

notice-and-comment rulemaking is federally enforceable, both by EPA under CAA section 113 and by citizens under CAA section 304, where applicable. This includes all materials listed for incorporation by reference in the new section (c) (all federally-approved state regulations) and new section (d) (all source-specific SIP revisions), as well as those identified in new section (e) (all non-regulatory SIP provisions and quasi-regulatory measures). With respect to the documents listed in section (e), since no regulatory material is associated with these revisions these provisions are fully enforceable upon EPA approval into the SIP, without any incorporation by reference. To facilitate enforcement of previously approved SIP provisions and provide a smooth transition to the new SIP processing system, EPA will be retaining the current Identification of Plan section, previously appearing in the CFR as the first or second section of part 52 for each state, in an appendix to each state CFR section for a period of at least two years. This appendix will include the Identification of Plan section as it appeared in part 52 prior to adoption of the new system; it will not add any newly submitted SIP revisions to the appendix. After the initial two year period, EPA will review its experience with the new system and enforceability of previously approved SIP measures, and will decide whether or not to retain the Identification of Plan appendices for some further period.

All SIP revisions approved in the future under the revised "Identification of plan" format and IBR procedure will be federally enforceable as of the effective date of the final rulemaking in which EPA approves the SIP revision. Specifically, as of the effective date of the final rule, all provisions identified in the **Federal Register** notice announcing the SIP approval will be fully enforceable under sections 110 and 113 of the CAA, although they may not yet appear in 40 CFR part 52. Such provisions will be included in the next annual update of the CFR described above. Thus, it is not necessary that regulatory language associated with a SIP requirement have been actually incorporated by reference into the CFR to render a SIP requirement enforceable from the time of EPA approval.

In conclusion, EPA believes that the revised SIP document/IBR procedures/40 CFR part 52 format described above represents an improvement that benefits both the Government (by streamlining the current procedures and reducing the size of the documents that must be kept on file) and the interested public (by

providing a clearer description as to what constitutes the applicable SIP for each state at any given moment in time). As explained above, the revised procedures do not affect federal enforceability of the SIP, while at the same time, is consistent with the requirements of section 110(h)(1) of the CAA concerning comprehensive SIP publication. In addition, these revised procedures are consistent with the goals of the Agency's national performance review (NPR) designed to streamline EPA's regulatory requirements.

List of Subjects in 40 CFR Part 52

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

Dated: May 14, 1997.

Carol M. Browner,

Administrator

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GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-21

RIN 3090-AG35

Pricing Practices for Reimbursable Work Authorizations

AGENCY: Public Buildings Service, General Services Administration.

ACTION: Interim rule with request for comments.

SUMMARY: This interim rule modifies the Public Buildings Service's (PBS's) pricing practices for Reimbursable Work Authorizations (RWAs). Currently, our customer agencies are billed the actual costs for supplies, materials, labor, contract costs and overhead related to the RWA. This interim rule establishes a fixed price policy for one-time RWA's, such as painting, cleaning and alterations. A fixed price RWA is one in which the authorized amount is the billed amount including all project changes. The fixed price will change only if the work request is modified or unforeseen site conditions arise. Customers will not have to pay for delays caused by GSA. Fixed price reimbursables will help PBS: Act as a provider of choice with the new delegation of alterations authority to agencies for alterations up to \$100,000;

implement predominant commercial sector pricing practices; and enhance the satisfaction and quality of service to our customers by making the work faster through streamlined processes.

DATES: Effective date: May 22, 1997.

Comment date: July 21, 1997.

ADDRESSES: Comments should be submitted to the General Services Administration, Public Buildings Service, Office of Property Management, (PM), Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Jeffrey Neely, Acting Deputy Assistant Commissioner, Office of Property Management at (202) 501-0971.

SUPPLEMENTARY INFORMATION: In the past, PBS was a mandatory source on all reimbursable work done in PBS controlled buildings. However, PBS is now entering a new era. The National Performance Review and the "Can't Beat GSA Alterations Program" envision a more competitive PBS. Fixed pricing facilitates this objective. The fixed price method of charging RWAs to our customers will make their budgeting for reimbursable work an easier and more accurate process, as well as enhance their ability to make informed choices about RWA services. Billing problems should be reduced or eliminated. Total costs and a payment schedule will be determined clearly at the outset. It should also serve as incentive to PBS to ensure that the job is done efficiently and to the customer's satisfaction.

The General Services Administration has determined that this rule is not a significant regulatory action for the purposes of Executive Order 12866 of September 30, 1993. This interim rule is not required to be published in the **Federal Register** for notice and comment. Therefore, the Regulatory Flexibility Act does not apply. The Paperwork Reduction Act does not apply to this action because the proposed changes to the Federal Property Management Regulations do not impose reporting, recordkeeping or information collection requirements which require the approval of the Office of Management and Budget pursuant to 44 U.S.C. 3501, *et seq.* This rule also is exempt from congressional review prescribed under 5 U.S.C. 801 since it relates solely to agency management and personnel.

List of Subjects in 41 CFR Part 101-21

Federal buildings and services, Government property management, Space and services.

Dated: March 26, 1997.

David J. Barram,

Acting Administrator of General Services.

