

1. The authority citation for Part 701 continues to read as follows:

Authority: Privacy Act of 1974, Pub. L. 93-579, 88 Stat. 1896 (5 U.S.C. 552a), 32 CFR 286a.

2. Add paragraph (n) to § 701.117

Subpart G—Privacy Act Exemptions

§ 701.117 Exemption for specific Navy records systems.

(n) *Naval Postgraduate School.*

(1) *ID-N05300-3.*

System name. Faculty Professional Files.

Exemption. Portions of this system of records are exempt from the following subsections of Title 5 U.S.C. 552a: (c)(3), (d), e(4), (G) and (H), and (f).

Authority: 5 U.S.C. 552a(k)(5).

Reasons. Exempted portions of this system contain information considered relevant and necessary to make a determination as to the qualifications, eligibility, or suitability for Federal employment, and was obtained by providing an express or implied promise to the source that his/her identity would not be revealed to the subject of the record.

Patricia H. Means,

*OSD Federal Register Liaison Officer,
Department of Defense.*

March 27, 1986.

[FR Doc. 86-7199 Filed 3-31-86; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP Wilmington, NC Reg. 86-03]

Safety Zone Regulations; the Atlantic Intracoastal Waterway Between Mile 228 and Mile 332 and the Shallotte River From the Atlantic Intracoastal Waterway to Its Confluence With Mill Pond Creek

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard is establishing a safety zone which encompasses an area on the Atlantic Intracoastal Waterway between mile 228 and mile 332, and the Shallotte River from Atlantic Intracoastal Waterway to its confluence with Mill Pond Creek. This zone is needed to protect vessel traffic in the vicinity from a safety hazard associated with a barge

grounding and personnel cleaning up an oil spill. Entry into this zone is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATES: This regulation becomes effective at 1:00 a.m., Eastern Standard Time, March 18, 1986. It terminates at 12:00 p.m., Eastern Standard Time, March 30, 1986.

FOR FURTHER INFORMATION CONTACT:

LCDR K.A. MOLL, Chief of the Operations Department, U.S. Coast Guard Marine Safety Office, Suite 500, 272 N. Front Street, Wilmington, North Carolina 28401-3907, Phone: 919 343-4892.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after Federal Register publication. Publishing an NPRM and delaying its effective date would have been contrary to the public interest since immediate action was needed to prevent possible loss of life or injury to personnel and damage to transiting vessels during this operation.

Drafting Information

The drafter of this regulation is Lieutenant Commander K.A. MOLL, Project Officer, for the Captain of the Port.

Discussion of Regulations

The hazard requiring this regulation resulted from damage to the tank barge Edgar O'Sikes and an oil spill resulting from this damage. The Safety Zone is being established until the barge is removed and cleanup operations completed.

List of Subjects in 33 CFR Part 165

Harbors Marine Safety, Navigation (water), Security Measures, Vessels, Waterways.

PART 165—[AMENDED]

Regulation

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations, is amended as follows:

1. The authority citation continues to read:

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 C.F.R. 1.46, and 33 C.F.R. 1.05-1(g), 6.04-6 and 160.5.

2. A new § 165.T503 is added to read as follows:

§ 165.T503 Emergency temporary safety zone.

(a) *Location.* The following defines the safety zone: An area on the Atlantic

Intracoastal Waterway between mile 328 and mile 332 and the Shallotte River from the Atlantic Intracoastal Waterway to its confluence with Mill Pond Creek.

(b) *Regulations.* In accordance with the general regulations in 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port.

Dated: March 18, 1986.

D.H. Whitten,

Captain, U.S. Coast Guard, Captain of the Port, Wilmington, NC.

[FR Doc. 86-7015 Filed 3-31-86; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-1-FRL-2992-6]

Approval and Promulgation of Implementation Plans, Massachusetts; Temporary Sulfur-in-Fuel Revision for Phillips Academy in Andover

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is today approving a revision to the Massachusetts State Implementation Plan (SIP) which will allow Phillips Academy in Andover, Massachusetts to increase the sulfur content of its residual fuel oil for up to 30 months. The burning of less expensive, higher sulfur content fuel oil will provide this source with some of the capital needed to implement permanent energy conservation measures.

EFFECTIVE DATE: April 1, 1986.

FOR FURTHER INFORMATION CONTACT: Cynthia L. Greene, (617) 223-5133.

ADDRESSES: Copies of the Massachusetts submittal, which is incorporated by reference, are available for public inspection during regular business hours at the Environmental Protection Agency, Region I, Room 2313, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, DC and the Department of Environmental Quality Engineering, 8th Floor, One Winter Street, Boston, Massachusetts 02108.

SUPPLEMENTARY INFORMATION: On February 8 and October 23, 1985, the Massachusetts DEQE submitted a SIP revision for Phillips Academy, in

Andover, Massachusetts. The revision allows the burning of 2.2% sulfur fuel in their boilers for 30 months or less. During this time period, Phillips Academy has committed to implementing permanent energy conservation measures. The facility will use the savings realized during the temporary (30 months or less) utilization of less expensive 2.2% sulfur fuel oil to defray the costs of implementing the permanent energy conservation measures. The facility will return to burning 1.0% sulfur fuel oil by September 1, 1988.

Background

This temporary sulfur-in-fuel revision is being approved pursuant to the provisions of Regulation 310 CMR 7.19, "Interim Sulfur-in-Fuel Limitation for Fossil Fuel Utilization Facilities Pending Energy Conservation Measures." EPA approved the addition of this regulation to the Massachusetts SIP on March 19, 1981 (46 FR 82677). It specifies the requirements and conditions which sources must meet in order to qualify for temporary sulfur-in-fuel relaxations and the procedures which the Massachusetts Department of Environmental Quality Engineering (DEQE) must use to determine that the emissions will not violate any National Ambient Air Quality Standards (NAAQS). Only sources rated at less than 250 million Btu per hour heat input, which are currently burning residual fuel oil, and have made a commitment to either (a) convert to an alternate fuel, or (b) implement conservation measures, are eligible for a temporary sulfur-in-fuel revision not to exceed 30 months. Further details on the requirements of Regulation 310 CMR 7.19 and EPA's reasons for approving it were discussed in a Notice of Proposed Rulemaking (NPR) published on December 16, 1980 (45 FR 82675). In the NPR, EPA also proposed approval of all individual sources that meet the eligibility requirements of this regulation.

EPA Evaluation

EPA has determined that the DEQE has approved Phillips Academy request to burn higher sulfur fuel oil in accordance with the provisions of Regulation 310 CMR 7.19, and agrees that no air quality standards will be violated by the temporary burning of 2.2% sulfur fuel oil at this facility. A PTMTP screening model was used

which yields worst case 1-hour average concentrations. This modeling analysis predicted impacts well below the standards. Additionally, the stack height regulation is not applicable because the stack is less than 65 meters in height and the source emits less than 5,000 tons per year of SO₂.

EPA received no comments on its December 16, 1980 (45 FR 82675) proposal to approve individual sources of sulfur-in-fuel relaxations, and DEQE received no comments on its proposed approval of the temporary sulfur-in-fuel relaxation at the Phillips Academy facility in Andover. Since the public has had these other opportunities to comment, and since the Phillips Academy facility is a small source (each piece of equipment is less than 250 million Btu per hour heat input), EPA is taking final action today to approve this SIP revision without first publishing a new proposed rulemaking. EPA believes that publishing a new NPR is unnecessary. EPA finds good cause for making this action effective immediately because the implementation plan is already in effect under State law and imposes no additional regulatory burden.

