

because the Agency views them as noncontroversial SIP revisions and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this action serving as a proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

**DATES:** Comments must be received in writing by May 23, 1997.

**ADDRESSES:** Comments may be mailed to David L. Arnold, Chief, Ozone/CO and Mobile Sources Section, Mail code 3AT21, Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the EPA office listed above; and the District of Columbia Department of Consumer and Regulatory Affairs, 2100 Martin Luther King Avenue, S.E., Washington, DC 20020, and Maryland Department of the Environment, 2500 Broening Highway, Baltimore, Maryland 21224.

**FOR FURTHER INFORMATION CONTACT:** Pauline De Vose, (215) 566-2186, at the EPA Region III office, or via e-mail at [devose.pauline@epamail.epa.gov](mailto:devose.pauline@epamail.epa.gov). While information may be requested via e-mail, comments must be submitted in writing to the above Region III address.

**SUPPLEMENTARY INFORMATION:** See the information provided in the Direct Final action of the same title, the District of Columbia and Maryland 1990 Base Year Emission Inventory for the Metropolitan Washington DC Area, which is located in the Rules and Regulations section of this **Federal Register**.

**Authority:** 42 U.S.C. 7401-7671q.

Dated: April 8, 1997.

**Stanley L. Laskowski,**

*Acting Regional Administrator, Region III.*

[FR Doc. 97-10509 Filed 4-22-97; 8:45 am]

BILLING CODE 6560-50-P

## GENERAL SERVICES ADMINISTRATION

### 41 CFR Part 101-40

RIN 3090-AG34

### Transportation and Traffic Management Regulations

**AGENCY:** Office of Governmentwide Policy, GSA.

**ACTION:** Proposed rule.

**SUMMARY:** The General Services Administration proposes to amend Part 101-40 of the Federal Property Management Regulations by revising and/or removing text in the first three subparts to reflect procedural and policy changes. This action gives individual agencies greater flexibility and authority for administering their freight and household goods transportation and traffic management activities.

**DATES:** Comments must be received by June 23, 1997.

**ADDRESSES:** Written comments must be sent to the General Services Administration (MTT), 18th & F Streets, NW, Washington, DC 20405.

**FOR FURTHER INFORMATION CONTACT:** William P. Hobson, Travel and Transportation Management Policy Division, (202) 501-0483.

**SUPPLEMENTARY INFORMATION:** The General Services Administration (GSA) has determined that this rule is not a significant regulatory action for the purpose of Executive Order 12866 of September 30, 1993, 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 administrative decisions underlying this rule on adequate information concerning the need for and consequences of this rule; has determined that potential benefits to society from this rule outweigh the potential costs and has maximized the net benefit; and has chosen the alternative approach involving the least net cost to society.

The reporting forms required by this regulation are not subject to the provisions of the Paperwork Reduction Act of 1996 (44 U.S.C. Chapter 35). Therefore, the Paperwork Reduction Act does not apply.

Pursuant to the Regulatory Flexibility Act, it is determined that this rule will not have a significant economic impact on a substantial number of small entities. Therefore, no regulatory flexibility analysis has been prepared.

## List of Subjects in 41 CFR Part 101-40

Freight, Government property management, Moving of household goods, Reporting and recordkeeping requirements, Transportation.

GSA proposes to amend 41 CFR Part 101-40 as follows:

### PART 101-40—TRANSPORTATION AND TRAFFIC MANAGEMENT

1. The authority citation for 41 CFR Part 101-40 continues to read as follows:

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

#### §101-40.001 [Reserved]

2. Section 101-40.001 is removed and reserved.

#### Subpart 101-40.1—General Provisions

3. Section 101-40.101-1 is revised to read as follows:

##### §101-40.101-1 Freight transportation management assistance.

Executive agencies may request assistance from the Department of State on shipments of household goods moving from, to, and between foreign countries. The Department of State, if requested, will prepare documents, book shipments, and make all customs arrangements. Assistance on movements originating abroad should be arranged through the nearest Embassy or Consulate. International shipments originating in the conterminous United States can be arranged with Transportation Operations, Room 1244, Department of State, Washington, DC 20520, (202) 647-4140 or 1-800-424-2947.

