

the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

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

Dated: July 15, 1999.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

Authority: 21 U.S.C. 321(q), 346a and 371.

§ 180.284 [Amended]

2. In § 180.284, by amending paragraph (b) by revising the date "02/01/00" wherever it appears to read "8/1/01".

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GENERAL SERVICES ADMINISTRATION

41 CFR Parts 101-42 and 101-43

[FPMR Amendment H-204]

RIN 3090-AG80

Excess Personal Property Reporting Requirements

AGENCY: Office of Governmentwide Policy, GSA

ACTION: Final rule.

SUMMARY: This final rule revises the Federal Property Management Regulations (FPMR) to remove the prohibition on donation of surplus Federal firearms to allow donations to State and local law enforcement activities. This rule also revises the FPMR to streamline and simplify the assignment of the disposal condition codes which Federal agencies use to report their excess personal property for utilization and donation.

EFFECTIVE DATE: July 28, 1999.

FOR FURTHER INFORMATION CONTACT: Ms. Martha Caswell, Director, Personal Property Management Policy Division (MTP), 202-501-3828.

SUPPLEMENTARY INFORMATION:

A. Background

This final rule combines two proposed rules:

- Donation of Certain Federal Surplus Firearms to State or Local Law Enforcement Activities, published in the **Federal Register** on December 9, 1998 (63 FR 68136). Four comments were received and considered in the formulation of this final rule.

- Excess Personal Property Reporting Requirements, published in the **Federal Register** on December 29, 1998 (63 FR 71686). No comments were received.

B. Executive Order 12866

The General Services Administration (GSA) has determined that this final rule is not a significant rule for the purposes of Executive Order 12866 of September 30, 1993.

C. Regulatory Flexibility Act

GSA certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*

D. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this final rule does not impose record keeping or information collection requirements, or the collection of information from offerors, contractors, or members of the public that require the approval of the Office of Management and Budget (OMB) under 44 U.S.C. 501, *et seq.*

E. Small Business Regulatory Enforcement Fairness Act

This final rule is also exempt from congressional review prescribed under 5 U.S.C. 801 since it relates solely to agency management and personnel.

List of Subjects

41 CFR Part 101-42

Government property management, Hazardous materials, Reporting and recordkeeping requirements, Surplus Government property.

41 CFR Part 101-43

Government property management, Surplus Government property.

For the reasons set forth in the preamble, 41 CFR Parts 101-42 and 101-43 are amended as follows:

1. The authority citation for parts 101-42 and 101-43 continues to read as follows:

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

PART 101-42—UTILIZATION AND DISPOSAL OF HAZARDOUS MATERIALS AND CERTAIN CATEGORIES OF PROPERTY

2. Section 101-42.1102-10 is amended by revising paragraphs (a) and (b) to read as follows:

§ 101-42.1102-10 Firearms.

(a) *Utilization requirements.* (1) In accordance with § 101-43.4801(c) of this chapter, reports of excess reportable firearms and requests for their transfer must be submitted to the:

General Services Administration (7FP-8), Denver, CO 80225-0506.

(2) Firearms may be transferred only to those Federal agencies authorized to acquire firearms for official use. Such transfers must be executed under § 101-43.309-5 of this chapter and, when applicable, § 101-42.1102-8(b). Additional written justification from the requesting agency may be required.

(b) *Donation requirements.* (1) Only handguns, rifles, shotguns, and individual light automatic weapons, all less than .50 caliber in FSC 1005, and rifle and shoulder fired grenade launchers in FSC 1010, assigned a disposal condition code of 4 or better, as defined in § 101-43.4801(e) of this chapter, may be offered by GSA (7FP-8) to State agencies for donation to eligible law enforcement entities for law enforcement purposes only. Donations are limited to only those eligible law enforcement entities whose primary function is the enforcement of applicable Federal, State, and/or local laws, and whose compensated law enforcement officers have powers to apprehend and arrest. Such donations must be executed under § 101-42.1102-8(c) as applicable.

(2) Each SF 123 submitted to GSA must be accompanied by a conditional transfer document, signed by both the intended donee and the State agency, and containing the special terms, conditions, and restrictions prescribed by GSA, and any other required forms or information.

(3) The restrictions on donated firearms shall be in perpetuity, and they may not be released by the State agency without prior written approval from GSA. The donee must notify the State agency when donated firearms are no longer needed. The State agency may, with GSA approval, reassign firearms from one donee to another donee within the state or to another SASP (see § 101-44.205(f) of this chapter); otherwise, firearms must be delivered directly to the place of destruction to be destroyed by either the donee or the State agency. Destruction must be such that each

complete firearm is rendered completely inoperable and incapable of being made operable for any purpose except for the recovery of basic material content in accordance with paragraph (c) of this section. The donee and a representative from the State agency, or designee, must both state in writing that the firearms were so destroyed and the original signed statement must be maintained by the State agency.

