

DELEGATION STATUS FOR PART 63 STANDARDS—NEVADA—Continued

Subpart	Description	NDEP ¹	Washoe ²	Clark ³
FFFFF	Integrated Iron and Steel	X	.....	X
GGGGG	Site Remediation	X	.....	X
HHHHH	Miscellaneous Coating Manufacturing	X	.....	X
IIIII	Mercury Emissions from Mercury Cell Chlor-Alkali Plants .....	.....	.....	X
JJJJJ	Brick and Structural Clay Products Manufacturing	X	.....	X
KKKKK	Clay Ceramics Manufacturing	X	.....	X
LLLLL	Asphalt Roofing and Processing	X	.....	X
MMMMM	Flexible Polyurethane Foam Fabrication Operation	X	.....	X
NNNNN	Hydrochloric Acid Production	X	.....	X
PPPPP	Engine Test Cells/Stands	X	.....	X
QQQQQ	Friction Products Manufacturing	X	.....	X
RRRRR	Taconite Iron Ore Processing .....	.....	.....	X
SSSSS	Refractory Products Manufacturing	X	.....	X
TTTTT	Primary Magnesium Refining .....	.....	.....	X
WWWWW	Hospital Ethylene Oxide Sterilizers	X	X	X
YYYYY	Electric Arc Furnace Steelmaking Facilities (area sources)	X	.....	X
ZZZZZ	Iron and Steel Foundries Area Sources	X	.....	X
BBBBBB	Gasoline Distribution Bulk Terminals, Bulk Plants and Pipeline Facilities.	.....	X	X
CCCCC	Gasoline Dispensing Facilities .....	.....	X	X
DDDDD	Polyvinyl Chloride and Copolymers Production Area Sources	X	.....	X
EEEEEE	Primary Copper Smelting Area Sources	X	.....	X
FFFFFF	Secondary Copper Smelting Area Sources	X	.....	X
GGGGGG	Primary Nonferrous Metals Area Sources—Zinc, Cadmium, and Beryllium.	X	.....	X
HHHHHH	Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources.	.....	X	X
LLLLLL	Acrylic and Modacrylic Fibers Production Area Sources	X	.....	X
MMMMMM	Carbon Black Production Area Sources	X	.....	X
NNNNNN	Chemical Manufacturing Area Sources: Chromium Compounds	X	.....	X
OOOOOO	Flexible Polyurethane Foam Production and Fabrication Area Sources	X	X	X
PPPPPP	Lead Acid Battery Manufacturing Area Sources	X	.....	X
QQQQQQ	Wood Preserving Area Sources	X	.....	X
RRRRRR	Clay Ceramics Manufacturing Area Sources	X	.....	X
SSSSSS	Glass Manufacturing Area Sources	X	.....	X
TTTTTT	Secondary Nonferrous Metals Processing Area Sources	X	.....	X
WWWWWW	Area Source Standards for Plating and Polishing Operations .....	.....	X	X
XXXXXX	Area Source Standards for Nine Metal Fabrication and Finishing Source Categories.	.....	X	X
YYYYYY	Area Sources: Ferroalloys Production Facilities .....	.....	.....	X
ZZZZZZ	Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries.	.....	.....	X

¹ Nevada Division of Environmental Protection.² Washoe County District Health Department, Air Quality Management Division.³ Clark County, Department of Air Quality and Environmental Management.

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**GENERAL SERVICES
ADMINISTRATION****41 CFR Parts 300-3, 301-30, 301-31,
Appendix E to Chapter 301, and Parts
302-3, 302-4, 302-6, and 303-70****[FTR Amendment 2010-06; FTR Case 2010-
303; Docket Number 2010-0019, Sequence
1]****RIN 3090-AJ06****Federal Travel Regulation (FTR);
Terms and Definitions for “Dependent”,
“Domestic Partner”, “Domestic
Partnership” and “Immediate Family”****AGENCY:** Office of Governmentwide
Policy, General Services Administration
(GSA).**ACTION:** Interim rule with request for
comments.