#### §101-40.101-2 [Removed and Reserved]

4. Section 101-40.101-2 is removed and reserved.

#### §101-40.106 [Removed and Reserved]

#### §101-40.107 [Removed and Reserved]

#### §101-40.108 [Removed and Reserved]

5. Sections 101-40.106 through 101-40.108 are removed and reserved.

#### §101-40.109-1 [Removed and Reserved]

6. Section 101-40.109-1 is removed and reserved.

7. Section 101-40.109-2 is revised to read as follows:

##### §101-40.109-2 Office relocation contracts.

(a) Prior to entering into office relocation contracts, agencies should ensure they are complying with the provisions of FPMR Temp. Reg. D-73, or reissues thereof. (See 41 CFR, appendix to subchapter D.) Compliance

assistance may be obtained from the respective regional directors of the GSA Public Building Service, Real Estate Division.

(b) Arrangements for moving services, other than local office relocation moves, will be contracted for using competitive procedures or other appropriate relocation arrangements including Government tenders pursuant to section 13712 of the ICC Termination Act of 1995 (49 U.S.C. 13712).

(c) Local office relocation moves must be acquired by contract. Neither the statutory exemption provided for in paragraph (3) of section 7 of the McNamara-O'Hara Service Contract Act of 1965 (Service Contract Act) (41 U.S.C. 351 *et seq.*) exempting "any contract for the carriage of freight of personnel \* \* \* where published tariff rates are in effect" nor the administrative exemption for contracts for the carriage of freight or personnel subject to rates covered by section 13712 of the ICC Termination Act of 1995. (See 29 CFR 4.123.) The Service Contract Act applies to local office relocation moves where transportation costs (such as packing, crating, handling, loading, and/or storage of goods prior to or following line-haul transportation) are incidental to the principal purpose of the contract. (See 29 CFR 4.118.)

**§ 101-40.109-3 [Removed and Reserved]**

8. Section 101-40.109-3 is removed and reserved.

9. Section 101-40.110-2 is revised to read as follows:

**§ 101-40.110-2 Minority business enterprises.**

Consistent with the policies of the Government stated in 48 CFR part 19, minority business enterprises shall have the maximum practicable opportunity to participate in the performance of Government purchases and contracts. Agencies shall encourage transportation-related minority enterprises, regardless of the mode of transportation, to identify themselves and provide services that will support the agencies' transportation requirements.

10. Section 101-40.111 is revised to read as follows:

**§ 101-40.111 Maintenance of tariff files.**

Executive agencies should maintain those tariffs and rate tenders necessary to meet their operational requirements.

11. Section 101-40.112 is amended by revising paragraph (b) to read as follows:

**§ 101-40.112 Transportation factors in the location of Government facilities.**

\* \* \* \* \*

(b) If changes in the location, relocation or deactivation of Government installations or facilities are contemplated and will result in significant changes in the movement of property, executive agencies shall ensure that consideration is given to the various transportation factors that may be involved in this relocation or deactivation.

12. The heading of Subpart 101-40.2 is revised to read as follows:

**Subpart 101-40.2—Household Goods Transportation**

13. Section 101-40.200 is revised to read as follows:

**§ 101-40.200 Scope of subpart.**

This subpart prescribes regulations concerning the movement of household goods of Government employees and their dependents who are eligible for relocation within the conterminous United States. As used in this subpart, the term "household goods" includes personal effects, and the term "employee(s)" includes eligible dependents.

**§ 101-40.202 [Removed and Reserved]**

14. Section 101-40.202 is removed and reserved.

15. The heading of Section 101-40.203 is revised to read as follows:

**§ 101-40.203 Household goods movement evaluation procedures.**

16. Section 101-40.203-1 is revised to read as follows:

**§ 101-40.203-1 Negotiations by executive agencies.**

Executive agencies are authorized to negotiate with carriers in establishing or modifying rates, charges, classification ratings, services, and rules or regulations for household goods transportation. (See § 101-40.306.)

17. Section 101-40.203-2 is amended by revising paragraph (a) to read as follows:

**§ 101-40.203-2 The GBL method.**

(a) For the purposes of this subpart, shipments of Government employees' household goods authorized to move under a Government bill of lading (GBL) are classified as "GBL method" shipments. This method is distinguishable from the commuted rate system (§ 101-40.203-3) in that when a GBL is used, the Government, not the employee, is the shipper and the Government pays the carrier the applicable transportation charges. The decision on which method shall be authorized is the decision of the employing agency, and shall be based

on a comparison of costs between the two systems (see § 101-40.203-4). When a shipment moves under a GBL, the agency or its agent prepares the bill of lading, books the shipment, and in event of loss or damage to the household goods, may either file claims directly with the carrier, on behalf of the employee, or assist the employee in filing claims against the carrier.