(4) Surplus firearms approved for donation must be shipped or transported directly from the holding Federal agency to the donee, and may not be stored in the State agency warehouse; or, arrangements may be made by the State agency for the designated donee to make a direct pickup at the holding agency.

(5) Firearm ammunition may not be donated.

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PART 101-43—UTILIZATION OF PERSONAL PROPERTY

3. Section 101-43.304-2 is amended by revising paragraph (b) to read as follows:

§ 101-43.304-2 Form and distribution of reports.

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(b)(1) The SF 120 and SF 120A must be submitted in an original and three copies. Electronic reporting must be as specified and approved by GSA. Reports must be directed to the GSA regional office for the region in which the property is located (see § 101-43.4802). However, reports of fixed-wing and

rotary-wing aircraft must be submitted to the:

General Services Administration (9FB),
San Francisco, CA 94015.

(2) Reports of excess firearms must be submitted to the:

General Services Administration (7FP-8),
Denver, CO 80225-0506.

4. Section 101-43.305 is amended by revising the section heading and paragraph (b)(2) to read as follows:

§ 101-43.305 Nonreportable property and property not subject to GSA screening.

* * * * *

(b) * * *

(2) Property dangerous to public health and safety, except the firearms identified in § 101-43.4801(c);

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5. Section 101-43.4801 is revised to read as follows:

§ 101-43.4801 Excess personal property reporting requirements.

(a) The table shown in paragraph (d) of this section shows the excess personal property Federal supply groups (FSG) and classes (FSC) comprising reportable property. Property in these groups and classes must be reported to GSA when the following disposal condition code and dollar threshold criteria are met:

(1) With the exception of aircraft and firearms as described in paragraphs (b) and (c) of this section, the disposal condition code as defined in paragraph (e) of this section, is X or better; and

(2) The unit cost, measured in acquisition dollars, is \$5,000 or more.

(b) With respect to aircraft and aircraft components and accessories:

(1) In accordance with § 101-43.304-2, and as indicated in the table in paragraph (d) of this section, line items in Federal supply classes 1510, 1520, 1560, 2810, 2840, or any class in FSG 16 must be reported regardless of disposal condition code. In agencies other than the Department of Defense (DOD), all line items in these classes must be reported regardless of disposal condition code when the dollar criteria in paragraph (a)(2) of this section are met. For the DOD, aircraft in FSC 1510 which are in the Cargo/Transport, Observation, Anti-sub, Trainer, or Utility series, all aircraft in FSC 1520, and line items in other classes which are components of these aircraft must be reported regardless of condition code when the dollar criteria in paragraph (a)(2) of this section are met.

(2) Items in Federal supply classes 1510 and 1520 held by DOD or other agencies must be reported to the:

General Services Administration (9FB),
San Francisco, California 94102.

(c) With respect to firearms, executive agencies must report the following firearms, regardless of unit cost when assigned a disposal condition code of 4 or better as defined in paragraph (e) of this section, to the General Services Administration (7FP-8), Denver, CO 80225-0506:

(1) Handguns, rifles, shotguns, and individual light automatic weapons, all less than .50 caliber in FSC 1005; and

(2) Rifle and shoulder fired grenade launchers in FSC 1010.

(d) The following table shows Federal supply groups and classes which comprise reportable property:

FSG	FSC	Noun name
10	1005	Guns, through 30mm (Handguns, rifles, shotguns, and individual light automatic weapons, all less than .50 caliber only).
	1010	Guns, over 30 mm up to 75 mm (Rifle and shoulder fired grenade launchers only).
15	1510	Aircraft, fixed wing.
	1520	Aircraft, rotary wing.
	1560	Airframe structural components.
16	All	Aircraft component and accessories.
18	All	Space vehicles.
19	All	Ships, small craft, pontoons, and floating docks (All but vessels 1500 gross tons and over).
22	All	Railway equipment.
23	All	Ground effect vehicles, motor vehicles, trailers, and cycles.
24	All	Tractors.
28	2805	Gasoline reciprocating engines, except aircraft; and components.
	2810	Gasoline reciprocating engines, aircraft prime mover; and components.
	2815	Diesel engines and components.
	2840	Gas turbines and jet engines, aircraft, prime moving; and components.
32	All	Woodworking machinery and equipment.
34	All	Metalworking machinery.
35	All	Service and trade equipment.
36	All	Special industry machinery (All but 3690 Specialized ammunition and ordnance machinery and related equipment).
37	All	Agricultural machinery and equipment.
38	All	Construction, mining, excavating, and highway maintenance equipment.
39	All	Materials handling equipment.
42	All	Fire fighting, rescue, and safety equipment; and environmental protection equipment and materials.
43	All	Pumps and compressors.
49	4910	Motor vehicle maintenance and repair shop specialized equipment.