Final action: EPA is approving the proposed temporary sulfur-in-fuel relaxation revision for Phillips Academy.

Under U.S.C. 605(b), the Administrator has certified that this action will not have significant economic impact on a substantial number of small entities (see 46 FR 8709).

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 2, 1986. This action may not be challenged later in proceedings to enforce its requirements (see 307(b)(2)).

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, and Hydrocarbons, Intergovernmental relations, Reporting and recordkeeping requirements.

Note: Incorporation by Reference for the State Implementation Plan for the Commonwealth of Massachusetts was

approved by the Director of the Federal Register on July 1, 1982.

Dated: March 10, 1985.

Lee M. Thomas,

Administrator.

PART 52—[AMENDED]

Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart W—Massachusetts

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7642.

2. Section 52.1120, paragraph (c) is amended by adding paragraph (68) as follows:

§ 52.1120 Identification of Plan.

* * * * *

(c) * * *

(68) A revision submitted on February 8 and October 23, 1985 allowing the burning of 2.2% sulfur content fuel oil at the Phillips Academy facility in Andover, Massachusetts for a period of up to 30 months, commencing on April 1, 1986.

(i) *Incorporation by reference.* (A) Letter from Richard J. Chalpin, Acting Regional Engineer, to Phillips Academy, dated December 27, 1984 allowing the temporary use of less expensive 2.2% sulfur fuel oil (for 30 months from the date of publication), the savings from which will be used to implement permanent energy conservation measures to reduce on-site consumption of petroleum products by at least 50,000 gallons per year (estimated 82,000 gallons per year). At the end of the temporary use period, Phillips Academy will return to the use of 1.0% sulfur fuel oil. The particulate emission rate for the facility will not exceed 0.15 lbs. per million Btu.

(B) These specific requirements of Regulation 310 CMR 7.19 were agreed to in a Statement of Agreement, signed February 19, 1985.

(C) Memorandum to Donald C. Squires from Bruce K. Maillet dated October 4, 1985; subject: Response to EPA questions regarding Phillips Academy, outlines the permanent energy conservation measures to be used.

§ 52.1167 [Amended]

2. Section 52.1167, is amended by adding the following source to Table 52.1167 under the entry "310 CMR 7.19."

State citation	Title/subject	Date submitted by State	Date approved by EPA	Federal Register citation	52.1120(c)	Comments/unapproved section
310 CMR 7.19	Interim sulfur-in-fuel limitations for fossil fuel utilization facilities pending conversion to an alternative fuel or implementation of permanent energy conservation measures.	02/08/85, 10/23/85.	[Federal Register Publication date].	[Federal Register Number]	68	Phillips Academy, Andover, MA to burn 2.2% until September 1, 1988.

[FR Doc. 86-6752 Filed 3-28-86; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Parts 60 and 61

[A-4-FRL-2994-8]

Standards of Performance for New Stationary Sources, National Emission Standards for Hazardous Air Pollutants, Tennessee; Delegation of Authority to Knox County

AGENCY: Environmental Protection Agency.

ACTION: Delegation of Authority.

SUMMARY: On February 3, 1986, Knox County requested that EPA delegate authority for implementation and enforcement of certain standards in 40 CFR Part 60 (Standards of Performance for Stationary Sources) and 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants). Since EPA's review of pertinent Knox County laws, rules, and regulations showed them to be adequate for the implementation and enforcement of the federal standards, the Agency has made the delegation as requested.

EFFECTIVE DATE: The effective date of the delegation of authority to Knox County is March 3, 1986.

ADDRESSES: Copies of the request for delegation of authority and EPA's letter of delegation may be examined during normal business hours at the following locations.

Environmental Protection Agency,
Region IV, Air Programs Branch, 345
Courtland Street, NE, Atlanta, GA
30365

Knox County Department of Air
Pollution, City/County Building, Suite
L222, 400 Main Street, Knoxville, TN
37902.

FOR FURTHER INFORMATION CONTACT:
Roselyn Hughes of the EPA Region IV
Air Programs Branch, at the above
address and telephone (404) 347-3286
(FTS: 257-3286).

SUPPLEMENTARY INFORMATION: Sections 101, 111(c)(1) and 112(d)(1) of the Clean Air Act authorize EPA to delegate authority to implement and enforce the

standards set out in 40 CFR Part 60, Standards of Performance for New Stationary Sources (NSPS) and 40 CFR Part 61, National Emissions Standards for Hazardous Air Pollutants (NESHAP).

On December 13, 1985, EPA updated the authority for implementation and enforcement of the NSPS and NESHAP program to Knox County. On March 3, 1986, Knox County requested delegation of authority of NSPS for Subparts FFF (Flexible Vinyl and Urethane Coating and Printing) and LLL (Onshore Natural Gas Processing; SO₂ Emissions) and NESHAP for Subpart M (Asbestos).

After a thorough review of the request the Regional Administrator determined that such a delegation was appropriate for these source categories with all the conditions set forth in the delegation letter of December 13, 1986. Knox County sources subject to the requirements of Subparts FFF, LLL of 40 CFR Part 60 and Subpart M of 40 CFR Part 61 will now be under the jurisdiction of Knox County.

Authority: 42 U.S.C. 7401-7642.

List of Subjects in 40 CFR Parts 60 and 61

Air pollution control, aluminum, ammonium, sulfate plants, asphalt, cement industry, coal, copper, electric power plants, glass and glass products, grains, intergovernmental relations, iron, lead, metals, metallic minerals, motor vehicles, nitric acid plants, paper and paper products industry, petroleum, phosphate, sewage disposal, steel sulfuric acid plants, waste treatment and disposal, zinc, tires, can surface coating, sulfuric acid plants, industrial organic chemicals, organic solvent cleaners, fossil fuel-fired steam generators, fiberglass insulation, synthetic fibers, incorporation by reference, asbestos, beryllium, mercury, reporting and recordkeeping requirements, vinyl chloride.

Dated: March 20, 1986.

Sanford W. Harvey, Jr.,
Acting Regional Administrator.

[FR Doc. 86-7137 Filed 3-27-86; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 61

[OAR-FRL-2995-8]

National Emission Standards for Hazardous Air Pollutants; Amendments to General Provisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) amended Subpart A, the General Provisions for national emission standards for hazardous air pollutants (NESHAPs), on November 7, 1985 (50 FR 46284). The promulgated amendments included a list of substances for which EPA has published a notice that included consideration of the serious health effects, including cancer, from ambient air exposure to the substance. This notice amended this list to include additional substances.

DATE: Effective April 1, 1986.

FOR FURTHER INFORMATION CONTACT:
Beth M. Hassett or Robert M. Schell,
Pollutant Assessment Branch, Strategies
and Air Standards Division (MD-12),
Office of Air Quality Planning and
Standards, U.S. Environmental
Protection Agency, Research Triangle
Park, N.C. 27711; FTS 629-5645 or (919)
541-5645.