SUMMARY: GSA is amending the Federal Travel Regulation (FTR) by adding terms and definitions for “Dependent”, “Domestic partner” and “Domestic partnership”, and by revising the definition of “Immediate family” to include “Domestic partner” and children, dependent parents, and dependent brothers and sisters of the Domestic partner as named members of the employee’s household. This interim rule also adds references to domestic partners and committed relationships, where applicable, in the FTR.

DATES: *Effective Date:* March 3, 2011.

Comment Due Date: Interested parties should submit written comments to the Regulatory Secretariat on or before December 20, 2010 to be considered in the formulation of a final rule.

ADDRESSES: Submit comments identified by FTR case 2010–303 by any of the following methods:

- *Federal eRulemaking Portals:* <http://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by inputting “FTR Case 2010–303” under the heading “Enter Keyword or ID” and selecting “Search.” Select the link “Submit a Comment” that corresponds with “FTR Case 2010–303.” Follow the instructions provided at the “Submit a Comment” screen. Please include your name, company name (if any), and “FTR Case 2010–303” on your attached document.

- *Fax:* 202–501–4067.

- *Mail:* General Services Administration, Regulatory Secretariat (MVCB), 1275 First Street, NW., 7th Floor, Attn: Hada Flowers, Washington, DC 20417.

Instructions: Please submit comments only and cite FTR case 2010–303 in all correspondence related to this case. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: The Regulatory Secretariat (MVCB), 7th Floor, GS Building, Washington, DC 20417, (202) 501–4755, for information pertaining to status or publication schedules. For clarification of content, contact Mr. Rick 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 2010–06 FTR case 2010–303.

SUPPLEMENTARY INFORMATION:

A. Background

On June 17, 2009, President Obama signed a Presidential Memorandum on Federal Benefits and Non-Discrimination stating that “[t]he heads of all other executive departments and agencies, in consultation with the Office of Personnel Management, shall conduct a review of the benefits provided by their respective departments and agencies to determine what authority they have to extend such benefits to same-sex domestic partners of Federal employees.” The GSA conducted its review and, as part of that review, identified a number of changes to the FTR that could be made. Subsequently, on June 2, 2010, President Obama signed a Presidential Memorandum directing agencies to immediately take actions, consistent with existing law, to extend certain benefits, including travel and relocation benefits, to same-sex domestic partners of Federal employees,

and, where applicable, to the children of same-sex domestic partners of Federal employees.

Pursuant to 5 U.S.C. 5707, the Administrator of General Services is authorized 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 FTR, codified in Title 41 of the Code of Federal Regulations, Chapters 300–304 (41 CFR Chapters 300–304).

Pursuant to this authority, this interim rule adds the same terms and definitions, based on published Office of Personnel Management memorandum to agencies, dated June 2, 2010, “Implementation of the President’s Memorandum Regarding Extension of Benefits to Same-Sex Domestic Partner of Federal Employees, and guidance from 5 CFR Part 875—“Federal Long Term Care Insurance Program”, for “Domestic partner” and “Domestic partnership”, adds a definition for “Dependent”, and revises the definition of “Immediate family” to include “Domestic partner” and children, dependent parents, and dependent brothers and sisters of the Domestic partner as named members of the employee’s household. This rule also adds references to “Domestic partners” and “Domestic partnership,” where applicable, to travel and relocation allowances permitted under existing statutes. Due to current statutory restrictions, this interim rule does not apply to house-hunting trip expense reimbursement, the relocation income tax allowance, the income tax reimbursement allowance or non-federal source travel.

B. Executive Order 12866

This is a significant regulatory action and, therefore, has been reviewed in accordance with Section 6(a)(3)(B) of Executive Order 12866, Regulatory Planning and Review. This interim rule is not a major rule under 5 U.S.C. 804.

C. Regulatory Flexibility Act

This interim rule will not have 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.* The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are

inapplicable because this regulation is on a matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts (5 U.S.C. 553(a)(2)). However, this is being published as an interim rule because this is a significant rule as defined in Executive Order 12866 and to provide transparency in the promulgation of Federal policies.

D. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the Federal Travel Regulation does 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 interim 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, 301–30, 301–31, Appendix E to Chapter 301, and Parts 302–3, 302–4, 302–6, and 303–70

Government employees, Relocation, Travel, and Transportation expenses.

Dated: October 26, 2010.

Martha Johnson,

Administrator of General Services.

■ For the reasons set forth in the preamble, under 5 U.S.C. 5701–5709, 5721–5738, and 5741–5742, GSA amends 41 CFR parts 300–3, 301–30, 301–31, Appendix E to Chapter 301, and parts 302–3, 302–4, 302–6, and 303–70 as set forth below:

PART 300–3—GLOSSARY OF TERMS

■ 1. The authority citation for 41 CFR part 300–3 continues 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 for “Dependent”, “Domestic partner” and “Domestic partnership”; and by revising the definition for “Immediate family”.

The added and revised text reads as follows:

§ 300–3.1 What do the following terms mean?

* * * * *

Dependent—An immediate family member of the employee.

Domestic partner—An adult in a domestic partnership with an employee of the same-sex.

Domestic Partnership—A committed relationship between two adults of the same sex, in which they—

(1) Are each other's sole domestic partner and intend to remain so indefinitely;

(2) Maintain a common residence, and intend to continue to do so (or would maintain a common residence but for an assignment abroad or other employment-related, financial, or similar obstacle);

(3) Are at least 18 years of age and mentally competent to consent to contract;

(4) Share responsibility for a significant measure of each other's financial obligations;

(5) Are not married or joined in a civil union to anyone else;

(6) Are not a domestic partner of anyone else;

(7) Are not related in a way that, if they were of opposite sex, would prohibit legal marriage in the U.S. jurisdiction in which they reside;

(8) Are willing to certify, if required by the agency, that they understand that willful falsification of any documentation required to establish that an individual is in a domestic partnership may lead to disciplinary action and the recovery of the cost of benefits received related to such falsification, as well as constitute a criminal violation under 18 U.S.C. 1001, and that the method for securing such certification, if required, shall be determined by the agency; and

(9) Are willing promptly to disclose, if required by the agency, any dissolution or material change in the status of the domestic partnership.

Immediate family—Any of the following named members of the employee's household at the time he/she reports for duty at the new permanent duty station or performs other authorized travel involving family members:

(1) Spouse;

(2) Domestic partner;

(3) Children of the employee, of the employee's spouse, or of the employee's domestic partner, who are unmarried and under 21 years of age or who, regardless of age, are physically or mentally incapable of self-support. (The term "children" shall include natural offspring; stepchildren; adopted children; grandchildren, legal minor wards or other dependent children who are under legal guardianship of the employee, of the employee's spouse, or

of the domestic partner; and an unborn child(ren) born and moved after the employee's effective date of transfer.);

(4) Dependent parents (including step and legally adoptive parents) of the employee, of the employee's spouse, or of the employee's domestic partner; and

(5) Dependent brothers and sisters (including step and legally adoptive brothers and sisters) of the employee, of the employee's spouse, or of the employee's domestic partner, who are unmarried and under 21 years of age or who, regardless of age, are physically or mentally incapable of self-support.

* * * * *

PART 301-30—EMERGENCY TRAVEL

■ 3. The authority citation for 41 CFR part 301-30 continues to read as follows:

Authority: 5 U.S.C. 5707.

§ 301-30.2 [Amended]

■ 4. Amend § 301-30.2 by adding the words "or domestic partner's" after the word "spouse's".

PART 301-31—THREATENED LAW ENFORCEMENT/INVESTIGATIVE EMPLOYEES

■ 5. The authority citation for 41 CFR part 301-31 continues to read as follows:

Authority: 5 U.S.C. 5707.

§ 301-31.2 [Amended]

■ 6. Amend § 301-31.2 by adding the words "or domestic partner's" after the word "spouse's".

