

TABLE 1.—WASTES EXCLUDED FROM NON-SPECIFIC SOURCES

Facility	Address	Waste description
* American Metals Corporation.	* Westlake, Ohio	<p>* Wastewater treatment plant (WWTP) sludges from the chemical conversion coating (phosphating) of aluminum (EPA Hazardous Waste No. F019) and other solid wastes previously disposed in an on-site landfill. This is a one-time exclusion for 12,400 cubic yards of landfilled WWTP sludge. This exclusion is effective on January 15, 2002.</p> <p>1. <i>Delisting Levels:</i></p> <p>(A) The constituent concentrations measured in the TCLP extract may not exceed the following levels (mg/L): antimony—1.52; arsenic—0.691; barium—100; beryllium—3.07; cadmium—1; chromium—5; cobalt—166; copper—67,300; lead—5; mercury—0.2; nickel—209; selenium—1; silver—5; thallium—0.65; tin—1,660; vanadium—156; and zinc—2,070.</p> <p>(B) The total constituent concentrations in any sample may not exceed the following levels (mg/kg): arsenic—9,280; mercury—94; and polychlorinated biphenyls—0.265.</p> <p>(C) Concentrations of dioxin and furan congeners cannot exceed values which would result in a cancer risk greater than or equal to 10⁻⁶ as predicted by the model.</p> <p>2. <i>Verification Sampling</i>—USG shall collect six additional vertically composited samples of sludge from locations that compliment historical data and shall analyze the samples by TCLP for metals including antimony, arsenic, barium, beryllium, cadmium, chromium, lead, mercury, nickel, selenium, silver, thallium, tin, vanadium, and zinc. If the samples exceed the levels in Condition (1)(a), USG must notify EPA. The corresponding sludge and all sludge yet to be disposed remains hazardous until USG has demonstrated by additional sampling that all constituents of concern are below the levels set forth in condition 1.</p> <p>3. <i>Reopener Language</i>—(a) If, anytime after disposal of the delisted waste, USG possesses or is otherwise made aware of any data (including but not limited to leachate data or groundwater monitoring data) or any other data relevant to the delisted waste indicating that any constituent identified in Condition (1) is at a level higher than the delisting level established in Condition (1), or is at a level in the groundwater exceeding maximum allowable point of exposure concentration referenced by the model, then USG must report such data, in writing, to the Regional Administrator within 10 days of first possessing or being made aware of that data.</p> <p>(b) Based on the information described in paragraph (a) and any other information received from any source, the Regional Administrator will make a preliminary determination as to whether the reported information requires Agency action to protect human health or the environment. Further action may include suspending, or revoking the exclusion, or other appropriate response necessary to protect human health and the environment.</p> <p>(c) If the Regional Administrator determines that the reported information does require Agency action, the Regional Administrator will notify USG in writing of the actions the Regional Administrator believes are necessary to protect human health and the environment. The notice shall include a statement of the proposed action and a statement providing USG with an opportunity to present information as to why the proposed Agency action is not necessary or to suggest an alternative action. USG shall have 10 days from the date of the Regional Administrator's notice to present the information.</p> <p>(d) If after 10 days USG presents no further information, the Regional Administrator will issue a final written determination describing the Agency actions that are necessary to protect human health or the environment. Any required action described in the Regional Administrator's determination shall become effective immediately, unless the Regional Administrator provides otherwise.</p> <p>4. <i>Notifications</i>—USG must provide a one-time written notification to any State Regulatory Agency to which or through which the waste described above will be transported for disposal at least 60 days prior to the commencement of such activities. Failure to provide such a notification will result in a violation of the delisting petition and a possible revocation of the decision.</p>

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 BILLING CODE 6560-50-P

GENERAL SERVICES ADMINISTRATION
41 CFR Chapter 301
[FTR Amendment 100]
RIN 3090-AH52
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 State of New York, city (borough) of Manhattan, should be increased and the maximum per diem rate for the State of New York, city (boroughs) of The Bronx, Brooklyn, and Queens, should be decreased to provide for the

reimbursement of Federal employees' lodging expenses covered by per diem rates. This final rule adjusts the maximum lodging amounts in the prescribed areas.

EFFECTIVE DATE: January 1, 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 State of New York, cities (boroughs) of Manhattan, The Bronx, Brooklyn, and Queens.

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 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 entries for the State of New York, under the State of New York, city of The Bronx/Brooklyn/Queens, column three (maximum lodging amount) is revised to read "168".

b. On the page that includes entries for the State of New York, under the State of New York, city of Manhattan, column three (maximum lodging amount) is revised to read "208".

The revised page containing the amendments to the table set forth above reads 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}				

Princeton/Trenton	Mercer	139	42	181
Tom's River	Ocean			
(May 15-September 15)		89	38	127
(September 16-May 14)		79	38	117
Union County	Union	107	38	145
NEW MEXICO				
Albuquerque	Bernalillo	65	38	103
Cloudcroft	Otero			
(June 1-October 31)		74	30	104
(November 1-May 31)		65	30	95
Los Alamos	Los Alamos	71	34	105
Santa Fe	Santa Fe	99	46	145
Taos	Taos	75	34	109
NEW YORK				
Albany	Albany	96	42	138
The Bronx/Brooklyn/Queens	The boroughs of The Bronx, Brooklyn and Queens	168	46	214
Buffalo	Erie	78	42	120
Glens Falls	Warren			
(June 1-September 30)		74	34	108
(October 1-May 31)		55	34	89
Ithaca	Tompkins	69	34	103
Kingston	Ulster	79	38	117
Lake Placid	Essex			
(June 15-October 15)		86	38	124
(October 16-June 14)		59	38	97
Manhattan	The borough of Manhattan	208	46	254
Nassau County/Great Neck	Nassau	190	42	232
Niagara Falls	Niagara			
(May 1-October 31)		89	34	123
(November 1-April 30)		55	34	89
Nyack/Palisades	Rockland			
(April 1-September 30)		67	38	105
(October 1-March 31)		57	38	95
Owego	Tioga	73	30	103
Poughkeepsie	Dutchess	74	38	112
Rochester	Monroe	83	42	125
Saratoga Springs	Saratoga			
(July 1-October 31)		95	38	133
(November 1-June 30)		75	38	113
Staten Island	Richmond	120	42	162
Suffolk County	Suffolk	149	38	187
Syracuse	Onondaga	70	34	104
Tarrytown	Westchester (except White Plains)	114	42	156
Waterloo/Romulus	Seneca			
(June 15-September 15)		89	34	123
(September 16-June 14)		69	34	103
Watkins Glen	Schuyler	59	34	93
West Point	Orange	121	34	155

