

review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

#### List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements, Sulfur oxides, Waste treatment and disposal.

Dated: October 13, 2005.

**Robert W. Varney**,  
Regional Administrator, EPA New England.

■ 40 CFR part 62 is amended as follows:

#### PART 62—[AMENDED]

■ 1. The authority citation for part 62 continues to read as follows:

**Authority:** 42 U.S.C. 7401 *et seq.*

#### Subpart W—Massachusetts

■ 2. Subpart W is amended by adding a new § 62.5475 and a new undesignated center heading to read as follows:

#### Air Emissions From Existing Commercial and Industrial Solid Waste Incineration Units

##### § 62.5475 Identification of Plan—negative declaration.

On August 23, 2005, the Massachusetts Department of Environmental Protection submitted a letter certifying that there are no existing commercial and industrial solid waste incineration units in the State subject to the emission guidelines under part 60, subpart DDDD of this chapter.

[FR Doc. 05–20985 Filed 10–19–05; 8:45 am]

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#### GENERAL SERVICES ADMINISTRATION

#### 41 CFR Part 301–10

[FTR Amendment 2005–05; FTR Case 2005–303]

RIN 3090–A113

#### Federal Travel Regulation; Transportation Expenses; Government-Furnished Automobiles (GFA)

**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) by revising the mileage reimbursement rate reflecting costs of operating a Government-furnished automobile (GFA), and revising the table on how to determine distance measurements for travel. It also clarifies that, if determined to be advantageous to the Government, the employee may be reimbursed for mileage between the residence and office to a common carrier terminal, or from the residence directly to a common carrier terminal when on official travel requiring an overnight stay. An explanation of these changes is addressed in the “Supplementary Information” below.

The FTR and any corresponding documents may be accessed at GSA’s website at <http://www.gsa.gov/fttr>.

**DATES:** *Effective Date:* October 20, 2005.

*Applicability Date:* FTR Part 301–10, § 301–10.310, as amended by this rule, is applicable for all travel performed on and after February 4, 2005.

**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 Ms. Umeki Gray Thorne, Office of Governmentwide Policy, Travel Management Policy, at (202) 208–7636. Please cite FTR Amendment 2005–05, FTR case 2005–303.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

This final rule amends the Federal Travel Regulation (FTR) as follows:

- Revises the table in § 301–10.302.
- Revises the section heading in § 301–10.306 to clarify that an employee may be reimbursed for use of a privately owned vehicle for round-trip travel between the residence and office to a common carrier terminal, or from a residence directly to a common carrier terminal on travel requiring an overnight stay.

- Revises § 301–10.310, by increasing the current reimbursement rate of \$0.270 per mile (when a GFA is available to an employee) to \$0.285 per mile, and increasing the reimbursement rate of \$0.105 per mile (when a GFA is assigned directly to an employee) to \$0.125. In consultation with the GSA Fleet, these rates are based on updated data reflecting agency costs to operate a GFA.

##### 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 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 Part 301–10

Government employees, Travel and transportation expenses.

Dated: May 27, 2005.

**Stephen A. Perry**,  
Administrator of General Services.

■ For the reasons set forth in the preamble, under 5 U.S.C. 5701–5709, GSA amends 41 CFR part 301–10 as set forth below:

#### PART 301–10—TRANSPORTATION EXPENSES

■ 1. 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, Office of Management and Budget Circular No. A–126, “Improving the Management and Use of Government Aircraft.” Revised May 22, 1992.

##### § 301–10.302 [Amended]

■ 2. Amend § 301–10.302—

a. In the table, in the second column, in the first entry under the heading “The distance between your origin and destination is”, by revising the first entry to read “As shown in paper or electronic standard highway mileage guides, or the actual miles driven as determined from odometer readings.”; and

b. In the table, in the second column, in the second entry under the heading “The distance between your origin and destination is”, by revising the first sentence to read “As determined from

charts issued by the Federal Aviation Administration (FAA).”

■ 3. Amend § 301–10.306 by revising the section heading to read as follows:

**§ 301–10.306 What will I be reimbursed if authorized to use a POV instead of a taxi between my residence and office to a common carrier terminal, or from my residence directly to a common carrier terminal on travel requiring an overnight stay?**

**§ 301–10.310 [Amended]**

■ 4. Amend § 301–10.310 in paragraph (a) by removing “vehicle” and “27.0 cents” and adding “automobile” and “28.5 cents” in its place, respectively; and by removing from paragraph (b) “10.5 cents” and adding “12.5 cents” in its place.

[FR Doc. 05–20216 Filed 10–19–05; 8:45 am]

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

#### 42 CFR Part 73

#### Possession, Use, and Transfer of Select Agents and Toxins— Reconstructed Replication Competent Forms of the 1918 Pandemic Influenza Virus Containing Any Portion of the Coding Regions of All Eight Gene Segments

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Interim final rule.

