

jurisdiction (where applicable) took the following action: _____. The case was received for review pursuant to Article 69 on (date).

3. In review, pursuant to Uniform Code of Military Justice, Article 66, it is requested that action be taken with respect to the following issues:
[set out issues here]

The Judge Advocate General
Received a copy of the foregoing Direction for Review this _____ (date).

Appellate Government Counsel

Address and telephone number

Appellate Defense Counsel

Address and telephone number

Appendix B to Part 150—Format for Assignment of Errors and Brief on Behalf of Accused (§ 150.15)

In the United States _____² Court of Criminal Appeals

United States v. _____
(Full typed name, rank, service, & service number of accused), Appellant
Assignment of Errors and Brief on Behalf of Accused Case No. _____

Tried at (location), on (date(s)) before a (type of court-martial) appointed by (convening authority)

To the Honorable, the Judges of the United States _____ Court of Criminal Appeals

Statement of the Case

[Set forth a concise summary of the chronology of the case, including the general nature of the charges, the pleas of the accused, the findings and sentence at trial, the action by the convening authority, and any other pertinent information regarding the proceedings.]

Statement of Facts

[Set forth those facts necessary to a disposition of the assigned errors, including specific page references and exhibit numbers. Answers may adopt appellant's or petitioner's statement of facts if there is no dispute, may state additional facts, or, if there is a dispute, may restate the facts as they appear from appellee's or respondent's viewpoint. The repetition of uncontroverted matters is not desired.]

Errors and Argument

[Set forth each error alleged in upper case letters, followed by separate arguments for each error. Arguments shall discuss briefly the question presented, citing and quoting such authorities as are deemed pertinent. Each argument shall include a statement of the applicable standard of review, and shall be followed by a specific prayer for the relief requested.]

² Use "Army," "Navy-Marine Corps," "Air Force," or "Coast Guard," as applicable.

Appendix

[The brief of either party may include an appendix containing copies of unpublished opinions cited in the brief, and extracts of statutes, rules or regulations pertinent to the assigned errors.]

(Signature of counsel)

Name (and rank) of counsel, address and telephone number

Certificate of Filing and Service

I certify that a copy of the foregoing was mailed or delivered to the Court and opposing counsel on (date).

Name (rank) (and signature)

Address and telephone number
(Date)

Dated: January 9, 1997.
L.M. Bynum,
Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 97-890 Filed 1-14-97; 8:45 am]

BILLING CODE 5000-04-M

GENERAL SERVICES ADMINISTRATION

41 CFR Chapter 101

[FPMR Temp. Reg. H-29]

RIN 3090-AF95

Criteria for Reporting Excess Personal Property

AGENCY: Office of Policy, Planning and Evaluation, GSA.

ACTION: Temporary regulation.

SUMMARY: This regulation establishes revised criteria for reporting excess personal property to GSA, substantially reduces utilization screening time, raises the dollar threshold for direct transfers, and updates addresses associated with reporting excess personal property. The regulation is intended to relieve Federal agencies of certain reporting requirements and reduce the time required by agencies to hold property for utilization and donation screening.

DATES: Effective date: January 15, 1997.
Expiration date: January 15, 1998.

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

SUPPLEMENTARY INFORMATION: The General Services Administration (GSA) has determined that this rule is not a significant rule for the purposes of Executive Order 12866.

REGULATORY FLEXIBILITY ACT: This rule is not required to be published in the

Federal Register for notice and comment. Therefore, the Regulatory Flexibility Act does not apply.

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

In 41 CFR Chapter 101, an appendix, containing temporary regulation H-29, is added at the end of Subchapter H to read as follows:

Appendix to Subchapter H—Temporary Regulations

Federal Property Management Regulations
Temporary Regulation H-29

TO: Heads of Federal agencies
SUBJECT: Criteria for reporting excess personal property

1. *Purpose.* This regulation establishes revised criteria for reporting excess personal property to GSA, reduces utilization screening time, raises the dollar threshold for direct transfers, and updates addresses associated with reporting excess personal property.

2. *Effective date.* This regulation is effective January 15, 1997.

3. *Expiration date.* This regulation expires January 15, 1998.

4. *Applicability.* This regulation applies to all executive agencies.

