

## Regulatory Flexibility Act

This final rule is not required to be published in the **Federal Register** for notice and comment. Therefore, the Regulatory Flexibility Act does not apply.

### List of Subjects in 41 CFR Part 101-37

Aircraft, Air transportation, Aviation, Government property management.

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

## PART 101-37—GOVERNMENT AVIATION ADMINISTRATION AND COORDINATION

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

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

### Subpart 101-37.1—Definitions

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

#### § 101-37.100 Definitions.

In Part 101-37, the following definitions apply:

*Acquisition date* means the date the agency acquired the asset.

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

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

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

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

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

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

- (1) Is leased to the Federal Government for a term of 5 or more years; or
- (2) In the case of a new asset with an economic life of less than 5 years, is leased to the Federal Government for a term of 75 percent or more of the economic life of the asset; or
- (3) Is built for the express purpose of being leased to the Federal Government; or

- (4) Clearly has no alternative commercial use; e.g., special-purpose Government installation.

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

*Civil aircraft* means any aircraft other than a public aircraft.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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