

regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

Under Executive Order 12866 (58 FR 51735, Oct. 4, 1993), the Agency must determine whether the regulatory action is "significant" and therefore subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. Under section 3(f), the order defines a "significant regulatory action" as an action that is likely to result in a rule (1) having an annual effect on the economy of \$100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities (also referred to as "economically significant"); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of the Executive Order, EPA has determined that this rule is not "significant" and is therefore not subject to OMB review.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification

statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

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

Dated: January 5, 1995.

Steven L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

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

Authority: 21 U.S.C. 346a and 371.

2. In § 180.473, by revising paragraph (b), to read as follows:

§ 180.473 Glufosinate ammonium; tolerances for residues.

* * * *

(b)(1) A tolerance, to expire on January 18, 2000, is established as follows for combined residues of glufosinate ammonium (monoammonium 2-amino-4-(hydroxymethylphosphinyl) butanoate) and its metabolite 3-methylphosphinicopropionic acid, expressed as 2-amino-4-(hydroxymethylphosphinyl)butanoic acid equivalents.

Commodity	Parts per million
Bananas	0.3 (Not more than 0.2 ppm shall be present in the pulp after peel is removed).

(2) There are no U.S. registrations as of August 24, 1994, for bananas.

[FR Doc. 95-933 Filed 1-17-95; 8:45 am]

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GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-37

[FPMR Amendment G-109]

RIN 3090-AF43

Government Aviation Administration and Coordination

AGENCY: Federal Supply Service, GSA.

ACTION: Final rule.

SUMMARY: This regulation updates policies and procedures concerning the documentation, approval, and use of Government aircraft. Specifically, the rule places definitions in a single subpart for ease of reference, reconciles the standard aircraft program cost elements with those contained in the revised Office of Management and Budget (OMB) Circular A-126 (May 22, 1992), updates subparts on cost recovery methods and aviation program cost effectiveness, and clarifies agency Federal Aviation Management Information System (FAMIS) reporting requirements. This action is necessary for compliance with the provisions of OMB Circular A-126. Implementation of this rule will minimize the cost and improve the management and use of Government aviation resources.

EFFECTIVE DATE: January 18, 1995.

FOR FURTHER INFORMATION CONTACT: Larry Godwin, Aircraft Management Division (FBA), Federal Supply Service, General Services Administration, Washington, DC 20406 (703-305-6399).

SUPPLEMENTARY INFORMATION: The General Services Administration (GSA) has determined that this rule is not a significant rule for the purposes of Executive Order 12866. The OMB Circular A-126 requires the Administrator of GSA to establish a single coordinating office for aircraft management to improve the management of Government-owned and operated aircraft. The responsibilities of this Office include: (1) Coordinating the development of effectiveness measures and standards, policy, recommendation, and guidance for the procurement, operation, safety, and disposal of civilian agency aircraft; (2) operating a Government-wide aircraft management information system; (3) identifying and advising agencies and OMB of opportunities to share, transfer, or dispose of underutilized aircraft; to reduce excessive aircraft operations and maintenance costs; and to replace obsolete aircraft; (4) providing technical assistance to agencies in establishing automated aircraft information and cost accounting systems and in conducting cost analysis, (5) developing generic aircraft information system standards and software; (6) reviewing proposed agency internal aircraft policies for compliance with OMB guidance and notifying OMB of any discrepancies; and (7) conducting an annual study of the variable and fixed costs of operating the different categories of Government aircraft and disseminating the results for use in making the cost comparisons and reporting the trip costs.

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 does not apply.

List of Subjects in 41 CFR Part 101-37

Aircraft, Air transportation, Aviation, Government property management.

For the reasons set out in the preamble, 41 CFR Part 101-37 is amended as follows:

PART 101-37—GOVERNMENT AVIATION ADMINISTRATION AND COORDINATION

1. The authority citation for Part 101-37 continues to read as follows:

Authority: 31 U.S.C. 1344; Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)).

Subpart 101-37.1—Definitions

2. Subpart 101-37.1 is revised to read as follows:

§ 101-37.100 Definitions.

In Part 101-37, the following definitions apply:

Acquisition date means the date the agency acquired the asset.

Acquisition value means the value initially recorded on agency property records and/or accounting records at the time of acquisition. If the aircraft is acquired through an interagency transfer, the acquisition value is the greater of the aircraft net book value plus the cost of returning the aircraft to an airworthy, mission ready condition or the commercial retail value of that aircraft in average condition. If it is a military aircraft without a commercial equivalent, the acquisition value is equal to the scrap value plus the cost of returning the aircraft to an airworthy, mission ready condition.

Actual cost means all costs associated with the use and operation of an aircraft as specified in § 101-37.406(b).

Agency aircraft means an aircraft, excluding aircraft owned by the Armed Forces, which is: (1) owned and operated by any executive agency or entity thereof, or (2) exclusively leased, chartered, rented, bailed, contracted and operated by an executive agency.

Aircraft accident means an occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight and all such persons have disembarked, and in which any person suffers death or serious injury, or in which the aircraft received substantial damage.

Bailed aircraft means any aircraft borrowed by a department or agency from the Department of Defense (DOD), State or local government, or other non-Federal entity.

