the requirements of the Fly America Act. As these agreements qualify as exceptions to the use of U.S. flag air service pursuant to FTR section 41 CFR 301–10.135(b), this final rule advises of an Internet based source of information regarding the use of foreign air carriers under the terms of these bilateral or multilateral agreements.

DATES: This final rule is effective on January 15, 2009.

FOR FURTHER INFORMATION CONTACT: The Regulatory Secretariat (VPR), Room 4041, GS Building, Washington, DC 20405, (202) 208–7312, for information pertaining to status or publication schedules. For clarification of content, contact Mr. Rodney R. Miller, Office of Travel, Transportation and Asset Management (MT), General Services Administration at (202) 501–3822 or e-mail at Rodney.miller@gsa.gov. Please cite FTR Amendment 2009–02; FTR case 2009–302.

SUPPLEMENTARY INFORMATION:

A. Background

Passengers are required by 49 U.S.C. 40118, commonly referred to as the “Fly America Act,” to use United States flag air carrier service for all air travel funded by the United States Government. One exception to this requirement is transportation provided under a bilateral or multilateral air