5. *Background.*

a. Certain excess property is reportable to GSA by executive agencies for the purpose of maximizing opportunities for utilization. Property which is reported to GSA is afforded regional and nationwide visibility by inclusion in GSA's automated property disposal system—the Federal Disposal System (FEDS). Once an item is in the FEDS nationwide inventory of excess and surplus property, agencies can determine the availability of property by phoning the supporting GSA regional office, obtaining a copy of the FEDS inventory listing, or by accessing an electronic bulletin board within FEDS containing the nationwide inventory—Screen by Computer and Request Excess by Electronic Notification (SCREEN)

b. GSA's major personal property management customers have requested relief from reporting requirements by reducing the number of items of excess property to be reported. GSA is granting these requests provided such reductions do not result in an appreciable decline in overall transfer volumes of excess personal property. GSA conducted a study to assess the potential impact of reduced reporting requirements. The analysis showed that over 70 percent of the dollar value of property transferred represented Federal supply classification (FSC) groups which would continue to be reported to GSA as excess under the new reporting requirements.

c. Changes to the reporting criteria will be reexamined after an implementation period of 1 year to determine their net effect on overall business volumes. A significant decline in the utilization rate (dollar value of property transfers divided by dollar value of property generations) would be sufficient justification for modifying or rescinding the regulation.

d. GSA provided approval to the Department of Defense on July 20, 1994, to implement throughout its nationwide network of Defense Reutilization and Marketing Offices (DRMO's) a streamlined disposal concept known as single cycle processing. Under this concept, utilization screening time of excess property reported to GSA is reduced from 60 to 21 calendar days. Federal respondents to a follow-up customer survey indicated that 21 calendar days is sufficient time for screening Department of Defense excess property. A study group consisting of GSA and Federal and State representatives recommended that reduced screening time also be applied to civilian agency excess property.

6. *Definitions.* For purposes of this regulation, the following definitions apply:

a. "Reportable property" means personal property that is required to be reported to GSA in accordance with FPMR 101-43.304 prior to disposal.

b. "Nonreportable property" means any personal property that does not meet the reporting criteria set forth in FPMR 101-43.304, and therefore is not required to be reported formally to GSA, but which is available locally for Federal transfer or donation.

7. *Explanation of changes.*

a. Section 101-42.205 is amended by removing paragraph (b) and redesignating paragraph (c) as paragraph (b) and revising it to read as follows:

§ 101-42.205 Exceptions to reporting.

(a) * * *

(b) When EPA, under its authorities, transfers accountability for hazardous materials to Federal, State, and local agencies, to research institutions, or to commercial businesses to conduct research or to perform the actual cleanup of a contaminated site, the item shall not be reported.

b. Section 101-42.402 is amended by revising paragraphs (a), (b), and (c) and adding paragraph (d) to read as follows:

§ 101-42.402 Reporting hazardous materials for sale.

* * * * *

(a) *Reportable property.* Personal property which is reportable property and is identified as hazardous must be reported to a GSA regional office for utilization screening in accordance with § 101-42.204. If, after reporting to GSA, the hazardous materials are not transferred or donated, in accordance with Subparts 101-42.2 through 101-42.3 and 101-42.11, the hazardous materials will be programmed for sale by GSA, unless advised otherwise by the holding agency in accordance with Part 101-45, without further documentation from the holding agency.

(b) *Nonreportable property.* Under § 101-42.202, holding agencies are required to identify and label hazardous materials. Listings of personal property which is nonreportable property and is identified as hazardous must be made available to GSA area utilization officers for local utilization and donation screening in accordance with § 101-42.204 and § 101-42.205. If property has not been reported and is to be sold by

GSA, it must be reported to GSA for sale on Standard Form 126, Report of Personal Property for Sale, or by automated means which GSA is capable of accepting.

(c) *Certification and Description.* The SF 126 shall contain a certification, executed by a duly authorized agency official, in block 16c or as an addendum, that the item has been clearly labeled and packaged as required in § 101-42.202(e) and 101-42.204. The SF 126 shall also contain or be accompanied by a full description of the actual or potential hazard associated with handling, storage, or use of the item. Such description shall be furnished by providing:

- (1) An MSDS or copy thereof; or
- (2) A printed copy of the record, corresponding to the hazardous material being reported, from the automated HMIS; or
- (3) A written narrative, included in either block 16c or as an addendum, which complies with the requirements of 29 CFR 1910.1200.

(d) Property not subject to GSA screening. Hazardous material which may not be reported to GSA in accordance with § 101-42.204 and § 101-42.205 shall not be reported to GSA for sale unless GSA agrees to conduct such sale.

c. Section 101-43.001-30 is revised to read as follows:

§ 101-43.001-30 Screening period.

