

regulatory action under Executive Order 12866. Thus, it was not subject to OMB review.

#### Regulatory Flexibility Act

We certify that this final rule will not have a significant economic impact on a substantial number of small entities because they affect only individuals. Thus, a regulatory flexibility analysis as provided in the Regulatory Flexibility Act, as amended, is not required.

#### Paperwork Reduction Act

These proposed rules do not pose any public reporting requirements and are, therefore, not subject to the requirements of the Paperwork Reduction Act.

(Catalog of Federal Domestic Program Nos. 96.001, Social Security—Disability Insurance; 96.002, Social Security—Retirement Insurance; 96.004, Social Security—Survivors Insurance; 96.005, Special Benefits for Disabled Coal Miners; 96.006, Supplemental Security Income; and 96.020, Special Benefits for Certain World War II Veterans)

#### List of Subjects

##### 20 CFR Part 403

Courts, Government employees.

##### 20 CFR Part 429

Administrative practice and procedure, Claims, Government employees, and penalties.

Dated: April 2, 2009.

Michael J. Astrue,

Commissioner of Social Security.

■ For the reasons set out in the preamble, parts 403 and 429 of chapter III of title 20 of the Code of Federal Regulations are amended as follows:

#### PART 403—TESTIMONY BY EMPLOYEES AND THE PRODUCTION OF RECORDS AND INFORMATION IN LEGAL PROCEEDINGS

■ 1. The authority citation for part 403 continues to read as follows:

**Authority:** Secs. 702(a)(5) and 1106 of the Act, (42 U.S.C. 902(a)(5) and 1306); 5 U.S.C. 301; 31 U.S.C. 9701.

■ 2. In § 403.120, revise paragraph (c) to read as follows:

##### § 403.120 How do you request testimony?

(c) You must send your application for testimony to: Social Security Administration, Office of the General Counsel, Office of General Law, P.O. Box 17788, Baltimore, Maryland, 21235-7788, Attn: Touhy Officer. (If you are requesting testimony of an employee of the Office of the Inspector

General, send your application to the address in § 403.125.)

\* \* \* \* \*

#### PART 429—ADMINISTRATIVE CLAIMS UNDER THE FEDERAL TORT CLAIMS ACT AND RELATED STATUTES

■ 3. The authority citation for part 429 continues to read as follows:

**Authority:** Secs. 702(a)(5) of the Social Security Act (42 U.S.C. 902(a)(5)); 28 U.S.C. 2672; 28 CFR 14.11; 31 U.S.C. 3721.

##### Subpart A—[Amended]

■ 4. In § 429.102, revise paragraph (c) to read as follows:

##### § 429.102 How do I file a claim under this subpart?

\* \* \* \* \*

(c) *Where to obtain claims forms and file claims.* You can obtain claims forms by writing to the Social Security Administration, Office of the General Counsel, Office of General Law, P.O. Box 17788, Baltimore, Maryland 21235-7788. You may also file your claim with the Social Security Administration at this same address.

##### Subpart B—[Amended]

■ 5. In § 429.202, revise paragraph (b) to read as follows:

##### § 429.202 How do I file a claim under this subpart?

\* \* \* \* \*

(b) *Where to file.* You must file your claim with the Social Security Administration, Office of the General Counsel, Office of General Law, P.O. Box 17788, Baltimore, Maryland 21235-7788.

\* \* \* \* \*

[FR Doc. E9-8213 Filed 4-9-09; 8:45 am]

BILLING CODE 4191-02-P

#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Part 707

##### Export Notification; Change to Reporting Requirements

##### CFR Correction

In Title 40 of the Code of Federal Regulations, Parts 700 to 789, revised as of July 1, 2008, on page 29, in § 707.60, the first sentence of the introductory text of paragraph (c)(2) is corrected to read as follows:

##### § 707.60 Applicability and compliance.

\* \* \* \* \*

(c) \* \* \*

(2) No notice of export is required for the export of a chemical substance or mixture that is a known or potential human carcinogen where such chemical substance or mixture is present in a concentration of less than 0.1% (by weight or volume). \* \* \*

\* \* \* \* \*

[FR Doc. E9-8354 Filed 4-9-09; 8:45 am]

BILLING CODE 1505-01-D

#### GENERAL SERVICES ADMINISTRATION

##### 41 CFR Parts 300-3, 301-2, 301-11, and 301-70

[FTR Amendment 2009-03; FTR Case 2009-303; Docket Number 2009-0001, Sequence 3]

RIN 3090-A188

##### Federal Travel Regulation (FTR); FTR Case 2009-303, Furnished Meals at Conferences and Other Events

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

**ACTION:** Final rule.

**SUMMARY:** The General Services Administration (GSA) is amending the Federal Travel Regulation (FTR) to clarify that travelers must deduct the appropriate amounts from their meals and incidental expense (M&IE) allowance when meals are part of a registration fee or otherwise paid for by the Government, in conjunction with attendance at conferences or other events while on official travel. In addition, GSA is amending the FTR to clarify that in limited instances, agencies may allow employees to claim the full M&IE allowance when employees are unable to consume meals furnished by the Government.