Dated: December 27, 2001.
Stephen A. Perry,
Administrator of General Services.
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**GENERAL SERVICES
 ADMINISTRATION**

41 CFR Part 301-10

[FTR Amendment 101]

RIN 3090-AH54

**Federal Travel Regulation; Privately
 Owned Vehicle Mileage
 Reimbursement**

AGENCY: Office of Governmentwide
 Policy, GSA.

ACTION: Final rule.

SUMMARY: This final rule increases the mileage reimbursement rate for use of a privately owned vehicle (POV) on official travel to reflect current costs of operation as determined in cost studies conducted by the General Services Administration (GSA). The governing regulation is revised to increase the mileage allowance for advantageous use of a privately owned airplane from 96.5 to 97.5 cents per mile, the cost of operating a privately owned automobile from 34.5 to 36.5 cents per mile, and the cost of operating a privately owned motorcycle from 27.5 to 28.0 cents per mile.

EFFECTIVE DATE: This final rule is effective January 21, 2002.

FOR FURTHER INFORMATION CONTACT:
 Devoanna R. Reels, Program Analyst,
 telephone 202-501-3781.

SUPPLEMENTARY INFORMATION:

A. Background

Pursuant to 5 U.S.C. 5707(b), the Administrator of General Services has the responsibility to establish the privately owned vehicle (POV) mileage reimbursement rates. Separate rates are set for airplanes, automobiles (including trucks), and motorcycles. In order to set these rates, GSA is required to conduct periodic investigations, in consultation with the Secretaries of Defense and Transportation, and representatives of Government employee organizations, of the cost of travel and the operation of POVs to employees while engaged on official business. As required, GSA conducted an investigation of the costs of operating a POV and is reporting the cost per mile determination. The results of the investigation have been reported to Congress and a copy of the report appears as an attachment to this document. GSA's cost studies show the

Administrator of General Services has determined the per-mile operating costs of a POV to be 97.5 cents for airplanes, 36.5 cents for automobiles, and 28.0 cents for motorcycles. As provided in 5 U.S.C. 5704(a)(1), the automobile reimbursement rate cannot exceed the single standard mileage rate established by the Internal Revenue Service (IRS). The IRS has announced a new single standard mileage rate for automobiles of 36.5 cents effective January 1, 2002.

B. 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 does not apply.

C. 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.

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 (OMB) under 44 U.S.C. 3501, *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 Part 301-10

Government employees, Travel and transportation expenses.

For the reasons set forth in the preamble, 41 CFR part 301-10 is amended to read 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 301-10.303 is amended by revising the entries Privately owned airplane, Privately owned automobile, and Privately owned motorcycle in the table to read as follows:

§ 301-10.303 What am I reimbursed when use of a POV is determined by my agency to be advantageous to the Government?

For use of a	Your reim- burse- ment is
*	*
Privately owned airplane	197.5
Privately owned automobile	136.5
Privately owned motorcycle	128.0

¹ Cents per mile.

Dated: January 8, 2002.
Stephen A. Perry,
Administrator of General Services.

**Attachment to Preamble—Report to
 Congress on the Costs of Operating
 Privately Owned Vehicles**

Subparagraph (b)(1)(A) of section 5707 of Title 5, United States Code, requires the Administrator of General Services, in consultation with the Secretaries of Defense and Transportation, and representatives of Government employee organizations, to periodically investigate the cost of travel and the operation of privately owned vehicles (airplanes, automobiles, and motorcycles) to Government employees while on official business, to report the results of the investigations to Congress, and to publish the report in the **Federal Register**. This report is being published to comply with the requirements of the law.

Dated: January 8, 2002.
 Stephen A. Perry,
 Administrator of General Services.

Report to Congress

Subparagraph (b)(1)(A) of section 5707 of Title 5, United States Code, requires that the Administrator of General Services, in consultation with the Secretaries of Defense and Transportation, and representatives of Government employee organizations, conduct periodic investigations of the cost of travel and the operation of privately owned vehicles (POVs) (airplanes, automobiles, and motorcycles) to Government employees while on official business and report the results to Congress at least once a year. Subparagraph (b)(2)(B) of section 5707 of Title 5, United States Code, further requires that the Administrator of General Services determine the average, actual cost per mile for the use of each type of POV based on the results of the cost investigation. Such figures must be reported to Congress within 5 working days after the cost determination has been made in accordance with 5 U.S.C. 5707(b)(2)(C).

Pursuant to the requirements of subparagraph (b)(1)(A) of section 5707 of Title 5, United States Code, the General Services Administration (GSA), in consultation with the Secretaries of Defense and Transportation, and representatives of Government employee organizations, conducted an investigation of the cost of operating a privately owned automobile (POA). As provided in 5 U.S.C. 5704(a)(1),