Screening period means:

(a) For reportable personal property of a civilian agency, the screening period is normally a period of 21 calendar days from the day following receipt of the automated report in FEDS or receipt of the manually completed report in the appropriate GSA office to and including the day specified as the surplus release date. For reportable property that is reported by a military activity during a period of property accumulation prior to a period of formal utilization screening, the screening period normally extends from the date of reporting to a period of 21 calendar days from the day following the date of the end of the accumulation.

(b) For civilian nonreportable property, the screening period is normally a period of 21 calendar days from the day the property is made available by the holding agency for screening as excess. For military nonreportable property that undergoes a period of accumulation prior to a period of utilization screening, the screening period is normally the same as for reportable property.

d. Section 101-43.001-34 is added to read as follows:

§ 101-43.001-34 Unit cost.

Unit cost means the original acquisition cost of a single item of property.

e. Section 101-43.302 is amended by revising paragraph (c) to read as follows:

§ 101-43.302 Agency responsibility.

* * * * *

(c) GSA will assist agencies in meeting their requirements for nonreportable property. Federal agencies requiring such property should contact the appropriate GSA regional office indicated in § 101-43.4802. GSA area utilization officers, stationed at key

excess generating points throughout the United States, screen and offer nonreportable property as it becomes available for transfer.

f. Section 101-43.304-1 is amended by revising paragraph (a) to read as follows:

§ 101-43.304-1 Reporting.

(a) Reportable property enumerated by the Federal supply classification (FSC) groups and classes, acquisition cost, and condition codes in § 101-43.4801 shall be reported promptly to GSA with descriptions in sufficient detail to permit transfer or sale without further reference to the holding agency. In the absence of these descriptions, adequate commercial descriptions shall be substituted. Exceptions to these reporting requirements are covered in § 101-43.305. Whenever possible, the national stock number (NSN) shall be provided as part of the description. It is essential that the excess personal property report reflect the true condition of the property as of the date it is reported excess through assignment of the appropriate disposal condition code designation as defined in § 101-43.4801(e). Each Department of Defense excess personal property report must also contain the appropriate supply condition code as defined in § 101-43.4801(f), including reports of contractor inventory so far as practicable. When available from property records, civilian agencies shall also include the appropriate supply condition code in excess personal property reports. To expedite processing, reports may be submitted up to 60 calendar days prior to the actual date of property availability, provided that the report clearly indicates this pending status and reflects the date on which the property will be determined excess.

* * * * *

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

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

* * * * *

(b) The SF 120 and SF 120A shall be submitted in an original and three copies. Reporting by ADP media shall be as specified and approved by GSA. Reports shall 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 shall be submitted to the General Services Administration (9FB), San Francisco, CA 94102.

h. Section 101-43.304-4 is revised to read as follows:

§ 101-43.304-4 Property at installations due to be discontinued.

Executive agencies that have installations which are due to be discontinued, closed, or abandoned and at which there will be excess personal property shall, unless inadvisable in the interest of national security, give advance notice of such situations as early as possible by letter to the appropriate GSA regional office. In such cases, agencies shall identify the installations to be discontinued, provide the scheduled date for the removal of personnel from the location, and specify the

last date when the personal property will be needed. As soon as possible after filing the advance notice, the excess personal property shall be reported in accordance with § 101-43.304-1 to provide time for screening for Federal utilization and donation purposes, within forty-two calendar days when possible.

i. Section 101-43.305 is revised to read as follows:

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

(a) Nonreportable property must be locally screened only, and it need not be reported to GSA for nationwide utilization screening. Such property is a valuable source of supply for Federal agencies; therefore, GSA regional offices and GSA area utilization officers are responsible for local screening of such property, for making it available to Federal agencies, and for its expeditious transfer. Holding agencies shall cooperate with GSA representatives in making information available and in providing access to nonreportable property. Federal agency employees shall be permitted access to holding installations for screening purposes upon presentation of a valid Federal agency employee's identification card.