Capital asset means any tangible property, including durable goods, equipment, buildings, facilities, installations, or land, which:

- (1) Is leased to the Federal Government for a term of 5 or more years; or
- (2) In the case of a new asset with an economic life of less than 5 years, is leased to the Federal Government for a term of 75 percent or more of the economic life of the asset; or
- (3) Is built for the express purpose of being leased to the Federal Government; or
- (4) Clearly has no alternative commercial use; e.g., special-purpose Government installation.

Charter aircraft means a one time procurement for aviation resources and associated services.

Civil aircraft means any aircraft other than a public aircraft.

Contract aircraft means aircraft procured for an agency's exclusive use for a specified period of time in accordance with the requirements of the Federal Acquisition Regulation (FAR) 48 CFR Chapter 1 or other applicable procurement regulations.

Deep cover aircraft means an agency aircraft that is utilized to gather information for law enforcement purposes. This aircraft does not display any agency markings. Although the registration filed with the Federal Aviation Administration (FAA) may indicate ownership by persons other than the owning or using agency, actual ownership will be maintained by the owning Federal agency.

Fatal injury means any injury which results in death within 30 days of the accident.

Fixed costs means the costs of operating aircraft that result from owning and supporting the aircraft and do not vary according to aircraft usage. For specific fixed aircraft program cost information, see § 101-37.201(b).

Forfeited aircraft means an aircraft acquired by the Government either by summary process or by order of a court of competent jurisdiction pursuant to any law of the United States.

Full coach fare means a coach fare available to the general public between the day that the travel was planned and the day the travel occurred.

Government aircraft means any aircraft owned, leased, chartered or rented and operated by an executive agency.

Head of executive agency means the head of a Department, agency, bureau, or independent establishment in the executive branch, including any wholly owned Government corporation, or an official designated in writing to act on his or her behalf.

Incident means an occurrence other than an accident, associated with the operation of an aircraft, which affects or could affect the safety of operations.

Intelligence agencies refers to the following agencies or organizations within the intelligence community:

- (1) Central Intelligence Agency;
- (2) National Security Agency;
- (3) Defense Intelligence Agency;
- (4) Offices with the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;
- (5) The Bureau of Intelligence and Research of the Department of State;
- (6) Intelligence elements of the Army, Navy, Air Force, Marine Corps, Federal Bureau of Investigation, Drug Enforcement Administration, Department of the Treasury, and Department of Energy; and
- (7) The staff elements of the Director of Central Intelligence.

Investigator-in-charge means the investigator who organizes, conducts, and controls the field phase of the investigation. This investigator shall assume responsibility for the supervision and coordination of all resources and of the activities of all personnel involved in the on-site investigation.

Lease purchase aircraft means a leased aircraft for which the Government holds an option to purchase.

Leased aircraft means an aircraft that the Government has a contractual right to use for a specific period of time.

Loaned aircraft means an aircraft owned by a Department or independent office which is on loan to a State, cooperator, or other entity.

Mission requirements mean activities that constitute the discharge of an agency's official responsibilities. Such activities include, but are not limited to, the transport of troops and/or equipment, training, evacuation (including medical evacuation), intelligence and counter-narcotics activities, search and rescue, transportation of prisoners, use of defense attaché-controlled aircraft, aeronautical research and space and science applications, and other such activities. Mission requirements do not include official travel to give speeches, to attend conferences or meetings, or to make routine site visits. Routine site

visits are customary or regular travel to a location for official purposes.

Net book value means the acquisition value plus the cost of capital improvements minus accumulated depreciation.

Non-operational aircraft means an owned, leased, lease purchased, or bailed aircraft that cannot be flown or operated by the owning or using agency for an extended period (6 months or more).

Official travel means travel for the purpose of mission requirements, required use travel, and other travel for the conduct of agency business.

Operational aircraft means an owned, leased, lease purchased, or bailed aircraft that is flown and operated or capable of being flown and operated by the owning or using agency.

Operator means any person who causes or authorizes the operation of an aircraft, such as the owner, lessee, or bailee of an aircraft.

Owned aircraft means aircraft registered to a Department or an independent agency in conformity with the regulations of the Federal Aviation Administration of the Department of Transportation (14 CFR Chapter 1, Part 47) or in conformity with appropriate military regulations.

Owning agency means any executive agency, including any wholly owned Government corporation, having accountability for owned aircraft. This term applies when an executive agency has authority to take possession of, assign, or reassign the aircraft regardless of which agency is the using agency.

Reasonably available means commercial airline or aircraft (including charter) is able to meet the traveler's departure and/or arrival requirements within a 24-hour period (unless the traveler demonstrates that extraordinary circumstances require a shorter period of time).

Rental aircraft means aviation resources or services procured through a standing ordering agreement which is a written instrument of understanding, negotiated between an agency, contracting activity, or contracting office and contractor that contains: (1) terms and clauses applying to future contracts (orders) between parties during its term, (2) a description, as specific as practicable, of supplies or services to be provided, and (3) methods for pricing, issuing, and delivering future orders.

Required use means use of a Government aircraft for the travel of an executive agency officer or employee to meet bona fide communications or security requirements of the agency or exceptional scheduling requirements. An example of a bona fide

communications requirement is having to maintain continuous 24-hour secure communications with the traveler. Bona fide security requirements include, but are not limited to, life threatening circumstances. Exceptional scheduling requirements include emergencies and other operational considerations which make commercial transportation unacceptable.