\* \* \* \* \*

18. Section 101-40.203-4 is revised to read as follows:

**§ 101-40.203-4 Cost comparisons.**

Agencies shall compare the costs of using the commuted rate system with the cost of using the GBL method. The comparisons shall include the costs of transportation, packing, and other accessorial services. The calculation of costs for the commuted rate system shall be based on the Commuted Rate Schedule in effect at the time the cost comparison is prepared. The calculation of costs of the GBL method shall be based on actual carrier rates and charges as maintained by a carrier or otherwise tendered to the Government. Section 302-8.3(c)(4)(i) of the Federal Travel Regulation (41 CFR chapters 301 through 304) provides that the commuted rate system shall be used for individual employee transfers without consideration being given to the GBL method, except that the GBL method may be used if the actual transportation costs (including the costs of packing and other accessorial services) to be incurred by the Government are predetermined and can be expected to result in a real savings to the Government of \$100 or more. Agencies requiring the Commuted Rate Schedule for Transportation of Household Goods shall prepare a Standard Form 1, Printing and Binding Requisition, and send it to: Superintendent of Documents, Departmental Account Representative Division, U.S. Government Printing Office (GPO), Washington, DC 20401.

19. Section 101-40.204 is revised to read as follows:

**§ 101-40.204 Carrier selection and distribution of shipments.**

Agencies authorizing the GBL method shall select the eligible carrier that meets the agency's service requirements and offers the lowest cost consistent therewith. Deviations from this methodology shall be documented in the requesting agency's records. (See § 101-40.302.)

20. Section 101-40.205 is revised to read as follows:

**§ 101–40.205 Quality control.**

Agencies should monitor the performance and quality of household goods carriers' service, including the extent of its and its relocating employees' satisfaction with the carriers' service. Relocating employees should monitor the direct performance of carrier service, including but not limited to such factors as quality of packing, personal courtesy, communication of services, problem responsiveness, delivery without damage, delivery on time, and overall quality. Traffic managers should monitor the carriers' management of the move and how that management affects carrier service, including but not limited to such factors as courtesy at tracing, communicating changes, flexibility, timeliness of pickup and delivery, and overall quality.

21. Section 101–40.206 is amended by revising the introductory text and paragraph (a) to read as follows:

**§ 101–40.206 Household goods carriers' liability.**

Carriers' Government rate tenders and their applicable tariffs establish the carriers' minimum liability for the loss of or damage to Government employees' household goods transported in conjunction with this subpart. A value exceeding the tender or tariff minimum may be declared on the bill of lading, but the carrier will charge a valuation fee for each \$100, or fraction thereof, of such higher declared valuation. Employees should be fully informed as to the extent the Government will be monetarily responsible for the transportation of household goods, the differences in standard liability under Government and commercial bills of lading, the steps necessary to increase or decrease the carriers' liability, and the relative advantage the employee would have under the Military Personnel and Civilian Employees' Claims Act of 1964 (see § 101–40.207(b)) when the employee chooses to declare a valuation that either exceeds (in which case, the employee is liable for an excess valuation charge) or does not exceed the tender or tariff minimum.

(a) Carriers' Government tenders or their tariffs establish the carriers' minimum liability for loss or damage, and carriers' tenders or tariffs prescribe any additional charges for which the Government may be responsible relative to that liability. In the absence of an employee's written request for a valuation that exceeds the minimum liability specified in the tender or tariff, all GBLs should be annotated to show the minimum, liability specified in the tender or tariff. If an employee requests

the agency to declare a valuation that exceeds the tender or tariff minimum, the agency will enter the declaration on the GBL, pay the carrier the valuation fee (if applicable), and collect the fee from the employee; alternatively, the agency will enter the declaration on the GBL and direct the carrier to collect the valuation fee (if applicable) directly from the employee. Should the employee's request for increased valuation be made after the GBL has been tendered to the carrier but before the shipment has been picked up, the employee should not make a separate arrangement with the carrier for increased valuation. Instead, the employee should notify the GBL issuing officer of the valuation desired, and request that the original GBL be amended on Standard Form 1200, Government Bill of Lading Correction Notice. (See § 101–41.4901–1200.)