FSG	FSC	Noun name
	4920	Aircraft maintenance and repair shops specialized equipment.
	4930	Lubrication and fuel dispensing equipment.
	4935	Guided missile maintenance, repair, and checkout specialized equipment.
	4940	Miscellaneous maintenance and repair shop specialized equipment.
	4960	Space vehicle maintenance, repair, and checkout specialized equipment.
54	All	Prefabricated structures and scaffolding.
61	All	Electric wire, and power and distribution equipment.
66	All	Instruments and laboratory equipment.
70	All	Information technology equipment.
71	All	Furniture.
73	All	Food preparation and serving equipment.

(e) The appropriate disposal condition code from the following table must be assigned to each item record, report, or listing of excess personal property:

Disposal condition code	Expanded definition
1	Property which is in new condition or unused condition and can be used immediately without modifications or repairs.
4	Property which shows some wear, but can be used without significant repair.
7	Property which is unusable in its current condition but can be economically repaired.
X	Property which has value in excess of its basic material content, but repair or rehabilitation is impractical and/or uneconomical.
S	Property which has no value except for its basic material content.

Dated: July 20, 1999.

David J. Barram,

Administrator of General Services.

[FR Doc. 99-19098 Filed 7-27-99; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 3

[IB Docket No. 98-96, FCC 99-150]

Biennial Review

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document further streamlines the authorization and regulation of privately owned accounting authorities that settle accounts for maritime mobile, maritime satellite, aircraft and hand-held terminal radio services. The Commission concluded that there is no need for the Commission to act as an accounts clearinghouse for maritime and satellite

communications and that the private authorities that the Commission has certified, acting under regulations prescribed by the Commission and under its oversight, can successfully settle all accounts for U.S. users of these radio services. The Commission also concluded that Commission withdrawal as an accounting authority will promote competition among private authorities. The Commission initiated this proceeding pursuant to the Telecommunications Act of 1996, which directs the Commission to undertake a review every even-numbered year of all regulations that apply to providers of telecommunications services to determine whether any such regulation is no longer necessary.

DATES: Effective August 27, 1999.

FOR FURTHER INFORMATION CONTACT: John Copes, Attorney-Advisor, Multilateral and Development Branch, Telecommunications Division, International Bureau, (202) 418-1478.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's R&O, FCC 99-150, adopted on June 21, 1999, and released on July 13, 1999. The full text of this R&O is available for inspection and copying during normal business hours in the Federal Communications Commission, Reference Information Center (Room CY-A257), 445 12th St., SW, Washington, DC 20554. The complete text of the R&O may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th St., NW, Washington, DC 20036, (202) 857-3800.

Summary of R&O

1. In July 1998, the Commission adopted a Notice of Proposed Rulemaking (63 FR 39800, July 24, 1998) (NPRM) to streamline further the regulations and authorization of privately owned accounting authorities that settle accounts in the maritime mobile and maritime mobile-satellite radio services. Maritime mobile satellites are also used to provide satellite-based aviation services and

services to hand-held radio terminals. In that connection the Commission proposed to withdraw from performing the functions of an accounting authority and, instead, to rely solely upon the private accounting authorities to settle accounts for U.S. users of maritime and satellite communications. The Commission also proposed to amend its rules to make explicit the fact that certified accounting authorities are required, in settling accounts, to deal with the public on a reasonable and nondiscriminatory basis. The Commission also inquired into whether it should designate a new entity to perform the function of "accounting authority of last resort" the Commission has traditionally performed whereby it settles accounts for all users who have not designated an accounting authority at the time they made the radio communication.

2. On June 21, 1999, the Commission adopted a Report and Order and Further Notice of Proposed Rulemaking (FCC 99-150) to make final the proposals in its July 1999 NPRM and to institute a transition period leading to the handing over of its functions to private accounting authorities. A proposed rule relating to this proceeding is published elsewhere in this issue of the **Federal Register**. In the R&O portion of the document, the Commission affirmed its proposal to withdraw from performing the functions of an accounting authority and to rely solely upon the private accounting authorities to provide account-settlement services for maritime and satellite communications. The Commission made clear that it will continue to operate as administrator of all U.S.-certified accounting authorities and the basic rules and procedures for certifying accounting authorities and will continue to oversee the operation of all certified accounting authorities.

3. The Commission has also made final its proposal to amend section 3.10(e) of its rules (47 CFR 3.10(e)) to make clear that private accounting authorities are required to serve the public on a reasonable and