(b) A listing of nonreportable property, providing the extended value in acquisition cost dollars of each line item and the total number of line items on the listing, must be made available to GSA area utilization officers for local utilization and donation screening. Agencies that have computer records of their excess/surplus personal property are encouraged to report nonreportable property electronically, in lieu of submitting hardcopy listings. Agencies that are not able to report nonreportable property electronically, and have nonreportable property which is to be sold by GSA if it survives utilization and donation screening, are encouraged to report that property on a Standard Form (SF) 120, in lieu of an excess listing, to eliminate the need to submit SF 126, Report of Personal Property for Sale, after the completion of donation screening.

(c) In accordance with paragraph (d) of this section, certain kinds of property are not covered by the GSA utilization screening process. Such property is neither reportable property nor nonreportable property. It is the responsibility of the owning agency to screen such property and make reasonable efforts to obtain utilization among other Federal agencies. Although not required to do so, GSA may assist in the screening and transfer of such property when requested to do so by the owning agency or when otherwise directed by GSA.

(d) Unless otherwise directed by GSA, the following general categories of excess personal property are excepted from the GSA utilization screening process and shall not be reported to GSA for nationwide circularization nor made available to GSA area utilization officers for local screening:

(1) Perishables, defined for the purposes of this section as any foodstuffs which are subject to spoilage or decay;

(2) Property dangerous to public health and safety;

(3) Scrap, except aircraft in scrap condition, provided the property strictly conforms to the definitions for scrap found at § 101-43.001-29;

(4) Property determined by competent authority to be classified or otherwise sensitive for reasons of national security;

(5) Controlled substances in which case solicitation shall be limited to those agencies authorized for transfer under § 101-42.1102-3 provisions;

(6) Reportable property which, prior to reporting as required in § 101-43.304, is transferred directly between Federal agencies as provided in § 101-43.309-5(a) or by prearrangement with GSA to fill a known need;

(7) Trading stamps and bonus goods (see § 101-25.103-4);

(8) Nonappropriated fund property;

(9) Nuclear Regulatory Commission-controlled materials (see § 101-42.1102-4 and 10 CFR Parts 30 through 35, 40, and 70.); and

(10) Hazardous waste and items determined by the holding agency to be extremely hazardous (see § 101-42.402).

§ 101-43.307-7 [Amended]

j. Section 101-43.307-7 is amended by removing paragraph (a) and redesignating paragraph (b) as new paragraph (a) and paragraph (c) as new paragraph (b).

k. Section 101-43.307-12 is amended by revising paragraphs (c), (d), (e), and (f) to read as follows:

§ 101-43.307-12 Shelf-life items.

(c) Reportable shelf-life items which have a remaining useful life of 6 weeks or more before reaching the expiration date shall be reported as excess in accordance with § 101-43.304. Agencies may, at their option, also report shelf-life items which are nonreportable property. The report shall identify the items in the description as shelf-life items by carrying the designation symbol "SL" and by showing the expiration date. If the item has an extendable-type expiration date, there shall also be furnished an indication as to whether the expiration date is the original or an extended date.

(d) Normally, items reported in accordance with paragraph (c) of this section, including medical shelf-life items held for national emergency purposes, will be given a surplus release date effective 21 calendar days from the date following the day the property was reported. This date may be shortened or extended according to utilization objectives and the remaining useful shelf life. However, GSA offices will screen shelf life items for both reportable property and nonreportable property to permit their use before the shelf life expires and the items are unfit for human use.

(e) Nonreportable shelf-life items which have a remaining useful life of 6 weeks or more before reaching the expiration date shall be made available for use by other Federal agencies as provided in § 101-43.305. Agency documents listing such items shall show the expiration date and, in the case of items with an extendable expiration date, shall indicate whether the expiration date is the original or an extended date.

When such items are determined excess, a surplus release date shall be established by the holding agency providing a minimum of 21 calendar days for utilization screening, unless determined otherwise by GSA. With the approval of GSA, the surplus release date may be extended by the holding agency when the items are selected by an authorized screener for transfer or are set aside by a GSA representative for potential or actual transfer. For controlled substances (as defined in § 101-42.001), each executive agency shall comply with § 101-42.1102-3.

(f) Shelf-life items which have a remaining useful life of less than 6 weeks, regardless of classification as reportable property or nonreportable property, shall be made available for utilization by other Federal agencies in the manner provided in paragraph (e) of this section.

1. Section 101-43.307-13 is revised to read as follows:

§ 101-43.307-13 Medical shelf-life items held for national emergency purposes.