Residual value means the estimated value of an asset at the conclusion of its useful life, net of disposal costs. It is the dollar value below which the asset will not be depreciated. Residual value is established at the time of acquisition.

Seized aircraft means an aircraft that has been confiscated by the Federal Government either by summary process or by order of a court of competent jurisdiction pursuant to any law of the United States and whose care and custody will be the responsibility of the Federal Government until final ownership is determined by judicial process.

Senior executive branch official means civilian officials appointed by the President with the advice and consent of the Senate and civilian employees of the Executive Office of the President (EOP).

Senior Federal official means a person:

(1) Employed at a rate of pay specified in, or fixed according to, subchapter II of chapter 53 of title 5 of the United States Code;

(2) Employed in a position in an executive agency, including any independent agency, at a rate of pay payable for level I of the Executive Schedule or employed in the Executive Office of the President at a rate of pay payable for level II of the Executive Schedule;

(3) Employed in an executive agency position that is not referred to in paragraph (1) of this definition, (other than a position that is subject to pay adjustment under 37 U.S.C. 1009) and for which the basic rate of pay, exclusive of any locality-based pay adjustment under 5 U.S.C. 5304 (or any comparable adjustment pursuant to interim authority of the President), is equal to or greater than the rate of the basic pay payable for the Senior Executive Service under 5 U.S.C. 5382; or

(4) Appointed by the President to a position under 3 U.S.C. 105(a)(2) (A), (B), or (C) or by the Vice President to a position under 3 U.S.C. 106(a)(1) (A), (B), or (C). Generally, a senior Federal official is employed by the White House or an executive agency, including an independent agency, at a rate of pay equal to or greater than the minimum

rate of basic pay for the Senior Executive Service. The term senior Federal official does not include an active duty military officer.

Serious injury means any injury which: Requires hospitalization for more than 48 hours, commencing within 7 days from the date the injury was received; results in a fracture of any bone (except simple fractures of fingers, toes, or nose); causes severe hemorrhages, nerve, muscle, or tendon damage; involves any internal organ; or involves second- or third-degree burns, or any burns affecting more than 5 percent of the body surface.

Space available means travel using aircraft capacity, that is already scheduled for use for an official purpose, that would otherwise be unutilized. For the purposes of this part, space available travel is travel other than for the conduct of agency business.

Substantial damage means damage or failure which adversely affects the structural strength, performance, or flight characteristics of the aircraft, and which would normally require major repair or replacement of the affected component. Engine failure or damage limited to an engine if only one engine fails or is damaged, bent fairings or cowling, dented skin, small puncture holes in the skin or fabric, ground damage to rotor or propeller blades, and damage to landing gear, wheels, tires, flaps, engine accessories, brakes or wing tips are not considered "substantial damage."

Support service agreement means a preestablished agreement with a commercial vendor for specific aviation services.

Undercover aircraft means an owned, leased, lease purchased, or bailed aircraft that is utilized to gather information for law enforcement purposes. An undercover aircraft does not display agency markings but is registered with the FAA to the owning agency.

Useful life means the service life, in years, of the aircraft as estimated by the manufacturer or evidenced by historical performance. The useful life is established at the time of acquisition.

Using agency means an executive agency using aircraft for which it does not maintain ownership. This term applies when an agency obtains aircraft from any other executive agency on a temporary basis.

Variable costs means the costs of operating aircraft that vary depending on how much the aircraft are used. For specific variable aircraft program cost information see § 101-37.201(a).

3. Subpart 101-37.2 is revised to read as follows:

Subpart 101-37.2—Accounting for Aircraft Costs

Sec.	
101-37.200	General.
101-37.201	Standard aircraft program cost elements.
101-37.202	Policy.
101-37.203	[Reserved]
101-37.204	Operations cost recovery methods.
101-37.205	Aircraft program cost effectiveness.

Subpart 101-37.2—Accounting for Aircraft Costs

§ 101-37.200 General.

The provisions of this subpart prescribe policies and procedures for accounting for aircraft costs. This subpart also prescribes provisions and procedures contained in OMB Circulars A-76 and A-126.

§ 101-37.201 Standard aircraft program cost elements.

The following cost elements will be used for the establishment of cost accounting systems and for reporting Government-owned and operated aircraft cost and utilization data to the Federal Aviation Management Information System (FAMIS) on GSA Form 3552.

(a) *Variable costs.* The variable costs of operating aircraft are those costs that vary depending on how much the aircraft are used. The specific variable cost elements include:

(1) *Crew costs.* The crew costs which vary according to aircraft usage consist of travel expenses, particularly reimbursement of subsistence (i.e., per diem and miscellaneous expenses), overtime charges, and wages of crew members hired on an hourly or part-time basis.

(2) *Maintenance costs.* Unscheduled maintenance and maintenance scheduled on the basis of flying time vary with aircraft usage and, therefore, the associated costs are considered variable costs. In addition to the costs of normal maintenance activities, variable maintenance costs shall include aircraft refurbishment, such as painting and interior restoration, and costs of or allowances for performing overhauls and modifications required by service bulletins and airworthiness directives. If they wish, agencies may consider all of their maintenance costs as variable costs and account for them accordingly. Otherwise, certain maintenance costs will be considered fixed as described in paragraph (b) of this section. Variable maintenance costs include the costs of:

(i) *Maintenance labor.* This includes all labor (i.e., salaries and wages, benefits, travel, and training) expended by mechanics, technicians, and inspectors, exclusive of labor for engine overhaul, aircraft refurbishment, and/or repair of major components.