\* \* \* \* \*

22. Section 101–40.207 is amended by revising paragraphs (a), (c), and (d) and by removing paragraph (e) to read as follows:

**§ 101–40.207 Household goods loss and damage claims.**

(a) Claims for loss and damage to household goods will normally be filed and processed with the line-haul carrier; i.e., the carrier to which the household goods were tendered and which is shown on the bill of lading as having received the shipment. Depending on agency policy, claims for the repair, replacement, or loss of household goods may be filed by either the agency or the employee (as owner of the goods). When the employee files the claim, the agency will furnish the employee necessary assistance in claim procedures.

\* \* \* \* \*

(c) When settling a claim for loss or damage to a shipment of household goods, carriers may settle either for the full value declared by the shipper or arrive at the current actual value of the lost or damaged item by using the criterion of replacement cost of the lost or damaged item, less depreciation. The basis upon which carriers will settle a claim is contained in carriers' tariffs or tenders offered the Government under section 13712 of the ICC Termination Act of 1995.

(d) Regulations governing household goods carriers subject to the ICC Termination Act of 1995 are contained in 49 CFR part 1056.

23. Section 101–40.208 is revised to read as follows:

**§ 101–40.208 Temporary nonuse, debarment, or suspension of household goods carriers.**

Based on information obtained as provided in § 101–40.205 or documented instances of other service complaints or deficiencies, agencies may place household goods carriers in temporary nonuse, debarred, or suspended status in accordance with the procedures specified in subpart 101–40.4.

**Subpart 101–40.3—Rates, Routes, and Services****§ 101–40.301 [Removed and Reserved]**

24. Section 101–40.301 is removed and reserved.

25. Section 101–40.302 is revised to read as follows:

**§ 101–40.302 Standard routing principle.**

Shipments shall be routed using the mode of transportation, or individual carrier or carriers within the mode, that can provide the required service at the lowest overall delivered cost to the Government. Executive agency shippers will comply with all Federal, State, and local laws and regulations relating to vehicular size and weight limitations.

26. Section 101–40.303 is revised to read as follows:

**§ 101–40.303 Application of the standard routing principle.**

In the application of the standard routing principle, the principal factors for consideration, in their relative order of importance, are: Satisfactory service, aggregate delivered cost, equitable distribution of traffic, and least fuel-consumptive carrier/mode.

27. Section 101–40.303–1 is amended by revising the introductory paragraph to read as follows:

**§ 101–40.303–1 Service requirements.**

The following factors should be considered in determining whether a carrier or mode of transportation can meet an agency's transportation service requirements for each individual shipment:

\* \* \* \* \*

28. Section 101–40.303–2 is revised to read as follows:

**§ 101–40.303–2 Aggregate delivered costs.**

When comparing aggregate delivered costs to determine the most economical routing of shipments consistent with service requirements, consideration should be given to all factors which increase costs to the shipping or receiving activity. In addition to the actual transportation rates and charges, other cost factors, such as packing, blocking, bracing, dunnage, drayage,

loading, and unloading, should be considered where these items affect overall costs.

29. Section 101-40.303-3 is revised to read as follows:

**§ 101-40.303-3 Equitable distribution of traffic among carriers.**

When more than one mode of transportation or more than one carrier within a mode can provide equally satisfactory service at the same aggregate cost and all modes are equally fuel efficient, the traffic should be distributed as equally as practicable among the modes and among the carriers within the modes. When socially or economically disadvantaged carriers and women-owned carriers are among the eligible competing carriers, positive action will be taken to include such carriers in the equitable distribution of traffic.

30. Section 101-40.303-4 is revised to read as follows:

**§ 101-40.303-4 Most fuel efficient mode.**

When more than one mode can satisfy the service requirements of a specific shipment at the same lowest aggregate delivered cost, the mode determined to be the most fuel efficient should be selected. In determining the most fuel efficient mode, consideration should be given to such factors as use of the carrier's equipment in "turn around" service, proximity of carrier equipment to the shipping activity, and ability of carrier to provide the most direct service to the destination points.

