

Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104-4).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104-113, section 12(d) (15 U.S.C. 272 note).

VII. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing 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 this final rule in the **Federal Register**. This final rule is not a “major rule” as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 20, 2010.

G. Jeffrey Herndon,

Acting Director, Registration Division, Office of Pesticide Programs.

■ Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.608, alphabetically add the following commodities to the table in paragraph (a)(1) to read as follows:

§ 180.608 Spirodiclofen; tolerances for residues.

(a) General. (1) * * *

Commodity	Parts per million
Avocado	1.0
Black sapote	1.0
Canistel	1.0
Mamey sapote	1.0
Mango	1.0
Papaya	1.0
Sapodilla	1.0
Star apple	1.0

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GENERAL SERVICES ADMINISTRATION

41 CFR Parts 300-3, 301-10, 301-51, 301-52, 301-70, 301-75, Appendix C to Chapter 301, 302-6, and 302-9

[FTR Amendment 2010-02; FTR Case 2010-302; Docket Number 2010-0010, sequence 1]

RIN 3090-AJ02

Federal Travel Regulation (FTR); Transportation in Conjunction With Official Travel and Relocation

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

ACTION: Final rule.

SUMMARY: This final rule amends the Federal Travel Regulation (FTR), by adding new terms and definitions for “Official travel” and “Transit system”; clarifies reimbursement for transportation at an official station while en route to and/or from an authorized temporary duty (TDY) location; clarifies reimbursement for transportation expenses within the surrounding area of a TDY location and provisions for payment under the FTR; and clarifies when the Government contractor-issued travel charge card must be used while on official travel. Clarification of this rule is addressed in the supplementary information below.
DATES: *Effective date:* This final rule is effective June 4, 2010. *Applicability date:* This final rule is applicable to travel performed on and after June 4, 2010.

FOR FURTHER INFORMATION CONTACT: The Regulatory Secretariat (MVCB), Room 4041, GS Building, Washington, DC 20405, (202) 501-4755, for information pertaining to status or publication schedules. For clarification of content, contact Rick Miller, Office of Governmentwide Policy, at (202) 501-3822 or e-mail at rodney.miller@gsa.gov. Please cite FTR Amendment 2010-02, FTR case 2010-302.

SUPPLEMENTARY INFORMATION:

A. Background

Title 5, United States Code § 5707 (5 U.S.C. 5707), authorizes the Administrator of General Services to prescribe necessary regulations to implement laws regarding Federal employees who are traveling while in

the performance of official business away from their official stations. Similarly, 5 U.S.C. 5738 mandates that the Administrator of General Services prescribe regulations relating to official relocation. The overall implementing authority is the Federal Travel Regulation (FTR), codified in Title 41 Code of Federal Regulations, Chapters 300-304 (41 CFR chapters 300-304). Expenses incurred at an employee’s official station not in conjunction with TDY and/or relocation do not fall under the authority of the FTR. Therefore, this final rule adds terms and definitions for “Official travel” and “Transit system” and also removes references to “local travel,” “local transit system,” “local transportation,” “local transportation system,” “local telephone calls,” and “local metropolitan transportation fares,” for reimbursement that is not in conjunction with TDY and/or relocation. Federal employees should adhere to their agency’s policies for reimbursement of expenses incurred for transportation within the vicinity of their official stations when expenses do not pertain to TDY or relocation. This final rule clarifies that the Government contractor-issued travel charge card will only be used for the purposes of official travel-related expenses and not for personal use while on an official travel authorization.

B. Executive Order 12866

This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This final rule is not a major rule under 5 U.S.C. 804.

C. 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.

D. 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 Parts 300–3, 301–10, 301–51, 301–52, 301–70, 301–75, 302–6, and 302–9, and Appendix C to Chapter 301

Government employees, Travel and transportation expenses.

Dated: March 25, 2010.

Martha Johnson,

Administrator of General Services.