(ii) *Maintenance parts.* This includes cost of materials and parts consumed in aircraft maintenance and inspections, exclusive of materials and parts for engine overhaul, aircraft refurbishment, and/or repair of major components.

(iii) *Maintenance contracts.* This includes all contracted costs for unscheduled maintenance and for maintenance scheduled on a flying hour basis or based on the condition of the part or component.

(iv) *Engine overhaul, aircraft refurbishment, and major component repairs.* These are the materials and labor costs of overhauling engines, refurbishing aircraft, and/or repairing major aircraft components.

(A) In general, the flight hour cost is computed by dividing the costs for a period by the projected hours flown during the period. However, when computing the flight hour cost factor for this cost category, divide the total estimated cost for the activities in this category (e.g., overhaul, refurbishment, and major repairs) by the number of flight hours between these activities.

(B) Cost or reserve accounts for engine overhaul, aircraft refurbishment, and major component repairs may, at the agency's discretion, be identified and quantified separately for mission-pertinent information purposes. Reserve accounts are generally used when the aircraft program is funded through a working capital or revolving fund.

(3) *Fuel and other fluids.* The costs of the aviation gasoline, jet fuel, and other fluids (e.g., engine oil, hydraulic fluids, and water-methanol) consumed by aircraft.

(4) *Lease costs.* When the cost of leasing an aircraft is based on flight hours, the associated lease or rental costs are considered variable costs.

(5) *Landing and tie down fees.* Landing fees and tie down fees associated with aircraft usage are considered variable costs. Tie down fees for storing an aircraft at its base of operations should be considered part of operations overhead, a fixed cost.

(b) *Fixed costs.* The fixed costs of operating aircraft are those that result from owning and supporting the aircraft and do not vary according to aircraft usage. The specific fixed cost elements include:

(1) *Crew costs.* The crew costs which do not vary according to aircraft usage consist of salaries, benefits, and training

costs. This includes the salaries, benefits, and training costs of crew members who also perform minimal aircraft maintenance. Also included in fixed crew costs are the costs of their charts, personal protective equipment, uniforms, and other personal equipment when the agency is authorized to purchase such items.

(2) *Maintenance costs.* This cost category includes maintenance and inspection activities which are scheduled on a calendar interval basis and take place regardless of whether or how much an aircraft is flown. Agencies are encouraged to simplify their accounting systems and account for all maintenance costs as variable costs. However, if they wish, agencies may account for the following costs as fixed costs:

(i) *Maintenance labor.* This includes all projected labor expended by mechanics, technicians, and inspectors associated with maintenance scheduled on a calendar interval basis. This does not include variable maintenance labor or work on items having a retirement life or time between overhaul. This category also includes costs associated with nonallocated maintenance labor expenses; i.e., associated salaries, benefits, travel expenses, and training costs. These costs should be evenly allocated over the number of aircraft in the fleet.

(ii) *Maintenance parts.* This includes all parts and consumables used for maintenance scheduled on a calendar interval basis.

(iii) *Maintenance contracts.* This includes all contracted costs for maintenance or inspections scheduled on a calendar interval basis.

(3) *Lease costs.* When the cost of leasing an aircraft is based on a length of time (e.g., days, weeks, months, or years) and does not vary according to aircraft usage, the lease costs are considered fixed costs.

(4) *Operations overhead.* This includes all costs, not accounted for elsewhere, associated with direct management and support of the aircraft program. Examples of such costs include: personnel costs (salaries, benefits, travel, uniform allowances (when the agency is authorized to purchase such items), training, etc.) for management and administrative personnel directly responsible for the aircraft program; building and ground maintenance; janitorial services; lease or rent costs for hangars and administrative buildings and office space; communications and utilities costs; office supplies and equipment; maintenance and depreciation of support equipment; tie down fees for

aircraft located on base; and miscellaneous operational support costs.

(5) *Administrative overhead.* These costs represent a prorated share of salaries, office supplies, and other expenses of fiscal, accounting, personnel, management, and similar common services performed outside the aircraft program but which support this program. For purposes of recovering the costs of operations, agencies should exercise their own judgment as to the extent to which aircraft users should bear the administrative overhead costs. Agencies may, for example, decide to charge non-agency users a higher proportion, not to exceed 100 percent of administrative overhead, than agency users if the agency has the authority to do so. If an aircraft is provided pursuant to an interagency agreement under the Economy Act of 1932 (31 U.S.C. 1535), the agency must charge based on the actual costs of the goods or services provided. For purposes of OMB Circular A-76 costs comparisons, agencies should compute the actual administrative costs that would be avoided if a decision is made to contract out the operation under study.

(6) *Self-insurance costs.* Aviation activity involves risks and potential casualty losses and liability claims. These risks are normally covered in the private sector by purchasing an insurance policy. The Government is self-insuring; the Treasury's General Fund is charged for casualty losses and/or liability claims resulting from accidents. For the purposes of analyses, Government managers will recognize a cost for "self-insurance" by developing a cost based on rates published by GSA's Aircraft Management Division.