**DATES:** *Effective Date:* This final rule is effective April 10, 2009.

*Applicability Date:* This final rule is applicable for official travel performed on and after April 10, 2009.

**FOR FURTHER INFORMATION CONTACT:** The Regulatory Secretariat (VIR), Room 4035, GS Building, Washington, DC 20405, (202) 208-7312, for information pertaining to status or publication schedules. For clarification of content, contact Mr. Craig Flynn, Office of Governmentwide Policy, at (202) 501-0306. Please cite FTR Amendment 2009-03; FTR case 2009-303.

##### SUPPLEMENTARY INFORMATION:

##### A. Background

On March 14, 2008, the Government Accountability Office (GAO) issued a

report entitled, "Governmentwide Purchase Cards: Actions Needed to Strengthen Internal Controls to Reduce Fraudulent, Improper, and Abusive Purchases." The report recommended that GSA instruct agencies to remind Government travelers that they must reduce the M&IE claimed on their travel vouchers by the specified amount that GSA allocates when travelers receive Government-paid-for meals at conferences or other events, including continental breakfasts.

While GSA emphasizes prudent management of travel funds, it also recognizes that there are times when a traveler cannot consume a Government-furnished meal due to reasons that either transcend personal choice (such as medical requirements or religious beliefs) and the traveler is unable to make alternative meal arrangements with the conference or event coordinators or due to the conduct of official business. The requirement to deduct the appropriate amount from the travel voucher may not reasonably apply to travelers in such circumstances.

Accordingly, this final rule amends the FTR by:

1. *Section 300-3.1*—Adding a definition for "Furnished meal."
2. *Section 301-2.5*—Adding paragraph (p) requiring specific authorization for an employee to claim the full applicable M&IE allowance due to medical requirements or religious beliefs, despite the fact that meals are furnished to the employee through registration fees or otherwise paid for by the Government.
3. *Section 301-11.18*—Incorporating the terms "continental breakfast" and "furnished meal" where appropriate, and clarifying under what circumstances agencies may permit employees to claim the full M&IE allowance even though meals are furnished by the Government.
4. *Section 301-70.200*—Adding paragraph (h) requiring agencies to designate who will determine, and in what instances, an employee may be able to claim the full M&IE allowance even though meals are furnished to the employee by the Government.

**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 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 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, 301-2, 301-11, and 301-70**

Glossary of terms, Government employees, Travel and transportation expenses.

Dated: February 23, 2009.

**Paul F. Prouty,**

*Acting Administrator of General Services.*

- For the reasons set forth in the preamble, pursuant to 5 U.S.C. 5701-5709, GSA amends 41 CFR parts 300-3, 301-2, 301-11, and 301-70 as follows:

**PART 300-3—GLOSSARY OF TERMS**

- 1. The authority citation for 41 CFR part 300-3 is amended 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; 3 CFR, 1971-1975 Comp., p. 586, Office of Management and Budget Circular No. A-126, "Improving the Management and Use of Government Aircraft." Revised April 28, 2006.

- 2. Amend § 300-3.1 by alphabetically adding the definition of "Furnished meal" to read:

**§ 300-3.1 What do the following terms mean?**

\* \* \* \* \*

*Furnished meal*—A meal provided to an employee, either directly from the

Government or as a result of the Government paying a registration fee or other cost which allows the employee to attend a conference or other event. If the Government has already paid for a meal, the employee must deduct the allocated amount when filing their travel voucher.

\* \* \* \* \*

**PART 301-2—GENERAL RULES**

- 3. The authority citation for 41 CFR part 301-2 continues to read as follows:

**Authority:** 5 U.S.C. 5707; 31 U.S.C. 1353; 49 U.S.C. 40118.

- 4. Amend § 301-2.5 by removing "and" at the end of paragraph (n); removing the period at the end of paragraph (o) and replacing it with "; and"; and adding paragraph (p) to read as follows:

**§ 301-2.5 What travel arrangements require specific authorization or prior approval?**

\* \* \* \* \*

(p) Due to an employee's medical requirements or religious beliefs, payment of the full M&IE allowance even though meals are furnished by the Government either directly or through a registration fee or other payment for a conference or other event, in accordance with § 301-11.18(b).

**PART 301-11—PER DIEM EXPENSES**

- 5. The authority citation for 41 CFR part 301-11 continues to read as follows:

**Authority:** 5 U.S.C. 5707.

- 6. Revise § 301-11.18 to read as follows:

**§ 301-11.18 What M&IE rate will I receive if a meal(s) is furnished by the Government or is included in the registration fee?**

(a) Except as provided in § 301-11.17 or in paragraph (b) of this section, your M&IE allowance must be adjusted for meals furnished to you by the Government (including meals furnished under the authority of Chapter 304 of this Title) by deducting the appropriate amount shown in the chart in this section for travel within CONUS and the chart in Appendix B of this chapter for meal deductions for OCONUS and foreign travel. The total amount of deductions made will not cause you to receive less than the amount allowed for incidental expenses.