■ For the reasons set forth in the preamble, under 5 U.S.C. 5701–5709 and 5721–5738, 41 CFR subtitle F is amended as follows:

CHAPTER 300—GENERAL

PART 300–3—GLOSSARY OF TERMS

■ 1. The authority citation for 41 CFR part 300–3 is revised to read as follows:

Authority: 5 U.S.C. 5707; 40 U.S.C. 121(c); 49 U.S.C. 40118; 5 U.S.C. 5738; 5 U.S.C. 5741–5742; 20 U.S.C. 905(a); 31 U.S.C. 1353; E.O. 11609, as amended; 3 CFR, 1971–1975 Comp., p. 586, OMB Circular No. A–126, revised May 22, 1992.

■ 2. Amend § 300–3.1 by adding in alphabetical order, the definitions “Official travel” and “Transit system” to read as follows:

§ 300–3.1 What do the following terms mean?

* * * * *

Official travel—Travel under an official travel authorization from an employee’s official station or other authorized point of departure to a temporary duty location and return from a temporary duty location, between two temporary duty locations, or relocation at the direction of a Federal agency.

* * * * *

Transit system—A form of transportation (e.g., air, rail, bus, ship, etc.) used between authorized locations in the performance of official travel.

* * * * *

CHAPTER 301—TEMPORARY DUTY (TDY) TRAVEL ALLOWANCES

PART 301–10—TRANSPORTATION EXPENSES

■ 3. The authority citation for 41 CFR part 301–10 is revised to read as follows:

Authority: 5 U.S.C. 5707, 40 U.S.C. 121(c); 49 U.S.C. 40118; OMB Circular No. A–126, revised May 22, 1992.

■ 4. Revise § 301–10.1 to read as follows:

§ 301–10.1 Am I eligible for payment of transportation expenses?

Yes, you are eligible for payment of transportation expenses when performing official travel, including authorized transportation expenses incurred within the TDY location.

§ 301–10.3 [Amended]

■ 5. Amend § 301–10.3 by removing from paragraph (a) the word “local” and adding the word “other” in its place.

§ 301–10.100 [Amended]

■ 6. Amend § 301–10.100 by removing the word “local” and adding the word “other” in its place.

■ 7. Revise the undesignated center heading that appears immediately before § 301–10.190 to read as follows:

Transit Systems

■ 8. Revise § 301–10.190 to read as follows:

§ 301–10.190 When may I use a transit system as a means of transportation in conjunction with official travel?

You may use a transit system as a means of transportation in conjunction with official travel when such transportation is authorized and approved by your agency in the following manner:

(a) *At your official station.* (1) From your residence or other authorized point of departure, e.g., rail to airport;

(2) To your residence or other authorized point of return, e.g., airport to rail;

(3) From your residence to your office on the day you depart the official station on official TDY that requires at least one night’s lodging; or

(4) From your office to your residence on the day you return to the official station from an official TDY assignment that required at least one night’s lodging.

(b) *At your TDY location.* (1) From the TDY transit system station(s) to your place of lodging or place of official business and return;

(2) To, from, and between your places of lodging and official business;

(3) Between places of official business; or

(4) To obtain meals at the nearest available place when the nature and location of the official business or the lodging at a TDY location are such that meals cannot be obtained there. You must attach a statement or include electronic remarks with your travel voucher explaining why such transportation was necessary.

■ 9. Revise § 301–10.420 to read as follows:

§ 301–10.420 When may I use a taxi, shuttle service or other courtesy transportation?

(a) When authorized and approved by your agency, your transportation expenses in the performance of official travel are reimbursable for the usual fare plus tip for use of a taxi, shuttle service or other courtesy transportation (if charges result), in the following manner:

(1) *At your official station.* (i) From your residence or other authorized point of departure, e.g., residence to airport;

(ii) To your residence or other authorized point of return, e.g., airport to residence;

(iii) From your residence to your office on the day you depart the official station on official TDY that requires at least one night’s lodging; or

(iv) From your office to your residence on the day you return to the official station from an official TDY assignment that required at least one night’s lodging.