(7) *Depreciation.* The cost or value of ownership. Aircraft have a finite useful economic or service life (useful life). Depreciation is the method used to spread the acquisition value, less residual value, over an asset's useful life. Although these costs are not direct outlays as is the case with most other aircraft costs, it is important to recognize them for analyses required by OMB and other cost comparison purposes and when replenishing a working capital fund by recovering the full cost of aircraft operations. Depreciation costs depend on aircraft acquisition or replacement costs, useful life, and residual or salvage value. To calculate the cost of depreciation that shall be allocated to each year, subtract the residual value from the total of the acquisition cost plus any capital improvements and, then, divide by the estimated useful life of the asset.

(c) *Other costs.* There are certain other costs of the aircraft program which should be recorded but are not appropriate for inclusion in either the variable or fixed cost categories for the purposes of justifying aircraft use or recovering the cost of aircraft operations. These costs include:

(1) *Accident repair costs.* These costs include all parts, materials, equipment, and maintenance labor related to repairing accidental damage to airframes or aircraft equipment. Also included are all accident investigation costs.

(2) *Aircraft costs.* This is the basic aircraft inventory or asset account used as the basis for determining aircraft depreciation charges. These costs include the cost of acquiring aircraft and accessories, including transportation and initial installation. Also included are all costs required to bring aircraft and capitalized accessories up to fleet standards.

(3) *Cost of capital.* The cost of capital is the cost to the Government of acquiring the funds necessary for capital investments. The agency shall use the borrowing rate announced by the Department of the Treasury for bonds or notes whose maturities correspond to the manufacturer's suggested useful life or the remaining useful life of the asset.

§ 101-37.202 Policy.

Agencies shall maintain cost systems for their aircraft operations which will permit them to justify the use of Government aircraft in lieu of commercially available aircraft, or the use of one Government aircraft in lieu of another; recover the costs of operating Government aircraft when appropriate; determine the cost effectiveness of various aspects of their aircraft program; and conduct the cost comparisons to justify in-house operation of Government aircraft versus procurement of commercially available aircraft services. To accomplish these purposes, agencies must accumulate their aircraft program cost into the standard aircraft program cost elements specified in § 101-37.201.

§ 101-37.203 [Reserved]

§ 101-37.204 Operations cost recovery methods.

Under 31 U.S.C. 1535, and various acts appropriating funds or establishing working funds to operate aircraft, agencies are generally required to recover the costs of operating all aircraft in support of other agencies and other governments. Depending on the statutory authorities under which its aircraft were obtained or are operated, agencies may use either of two methods for establishing the rates charged for

using their aircraft; full cost recovery rate or the variable cost recovery rate.

(a) The full cost recovery rate for an aircraft is the sum of the variable and fixed cost rates for that aircraft. The computation of the variable cost rate for an aircraft is described in § 101-37.304. The fixed cost recovery rate for an aircraft or aircraft type is computed as follows:

(1) Accumulate the fixed costs listed in § 101-37.201(b) that are directly attributable to the aircraft or aircraft type. These costs should be taken from the agency's accounting system.

(2) Adjust the total fixed cost for inflation and for any known upcoming cost changes to project the new fixed total costs. The inflation factor used should conform to the provisions of OMB Circular A-76.

(3) Allocate operations and administrative overhead costs to the aircraft based on the percentage of total aircraft program flying hours attributable to that aircraft or aircraft type.

(4) Compute a fixed cost recovery rate for the aircraft by dividing the sum of the projected directly attributable fixed costs, adjusted for inflation, from paragraph (a)(2) of this section and the allocated fixed costs from paragraph (a)(3) of this section by the annual flying hours projected for the aircraft.

(b) The variable cost recovery rate is the total variable cost rate of operating an aircraft described in § 101-37.304. If an agency decides to base the charge for using its aircraft solely on this rate, it must recover the fixed costs of those aircraft from the appropriations which support the mission for which the procurement of the aircraft was justified. In such cases, the fixed cost recovery rate may be expressed on an annual, monthly, or flying hour basis.

(c) To compute the full cost recovery rate of using a Government aircraft for a trip, add the variable cost recovery rate for the aircraft or aircraft type to the corresponding fixed cost recovery rate and multiply this sum by the estimated number of flying hours for the trip using the proposed aircraft.

§ 101-37.205 Aircraft program cost effectiveness.

Although cost data are not the only measures of the effectiveness of an agency's aircraft program, they can be useful in identifying opportunities to reduce aircraft operational costs. These opportunities include changing maintenance practices, purchasing fuel at lower costs, and the replacement of old, inefficient aircraft with aircraft that are more fuel efficient and have lower operation and maintenance costs. The

most common measures used to evaluate the cost effectiveness of various aspects of an aircraft program are expressed as the cost per flying hour or per passenger mile (one passenger flying one mile). These measures may be developed using the standard aircraft program cost elements (see § 101-37.201) and include, but are not limited to: maintenance costs/flying hours, fuel and other fluids/flying hours, and variable cost/passenger mile. GSA will coordinate the development of other specific cost-effectiveness measures with the appropriate Interagency Committee for Aviation Policy subcommittees (ICAP).

(a) *Maintenance costs per flying hour.* Maintenance costs per flying hour identifies on an aggregate basis relative cost effectiveness of maintenance alternatives. This measure is among those necessary to identify and justify procurement of less costly aircraft.