§ 301-31.10 [Amended]

■ 7. Amend § 301-31.10, in the table, in the heading, second and third columns, by adding the words "domestic partner" after the word "spouse".

Appendix E to Chapter 301—Suggested Guidance for Conference Planning [Amended]

■ 8. Amend Appendix E to Chapter 301, under the heading "NOTIFICATION", in the eleventh bulleted entry, by adding the words "domestic partners," after the words "Activity schedule for spouses" and adding the words "domestic partners" after the words "attributed to spouses".

PART 302-3—RELOCATION ALLOWANCE BY SPECIFIC TYPE

■ 9. The authority citation for 41 CFR part 302-3 continues to read as follows:

Authority: 5 U.S.C. 5738; 20 U.S.C. 905(a).

§ 302-3.227 [Amended]

■ 10. Amend § 302-3.227—

■ a. In the heading by adding the words "or terminate my committed relationship with my domestic partner" after the words "from my spouse", and adding the words "or domestic partner" after the words "my former spouse".

■ b. By adding the words "or terminate your committed relationship with your domestic partner" after the words "from your spouse", and adding the words "or domestic partner" after the words "your former spouse".

PART 302-4—ALLOWANCES FOR SUBSISTENCE AND TRANSPORTATION

■ 11. 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.

§ 302-4.203 [Amended]

■ 12. Amend § 302-4.203—

■ a. In the heading by adding the words "or domestic partner" after the words "will my spouse".

■ b. By adding the words "or domestic partner" after the words "your spouse".

§ 302-4.204 [Amended]

■ 13. Amend § 302-4.204—

■ a. In the heading by adding the words "or domestic partner" after the words "If my spouse".

■ b. By adding the words "or domestic partner" after the words "If your spouse".

§ 302-4.205 [Amended]

■ 14. Amend § 302-4.205—

■ a. In the heading by adding the words "or domestic partner" after the words "If my spouse" and adding the words "or domestic partner" after the words "is my spouse".

■ b. By adding the words "or domestic partner" after the words "and your spouse".

PART 302-6—ALLOWANCES FOR TEMPORARY QUARTERS SUBSISTENCE EXPENSES

■ 15. The authority citation for 41 CFR part 302-6 continues to read as follows:

Authority: 5 U.S.C. 5738; 20 U.S.C. 905(a); E.O. 11609, 36 FR 13474, 3 CFR, 1971-1973 Comp., p. 586.

§ 302-6.100 [Amended]

■ 16. Amend § 302-6.100—

■ a. In the table, in the heading of the second column, by adding the words "or

domestic partner" after the words "unaccompanied spouse".

■ b. In the table, in the heading of the third column, by adding the words "domestic partner" after the words "accompanied spouse".

■ c. In footnote 1 of the table, by adding the words "or domestic partner" after the words "when the spouse".

PART 303-70—AGENCY REQUIREMENTS FOR PAYMENT OF EXPENSES CONNECTED WITH THE DEATH OF CERTAIN EMPLOYEES

■ 17. The authority citation for 41 CFR part 303-70 continues to read as follows:

Authority: 5 U.S.C. 5721-5738; 5741-5742; E.O. 11609, 3 CFR, 1971-1975 Comp., p. 586.

§ 302-70.305 [Amended]

■ 18. Amend § 303-70.305 by adding in paragraph (c) the words "or domestic partner" after the words "unaccompanied spouse".

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DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Parts 237 and 252

RIN 0750-AG88

Defense Federal Acquisition Regulation Supplement; Prohibition on Interrogation of Detainees by Contractor Personnel (DFARS Case 2010-D027)

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Interim rule with request for comments.

SUMMARY: DoD is issuing an interim rule to implement section 1038 of the National Defense Authorization Act for Fiscal Year 2010 (Pub. L. 111-84). Section 1038 prohibits contractor personnel from interrogating detainees under the control of the Department of Defense. It also allows the Secretary of Defense to waive the prohibition for a limited period of time, if determined necessary to the national security interests of the United States.

DATES: *Effective Date:* November 3, 2010. *Comment Date:* Comments on the interim rule should be submitted to the address shown below on or before January 3, 2011, to be considered in the formation of the final rule.