Total M&IE	\$39	\$44	\$49	\$54	\$59	\$64
Continental Breakfast/Breakfast .....	7	8	9	10	1	12
Lunch .....	11	12	13	15	16	18

Total M&IE	\$39	\$44	\$49	\$54	\$59	\$64
Dinner .....	18	21	24	26	29	31
Incidentals .....	3	3	3	3	3	3

(b) Your agency, at its discretion, may allow you to claim the full M&IE allowance if:

(1) You are unable to consume the furnished meal(s) because of medical requirements or religious beliefs;

(2) In accordance with administrative procedures prescribed by your agency, you requested specific approval to claim the full M&IE allowance prior to your travel;

(3) In accordance with administrative procedures prescribed by your agency, you have made a reasonable effort to make alternative meal arrangements, but were unable to do so; and

(4) You purchase substitute meals in order to satisfy your medical requirements or religious beliefs.

(c) In your agency's discretion, and in accordance with administrative procedures prescribed by your agency, you may also claim the full M&IE allowance if you were unable to take part in a Government-furnished meal due to the conduct of official business.

**PART 301-70—INTERNAL POLICY AND PROCEDURE REQUIREMENTS**

■ 7. The authority citation for 41 CFR part 301-70 is amended 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), Office of Management and Budget Circular No. A-126, "Improving the Management and Use of Government Aircraft," revised April 28, 2006, and OMB Circular No. A-123, Appendix B, "Improving the Management of Government Charge Card Programs," revised April 2006.

**§ 301-70.200 [Amended]**

■ 8. Amend § 301-70.200 by removing "and" at the end of paragraph (f); removing the period at the end of paragraph (g) and replacing it with "; and"; and adding paragraph (h) to read as follows:

**§ 301-70.200 What governing policies must we establish for authorization and payment of per diem expenses?**

\* \* \* \* \*

(h) Who will determine, and in what instances, an employee will be able to claim the full M&IE allowance even though meals are furnished to the employee by the Government, in accordance with § 301-11.18(b) and § 301-11.18(c).

[FR Doc. E9-8176 Filed 4-9-09; 8:45 am]

BILLING CODE 6820-14-P

**GENERAL SERVICES ADMINISTRATION**

**41 CFR Part 301-11**

[FTR Amendment 2009-04; FTR Case 2009-304; Docket Number 2009-0001, Sequence 4]

RIN 3090-AI89

**Federal Travel Regulation (FTR); M&IE Allowance**

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

**ACTION:** Final rule.

**SUMMARY:** The General Services Administration (GSA) is amending the Federal Travel Regulation in regards to the meals and incidental expenses (M&IE) allowance that an employee is entitled to when travel is for more than 12 hours but less than 24 hours.

**DATES:** *Effective date:* This final rule is effective May 11, 2009. *Applicability date:* This final rule is applicable to travel performed on and after May 11, 2009.

**FOR FURTHER INFORMATION CONTACT:** The Regulatory Secretariat (VPR), Room 4041, GS Building, Washington, DC, 20405, (202) 501-4755, for information pertaining to status or publication schedules. For clarification of content, contact Ms. Cheryl D. McClain, Office of Governmentwide Policy, at (202) 208-4334 or e-mail at [cheryl.mcclain@gsa.gov](mailto:cheryl.mcclain@gsa.gov). Please cite FTR Amendment 2009-04; FTR case 2009-303.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

The GSA's Office of Governmentwide Policy (OGP) has discovered inconsistency among agencies regarding the calculation of the M&IE rate when an employee's travel is for more than 12 hours but less than 24 hours, and spans two calendar days.

This final rule clarifies that travelers are to be reimbursed 75 percent of the applicable M&IE rate for both calendar days of travel.

**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 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 the final 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 to agency management and personnel.

**List of Subjects in 41 CFR Part 301-11**

Government employees, Travel and transportation expenses.

Dated: March 17, 2009.

**Paul F. Prouty,**

*Acting Administrator of General Services.*

■ For the reasons set forth in the preamble, under 5 U.S.C. 5701-5709, GSA amends 41 CFR part 301-11 as set forth below:

**PART 301-11—PER DIEM EXPENSES**

■ 1. The authority citation for 41 CFR part 301-11 continues to read as follows:

**Authority:** 5 U.S.C. 5707.

■ 2. Amend § 301-11.101, paragraph (a), in the table, by revising the first entry to read as follows:

**§ 301-11.101 What allowance will I be paid for M&IE?**

(a) \* \* \*

When travel is—	Your allowance is—
* * *	* * *
More than 12 but less than 24 hours.	75 percent of the applicable M&IE rate for each calendar day you are in a travel status.
* * *	* * *