(b) *Fuel and other fluids cost per flying hour.* Fuel per flying hour identifies the relative fuel efficiency of an individual aircraft. The measure identifies the requirement to replace inefficient engines or to eliminate fuel inefficient aircraft from the fleet.

(c) *Crew costs-fixed per flying hour.* When based on the total fixed crew costs and flying hours, can be used to determine the impact of crew utilization on overall operating costs; can also be used to compare crew utilization and salary levels among different agency or bureau aircraft programs.

(d) *Operations overhead per flying hour.* Operations overhead may be used on an aggregate basis (i.e., total operations overhead expenditures divided by hours flown) to compare the overhead activities in direct support of aircraft operations among agencies or bureaus. This factor can indicate excess overhead support costs.

(e) *Administrative overhead per flying hour.* Administrative overhead may be used on an aggregate basis (i.e., total administrative overhead divided by hours flown) to compare the level of administrative support to other agencies and bureaus.

4. Subpart 101-37.3 is revised to read as follows:

Subpart 101-37.3—Cost Comparisons for Acquiring and Using Aircraft

Sec.

101-37.300	General.
101-37.301	Applicability.
101-37.302	[Reserved]
101-37.303	[Reserved]
101-37.304	Variable cost rate.
101-37.305	Acquisition and management.

Subpart 101-37.3—Cost Comparisons for Acquiring and Using Aircraft

§ 101-37.300 General.

The provisions of this subpart prescribe policies and procedures for conducting cost comparisons for the acquisition, use, or lease of aircraft. This subpart incorporates selected provisions of OMB Circulars A-76 and A-126.

§ 101-37.301 Applicability.

This subpart applies to all agencies in the executive branch of the Federal Government. It does not apply to the United States Postal Service, to the Government of the District of Columbia, or to non-Federal organizations receiving Federal loans, contracts, or grants.

§ 101-37.302 [Reserved]

§ 101-37.303 [Reserved]

§ 101-37.304 Variable cost rate.

For the purpose of comparing costs (Government, commercial charter, and airline) associated with passenger transportation flights, as required by § 101-37.406, the agency should develop a variable cost rate for each aircraft or aircraft type as follows:

(a) Accumulate or allocate to the aircraft or aircraft type all historical costs, for the previous 12 months, grouped under the variable cost category defined in § 101-37.201. These costs should be obtained from the agency's accounting system.

(b) Adjust the historical variable costs for inflation and for any known upcoming cost changes to determine the projected variable cost. The inflation factor used should conform to the provisions of OMB Circular A-76.

(c) Divide the projected variable cost of the aircraft or aircraft type by the projected annual flying hours for the aircraft or aircraft type to compute the variable cost rate (per flying hour).

(d) To compute the variable cost for a proposed trip, multiply the variable cost rate by the estimated number of flying hours for the trip. The number of flying hours should include:

(1) If no follow-up trip is scheduled, all time required to position the aircraft to begin the trip and to return the aircraft to its normal base of operations.

(2) If a follow-on trip requires repositioning, the cost for repositioning should be charged to the associated follow-on trip.

(3) If an aircraft supports a multi-leg trip (a series of flights scheduled sequentially), the use of the aircraft for the total trip may be justified by comparing the total variable cost of the entire trip to the commercial aircraft

cost (including charter) for all legs of the trip.

§ 101-37.305 Acquisition and management.

(a) The number and size of aircraft acquired by an agency and the capacity of those aircraft to carry passengers and cargo shall not exceed the level necessary to meet the agency's mission requirements.

(b) Agencies must comply with OMB Circular A-76 before purchasing, leasing, or otherwise acquiring aircraft and related services to assure that these services cannot be obtained from and operated by the private sector more cost effectively.

(c) Agencies shall review on a 5-year cycle the continuing need for all of their aircraft and the cost effectiveness of their aircraft operations in accordance with OMB approved cost justification methodologies. A copy of each agency review shall be submitted to GSA when completed and to OMB with the agency's next budget submission. Agencies shall report any excess aircraft and release all aircraft that are not fully justified by these reviews.

(d) Agencies shall use their aircraft in the most cost effective way to meet their requirements.

Subpart 101-37.4—Use of Government-Owned and Operated Aircraft

§ 101-37.401 [Reserved]

5. Section 101-37.401 is removed and reserved.

6. Section 101-37.404 is revised to read as follows:

§ 101-37.404 Approving the use of Government aircraft for transportation of passengers.

(a) Use of Government aircraft for official travel may be approved only by the agency head or official(s) designated by the agency head.

(b) Whenever a Government aircraft used to fulfill a mission requirement is used also to transport senior Federal officials, members of their families or other non-Federal travelers on a space available basis (except as authorized under 10 U.S.C. 4744 and regulations implementing that statute), the agency that is conducting the mission shall certify in writing prior to the flight that the aircraft is scheduled to perform a bona fide mission activity, and that the minimum mission requirements have not been exceeded in order to transport such space available travelers. In emergency situations, an after-the-fact written certification by the agency is permitted.

7. Section 101-37.408 is revised to read as follows:

§ 101-37.408 Reporting travel by senior Federal officials.