(a) Whenever the head of an executive agency determines that the remaining storage or shelf-life of medical materials or supplies held for national emergency purposes is of too short duration to justify their continued retention for such purposes and that their transfer or disposal would be in the best interest of the United States, those materials or supplies shall be considered to be nonreportable property unless otherwise directed by GSA. To the greatest extent practicable, the above determination shall be made at such time as to ensure that such medical materials or supplies can be transferred or otherwise disposed of in sufficient time to permit their use before their shelf-life expires and the items are unfit for human use.

(b) Excess medical shelf-life items regardless of the remaining useful life shall be made available for use by other Federal agencies as provided in § 101-43.305. Each agency may also report excess medical shelf-life items to enhance the possibility of utilization through increased circularization. The excess report shall identify items as medical shelf-life items held for national emergency purposes by carrying the designating symbol "MSL" in the description of the report and by showing the shelf-life expiration date. Information shall also be furnished regarding whether the expiration date is the original or the extended date. Further, whenever medical shelf-life items held for national emergency purposes are reported as excess, any specialized storage requirements pertaining to the items listed thereon shall be noted on the report.

(c) When such items are determined excess, a surplus release date shall be established by the holding agency in accordance with § 101-43.311-2. For controlled substances (as defined in § 101-42.001), each executive agency shall comply with § 101-42.1102-3.

(d) Transfers among Federal agencies of medical materials and supplies held for national emergency purposes and determined to be excess shall be accomplished in accordance with § 101-43.309, except that such transfers shall be made upon such terms

and prices as shall be agreed to by the Federal agencies concerned. Proceeds from such transfers may be credited to the current applicable appropriation or fund of the transferring agency and shall be available only for the purchase of medical materials or supplies for national emergency purposes.

m. Section 101-43.309-2 is amended by revising paragraphs (b) and (d) to read as follows:

§ 101-43.309-2 Information on availability.

* * * * *

(b) Review of an electronic bulletin board called FEDS/SCREEN (Federal Disposal System/Screen by Computer and Request Excess by Electronic Notification) which contains information on GSA's nationwide inventory of excess and surplus property;

* * * * *

(d) Submission of current and future requirements for excess personal property to the appropriate GSA regional office using GSA Form 1539, Request for Excess Personal Property, illustrated at § 101-43.4902-1539. Instructions for submission of requirements may be obtained from any GSA regional office. Wherever possible, the NSN should be included for each item requested. GSA will assist agencies in obtaining NSN's to the extent practicable. If substitute items are acceptable, these should also be identified by NSN. Requirements for NSN items may be submitted electronically. If not currently available as excess, property requirements identified by NSN's will be retained for approximately 180 calendar days. Property reported excess during this time, if matched with recorded requirements, will be offered for immediate transfer. Agencies should update their lists of items at the end of each 180-calendar-day period to retain visibility in the requirements bank.

n. Section 101-43.309-5 is amended by revising paragraph (a) to read as follows:

§ 101-43.309-5 Procedure for effecting transfers.

(a) All transfers of excess personal property between Federal agencies shall be by SF 122, Transfer Order Excess Personal Property (see § 101-43.4901-122), or any other transfer order form approved by GSA. Automated requests on approved forms and automated requests generated by FEDS/SCREEN may be used for excess personal property transfers. However, Federal agencies using automated requests shall ensure that document numbers are controlled and records maintained indicating the official authorized to approve property transfers. Except for automated transfer orders generated by FEDS/SCREEN, each transferee agency shall forward the original and three copies of the transfer order to the appropriate GSA regional office (see § 101-43.4802) for approval. A SF 120 is not required in addition to SF 122 for direct transfers. Prior approval by GSA is not required when the appropriate GSA regional office is furnished an information copy of each direct transfer order by the transferor agency within 10 workdays from receipt of the order, and the property involved in the given transaction is:

(1) Reportable property under § 101-43.304 but has not yet been reported to GSA, the

total acquisition cost of the transfer order does not exceed \$10,000, and the owning agency's regulations relative to internal distribution have been satisfied; or

(2) Nonreportable property under § 101-43.305 and has not been reserved at the holding location for special screening by the appropriate GSA regional office, and the total acquisition cost of the transfer order does not exceed \$50,000.

* * * * *

o. Section 101-43.311-1 is revised to read as follows:

§ 101-43.311-1 Reportable property.