(2) *At your TDY location.* (i) From the TDY transit system station to your place of lodging or place of official business and return;

(ii) To, from, and between your places of lodging and official business;

(iii) Between places of official business; or

(iv) To obtain meals at the nearest available place when the nature and location of the official business or the lodging at a TDY location are such that meals cannot be obtained there. You must attach a statement or include electronic remarks with your travel voucher explaining why such transportation was necessary.

(b) *Courtesy transportation.* You should use courtesy transportation service furnished by hotels/motels to the maximum extent possible as a first source of transportation between a place of lodging at the TDY station and a common carrier terminal. You will be reimbursed for tips when you use courtesy transportation service.

(c) *Restrictions.* When appropriate, your agency will restrict or place a monetary limit on the amount of reimbursement for the use of taxicabs under this paragraph when—

(1) Suitable Government or common carrier transportation service, including shuttle service, is available for all or part of the distance involved; or

(2) Courtesy transportation service is provided by hotels/motels between the place of lodging at the TDY station and the common carrier terminal.

PART 301-51—PAYING TRAVEL EXPENSES

- 10. The authority citation for 41 CFR part 301-51 continues to read as follows:

Authority: 5 U.S.C. 5707. Subpart A is issued under the authority of Sec. 2, Pub. L. 105-264, 112 Stat. 2350 (5 U.S.C. 5701 note); 40 U.S.C. 121(c).

- 11. Amend § 301-51.2 by revising paragraph (d) to read as follows:

§ 301-51.2 What official travel expenses and/or classes of employees are exempt from the mandatory use of the Government contractor-issued travel charge card?

* * * * *

(d) Transit system at a TDY location;

* * * * *

- 12. Revise § 301-51.6 to read as follows:

§ 301-51.6 For what purposes may I use the Government contractor-issued travel charge card while on official travel?

You are required to use the Government contractor-issued travel charge card for expenses directly related to your official travel.

- 13. Revise § 301-51.7 to read as follows:

§ 301-51.7 May I use the Government contractor-issued travel charge card for personal reasons while on official travel?

No, you may not use the Government contractor-issued travel charge card for personal reasons while on official travel.

- 14. Add § 301-51.8 to read as follows:

§ 301-51.8 What are the consequences if I misuse the Government contractor-issued travel charge card on official travel?

Your agency may take appropriate disciplinary action if you misuse the Government contractor-issued travel charge card according to internal agency policies and procedures.

§ 301-51.200 [Amended]

- 15. Amend § 301-51.200, paragraph (a) introductory text, in the second column of the table, by adding “are on official” before the word “travel” and in paragraph (a)(2), in the first column of the table, by removing “local transportation system” and adding “transit systems” in its place.

PART 301-52—CLAIMING REIMBURSEMENT

- 16. The authority citation for 41 CFR Part 301-52 continues to read as follows:

Authority: 5 U.S.C. 5707; 40 U.S.C. 121(c); Sec. 2, Pub. L. 105-264, 112 Stat. 2350 (5 U.S.C. 5701 note).

- 17. Amend § 301-52.2 by revising paragraph (a)(1) to read as follows:

§ 301-52.2 What information must I provide in my travel claim?

* * * * *

(a) * * *

(1) You may aggregate official travel-related expenses incurred at the TDY location for authorized telephone calls, transit system fares, and parking meter fees, except any individual expenses costing over \$75 must be listed separately;

* * * * *

PART 301-70—INTERNAL POLICY AND PROCEDURE REQUIREMENTS

- 18. The authority citation for 41 CFR Part 301-70 is revised to read as follows:

Authority: 5 U.S.C. 5707; 40 U.S.C. 121(c); Sec. 2, Pub. L. 105-264, 112 Stat. 2350 (5 U.S.C. 5701, note), OMB Circular No. A-126, revised May 22, 1992, and OMB Circular No. A-123, Appendix B, revised January 15, 2009.