PART 101-21—[AMENDED]

Therefore 41, CFR part 101-21 is amended as set forth below:

1. The authority citation for 41 CFR part 101-21 continues to read as follows:

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

Subpart 101-21.6—Billings, Payments, and Related Budgeting Information for Space and Services Furnished by the General Services Administration

2. Section 101-21.604 is amended by revising paragraphs (d) through (h) and by adding paragraph (i) to read as follows:

§ 101-21.604 Billing procedures for reimbursable charges.

* * * * *

(d) The following basic types of reimbursable work are performed by GSA on a fixed price basis. The fixed price is the amount of the Reimbursable Work Authorization (RWA) which is the authorized amount:

(1) Non-recurring services performed above standard levels of service, such as out-of-cycle painting;

(2) Recurring services not included in the standard level for which a price can be established;

(3) Repairs and alterations in buildings not controlled by GSA;

(4) Special space alterations and adjustments performed by GSA in GSA-operated buildings, which are requested and financed by other agencies in accordance with § 101-20.106, Reimbursable services, of this chapter; and

(5) Alteration projects up to the prospectus threshold.

(e) Where the amount of the RWA is less than \$25,000, billing will occur at termination date. Other bills will be rendered at the customer's option, based on delivered orders either monthly or quarterly.

(f) RWAs above the prospectus threshold shall be performed on an actual cost basis. In special circumstances, when GSA and the ordering agency agree, non-prospectus alterations work may be performed on an actual cost basis. GSA will make every effort to obtain approval and certification of additional funds before incurring any obligations in excess of 10 percent of the authorized amount or \$500, whichever is greater. However, failure of GSA to notify the agency that obligations will exceed the authorized

amount, regardless of dollar amount, does not relieve the agency of paying in full the actual costs.

(g) A Reimbursable Work Authorization request (Form 2957 or other acceptable request) must be completed and approved by GSA and an agency official certifying that he/she has the authority to order the services and commit the agency to payment.

(h) Bills for recurring above-standard level services are rendered in advance at an established cost equal to the estimated amount. This type of work authorization, with the right to cancel (subject to incurred costs and obligations) upon 60 days notice by either party must be completed and forwarded to GSA prior to the commencement of the period for which services are required. With the exception of recurring work authorizations for utilities, which GSA may limit to 3-month periods, each recurring type work authorization must authorize charges for the full period during the fiscal year that the services will be required. These work authorizations must always begin and end within the same fiscal year.

(i) Agencies shall be responsible for timely payment and resolving any billing problems regarding orders they place under GSA contracts.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AC74

Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for *Helianthus eggertii* (Eggert's Sunflower)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) determines threatened status for *Helianthus eggertii* (Eggert's sunflower) under the authority of the Endangered Species Act of 1973, as amended (Act). This rare plant is presently known from an estimated 34 populations in 14 counties—in Alabama, one population in Blount County; in Kentucky, one population from Grayson and Hardin counties, two populations from Edmonson and Barren counties, and seven populations from Hart County; in Tennessee, one

population each in Dickson, Marion, and Williamson counties, two (and a portion of a third) in Maury County, three in Lewis County, four in Lawrence County, and six in Coffee County. It is threatened throughout its range by habitat alteration; residential, commercial, or industrial development; plant succession; and conversion of its limited habitat to pasture or croplands. Herbicide use, particularly along roadsides, also poses a threat. This action extends Federal protection under the Act to Eggert's sunflower.

EFFECTIVE DATE: June 23, 1997.

ADDRESSES: The complete file for this rule is available for public inspection, by appointment, during normal business hours at the Asheville Field Office, U.S. Fish and Wildlife Service, 160 Zillicoa Street, Asheville, North Carolina 28801. **FOR FURTHER INFORMATION CONTACT:** Mr. J. Allen Ratzlaff at the above address (704/258-3939, Ext. 229).

SUPPLEMENTARY INFORMATION:

Background

Helianthus eggertii (Small) (Eggert's sunflower) is a perennial member of the aster family (Asteraceae) known only from Kentucky, Tennessee, and Alabama. It is a tall (to 2.5 meters [8 feet]) plant arising from a short, thick base, perennating by shallow elongate, fleshy rhizomes that can form an extensive network. The plant is smooth, except for some slight roughening on the upper leaf surfaces, and it has a blue-waxy coloration. The lower leaves are conspicuously whitened. The plant's opposite (rarely whorled) leaves are mostly lanceolate to narrowly ovate, the largest being 10 to 20 centimeters (3.9 to 5.7 inches) in length. Leaf edges are smooth or minutely toothed, and the tip is usually pointed. Large yellow flowers (8 centimeters [3 inches]) are borne on the upper third of the stem. Cypsalas (seeds) are blackish or grayish and mottled, 5 to 6 millimeters (0.25 inches) long, faintly striated, and with a few scattered trichomes (hairs). Flowering begins in early August and continues through mid-September, and achenes mature from early September to early October (Jones 1991). Jones (1991) observed fruit set at between 5 and 25 seeds per flower head. Seed germination rates are generally low (rarely exceeding 25 percent) and most require exposure to cold to break dormancy (Heiser *et al.* 1969).

Eggert's sunflower develops an extensive rhizome system, and these rhizomes can live for many years. Thus, the plant does not have to produce seeds every year to ensure its survival. If environmental conditions change