(a) Excess personal property, which is reported to GSA in accordance with § 101-43.304 and not transferred to other Federal agencies shall become surplus at the close of business on the surplus release date, which is indicated on the report of excess personal property to GSA. With the exception of aircraft and vessels, the surplus release date will normally be 21 calendar days from the day after GSA receives the report of the excess personal property. The surplus release date for aircraft, and for vessels 1,500 gross tons and under in FSC Group 19, will be 60 calendar days from the day after GSA receives the report of excess in the appropriate GSA regional office.

(b) GSA may expedite screening by shortening the period of utilization screening for items individually or by FSC class which have a history of little demand. GSA may extend the screening period to adequately screen large generations or specialized items. The appropriate GSA regional office will coordinate surplus release date changes with the reporting activity to minimize impact on the utilization and disposal process. Agencies may not shorten or lengthen screening periods on their own.

p. Section 101-43.311-2 is amended by revising paragraph (a) and removing paragraph (c) to read as follows:

§ 101-43.311-2 Nonreportable property.

(a) Nonreportable property shall become surplus when it has been made available by the holding agency for Federal use for a minimum of 21 calendar days from the date made available for screening to Federal agencies, unless determined otherwise by GSA, and has not been selected for transfer by another Federal agency. Holding agencies shall annotate property records with the date of the agency excess determination. Authorized Federal agency representatives may request and, with the approval of GSA, holding agencies will grant additional screening time not to exceed 30 calendar days, unless otherwise agreed upon by the holding agency and the GSA regional office concerned. GSA may shorten or lengthen the screening time.

* * * * *

q. Section 101-43.314 is amended by revising paragraph (b)(2)(iv) to read as follows:

§ 101-43.314 Use of excess personal property on grants.

* * * * *

(b) * * *

(2) * * *

(iv) Excess scientific equipment transferred pursuant to section 11(e) of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1870(e)). GSA will consider items of personal property as scientific equipment for transfer without reimbursement to the National Science Foundation (NSF) for use by a project grantee when the property requested is within FSC groups 12 (Fire Control Equipment), 14 (Guided Missiles), 43 (Pumps and Compressors), 48 (Valves), 58 (Communication, Detection, and Coherent Radiation Equipment), 59 (Electrical and Electronic Equipment Components), 65 (Medical, Dental, and Veterinary Equipment and Supplies), 66 (Instruments and Laboratory Equipment), 67 (Photographic Equipment), 68 (Chemicals and Chemical Products), or 70 (General Purpose Information Processing Equipment (Including Firmware), Software, Supplies, and Support Equipment). GSA will give consideration to transfer without reimbursement of items of excess property in other FSC groups when NSF certifies the item requested is a component of or related to a piece of scientific equipment or is an otherwise difficult-to-acquire item needed for scientific research. Items of property determined by GSA to be common use or general purpose property, regardless of classification, shall not be transferred to NSF for use by a project grantee without reimbursement.

* * * * *

r. Section 101-43.4801 is amended by revising paragraphs (a) through (d) 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 Classification (FSC) groups and classes comprising reportable property. Property in these groups and classes must be reported to GSA when the following condition code and dollar threshold criteria are met:

(1) With the exception of aircraft, the condition code as defined in paragraph (e) of this section is salvage or better. Fixed-wing and rotary-wing aircraft, airframe structural components, and aircraft engines, as specified in paragraph (b) of this section, are reportable regardless of condition in accordance with § 101-43.304-2.

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

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

(1) As indicated in the table in paragraph (d) of this section, line items in FSC classes 1510, 1520, 1560, 2810, 2840, or any class in FSC group 16 shall be reported. In agencies other than the Department of Defense, all line items in these classes shall be reported regardless of condition code when dollar criteria are met. For the Department of Defense, aircraft in FSC class 1510 which are in the Cargo/Transport, Observation, Anti-sub, Trainer, or Utility series, all aircraft in FSC class 1520, and line items in other classes which are components of these aircraft shall be reported regardless of condition code when dollar criteria are met.

(2) Items in FSC classes 1510 and 1520 held by the Department of Defense or other agencies shall be reported to the General Services Administration (9FB), San Francisco, California 94102.

(c) All excess Government-owned information technology (IT) equipment and software, as defined in Subpart 101-43.6, shall be disposed of in accordance with the provisions of that Subpart.