SUPPLEMENTARY INFORMATION: On November 7, 1985 (FR 46284), EPA promulgated amendments to Subpart A of Part 61. These amendments included the publication of a list of substances for which the Agency has published a **Federal Register** notice which included consideration of serious health effects, including cancer, from ambient exposure to the substance. This list was published for informational purposes only. Publication of this list serves to inform the public as to the status of EPA's program for assessing potentially toxic air pollutants as well as to provide a useful reference for those **Federal Register** notices that EPA has published on potentially toxic air pollutants. This notice amends the previously published list to include recent notices which EPA has published for additional substances.

Paperwork Reduction Act

These amendments do not add any information collection burden for sources subject to standards currently in Part 61. Thus, this action is not an information collection request (ICR) under the Paperwork Reduction Act of 1980, 44 U.S.C. et seq.

Regulatory Flexibility Analysis Certification

Pursuant to the provisions of 5 U.S.C. 615(b), I hereby certify that these amendments to Part 61 will not have a significant economic impact on a substantial number of small entities. The amendments will not add any new regulatory requirements to Part 61, consequently, they will not add significant costs.

List of Subjects in 40 CFR Part 61

Asbestos, Beryllium, Benzene, Hazardous substances, Mercury, Radionuclides, Reporting and recordkeeping requirements, Vinyl Chloride.

Dated: March 26, 1986.

J. Craig Potter,

Assistant Administrator for Air and Radiation.

PART 61—[AMENDED]

1. The authority citation for Part 61 continues to read as follows:

Authority: 42 U.S.C. 7401, 7412, 7414, 7416, and 7601.

2. Section 61.01 paragraph (b) is amended by adding the following entries alphabetically in the alphabetized list of substances.

§ 61.01 Lists of pollutants and applicability of Part 61.

* * * * *

(b) * * *

1,3-Butadiene (50 FR 41466; October 10, 1985)

Cadmium (50 FR 42000; October 16, 1985)

Chloroform (50 FR 39626; September 27, 1985)

Chloroprene (50 FR 39632; September 27, 1985)

Ethylene Dichloride (50 FR 41994; October 16, 1985)

Ethylene Oxide (50 FR 40286; October 2, 1985)

Hexachlorocyclopentadiene (50 FR 40154; October 1, 1985)

Methylene Chloride (50 FR 42037; October 17, 1985)

* * * * *

[FR Doc. 86-7139 Filed 3-31-86; 8:45 am]

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION**41 CFR Part 101-20**

[FPMR Temp. Reg. D-69, Supp. 5]

Federal Employee Parking; Temporary Regulation

AGENCY: Public Buildings Service, GSA.

ACTION: Temporary Regulation.

SUMMARY: This supplement extends to March 31, 1987, the expiration date of FPMR Temporary Regulation D-69. D-69 sets forth revised policies and procedures concerning Federal employee parking. The regulation was developed as part of an effort to review and streamline GSA's property management regulations.

DATES: Effective date: April 1, 1986.

Expiration date: March 31, 1987.

FOR FURTHER INFORMATION CONTACT:

John Quigley, Acting Director, Assignment Division (202-566-0059).

SUPPLEMENTARY INFORMATION:

The General Services Administration (GSA) has determined that this rule is not a major rule for the purpose of E.O. 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of \$100 million or more; a major increase in costs to consumers or others; or significant adverse effects. Therefore, a Regulatory Impact Analysis has not been prepared. GSA has based all administration decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh potential costs and has maximized the net benefits; and has chosen the alternative approach involving this least net cost to society.

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

In 41 CFR Chapter 101 this temporary regulation is added to the appendix at the end of Subchapter D. March 3, 1986.

Federal Property Management Regulations Temporary Regulation D-69**Supplement 5**

To: Heads of Federal agencies
Subject: Federal Employee Parking

1. *Purpose.* This supplement extends the expiration date of FPMR Temporary Regulation D-69.

2. *Effective date.* April 1, 1986.

3. *Expiration date.* This supplement expires on March 31, 1987.

4. *Explanation of changes.* The expiration date in paragraph 3 of FPMR Temporary Regulation D-69 is revised to March 31, 1987.

Paul Trause,

Acting Administrator of General Services

[FR Doc. 86-7069 Filed 3-31-86; 8:45 am]

BILLING CODE 6820-23-M

41 CFR Part 101-39

[FPMR Amendment G-77]

Interagency Fleet Management Systems

AGENCY: Federal Supply Service, GSA.

ACTION: Final rule.

SUMMARY: The General Services Administration (GSA) is updating the policies and procedures concerning the management and operation of the Interagency Fleet Management System. Revisions to this part were made as a result of Interagency Motor Equipment Management Committee subcommittee recommendations and comments submitted by Federal agencies.

EFFECTIVE DATE: April 1, 1986.

FOR FURTHER INFORMATION CONTACT:

Mr. Larry Frisbee, Federal Supply Service, Fleet Management Division (703-557-1288).

SUPPLEMENTARY INFORMATION: GSA has determined that this rule is not a major rule for the purposes of Executive Order 12291, dated February 17, 1981, because it is not likely to result in an annual effect on the economy of \$100 million or more; a major increase in costs to consumers or others; or significant adverse effects. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society. A draft of proposed change to 41 CFR 101-39 was distributed to the members of the Interagency Motor Equipment Management Committee representing 19 major civilian executive agencies. Comments were received and reconciled, as appropriate. Subsequently, a proposed rule was published in the Federal Register on April 11, 1985 (50 FR 14260), requesting further comments from interested parties. A separate copy of the proposed rule was furnished to each member of the Interagency Advisory Committee on Regulatory Review. In response to the proposed rule, several additional agency

comments were received. These have also been adopted, where appropriate. The Federal Property Management Regulation (FPMR), Part 101-39 (41 CFR 101-39) is revised to reflect the current operating policies of the newly designated Interagency Fleet Management System (formerly the Interagency Motor Pools System.)

List of Subjects in CFR Part 101-39

Government property management, Motor vehicles, Safety and claims.

Title 41 CFR Part 101-39 is revised to read as follows:

PART 101-39—INTERAGENCY FLEET MANAGEMENT SYSTEMS

Sec.

101-39.000 Scope of part.

Subpart 101-39.0—General Provisions

101-39.001 Authority.
101-39.002 Applicability.
101-39.003 Financing.
101-39.004 Optional operations.

Subpart 101-39.1—Establishment, Modification, and Discontinuance of Interagency Fleet Management Systems

101-39.100 General.
101-39.101 Notice of intention to begin a study.
101-39.101-1 Agency cooperation.
101-39.102 Determinations.
101-39.102-1 Records, facilities, personnel, and appropriations.
101-39.102-2 Effective date of determination.
101-39.103 Agency appeals.
101-39.104 Notice of establishment of a fleet management system.
101-39.104-1 Transfers to a fleet management system.
101-39.104-2 Reimbursement.
101-39.105 Discontinuance or curtailment of service.
101-39.105-1 Transfers from discontinued or curtailed fleet management systems.
101-39.105-2 Agency requests to withdraw participation.
101-39.106 Unlimited exemptions.
101-39.107 Limited exemptions.

Subpart 101-39.2—Interagency Fleet Management System Services

101-39.200 Scope.
101-39.201 Services available.
101-39.202 Contractor authorized services.
101-39.203 Obtaining motor vehicles for a short-term use.
101-39.203-1 Obtaining motor vehicles while on temporary duty travel.
101-39.204 Obtaining motor vehicles for indefinite assignment.
101-39.205 Commercial leasing of motor vehicles.
101-39.206 Seasonal or unusual requirements.
101-39.207 Reimbursement for services.
101-39.208 Vehicles removed from defined areas.