§ 301-70.102 [Amended]

- 19. Amend § 301-70.102 by removing from paragraph (h) introductory text “For local transportation whether” and adding the word “Whether” in its place; and adding “in conjunction with TDY” before the word “or”.

- 20. Amend § 301-70.704 by revising paragraph (d) to read as follows:

§ 301-70.704 What expenses and/or classes of employees are exempt from the mandatory use of the Government contractor-issued travel charge card?

* * * * *

(d) Transit system at a TDY location;

* * * * *

- 21. Revise § 301-70.706 to read as follows:

§ 301-70.706 For what purposes may an employee use the Government contractor-issued travel charge card while on official travel?

An employee is required to use the Government contractor-issued travel charge card for expenses directly related to official travel.

- 22. Revise § 301-70.707 to read as follows:

§ 301-70.707 May an employee use the Government contractor-issued travel charge card for personal use while on official travel?

No, an employee may not use the Government contractor-issued travel charge card for personal use while on official travel.

§ 301-70.708 [Redesignated as § 301-70.709]

- 23. Redesignate § 301-70.708 as section § 301-70.709.

- 24. Add new § 301-70.708 to read as follows:

§ 301-70.708 What actions may we take if an employee misuses the Government contractor-issued travel charge card while on official travel?

You may take appropriate disciplinary action if an employee misuses the Government contractor-issued travel charge card. Internal agency policies and procedures should define what the agency considers to be misuses of the travel charge card.

PART 301-75—PRE-EMPLOYMENT INTERVIEW TRAVEL

- 25. The authority citation for 41 CFR part 301-75 continues to read as follows:

Authority: 5 U.S.C. 5707.

§ 301-75.200 [Amended]

- 26. Amend § 301-75.200, in the first column of the table, in the first entry, by removing “local transportation” and adding “transit systems at the agency’s location” in its place.

Appendix C to Chapter 301 [Amended]

- 27. Amend Appendix C to Chapter 301 by—

- a. In the second table, under the heading “Commercial Transportation Information”, in the first column under the heading “Group name”, removing the fifth entry, “Local Transportation Indicator” and adding “Transportation in Performance of TDY or While at the TDY Location” in its place;

- b. In the second table, under the heading “Commercial Transportation Information”, in the third column under the heading “Description”, removing the last entry, “Identifies local transportation used while on TDY” and adding “Identifies transportation used while in the performance of TDY or while at the TDY location” in its place; and

- c. In the third table, under the heading “Travel Expense Information”, in the first column under the heading “Group name”, removing the fifth entry, “Local Transportation (in, around, or about the temporary duty station)” and adding “Transportation in Performance of TDY or While at the TDY Location” in its place.

CHAPTER 302—RELOCATION ALLOWANCES**PART 302-6—ALLOWANCE FOR TEMPORARY QUARTERS SUBSISTENCE EXPENSES**

■ 28. The authority citation for 41 CFR part 302-6 is revised to read as follows:

Authority: 5 U.S.C. 5738; 20 U.S.C. 905(a); E.O. 11609, as amended, 3 CFR, 1971-1973 Comp., p. 586.

§ 302-6.2 [Amended]

■ 29. Amend § 302-6.2 by removing the word “local”.

■ 30. Revise § 302-6.18 to read as follows:

§ 302-6.18 May I be reimbursed for transportation expenses incurred while I am occupying temporary quarters?

Transportation expenses incurred in the vicinity of the temporary quarters are not TQSE, and therefore, there is no authority to pay such expenses under TQSE.