(d) The following table shows FSC groups and classes which comprise reportable property: o

FSC group	FSC class	Noun name
15	1510	Aircraft, fixed wing.
	1520	Aircraft, rotary wing.
	1560	Airframe, structural components.
16	All	Aircraft components and accessories.
18	All	Space vehicles.
19	All	Ships, small craft, pontoons, and floating docks (All but vessels over 1500 gross tons).
22	All	Railway equipment.
23	All	Ground effect vehicles, motor vehicles, trailers, and cycles.
24	All	Tractors.
28	2805	Gasoline, reciprocating engines, except aircraft.
	2810	Gasoline, reciprocating engines, aircraft.
	2815	Diesel engines and components.
	2840	Gas turbines and jet engines.
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 ordinance 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.
43	All	Pumps and compressors.
49	4910	Motor vehicle maintenance and repair shop specialized equipment.
	4920	Aircraft maintenance and repair shop 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.
71	All	Furniture.
73	All	Food preparation and serving equipment.

* * * * * s. Section 101-43.4802 is revised to read as **§ 101-43.4802 Regional office addresses and assigned areas.**

Region and office address	Regional areas
National Capital Region, 470 L'Enfant Plaza East, SW., Suite 8100, Washington, DC 20407.	District of Columbia, Maryland (Prince Georges and Montgomery Counties only). Virginia (Prince William, Loudoun, Fairfax and Arlington Counties, and the cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park only).
1—General Services Administration, O'Neill Federal Office Building, Massachusetts, 10 Causeway Street, Boston, MA 02222.	Connecticut, Maine, New Hampshire, Rhode Island, Vermont.
2—General Services Administration, Jacob K. Javits Federal Building, 26 Federal Plaza, New York, NY 10278.	New Jersey, New York, Commonwealth of Puerto Rico, Virgin Islands.
3—General Services Administration, Wannamaker Building, 100 Penn Square East, Philadelphia, PA 19107.	Delaware, Maryland, Pennsylvania, Virginia, West Virginia.
4—General Services Administration, 410 West Peachtree Street, Atlanta, GA 30365.	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.
5—General Services Administration, 230 South Dearborn Street, Chicago, IL 60604.	Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin.
6—General Services Administration, 4400 College Blvd., Suite 175, Overland Park, KS 66211.	Iowa, Kansas, Missouri, Nebraska.
7—General Services Administration, 819 Taylor Street, Fort Worth, TX 76102.	Arkansas, Louisiana, New Mexico, Oklahoma, Texas.
8—General Services Administration, Building 41, Denver Federal Center, Denver, CO 80225.	Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming.
9—General Services Administration, 450 Golden Gate Avenue, San Francisco, CA 94102.	Arizona, California, Hawaii, Nevada, Pacific Ocean Areas.
10—General Services Administration, 400 15th Street, SW., Auburn, WA 98001.	Alaska, Idaho, Oregon, Washington.

t. Section 101-44.109 is amended by revising paragraphs (a) and (b) to read as follows:

§ 101-44.109 Donation screening period.

(a) Unless otherwise directed by GSA, a period of 21 calendar days following the surplus release date (see § 101-43.001-32) shall be provided to set aside surplus reportable and nonreportable property determined to be usable and necessary for donation purposes in accordance with the provisions of Subparts 101-44.2, 101-44.4, and 101-44.5. Reportable surplus property will be set aside for donation when a Standard Form 123, with an informational copy to the holding activity, is submitted to a GSA regional office for approval within the donation screening period. Nonreportable property will be set aside for donation upon notification to a holding activity within the donation screening period by a responsible Federal official, a State agency representative, or an authorized donee representative that the property is usable and necessary for donation purposes.

(b) During the prescribed 21-day donation screening period, Standard Forms 123 will be processed by GSA regional offices in the following sequence:

(1) Department of Defense personal property which is reportable surplus will be reserved for public airport donation during the first 5 calendar days of the donation screening period and for service educational activities (SEA's) during the next 5 calendar days. During the remaining portion of the donation screening period, the property will be available on an equal basis to all applicants.

(2) Executive agency personal property, other than personal property of the Department of Defense, which is reportable surplus will be reserved for public airport donation during the first 5 calendar days of the donation screening period. During the remaining portion of the donation screening period, the property will be available on an equal basis to all applicants. This property is not available for donation to SEA's.

(3) All executive agency personal property which is nonreportable surplus will be made available for donation on an equal basis to all applicants. SEAs are not eligible for donation of nonreportable surplus of executive agencies other than the Department of Defense.

* * * * *

u. Section 101-45.303 is amended by revising paragraphs (a) and (b) to read as follows:

§ 101-45.303 Reporting property for sale.