Subpart 101-39.3—Use and Care of Interagency Fleet Management System Vehicles

101-39.300 General.
101-39.301 Utilization guidelines.
101-39.302 Rotation.
101-39.303 Maintenance.
101-39.304 Modification or installation of accessory equipment.
101-39.305 Storage.
101-39.306 Operator's packet.
101-39.307 Grounds for withdrawal of vehicle.

Subpart 101-39.4—Accidents and Claims

101-39.400 General.
101-39.401 Reporting of accidents.
101-39.402 Recommendations for disciplinary action.
101-39.403 Investigations.
101-39.404 Claims in favor of the Government.
101-39.405 Claims against the Government.
101-39.406 Responsibility for damages.
101-39.407 Accident records.

Subpart 101-39.5—101-39.48—[Reserved]

Subpart 101-39.49—Illustrations of Forms

101-39.4900 Scope of subpart.
101-39.4901 Standard forms.
101-39.4901-91 Standard Form 91, Operator's Report of Motor Vehicle Accident.
101-39.4901-91-A Standard Form 91-A, Investigation Report of Motor Vehicle Accident.
101-39.4901-94 Standard Form 94, Statement of Witness.
101-39.4903 Optional Forms.
101-39.4903-26 Optional Form 26, Data Bearing Upon Scope of Employment of Motor Vehicle Operator.

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

§ 101-39.000 Scope of part.

This part prescribes policies governing the establishment and operation of Interagency Fleet Management Systems and operating procedures applicable to General Services Administration (GSA) Fleet Management Centers (referred to herein as the fleet management system and centers).

Subpart 101-39.0—General Provisions

§ 101-39.001 Authority.

Section 211 of the Federal Property and Administrative Services Act of 1949, as amended, (40 U.S.C. 491), requires that the Administrator of General Services will, to the extent that he determines that so doing is advantageous to the Government in terms of economy, efficiency, or service, and after consultation with, and with due regard to the program activities of the agencies concerned, (a) consolidate, take over, acquire, or arrange for the operation by any executive agency of motor vehicles and other related

equipment and supplies for the purpose of establishing fleet management systems to serve the needs of executive agencies; and (b) provide for the establishment, maintenance, and operation (including servicing and storage) of fleet management systems for transportation of property or passengers, and for furnishing such motor vehicles and related services to executive agencies. The exercise of this authority is subject to regulations issued by the President, which are set forth in Executive Order 10579, dated November 30, 1954.

§ 101-39.002 Applicability.

The regulations in this part apply to all executive agencies of the Federal Government to the extent provided in the Act.

§ 101-39.003 Financing.

(a) Section 211(1) of the Federal Property and Administrative Services Act, 1949, as amended, provides that the General Supply Fund, provided for in section 109 of the Act, shall be available for use by or under the direction and control of the Administrator of General Services for paying all elements of cost incident to the establishment, maintenance, and operation of fleet management systems.

(b) When an agency other than GSA operates a fleet management system, the financing and accounting methods shall be developed by GSA in cooperation with the agency concerned.

§ 101-39.004 Optional operations.

Nothing in this part shall preclude the establishment or operation of fleet management systems by GSA or by other agencies which are to be operated on the basis of optional use by executive or other agencies under arrangements worked out between the agencies concerned and GSA.

Subpart 101-39.1—Establishment, Modification, and Discontinuance of Interagency Fleet Management Systems

§ 101-39.100 General.

GSA will conduct studies of the operation and costs of motor vehicle and motor vehicle services in selected geographical areas to determine the advisability of establishing fleet management systems.

(a) Based on these studies, the Administrator of General Services, with the assistance of the affected agencies, shall develop necessary data and cost statistics for use in determining the feasibility of establishing a fleet

management system in the geographical area studied.

(b) If the Administrator, GSA, determines that a fleet management system shall be established, a formal determination is prepared to that effect.

(c) In the event the Administrator, GSA, decides that the establishment of a fleet management system is not feasible, the head of each agency concerned will be notified.

(d) In the making of determinations for the establishment of fleet management systems, the Administrator, GSA, will, to the extent consistent with the provisions of section 1(b) of Executive Order 10579, observe the policies outlined in the Office of Management and Budget (OMB) Circular A-76, for the utilization of commercial facilities.

(e) Except as provided in this subpart, all Government motor vehicles subsequently acquired for official purposes which are stored, garaged, or operated within the boundaries of a fleet management system shall also be consolidated into and operated under the control of this system.

(f) Fleet management systems established under this subpart provide for furnishing motor vehicles and related services to executive agencies. So far as practicable, these services will also be furnished to any executive agency, mixed-ownership corporation, or the District of Columbia upon its request. Such services may be furnished, as determined by the Administrator, GSA, through the use, under rental or other arrangements, of motor vehicles of private fleet operators, commercial companies, local or interstate common carriers, or Government-owned motor vehicles, or combinations thereof.

§ 101-39.101 Notice of intention to begin a study.

When, after preliminary investigation, the Administrator, GSA, has ascertained the possibilities of economies to be derived through the establishment of a fleet management system in a specific area, he will notify the head of each agency concerned, at least 30 calendar days in advance of the intent to conduct a study to develop data and justification as to the advisability and feasibility of establishing a fleet management system. The notification, in writing, will include:

- (a) The approximate geographical area to be included in the study; and
- (b) The date on which the study will begin.

§ 101-39.101-1 Agency cooperation.

(a) As provided by Executive Order 10579, the head of each executive agency receiving notice that GSA will

conduct a study will designate representatives with whom members of the GSA staff may consult and who will furnish information and assistance to the GSA staff, including reasonable opportunities to observe motor vehicle operations and facilities and to examine pertinent cost and other records. Such information shall include the inventory, management, operation, maintenance, and storage of motor vehicles, motor vehicle facilities, and motor vehicle services in the area, including location, use, need, cost, and personnel involved.

(b) In the absence of recorded information, GSA will assist in preparing agency estimates, if requested, or will develop the necessary data.

§ 101-39.102 Determinations.

Each determination to establish a fleet management system will include:

(a) A description of the proposed operation, including the types of service and the geographic area and executive agencies or parts of agencies to be served;

(b) The name of the executive agency designated to be responsible for operating the fleet management system and the reason for such designation;

(c) A statement indicating the motor vehicles and related equipment and supplies to be transferred and the amount of reimbursement, if any, to be made; and

(d) An analytical justification to accompany each determination, including a comparison of estimated costs of the present and proposed methods of operation, an estimate of the savings to be realized through the establishment of the proposed fleet management system, a description of the alternatives considered in making the determination, a statement concerning the availability of privately owned facilities and equipment, and the feasibility and estimated cost (immediate and long-term) of using such facilities and equipment.

§ 101-39.102-1 Records, facilities, personnel, and appropriations.

(a) If GSA decides to establish a fleet management system, GSA, with the assistance of the agencies concerned, will prepare and present to the Director, OMB, a schedule of those records, facilities, personnel, and appropriations, if any, that are proposed for transfer to the fleet management system. The Director, OMB, will determine the records, facilities, personnel, and appropriations, if any, to be transferred.