Agencies shall submit semi-annual reports for the periods October 1 through March 31 (due May 31), and April 1 through September 30 (due November 30) to the General Services Administration, Aircraft Management Division, Washington, DC 20406. A copy of each report shall also be submitted to the Deputy Director for Management, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503. Agencies shall submit report data using the Federal Aviation Management Information System structure and management codes for automated reporting or GSA Form 3641, Senior Federal Travel. Agencies that did not transport any senior Federal officials or special category travelers during the relevant time frame must still submit a written response that acknowledges the reporting requirements and states they have no travel to report. These reports shall be disclosed to the public upon request unless classified.

(a) Reports shall include data on all non-mission travel by senior Federal officials on Government aircraft (including those senior Federal officials acting in an aircrew capacity when they are also aboard the flight for transportation), members of the families of such officials, any non-Federal traveler (except as authorized under 10 U.S.C. 4744 and regulations implementing that statute), and all mission and non-mission travel for senior executive branch officials. The reports shall include:

- (1) The names of the travelers;
- (2) The destinations;
- (3) The corresponding commercial cost had the traveler used commercial airline or aircraft service (including charter);
- (4) The appropriate allocated share of the full operating cost of each trip;
- (5) The amount required to be reimbursed to the Government for the flight;
- (6) The accounting data associated with the reimbursement; and
- (7) The data required by § 101-37.407 (a), (b) and (d) of this subpart.

(b) Each agency is responsible for reporting travel by personnel transported on aircraft scheduled by that agency.

(c) The agency using the aircraft must also maintain the data required by this section for classified trips. This information shall not be reported to GAS or OMB but must be made

available by the agency for review by properly cleared personnel.

8. Subpart 101-37.5 is revised to read as follows:

Subpart 101-37.5—Management Information Systems (MIS)

Sec.

- 101-37.500 General
- 101-37.501 [Reserved]
- 101-37.502 GSA MIS responsibilities.
- 101-37.503 Reporting responsibilities.
- 101-37.504 Reports.
- 101-37.505 Aircraft used for sensitive missions.
- 101-37.506 Reporting requirements for law enforcement, national defense, or interdiction mission aircraft.

Subpart 101-37.5—Management Information Systems (MIS)

§ 101-37.500 General.

Executive agencies must maintain an aviation MIS. Agency systems will include computer applications appropriate to the complexity of the operation. Systems should be integrated among bureaus, agencies, and Departments as appropriate to maximize efficiency and effectiveness Governmentwide. MIS capabilities will include, but are not limited to, collecting, consolidating, and producing the reports and analyses required by: field-level organizations for day-to-day operations, agencies to justify the continuing use of aircraft or new acquisitions, GSA to develop Governmentwide aviation management guidance, and OMB and other oversight agencies to capitalize on opportunities to improve efficiency and effectiveness.

§ 101-37.501 [Reserved]

§ 101-37.502 GSA MIS responsibilities.

The Aircraft Management Division will operate the Governmentwide aircraft MIS (also known as the Federal Aviation Management Information System (FAMIS)), develop generic aircraft MIS standards and software, and provide technical assistance to agencies in establishing automated aircraft information and cost accounting systems and conducting cost analyses required by OMB. The FAMIS will collect and maintain summary data including, but not limited to:

- (a) Aircraft and aviation related facilities inventories;
- (b) Cost and utilization for owned aircraft and aviation facilities;
- (c) Cost and utilization for chartered, rented, or contracted aircraft;
- (d) Inventories of support service agreements; and
- (e) Senior Federal official and special category travel data.

§ 101-37.503 Reporting responsibilities.

Reporting responsibilities are as follows:

(a) *Owned aircraft.* The executive agency to which the aircraft is registered in conformance with the FAA regulations or appropriate military regulations is responsible for reporting inventory, cost, and utilization data for each aircraft.

(b) *Bailed aircraft.* The executive agency which operates bailed aircraft is responsible for reporting inventory, cost, and utilization data for each aircraft.

(c) *Leased or lease/purchased aircraft.* The executive agency which makes payment to a private or other public sector organization for the aircraft is responsible for reporting inventory, cost, and utilization data for each aircraft.

(d) *Loaned aircraft.* The executive agency which owns an aircraft on loan to a Federal agency will report inventory, cost, and utilization data. The executive agency which owns an aircraft on loan to a State, cooperator, or other non-Federal entity will report inventory data associated with that aircraft.

(e) *Contract, charter, and rental aircraft.* The executive agency which makes payment to a private sector or other public sector organization for the aircraft is responsible for reporting cost and utilization data by specific aircraft for each type of mission performed.

(f) *Support services.* The executive agency establishing the aviation support services agreement with service vendors is responsible for reporting associated data by agreement number, aircraft or service type, and vendor.

(g) *Senior Federal official and special category travel.* Each executive agency is responsible for reporting travel by personnel transported on aircraft scheduled by that agency.

§ 101-37.504 Reports.

Executive agencies will submit aviation management data using FAMIS structure format for automated reporting or appropriate forms. FAMIS data shall be submitted to the General Services Administration, Aircraft Management Division, Washington, DC 20406. Interagency report control number 0322-GSA-AN has been assigned to these reports. To the extent that information is protected from disclosure by statute, an agency is not required to furnish information otherwise required to be reported under this subpart.

(a) Each executive agency will provide GSA with reports as changes occur for:

(1) *Facilities inventories.* Additions, deletions, and changes shall be submitted using GSA Form 3549, Government-owned/leased Maintenance, Storage, Training, Refueling Facilities (per facility) or FAMIS file structures.