* * * * *

(a) Reportable surplus. Reportable surplus, if not donated, will be programmed for sale by the GSA regional office unless the holding agency indicates on their reports of excess personal property that they elect to sell their own property.

(b) Nonreportable surplus. Nonreportable surplus, if not donated, shall be reported to the appropriate GSA regional office on Standard Form 126, Report of Personal Property for Sale (illustrated at § 101-45.4901-126) if GSA is to sell the property.

Standard Form 126A, Report of Personal Property for Sale (Continuation Sheet), shall be added if additional pages are required. Standard Forms 126 and 126A are stocked as five-part carbon interleaved forms and may be obtained by submitting a requisition in FEDSTRIP/MILSTRIP format to the GSA regional office providing support to the requesting activity.

8. *Effect on other directives.* This regulation modifies portions of regulations appearing at Parts 101-42 through 101-45 that pertains to the reporting and screening process for property determined to be excess to an agency's needs.

Dated: September 5, 1996.

David J. Barram,

Acting Administrator of General Services.

[FR Doc. 97-574 Filed 1-14-97; 8:45 am]

BILLING CODE 6820-24-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[PR Docket Nos. 92-235 and 92-257; FCC 96-492]

Private Land Mobile Radio Services

AGENCY: Federal Communications Commission.

ACTION: Final rule; petition for reconsideration.

SUMMARY: The Commission has adopted a *Memorandum Opinion and Order (MO&O)* which addresses issues and concerns raised in twenty-four petitions, five oppositions, and three replies, requesting that we reconsider or clarify various decisions and technical rules adopted in the *Report and Order (R&O)* in PR Docket No. 92-235. This *MO&O* also addresses a petition for reconsideration filed in PR Docket No. 92-257 regarding the shared use of industrial/land transportation and maritime public correspondence frequencies. Consistent with our objective of increasing the efficiency of the PLMR frequency bands this *MO&O* clarifies our decisions in the *R&O*, and where necessary, makes appropriate modifications to the rules. This *MO&O* maintains the channel plan adopted in the *R&O*, but also permits frequency coordinators to recommend frequencies for any technology with lesser bandwidth, provided that interference is not caused to other systems.

Additionally, the Commission extends the first transition date for the type acceptance of narrowband equipment from August 1, 1996, to February 14, 1997, and retains the second transition date of January 1, 2005. Further, the Commission clarifies the rules regarding type acceptance to provide greater

flexibility for manufacturers to support existing equipment and, where appropriate, to provide alternatives to our efficiency standards. Finally, the Commission clarifies a variety of technical rules including, but not limited to, those pertaining to new power/antenna height limits, the emission mask, and frequency stability requirements.

EFFECTIVE DATE: February 14, 1997.

FOR FURTHER INFORMATION CONTACT: Ira Keltz of the Wireless Telecommunications Bureau at (202) 418-0680 or via E-Mail at mayday@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Memorandum Opinion and Order*, FCC 96-492, adopted December 23, 1996, and released December 30, 1996. The full text of this *Memorandum Opinion and Order* is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239) 1919 M Street, NW, Washington, DC. The complete text may be purchased from the Commission's copy contractor, ITS, Inc., 2100 M Street NW, Suite 140, Washington, DC 20037, telephone (202) 857-3800.

Summary of Order

1. The *R&O* (60 FR 37152, July 19, 1995) provided the private land mobile radio (PLMR) community with a regulatory framework that promotes efficient use of spectrum, increases technical flexibility, enhances the deployment of new technologies, and promotes a competitive and robust marketplace for product development. In this action, the Commission clarifies its decisions in the *R&O* and where necessary, makes appropriate modifications to the rules.

2. In the *R&O*, the Commission adopted a channel plan based on 7.5 kHz channel spacing in the 150-174 MHz VHF band and 6.25 kHz channel spacing in the 421-430 MHz, 450-470 MHz, and 470-512 MHz UHF bands. Flexibility is provided to licensees by permitting them to aggregate up to four narrowband channels to employ spectrum efficient wideband technology. Additionally, licensees are provided with a simple migration path because they will be able to remain on their currently assigned center frequencies and can continue to use existing equipment while they upgrade to new equipment.

3. Several petitioners ask the Commission to reconsider the new channel plan and instead adopt a channel plan based on 5 kHz channel spacing claiming that the Commission's