(b) The Administrator of General Services will furnish a copy of each determination, with a copy of the

schedule of proposed transfer of records, facilities, personnel, and appropriations, to the Director, OMB, and to each agency affected.

§ 101-39.102-2 Effective date of determination.

Unless a longer time is allowed, any determination made by the Administrator, GSA, shall become binding on all affected executive agencies 45 calendar days after issuance, except with respect to any agency which appeals or requests an exemption from any determination in accordance with § 101-39.103.

§ 101-39.103 Agency appeals.

(a) Any executive agency may appeal or request exemption from any or all proposals affecting it which are contained in a determination. Appeals shall be submitted, in writing, within 45 calendar days from the date of the determination to the Director, OMB, with a copy to the Administrator of GSA. Appeals shall be accompanied by factual and objective supporting data and justification.

(b) The Director, OMB, will review any determination which an executive agency has appealed and will make a final decision on that appeal. The Director, OMB, will decide within 75 calendar days after he or she receives the appeal, or as soon thereafter as practicable, on the basis of information contained in GSA's determination, the executive agency appeal, and any supplementary data submitted by GSA and the contesting agency. The Director, OMB, will send copies of decisions to GSA and to the heads of other executive agencies concerned.

(c) With reference to each appeal, the decision of the Director, OMB, if he or she holds that the GSA's determination shall apply in whole or in part to the appealing agency, will state the extent to which the determination applies and the effective date of its application. To the extent that the decision on an appeal does not uphold GSA's determination, the determination will be of no force and effect.

§ 101-39.104 Notice of establishment of a fleet management system.

GSA will inform each affected agency of the time schedule for establishment of a fleet management system and of the agency's responsibility for transferring personnel, motor vehicles, maintenance, storage and service facilities, and other involved property. Arrangements will be made for discussions at the local level between the agencies concerned and the agency responsible for operating the fleet management system in order to

work out any problems pertaining to establishing and operating fleet management systems.

§ 101-39.104-1 Transfers to a fleet management system.

(a) All Government-owned motor vehicles acquired by executive agencies for official purposes which are operated, stored, or garaged within the designated area of a fleet management system (except those vehicles specifically exempt by § 101-39.106 and § 101-39.107, or by the determination of GSA, or by the decision of the Director, OMB, and other related equipment and supplies shall, when requested by the Administrator, GSA, in accordance with a determination, be transferred to the control and the responsibility of the fleet management system. Facilities, personnel, records, and appropriations, as determined by the Director, OMB, pursuant to § 101-39.102-1, shall be included in the transfer.

(b) Transfers of Government-owned motor vehicles to the control and responsibility of the fleet management system shall be accomplished with transfer forms of the transferring agency or forms furnished by GSA. Each transferring agency shall:

- (1) Prepare a transfer document listing each vehicle to be transferred;
- (2) Forward a signed copy to the appropriate office of the GSA Regional Comptroller;
- (3) Furnish two copies of the transfer document to the fleet management system receiving the vehicles; and
- (4) Forward an additional copy of the transfer document to the fleet management system, when a signed receipt is required by the transferring agency.

§ 101-39.104-2 Reimbursement.

Reimbursement for the motor vehicles and related equipment and supplies acquired by agencies through expenditure made from and not previously reimbursed to any revolving or trust fund authorized by law, shall be made by GSA in an amount equal to the fair market value of the vehicle, equipment, or supplies so taken over, as required by law (40 U.S.C. 491(g)).

§ 101-39.105 Discontinuance or curtailment of service.

(a) If, during any reasonable period not exceeding 2 successive fiscal years, no actual savings are realized from the operation of any fleet management system, the Administrator, GSA, will discontinue the fleet management system concerned.

(b) The Administrator, GSA, may discontinue or curtail a fleet

management system when he or she determines that it is not the most economical method of providing the required motor vehicle service. The Administrator, GSA, will give at least 60 calendar days notice of his intent to the heads of executive agencies affected and to the Director, OMB, before taking action.

§ 101-39.105-1 Transfers from discontinued or curtailed fleet management systems.

When a fleet management system is discontinued or curtailed, transfers of vehicles and related equipment and supplies, personnel, records, facilities, and funds as may be appropriate will be made, subject to the approval of the Director, OMB. Reimbursement for motor vehicles and related equipment and supplies acquired by GSA through expenditure made from, and not previously reimbursed to the General Supply Fund, or any revolving or trust fund authorized by law, shall be made by the agency receiving the motor vehicles and related equipment and supplies in an amount equal to the fair market value, as required by law (40 U.S.C. 491(g)).

§ 101-39.105-2 Agency requests to withdraw participation.

(a) Executive agencies receiving motor vehicle services from fleet management systems may request discontinuance or curtailment of their participation after 1 year of participation or if the need for these services ceases. Requests shall be submitted to the Administrator, GSA, with factual justification.

(b) If the Administrator, GSA, does not agree with these requests and is unable to make arrangements which are mutually acceptable to GSA and the agency concerned, the agency's request for discontinuance or modification and the explanation of the Administrator, GSA, denying the request will be forwarded to the Director, OMB, who will make the final and binding decision.

§ 101-39.106 Unlimited exemptions.

Unlimited exemptions from inclusion in the fleet management system are granted to the specific organizational units or activities of executive agencies listed below:

(a) Any motor vehicle regularly used by an agency in the performance of investigative, law enforcement, or intelligence duties if the head of that agency or designee makes a determination, in writing (a copy of which shall be forwarded to the Administrator of General Services), that the exclusive control of such vehicles is essential to the effective performance of those duties. Vehicles regularly used for

common administrative purposes not directly connected with the performance of law enforcement, investigative, or intelligence duties shall not be exempted from inclusion.

(b) Motor vehicles designed or used for military field training, combat, or tactical purposes, or used principally within the confines of a regularly established military installation.

(c) Any motor vehicle exempted from the display of conspicuous identification by the Administrator, GSA, when identification as a Government vehicle would interfere with the purpose for which it is acquired and used.

(d) Unless inclusion is mutually agreed upon by the Administrator, GSA, and the head of the agency concerned:

- (1) Motor vehicles for the use of the heads of the executive agencies, ambassadors, ministers, charges d'affaires, and other principal diplomatic and consular officials.
- (2) Motor vehicles regularly and principally used for the transportation of diplomats and representatives of foreign countries or by officers of the Department of State for the conduct of official business with representatives of foreign countries.

(3) Motor vehicles regularly used by the United States Postal Service for the distribution and transportation of mail.

§ 101-39.107 Limited exemptions.

The Administrator, GSA, may exempt those vehicles which, because of their design or the special purposes for which they are used, cannot, advantageously be incorporated in the fleet management system, if the exemption has been mutually agreed upon by the Administrator and the head of the executive agency concerned. Limited exemption will normally be restricted to:

(a) *Special-purpose motor vehicles.* Motor vehicles acquired for special purposes and which, because of special design, use, or fixed special equipment cannot advantageously be included in a consolidated operation. Such vehicles may include fire trucks, transit mix trucks, pole trailers, dollies, cable reels, trailer coaches; trucks with mounted equipment, such as air compressors, cranes, line maintenance equipment, snow removal equipment, and bituminous carrying equipment, and other similar equipment; or

(b) Motor vehicles operated outside the defined geographical area of the fleet management system. Motor vehicles which are operated almost entirely outside the geographical area of an established fleet management system, which are occasionally operated within the area for trips by field

employees to and from headquarters located within the area, but are not used for other transportation purposes within the area.