31. Section 101-40.304 is amended by revising paragraph (a) and by removing paragraph (d) to read as follows:

**§ 101-40.304 Description of property for shipment.**

(a) Each shipment shall be described on the bill of lading or other shipping document as provided in the applicable tender offered to the Government by the carrier or as provided in the agreement negotiated with the carrier by the Government or in accordance with the carrier's tariff. Trade names such as "Foamite" or "Formica" or general terms such as "vehicles," "furniture," or "Government supplies," shall not, unless specifically negotiated with the carrier by the Government, be used as bill of lading descriptions.

\* \* \* \* \*

**§ 101-40.305-1 [Removed and Reserved]**

**§ 101-40.305-2 [Removed and Reserved]**

32. Sections 101-40.305-1 and 101-40.305-2 are removed and reserved.

33. Section 101-40.305-3 is revised to read as follows:

**§ 101-40.305-3 Negotiations by executive agencies.**

Executive agencies are authorized to negotiate with carriers in establishing or modifying rates, charges, classification ratings, services, and rules or regulations for freight transportation.

34. Section 101-40.306 is revised to read as follows:

**§ 101-40.306 Rate tenders to the Government.**

Under the provisions of sections 10721 (rail) and 13712 (motor) of the ICC Termination Act of 1995 (49 U.S.C. 10721 and 13712), common carriers are permitted to submit tenders to the Government which contain transportation rates and/or charges for accessorial services that are lower than those published in tariffs applicable to the general public; and the Government may solicit from carriers offers to provide transportation and accessorial services at rates and/or charges lower than those published in tariffs applicable to the general public. Rate tenders may be applied to shipments made by the Government on behalf of foreign governments. In addition, rate tenders may be applied to shipments other than those made by the Government provided the total benefits accrue to the Government; that is, provided the Government pays the charges or directly and completely reimburses the party that initially pays the freight charges. (Interpretation of Government Rate Tariff for Eastern Central Motor Carriers Association, Inc., 332 I.C.C. 161 (1968).)

35. Section 101-40.306-2 is amended by revising the introductory text of paragraph (a) to read as follows:

**§ 101-40.306-2 Required shipping documents and annotations.**

(a) To qualify for transportation under section 10721 or 13712, property must be shipped by or for the Government on:

\* \* \* \* \*

36. Section 101-40.306-3 is revised to read as follows:

**§ 101-40.306-3 Distribution.**

Each agency receiving rate tenders shall promptly submit two copies (including at least one signed copy) to the General Services Administration, Office of Transportation Audits (FW), Washington, DC 20405.

37. Section 101-40.306-4 is revised to read as follows:

**§ 101-40.306-4 Bill of lading endorsements.**

To ensure application of Government rate tenders to all shipments qualifying for their use, bills of lading covering the shipments shall be endorsed with the

applicable tender or quotation number and carrier identification; e.g., "Section 13712 quotation, ABC Transportation Company, Tender No. 143." In addition, where commercial bills of lading are used rather than Government bills of lading, the commercial bills of lading shall be endorsed in conformance with the provisions set forth in § 101-40.306-2(a). (For specific regulations covering transportation generated under cost-reimbursement type contracts, see 48 CFR 47.104-3.)

Dated: December 17, 1996.

**G. Martin Wagner,**

*Associate Administrator, Office of Governmentwide Policy.*

[FR Doc. 97-10514 Filed 4-22-97; 8:45 am]

BILLING CODE 6820-34-P

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 600**

[Docket No. 961030300-7090-03; I.D. 120996A]

RIN 0648-AJ30

**Magnuson Act Provisions; Essential Fish Habitat (EFH)**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS proposes to issue regulations containing guidelines for the description and identification of essential fish habitat (EFH) in fishery management plans (FMPs), adverse impacts on EFH, and actions to conserve and enhance EFH. The regulations would also provide a process for NMFS to coordinate and consult with Federal and state agencies on activities that may adversely affect EFH. The guidelines are required by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The purpose of the rule is to assist Fishery Management Councils (Councils) in fulfilling the requirements set forth by the Magnuson-Stevens Act to amend their FMPs to describe and identify EFH, minimize adverse effects on EFH, and identify other actions to conserve and enhance EFH. The coordination and consultation provisions would specify procedures for adequate consultation with NMFS on activities that may adversely affect EFH.