(2) *Aircraft inventories.* Additions, deletions, and changes shall be submitted using GSA Form 3550, Government Aircraft Inventory (per aircraft) or FAMIS file structures. Any aircraft operated or held in a non-operational status, must be reported to FAMIS regardless of its ownership category.

(3) *Aviation support services cost data.* This data will be submitted using GSA Form 3554, Aircraft Contract/Rental/Charter Support Services Cost Data Form or FAMIS file structures, as support service agreements become effective.

(b) Each executive agency will provide GSA with reports annually on or before January 15 for the previous fiscal year ending September 30 for:

(1) *Contract, rental, and charter aircraft cost and utilization data.* Each form or FAMIS database record must contain only one aircraft for each type of mission performed. The data is submitted using GSA Form 3551, Contract/Charter/Rental Aircraft Cost and Utilization or FAMIS file structures.

(2) *Government aircraft cost and utilization data.* The cost and utilization information must be tracked by serial number and must reflect the actual use and expenditures incurred for each individual aircraft. These reports are to be submitted using GSA Form 3552, Government Aircraft Cost and Utilization or FAMIS file structures.

(c) Each executive agency will provide GSA with a report semiannually on or before May 31 for the period October 1 through March 30, and on or before November 30 for the period April 1 through September 30 for senior Federal official and special category travel. These reports are to be submitted using GSA Form 3641, Senior Federal Travel or FAMIS file structures. Executive agencies that did not transport any senior Federal officials or special category travelers during the relevant time frame must submit a written response that acknowledges the reporting requirements and states that they have no travel to report. For detailed explanation see § 101-37.408.

§ 101-37.505 Aircraft used for sensitive missions.

Inventory, cost, and utilization data submitted to GSA for agency aircraft dedicated to national defense, law enforcement, or interdiction missions

will be safeguarded as specified in § 101-37.506. GSA will not allow identification (registration number, serial number, etc.), location, or use patterns to be disclosed except as required under the Freedom of Information Act.

§ 101-37.506 Reporting requirements for law enforcement, national defense, or interdiction mission aircraft.

Agencies using aircraft for law enforcement, national defense, or interdiction missions may use reporting provisions which provide for agency information protection as specified in paragraphs (a) and (b) of this section.

(a) *Undercover aircraft.* Agencies operating undercover aircraft as defined in § 101-37.100, will report to GSA all FAMIS data in accordance with § 101-37.504, to include the registration number and serial number as reported to the Federal Aviation Administration (FAA), Office of Aircraft Registry.

(b) *Deep cover aircraft.* Agencies operating deep cover aircraft as defined in § 101-37.100, will report to GSA all FAMIS data in accordance with § 101-37.504, except for that data requiring special handling by the FAA. Specific identifying data for those aircraft requiring special handling by the FAA will be reported as follows:

(1) *Special number data.* Initially, agencies will supply the actual aircraft serial number with a unique code number. The code number will be used for all future data submissions. GSA will maintain the actual serial number and associated code in a secured file independent from all other FAMIS data. The secured file containing aircraft serial number data will not be printed or distributed.

(2) *Registration number data.* Agencies will not submit registration number (FAA registration number) for deep cover aircraft.

(3) *Location data.* Agencies will not submit location data.

Subpart 101-37.11—Accident and Incident Reporting and Investigation

§ 101-37.1101 [Reserved]

8. Section 101-37.1101 is removed and reserved.

Dated: December 28, 1994.

Julia M. Stasch,

Acting Administrator of General Services.
[FR Doc. 95-773 Filed 1-17-95; 8:45 am]

BILLING CODE 6820-24-M

DEPARTMENT OF THE INTERIOR

41 CFR Parts 114-51 and 114-52

Provision and Assignment of Quarters and Furnishings; Establishment of Quarters Rental Rates

AGENCY: Office of the Secretary, Interior.

ACTION: Final rule.

SUMMARY: The Department of the Interior has amended the internal regulations and procedures governing the provision, assignment and administration of quarters, and the establishment of rental charges for Government furnished quarters. These changes reflect the requirements of the most recent Office of Management and Budget Circular on Government furnished quarters. The Department of the Interior is hereby deleting the current text from the Code of Federal Regulations. This text, which does not affect the public, is being deleted because it duplicates the text in other internal regulations. The intended effect is to eliminate duplicate regulations and thereby simplify the overall regulatory structure.

EFFECTIVE DATE: This rule is effective February 17, 1995.

FOR FURTHER INFORMATION CONTACT: Gregory G. Haller, Administrative Service Center, Code 2910, 7301 West Mansfield Avenue, Denver, CO 80235-2230, Phone: (303) 969-7240.

SUPPLEMENTARY INFORMATION: These quarters management regulations govern the internal actions of the Department and other Federal agencies which have agreed voluntarily to incorporate quarters rental charges determined by the Department into their respective quarters management programs. Inasmuch as the content of these regulations is set forth in greater detail in the Departmental Quarters Handbook (400 DM), the Department has determined that it is no longer necessary to maintain these generalized regulations in 41 CFR parts 114-51 and 114-52.

This rule was not subject to Office of Management and Budget review under Executive Order 128866. Because these procedures govern only internal management actions of the DOI and agencies who voluntarily participate in the DOI quarters rental program, the DOI certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

The DOI has further determined that these regulations will not significantly affect the environment. An