Subpart 101-39.2—Interagency Fleet Management System Services

§ 101-39.200 Scope.

This subpart defines the procedures for acquiring motor vehicles and related services provided by interagency fleet management systems. Local transportation services for Government personnel and property are provided by the system to efficiently meet the authorized requirements of participating agencies. These services may be furnished through commercial rental companies, private sector fleet operators, local or interstate common carriers, the Government, or a combination of the above.

§ 101-39.201 Services available.

Fleet management system vehicles and services shall be used in connection with official business only. Available fleet management system services may include any or all of the following:

- (a) Motor vehicles for daily or short-term use, exclusive of temporary duty requirements;
- (b) Motor vehicles for indefinite assignment;
- (c) Shuttle run or similar services;
- (d) Driver services;
- (e) Bus or transit service; and
- (f) Other related services, including servicing and storage of motor vehicles.

§ 101-39.202 Contractor authorized services.

(a) Agencies and authorized contractors and subcontractors shall use related fleet management system services solely for official purposes.

(b) To the extent available, agencies and authorized contractors and subcontractors may use fleet management system services on a reimbursable basis to provide maintenance, repair, storage, and service station services for Government-owned or -leased equipment which is not controlled by a fleet management center, or for authorized contractor-owned or -leased equipment used in the performance of Government contracts.

§ 101-39.203 Obtaining motor vehicles for short-term use.

Any participating Federal agency, bureau, or activity may obtain vehicles for short-term local use through the Interagency Fleet Management System. This support is available for official travel performed locally or within commuting distance of an employee's designated post of duty. Arrangements

for these vehicles will be made by the fleet management center serving the local area. The requesting agency official or employee must be authorized to place orders for vehicle support and provide a complete billing address and GSA billed office address code (BOAC) at the time an order is placed. Agencies requiring a BOAC may obtain one by writing the General Services Administration, ATTN: FBF, Washington, DC 20406.

§ 101-39.203-1 Obtaining motor vehicles while on temporary duty (TDY) travel.

Federal employees on TDY requiring short-term use of vehicles in the destination area shall obtain service directly from the appropriate sources listed in the Federal Travel Directory (available from the Superintendent of Documents, Government Printing Office, Washington, DC 20402).

§ 101-39.204 Obtaining motor vehicles for indefinite assignment.

(a) An agency requiring fewer than 5 additional vehicles at one time may contact the appropriate fleet management center or the appropriate GSA regional Customer Service Bureau Office, Attention: Regional Fleet Manager (see § 101-40.101-1), for a determination as to vehicle availability. If vehicles are available, arrangements for the assignments will be made by the issuing fleet management center.

(b) If a determination is made that support is not available for fewer than 5 vehicles, or if an agency requires 5 or more additional vehicles at one time, a written request shall be sent to the General Services Administration, ATTN: FBF, Washington, DC 20406. The request shall be made at the assistant secretary level (or designee) and include the following information, at a minimum:

(1) A certification that the request for the vehicle(s) has not been denied by the Congress, the Office of Management and Budget, or agency headquarters, and that public or private means of transportation are not suitable or available;

(2) The number and types of vehicles required is limited to passenger vehicle class IA, IB, or II unless the agency head (or designee) has certified that larger vehicle(s) are essential to the agency's mission;

(3) Location where vehicles are needed;

(4) Date required—earliest and latest date acceptable;

(5) Anticipated length of assignment;

(6) Projected utilization (normally in terms of miles);

(7) Certification of funding;

(8) Agency's billing address and BOAC;

(9) Agency contact, including name, address and telephone number;

(10) Program area requiring vehicles; and

(11) An indication of whether the agency requests leasing authority if GSA cannot provide the vehicles and the anticipated duration of the lease.

(c) The General Services Administration, ATTN: FBF, will advise the agency whether vehicle support can be provided through the Interagency Fleet Management System, or whether the agency should proceed with commercial leasing action.

§ 101-39.205 Commercial leasing of motor vehicles.

All new requirements for commercially leased motor vehicles, that are needed by Federal executive agencies for 60 consecutive days or more shall be submitted to the General Services Administration, ATTN: FBF, Washington, DC 20406 for appropriate action. The request shall include full justification of the need for the commercially leased vehicles and all information specified in § 101-39.204 (b)(1) through (b)(11). GSA will advise the agency that the vehicle support will be provided through the fleet management system, or that the agency should proceed with the commercial leasing action.

§ 101-39.206 Seasonal or unusual requirements.

Agencies or activities having seasonal or unusual requirements for vehicles or related services shall inform the fleet management center as far in advance as possible. Normally, notice shall be given not less than 3 months in advance of the need.

§ 101-39.207 Reimbursement for services.

(a) The using agency will be billed for fleet management system services provided for under this part at rates fixed by GSA. Such rates are designed to recover applicable costs and to reflect equitably the differentials in the operating cost of the various types and classes of vehicles. Rates will be reviewed periodically to determine that reimbursement is sufficient to recover applicable costs, and that rates for types and classes of vehicles or services are equitable.

(b) Fleet management system services provided to authorized cost reimbursable contractors and subcontractors may be billed directly to those activities or to the responsible agency.

(c) GSA Regional Administrators will issue, as appropriate, regional bulletins announcing the GSA vehicle rental rates applicable in their respective regions.

§ 101-39.208 Vehicles removed from defined areas.

(a) Normally, vehicles shall not be permanently operated outside the area served by the issuing fleet management system. However, when agency programs necessitate vehicle relocation for a period exceeding 90 calendar days, the agency shall notify the issuing fleet management center of the following:

- (1) The location at which the vehicles are currently in use;
- (2) The date the vehicles were moved to the present location; and
- (3) The expected date the vehicles will be returned to the original location.

(b) When vehicles will be permanently relocated outside the area served by the issuing fleet management system, the affected fleet manager should transfer the vehicles to the fleet management center nearest the new use location.

Subpart 101-39.3—Use and Care of Interagency Fleet Management System Vehicles

§ 101-39.300 General.

(a) The objective of the fleet management system is to provide efficient and economical motor vehicle and related services to participating agencies. To attain this objective, policies and procedures for use and care of fleet management system vehicles provided to an agency or activity are prescribed in this subpart.

(b) To operate a motor vehicle furnished by a fleet management system, civilian employees of the Federal Government shall have a valid State, District of Columbia, or Commonwealth operator's permit for the type of vehicle to be operated and some form of agency identification. Specific regulations covering procedures and qualifications of Government motor vehicle operators are contained in 5 CFR Part 930, issued by the Office of Personnel Management.

(c) To operate a motor vehicle furnished by GSA, employees of Federal agencies shall wear safety belts whenever the vehicle is in operation.

(d) Reasonable diligence in the care of fleet management system vehicles shall be exercised by using agencies and operators at all times. Officials or employees failing to take proper care of a vehicle may be refused further vehicle issuance after reasonable notice has been provided by GSA to the head of the local activity concerned.

§ 101-39.301 Utilization guidelines.

The following guidelines may be employed by agencies requesting fleet management system services, or by GSA, to determine whether miles traveled necessitate a full-time vehicle assignment.