PART 302-9—ALLOWANCES FOR TRANSPORTATION AND EMERGENCY STORAGE OF A PRIVATELY OWNED VEHICLE

■ 31. The authority citation for 41 CFR part 302-9 is revised to read as follows:

Authority: 5 U.S.C. 5738; 20 U.S.C. 905(a); E.O. 11609, as amended, 3 CFR, 1971-1973 Comp., p. 586.

§ 302-9.10 [Amended]

■ 32. Amend § 302-9.10, by removing the word “local” wherever it appears.

[FR Doc. 2010-10235 Filed 5-4-10; 8:45 am]

BILLING CODE 6820-14-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Centers for Medicare & Medicaid Services****42 CFR Parts 424 and 431**

[CMS-6010-IFC]

RIN 0938-AQ01

Medicare and Medicaid Programs; Changes in Provider and Supplier Enrollment, Ordering and Referring, and Documentation Requirements; and Changes in Provider Agreements

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Interim final rule with comment period.

SUMMARY: This interim final rule with comment period implements several

provisions set forth in the Patient Protection and Affordable Care Act (Affordable Care Act). It implements the provision which requires all providers of medical or other items or services and suppliers that qualify for a National Provider Identifier (NPI) to include their NPI on all applications to enroll in the Medicare and Medicaid programs and on all claims for payment submitted under the Medicare and Medicaid programs. This interim final rule with comment period also requires physicians and eligible professionals to order and refer covered items and services for Medicare beneficiaries to be enrolled in Medicare. In addition, it adds requirements for providers, physicians, and other suppliers participating in the Medicare program to provide documentation on referrals to programs at high risk of waste and abuse, to include durable medical equipment, prosthetics, orthotics and supplies (DMEPOS), home health services, and other items or services specified by the Secretary.

DATES: *Effective date:* These regulations are effective on July 6, 2010. *Comment date:* To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on July 6, 2010.

ADDRESSES: In commenting, please refer to file code CMS-6010-IFC. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

You may submit comments in one of four ways (please choose only one of the ways listed).

- *Electronically.* You may submit electronic comments on this regulation to <http://www.regulations.gov>. Follow the instructions for submitting comments on the home page.

- *By regular mail.* You may mail written comments to the following address only: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS-6010-IFC, P.O. Box 8013, Baltimore, MD 21244-8013.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

- *By express or overnight mail.* You may send written comments to the following address only: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS-6010-IFC, Mail Stop C4-26-05, 7500 Security Boulevard, Baltimore, MD 21244-1850.

- *By hand or courier.* If you prefer, you may deliver (by hand or courier) your written comments before the close of the comment period to either of the following addresses:

a. For delivery in Washington, DC—Centers for Medicare & Medicaid Services, Department of Health and Human Services, Room 445-G, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201.

(Because access to the interior of the Hubert H. Humphrey Building is not readily available to persons without Federal government identification, commenters are encouraged to leave their comments in the CMS drop slots located in the main lobby of the building. A stamp-in clock is available for persons wishing to retain a proof of filing by stamping in and retaining an extra copy of the comments being filed.)

b. For delivery in Baltimore, MD—Centers for Medicare & Medicaid Services, Department of Health and Human Services, 7500 Security Boulevard, Baltimore, MD 21244-1850.

If you intend to deliver your comments to the Baltimore address, please call telephone number (410) 786-7195 in advance to schedule your arrival with one of our staff members.

Comments mailed to the addresses indicated as appropriate for hand or courier delivery may be delayed and received after the comment period.

Submission of comments on paperwork requirements. You may submit comments on this document's paperwork requirements by following the instructions at the end of the “Collection of Information Requirements” section in this document.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Patricia Peyton, (410) 786-1812 for Medicare issues. Rick Friedman, (410) 786-4451 for Medicaid issues.

SUPPLEMENTARY INFORMATION: Inspection of Public Comments: All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following Web site as soon as possible after they have been received: <http://regulations.gov>. Follow the search instructions on that Web site to view public comments.

Comments received timely will be also available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, at the headquarters of the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244, Monday