

## L. Administrative Requirements

The Office of Management and Budget has exempted this action (RCRA State Authorization) from the requirements of Executive Order 12866 (58 FR 51735, October 4, 1993); 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 Tribal governments, as specified by Executive Order 13175 (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 (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 (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. 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 (61 FR 4729, 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 (53 FR 8859, March 15, 1988) by examining the takings implications of 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 nevertheless will be effective February 11, 2008, because it is an immediate final rule.

### 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: November 2, 2007.

**Robert W. Varney,**

*Regional Administrator, EPA New England.*

[FR Doc. E7-23946 Filed 12-10-07; 8:45 am]

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## GENERAL SERVICES ADMINISTRATION

### 41 CFR Part 302-4

[FTR Amendment 2007-06; FTR Case 2007-306; Docket 2007-0002, Sequence 5]

RIN 3090-AI40

### Federal Travel Regulation; Relocation Allowances; OCONUS Travel

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

**ACTION:** Final rule.

**SUMMARY:** Federal Travel Regulation (FTR) Amendment 2007-03, FTR Case 2007-301 was published in the **Federal Register** on June 27, 2007 (72 FR 35187). That final rule changed the mileage reimbursement rate for using a personally owned vehicle (POV) for relocation to equal the Internal Revenue Service (IRS) Standard Mileage Rate for moving purposes in the continental United States (CONUS). Subsequent information revealed that in changing to this rate, GSA inadvertently removed any ability to apply this rate to both foreign and non-foreign overseas (OCONUS) relocations. This final rule will allow for the new mileage reimbursement rate to be applied worldwide. It will also allow for the use of actual expense for OCONUS relocations if the agency chooses to do so. The FTR and any corresponding documents may be accessed at GSA's website at <http://www.gsa.gov/fttr>.

**DATES:** *Effective Date:* This final rule is effective December 11, 2007.

*Applicability Date:* This final rule is applicable to September 25, 2007.

**FOR FURTHER INFORMATION CONTACT:** The Regulatory Secretariat (VIR), Room 4035, GS Building, Washington, DC, 20405, (202) 501-4755, for information pertaining to status or publication schedules. For clarification of content, contact Mr. Ed Davis, Office of Governmentwide Policy (M), Office of Travel, Transportation and Asset Management (MT), General Services Administration at (202) 208-7638 or e-mail at [ed.davis@gsa.gov](mailto:ed.davis@gsa.gov). Please cite FTR Amendment 2007-06; FTR case 2007-306.

### SUPPLEMENTARY INFORMATION:

#### A. Background

On June 27, 2007, GSA published a final rule specifying that the IRS Standard Mileage Rate for moving purposes would be the rate at which agencies will reimburse an employee for using a POV for CONUS relocation.

The final rule, published in the **Federal Register** on June 27, 2007 (72 FR 35187) clearly limited the scope of the rule to CONUS relocations. Research since that date, in response to an inquiry from the Department of Defense (DoD), has shown that this was a mistake. Therefore, this new final rule removes any reference to CONUS from section 302–4.300 of the FTR and allows for this rate to be applied worldwide. The FTR also will authorize actual expense for these expenses.

#### B. Summary of the Issues Involved

This final rule corrects an inadvertent error, and allows for the reimbursement of OCONUS relocation mileage at either the mileage rate specified in FTR section 302–4.300 or actual expense under new section 302–4.304. In addition, FTR section 302–4.302 currently allows an agency to authorize a higher mileage reimbursement rate for OCONUS relocations utilizing a POV under certain circumstances. Thus, agencies will have three choices for reimbursing an OCONUS relocation mileage reimbursement rate for POV usage. Each agency through its internal policy, must decide what form its relocation mileage reimbursement rate will take. But, before any agencies can have a legitimately based OCONUS rate, GSA must change the wording of the June 27, 2007 final rule to allow agencies to use the IRS rate worldwide.

#### C. Changes to Current FTR

This final rule revises section 302–4.300 of the FTR to reflect the Internal Revenue Service Standard Mileage Rate for relocation by POV and adds section 302–4.304 allowing for actual expense.

#### D. 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.

#### E. 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.

#### F. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FTR 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.*

#### 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 302–4

Government employees, Relocation, Travel and transportation expenses.

Dated: September 27, 2007.

**Lurita Doan,**

*Administrator of General Services.*

■ For the reasons set out in this preamble, 41 CFR part 302–4 is amended as set forth below:

#### PART 302–4—ALLOWANCES FOR SUBSISTENCE AND TRANSPORTATION

■ 1. The authority citation for 41 CFR part 302–4 continues to read as follows:

**Authority:** 5 U.S.C. 5738; 20 U.S.C. 905(a); E.O. 11609, 36 FR 13747, 3 CFR, 1971–1973 Comp., p. 586.

■ 2. Revise § 302–4.300 to read as follows:

#### § 302–4.300 What is the POV mileage rate for PCS travel?

For approved/authorized PCS travel by POV, the mileage reimbursement rate is the same as the moving expense mileage rate established by the Internal Revenue Service (IRS) for moving expense deductions. See IRS guidance available on the Internet at [www.irs.gov](http://www.irs.gov). GSA publishes the rate for mileage reimbursement in an FTR Bulletin on an intermittent basis. You may find the FTR Bulletins at [www.gsa.gov/relo](http://www.gsa.gov/relo).

■ 3. Add § 302–4.304 to read as follows:

#### § 302–4.304 For relocation outside the continental United States (OCONUS), may my agency allow actual expense reimbursement instead of the POV mileage rate for PCS travel?

Yes, for an OCONUS relocation involving POV usage, your agency may allow reimbursement of certain actual expenses of using the POV (*i.e.*, fuel plus the additional expenses listed in § 301–10.304).

[FR Doc. E7–23861 Filed 12–10–07; 8:45 am]

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#### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 061109296–7009–02]

RIN 0648–XE18

#### Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfer

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary rule; inseason quota transfer.

**SUMMARY:** NMFS announces that the State of Maine and the State of Maryland are transferring commercial bluefish quota to the State of Rhode Island from their 2007 quotas. By this action, NMFS adjusts the quotas and announces the revised commercial quota for each state involved.

**DATES:** Effective December 6, 2007, through December 31, 2007.

**FOR FURTHER INFORMATION CONTACT:** Emily Bryant, Fishery Management Specialist, (978) 281–9244, fax (978) 281–9135.

#### SUPPLEMENTARY INFORMATION:

Regulations governing the Atlantic bluefish fishery are found at 50 CFR part 648. The regulations require annual specification of a commercial quota that is apportioned among the coastal states from Florida through Maine. The process to set the annual commercial quota and the percent allocated to each state is described in § 648.160.

Two or more states, under mutual agreement and with the concurrence of the Administrator, Northeast Region, NMFS (Regional Administrator), can transfer or combine bluefish commercial quota under § 648.160(f). The Regional Administrator is required to consider the criteria set forth in § 648.160(f)(1) in the evaluation of requests for quota transfers or combinations.

Maine and Maryland have agreed to transfer 25,000 lb (11,340 kg) and 50,000 lb (22,680 kg), respectively, of their 2007 commercial quotas to Rhode Island. The Regional Administrator has determined that the criteria set forth in § 648.160(f)(1) have been met. The revised bluefish quotas for calendar year 2007 are: Rhode Island, 738,790 lb (335,110 kg); Maine, 32,323 lb (14,661 kg); and Maryland, 207,403 lb (94,076 kg).