(a) Passenger-carrying vehicles. The utilization guidelines for passenger-carrying vehicles are a minimum of 3,000 miles per quarter or 12,000 miles per year.

(b) Light trucks and general purpose vehicles. The utilization guidelines for light trucks and general purpose vehicles are as follows:

(1) Light trucks and general purpose vehicles, 12,500 lbs. Gross Vehicle Weight Rating (GVWR) and under—10,000 miles per year.

(2) Trucks and general purpose vehicles, over 12,500 lbs. GVWR to 24,000 lbs. GVWR—7,500 miles per year.

(c) Heavy trucks and truck tractors. The utilization guidelines for heavy trucks and truck tractors are as follows:

(1) Heavy trucks and general purpose vehicles over 24,000 lbs. GVWR—7,500 miles per year.

(2) Truck tractors—10,000 miles per year.

(d) Other trucks and special purpose vehicles. Utilization guidelines for other trucks and special purpose vehicles have not been established. However, the head of the local office of the agency or his/her designee shall cooperate with fleet management center personnel in studying the use of this equipment and take necessary action to ensure that it is fully utilized or returned to the fleet management system.

§ 101-39.302 Rotation.

Fleet management system vehicles assigned on high mileage assignments may be rotated with those on low mileage assignments to assure more uniform overall fleet utilization. In cases where the continued use of a vehicle is essential but its miles traveled are not consistent with utilization guidelines, the using agency may be required to justify, in writing, retention of the vehicle.

§ 101-39.303 Maintenance.

In order to ensure uninterrupted operation of fleet management system vehicles, safety and preventive maintenance inspections will be performed at regularly scheduled intervals as directed by GSA. Users of fleet management system vehicles shall comply with the safety and preventive maintenance notices and instructions issued for the vehicle.

§ 101-39.304 Modification or installation of accessory equipment.

The modification of a fleet management system vehicle or the installation of accessory equipment on these vehicles can be accomplished only when approved by GSA. The request for such modification or installation shall be forwarded to the appropriate GSA regional Customer Service Bureau Office, Attention: Regional Fleet Manager, (see § 101-40.101-1), for consideration.

§ 101-39.305 Storage.

(a) Fleet management system vehicles shall be stored and parked at locations which provide protection from pilferage or damage. In the interest of economy, open storage shall be used whenever practicable and feasible.

(b) The cost of parking and storing GSA fleet management system vehicles is the responsibility of the using agency. Prior to the procurement of other than temporary parking accommodations in urban centers (see § 101-18.102), agencies shall determine the availability of Government-owned or -controlled parking space in accordance with the provisions of § 101-17.101-6.

§ 101-39.306 Operator's packet.

The fleet management system will provide each system vehicle with an operator's packet containing the following information and instructions. This information should remain in the vehicle at all times, except when inconsistent with authorized undercover operations.

- (a) Driver's responsibilities;
- (b) Requirement of use for official purposes only;
- (c) Instruction for:
 - (1) Acquiring maintenance and repair authorizations;
 - (2) Acquiring emergency supplies, services, and repairs; and
 - (3) Reporting accidents.
- (d) The telephone numbers of responsible fleet management center employees to be called in case of accident or emergency;
- (e) Instructions on the use of the Standard Form 149, U.S. Government National Credit Card;
- (f) List of contractors from which vehicle operators may purchase items authorized by the SF 149, U.S. Government National Credit Card;
- (g) Accident reporting kit which contains:
 - (1) Standard Form 91, Operator's Report of Motor Vehicle Accident (for illustration of form, see § 101-39.4901-91);

(2) Standard Form 94, Statement of Witness (for illustration of form, see § 101-39.4901-94);

(3) Form CA 1, Employee's Notice of Injury or Occupational Disease; and

(4) Optional Form 26, Data Bearing Upon Scope of Employment of Motor Vehicle Operator (for illustration of form, see § 101-39.4903-26).

Note.—The vehicle operator or assignee shall be personally responsible for safeguarding and protecting the SF 149, U.S. Government National Credit Card.

§ 101-39.307 Grounds for withdrawal of vehicle.

GSA may withdraw the issued vehicle from further use by the agency involved if it is determined that the using agency has not complied with the provisions of § 101-39.3 or that the vehicle has been maintained or used improperly. Improper use includes, but is not limited to, credit card abuse and misuse, continued violation of traffic ordinances, at-fault accidents, reckless driving, driving while intoxicated, and use for other than official purposes.

Subpart 101-39.4—Accidents and Claims

§ 101-39.400 General.

Officials or employees responsible for the operation of fleet management system vehicles shall exercise every precaution to prevent accidents. In case of an accident, the employee or official concerned shall comply with the procedures established by this subpart.

§ 101-39.401 Reporting of accidents.

(a) The operator of the vehicle is responsible for notifying the following persons immediately, either in person or by telephone or telegram, of any accident in which the vehicle may be involved:

(1) The manager of the fleet management center issuing the vehicle;

(2) The employee's supervisor; and

(3) State, county, or municipal authorities, as required by law.

(b) In addition, the vehicle operator shall obtain and record information pertaining to the accident on Standard Form 91, Operator's Report of Motor Vehicle Accident (for illustration of form, see § 101-39.4901-91). Only one copy of the Standard Form 91 is required and shall be furnished to the vehicle operator's supervisor. The vehicle operator shall also obtain the names, addresses, and telephone numbers of any witnesses and, wherever possible, have witnesses complete Standard Form 94, Statement of Witness (For illustration of form, see § 101-39.4901-94), and submit the completed Standard Form 94 and other related information to

his or her supervisor. The vehicle operator shall make no statements as to the responsibility for the accident except to his or her supervisor or to a Government investigating officer.

(c) Whenever a vehicle operator is injured and cannot comply with the above requirements, the agency to which the vehicle is issued shall report the accident to the State, county, or municipal authorities as required by law, notify the fleet manager of the center issuing the vehicle as soon as possible after the accident, and complete and process Standard Forms 91 and 94. A complete copy of the accident report shall be forwarded to the appropriate GSA office as outlined in the vehicle operator's packet.

§ 101-39.402 Recommendations for disciplinary action.

If a vehicle operator fails to report an accident involving a fleet management system vehicle in accordance with § 101-39.401, or if the operator has a record showing a high accident frequency or cost, GSA will notify the head of the operator's agency, and will advise that either failure to report an accident or poor record is considered by GSA to be sufficient justification for the agency to suspend the right of the employee to operate or use a fleet management system vehicle.

§ 101-39.403 Investigation.

(a) Every accident involving a fleet management system vehicle shall be investigated and a report furnished to the manager of the fleet management center which issued the vehicle.

(b) When property damage is less than \$500 and no bodily injury is involved, a copy of Standard Form 91 and any other available supporting data shall be submitted.

(c) When property damage is \$500 or more and/or bodily injury is involved, the agency employing the vehicle operator shall investigate the accident within 48 hours after the actual time of occurrence. If an agency has not established accident investigating procedures, GSA will investigate the accident. Also, GSA may investigate any accident involving a fleet management system vehicle when deemed necessary. Should such investigation develop additional information, the additional data or facts will be furnished to the using agency for its information.