ADDRESSES: Respondents may submit comments, identified by DFARS Case 2010-D027, using any of the following methods:

- *Regulations.gov:* <http://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by inputting "DFARS Case 2010-D027" under the heading "Enter keyword or ID" and selecting "Search." Select the link "Submit a Comment" that corresponds with "DFARS Case 2010-D027." Follow the instructions provided at the "Submit a Comment" screen. Please include your name, company name (if any), and "DFARS Case 2010-D027" on your attached document.

- *E-mail:* dfars@osd.mil. Include DFARS Case 2010-D027 in the subject line of the message.

- *Mail:* Defense Acquisition Regulations System, Attn: Mr. Julian E. Thrash, OUSD (AT&L) DPAP/DARS, Room 3B855, 3060 Defense Pentagon, Washington, DC 20301-3060.

Comments received generally will be posted without change to <http://www.regulations.gov>, including any personal information provided. To confirm receipt of your comment(s), please check <http://www.regulations.gov> approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Mr. Julian E. Thrash, 703-602-0310. Please cite DFARS Case 2010-D027.

SUPPLEMENTARY INFORMATION:

I. Background

Section 1038 of the National Defense Authorization Act for Fiscal Year 2010 (Pub. L. 111-84) prohibits the interrogation of detainees by contractor personnel. DoD is amending the DFARS at subpart 237.1, Service Contracts—General, to add DFARS 237.173, Prohibition on Interrogation of Detainees by Contractor Personnel, adding a DFARS clause at 252.237-7010, Prohibition on Interrogation of Detainees by Contractor Personnel; adding this new clause to paragraphs (b) and (c) of the clause at 252.212-7001, Contract Terms and Conditions Required to Implement Statutes or Executive Orders Applicable to Defense Acquisitions of Commercial Items; and to paragraph (c) of the clause at 252.244-7000, Subcontracts for Commercial Items and Commercial Components (DoD Contracts).

DFARS language at 237.173 prescribes policies that prohibit interrogation of detainees by contractor personnel, as required by section 1038 of the National Defense Authorization Act for Fiscal

Year 2010 (Pub. L. 111-84). It also covers permissible support roles for contractors by providing that contractor personnel with proper training and security clearances may be used as linguists, interpreters, report writers, information technology technicians, and other employees filling ancillary positions, including as trainers of and advisors to interrogations, if they meet the criteria provided by DoD Instruction 1100.22, Policy and Procedures for Determining Workforce Mix (<http://www.dtic.mil/whs/directives/corres/pdf/110022p.pdf>); DoD Directive 2310.01E, The Department of Defense Detainee Program (<http://www.dtic.mil/whs/directives/corres/pdf/231001p.pdf>); and DoD Directive 3115.09, DoD Intelligence Interrogations, Detainee Debriefings, and Tactical Questioning (<http://www.dtic.mil/whs/directives/corres/pdf/311509p.pdf>).

Furthermore, the statute allows the Secretary of Defense to waive for a limited period of time the prohibition on interrogation of detainees by contractor personnel, if determined necessary to the national security interests of the United States.

II. Executive Order 12866

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

III. Regulatory Flexibility Act

DoD does not expect this interim rule to have a significant economic impact on a substantial number of entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, because it only affects companies that provide intelligence-related services by precluding them from interrogating detainees. However, an initial regulatory flexibility analysis has been prepared and is summarized as follows:

The objective of this rule is to implement section 1038 of the National Defense Authorization Act for Fiscal Year 2010 (Pub. L. 111-84). This statute provides that no enemy prisoner of war, civilian internee, retained personnel, other detainee, or any other individual who is in the custody or under the effective control of the DoD, or otherwise under detention in a DoD facility in connection with hostilities, may be interrogated by contractor personnel. In fiscal year 2009, DoD awarded contracts for intelligence-related requirements to only 255 unique Data Universal Numbering System (DUNS) numbers. Of this total, there were 143 unique DUNS numbers for