**SUMMARY:** We are adding reconstructed replication competent forms of the 1918 pandemic influenza virus containing any portion of the coding regions of all eight gene segments to the list of HHS select agents and toxins. We are taking this action for several reasons. First the pandemic influenza virus of 1918–19 killed up to 50 million people worldwide, including an estimated 675,000 deaths in the United States. Also, the complete coding sequence for the 1918 pandemic influenza A H1N1 virus was recently identified, which will make it possible for those with knowledge of reverse genetics to reconstruct this virus. In addition, the first published study on a reconstructed 1918 pandemic influenza virus demonstrated the high virulence of this virus in cell culture, embryonated eggs, and in mice relative to other human influenza viruses. Therefore, we have determined that the reconstructed

replication competent forms of the 1918 pandemic influenza virus containing any portion of the coding regions of all eight gene segments have the potential to pose a severe threat to public health and safety.

**DATES:** The interim final rule is effective on October 20, 2005. Written comments must be submitted on or before December 19, 2005.

**ADDRESSES:** Comments on the change to the list of HHS select agents and toxins should be marked “Comments on the reconstructed replication competent forms of the 1918 pandemic influenza virus containing any portion of the coding regions of all eight gene segments” and mailed to: Centers for Disease Control and Prevention, Division of Select Agents and Toxins, 1600 Clifton Rd., MS E–79, Atlanta, GA 30333. Comments may be e-mailed to: [SAPcomments@cdc.gov](mailto:SAPcomments@cdc.gov).

#### FOR FURTHER INFORMATION CONTACT:

Mark Hemphill, Chief of Policy, Division of Select Agents and Toxins, Centers for Disease Control and Prevention, 1600 Clifton Rd., MS E–79, Atlanta, GA 30333. Telephone: (404) 498–2255.

**SUPPLEMENTARY INFORMATION:** The complete coding sequence for the 1918 pandemic influenza A H1N1 virus has been recently identified (Taubenberger *et al.*, 2005, *Nature*, vol. 437, pp. 889–893). Scientists from the Centers for Disease Control and Prevention together with collaborators at Mount Sinai School of Medicine, NY, Armed Forces Institute of Pathology, MD, and Southeast Poultry Research Laboratory, U.S. Department of Agriculture, GA, reconstructed the 1918 pandemic influenza virus by using reverse genetics to study the properties associated with its extraordinary virulence (Tumpey *et al.*, Characterization of the Reconstructed 1918 Spanish Influenza Pandemic Virus, *Science* 2005 310: 77–80). With the publication of the complete coding sequence, it will be possible for other scientists with knowledge of reverse genetics technology to reconstruct the 1918 pandemic influenza virus at other institutions.

The pandemic influenza virus of 1918–19 killed up to 50 million people worldwide, including an estimated 675,000 deaths in the United States. The 1918 pandemic influenza virus’ (H1N1) most striking feature was the unusually high death rate among healthy adults aged 15 to 34 years. The question of whether the reconstructed 1918 pandemic influenza virus should be regulated as a select agent was considered by the Intragovernmental

Select Agents and Toxins Technical Advisory Committee (ISATTAC). The criteria used by the ISATTAC for reviewing the reconstructed 1918 pandemic influenza virus for inclusion on the select agent list were: degree of pathogenicity, communicability, ease of dissemination, route of exposure, environmental stability, ease of production, ability to genetically manipulate or alter, long-term health effects, acute morbidity, acute mortality, available treatment, status of immunity, vulnerability of special populations, and the burden or impact on the health care system. Based on these criteria, the ISATTAC determined that the reconstructed 1918 pandemic influenza virus could pose an immediate severe threat to public health and safety if it is not safely and securely maintained. Further, the ISATTAC noted that the biological and molecular properties that enabled the 1918 pandemic influenza virus to cause such widespread illness and death are not completely understood and that it is not known how virulent the reconstructed virus would be in the population today. In making its determination, the ISATTAC considered both the historical data regarding the original 1918 pandemic influenza virus and data from current in vitro and in vivo animal studies. The apparent virulence of this virus, together with the fact that the level of immunity in the general population and the ability of the virus to readily transmit among persons are unknown at this time, makes it prudent to immediately regulate this virus as a select agent. Although studies with this virus can lead to significant public health benefits for understanding pandemic influenza, improved diagnostics, and the development of more effective countermeasures, there are also potential risks of the misuse of this agent for purposes of bioterrorism as well as accidental release. Thus, if misused, the 1918 pandemic influenza virus may pose a biological threat to public health and/or national security.

The Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (the Bioterrorism Act) requires the regulation of each biological agent that has the potential to pose a severe threat to public health and safety. Congress recognized that a delay in the regulation of such biological agents was contrary to the public interest by requiring in the Bioterrorism Act that the initial Select Agent regulations be promulgated as an interim final rule. Therefore, the Secretary has determined that prior notice and opportunity for public