(d) Two copies of the complete report of the investigation, including Standard Form 91-A, Investigation Report of Motor Vehicle Accident (for illustration of form, see § 101-39.4901-91-A), photographs, measurements, doctor's

certificate of bodily injuries, police investigation reports, operator's statement, agency's findings and determinations, witnesses' statements, and any other pertinent data shall be furnished to the manager of the fleet management center issuing the vehicle.

§ 101-39.404 Claims in favor of the Government.

Whenever there is any indication that a party other than the operator of the fleet management system vehicle is at fault and that party can be reasonably identified, the agency responsible for investigating the accident shall submit all original documents and data pertaining to the accident and its investigation to the GSA Regional Counsel of the region that issued the vehicle. The Regional Counsel will initiate the necessary action to effect recovery of the Government's claim. Upon specific request of the using agency, the GSA Regional Counsel will notify that agency of the introduction of the Government's claim and provide pertinent information about the claim's progress and final settlement.

§ 101-39.405 Claims against the Government.

(a) Whenever a fleet management system vehicle is involved in an accident resulting in damage to the property of, or injury to, a third party, and the third party asserts a claim against the Government based on the alleged negligence of the vehicle operator (acting within the scope of his or her duties), it shall be the responsibility of the agency employing the person who was operating the fleet management system vehicle at the time of the accident to make every effort to settle the claim administratively to the extent that the agency is empowered to do so under the provisions of 28 U.S.C. 2672. It shall be the further responsibility of the agency, in the event that administrative settlement cannot be effected, to prepare completely, from an administrative standpoint, the Government's defense of the claim and thereafter to transmit the complete case, through appropriate agency channels, to the Department of Justice.

(b) Except for the exclusions listed in § 101-39.406, the agency employing the vehicle operator shall be financially responsible for damage to a fleet management system vehicle.

(c) If a suit is filed against the agency using a fleet management system vehicle, the agency shall furnish the appropriate GSA Regional Counsel with a copy of all papers served in the action. When requested, GSA's Regional

Counsel will cooperate with and assist the using agency and the Department of Justice in defense of any action against the United States, the using agency, or the operator of the vehicle, arising out of the use of a fleet management system vehicle.

§ 101-39.406 Responsibility for damages.

(a) GSA will charge the using agency all costs resulting from damage, including vandalism and theft, to a fleet management system vehicle which occurs during the period that the vehicle is assigned or issued to that agency, or to an employee of that agency; however, the using agency will not be held responsible for damages to the vehicle if it is determined by GSA, after a review of the documentation required by § 101-39.401, that damage to the vehicle occurred:

(1) As a result of the negligent or willful act of a party other than the agency (or the employee of that agency) to which the vehicle was assigned or issued, and the identity of the party can be reasonably determined;

(2) As a result of mechanical failure of the vehicle, and the using agency (or its employee) is not otherwise negligent. Proof of mechanical failure must be submitted; or

(3) As a result of normal wear and tear such as is expected in the operation of a similar vehicle.

(b) If an agency is held responsible for damages, GSA will charge all costs for removing and repairing the fleet management system vehicle to that agency. If the vehicle is damaged beyond economical repair, GSA will charge all costs to that agency, including the fair market value of the vehicle less any salvage value. Upon request, GSA will furnish an accident report regarding the incident to the agency. Each agency shall be responsible for disciplining its employees who are guilty of damaging fleet management system vehicles through misconduct or improper operation, including inattention.

(c) If an agency has information or facts that indicate that it was not responsible for an accident, the agency may furnish the data to GSA requesting that costs charged to and collected from it be credited to the agency. GSA will make the final determination of agency responsibility based upon Government as well as police accident reports and any available witness statements.

§ 101-39.407 Accident records.

If GSA's records of vehicle accidents indicate that a particular activity has had an unusually high accident frequency rate or a high accident cost per mile, GSA will so advise the using

activity. Corrective action will be requested and GSA will cooperate in any reasonable manner possible to bring about improved performance.

Subparts 101-39.5—101-39.48— [Reserved]

Subpart 101-39.49—Illustrations of Forms

§ 101-39.4900 Scope of Subpart.

This subpart illustrates forms prescribed or available in connection with the regulations on Interagency Fleet Management Systems prescribed in Part 101-39.

§ 101-39.4901 Standard forms.

(a) Standard forms illustrated in this section show the format, text, and arrangement and provide a ready source of reference. The subsection numbers in this section correspond with the standard form numbers.

(b) Standard forms illustrated in this subpart 101-39.4901 may be obtained by submitting a requisition in FEDSTRIP format to the GSA regional office providing support to the requesting activity.

§ 101-39.4901-91 Standard Form 91, Operator's Report of Motor Vehicle Accident.

Note.—The form illustrated in § 101-39.4901-91 is filed with the original document and does not appear in the Federal Register or the Code of Federal Regulations.

§ 101-39.4901.91-A Standard Form 91-A, Investigation of Motor Vehicle Accident.

Note.—The form illustrated in § 101-39.4901-91-A is filed with the original document and does not appear in the Federal Register or the Code of Federal Regulations.

§ 101-39.4901.94 Standard Form 94, Statement of Witness.

Note.—The form illustrated in § 101-39.4901-94 is filed with the original document and does not appear in the Federal Register or the Code of Federal Regulations.

§ 101-39.4903 Optional forms.

(a) Optional forms illustrated in this § 101-39.4903 show their text, format and arrangement and provide a ready source of reference. The subsection numbers correspond with the optional form numbers.

(b) Optional forms illustrated in this § 101-39.4903 may be obtained by submitting a requisition in FEDSTRIP format to the GSA regional office providing support to the requesting activity.

§ 101-39.4903-26 Optional Form 26, Data Bearing Upon Scope of Employment of Motor Vehicle Operator.

Note.—The form illustrated in § 101-39.4903-26 is filed as part of the original document and does not appear in the Federal Register or the Code of Federal Regulations.

Dated: February 20, 1986.

Paul Trause,

Acting Administrator of General Services.

[FR Doc. 86-7070 Filed 3-31-86; 8:45 am]

BILLING CODE 6820-24-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 57

Grants for Residency Training in Preventive Medicine

AGENCY: Public Health Service, HHS.

ACTION: Final regulations.

SUMMARY: These regulations govern the award of grants to accredited schools of medicine, osteopathy and public health to assist in the planning and development of new residency training programs in preventive medicine; in the maintenance and improvement of existing residency training programs; and in providing financial assistance to trainees in the residency programs.

EFFECTIVE DATE: These final regulations are effective on April 1, 1986, except for § 57.3004(e), § 57.3007(a) and § 57.3010. For additional information concerning this effective date, see the information collection requirements below.

FOR FURTHER INFORMATION CONTACT: Daniel N. Masica, M.D., Director, Division of Medicine, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, Room 4C25, 5600 Fishers Lane, Rockville, Maryland 20857; telephone number 301-443-6190.

SUPPLEMENTARY INFORMATION: In the Federal Register of December 9, 1983 (48 FR 55272), the Assistant Secretary for Health, Department of Health and Human Services, with the approval of the Secretary, proposed to add a new Subpart EE to Part 57 of Title 42 of the Code of Federal Regulations to implement section 793 of the Public Health Service Act (the Act). This section, added by the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97-35, authorizes the Secretary to make grants to and enter into contracts with schools of medicine, osteopathy and public health to meet the costs of projects to plan and develop new residency training