

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Dated: July 7, 1998.

Michael J. Armstrong,

Associate Director for Mitigation.

[FR Doc. 98-18969 Filed 7-15-98; 8:45 am]

BILLING CODE 6718-04-P

GENERAL SERVICES ADMINISTRATION

48 CFR Parts 532 and 552

[APD 2800.12A, CHGE 80]

RIN 3090-AG

General Services Administration Acquisition Regulation; 10 Day Payment Clause for Certain Federal Supply Service Contracts and Authorized Price Lists Under Federal Supply Service Schedule Contracts

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Interim rule adopted as final with changes.

SUMMARY: The General Services Administration is adopting as final, with a change, the interim rule published in the **Federal Register** at 63 FR 12965, March 16, 1998. This final rule amends the General Services Administration Acquisition Regulation (GSAR) to include Internet-based invoice processing, in addition to electronic data interchange (EDI) and electronic funds transfer (EFT), as an accepted electronic commerce (EC) transaction. This rule also amends the GSAR to allow contractors under the Federal Supply Service (FSS) multiple award schedule (MAS) program to print and distribute contract pricelists without prior written approval from the contracting officer.

DATES: Effective Date: July 16, 1998.

FOR FURTHER INFORMATION CONTACT: Gloria Sochon, GSA Acquisition Policy Division, (202) 208-6726.

SUPPLEMENTARY INFORMATION:

A. Background

The interim rule amended GSAR Part 532 and 552 to provide for payment of invoices in 10 days under Federal Supply Service (FSS) contracts in the Stock, Special Order, or Schedules Programs for contractors who agree to process orders and invoices electronically using implementation conventions provided by GSA. The rule defined full cycle EC and provided contract clauses establishing the conditions for 10 day payment of invoices.

No public comments were received in response to the interim GSAR rule. The interim GSAR rule is being converted to final with a change to add Internet-based invoice processing to the accepted EC transactions. This change will increase the base of contractors eligible to participate in full cycle EC.

In addition, GSA is removing the requirement that contractors under the FSS MAS program obtain written approval from the contracting officer prior to printing or distributing contract pricelists. This change will allow FSS MAS contractors to begin selling their products through their schedule contracts, and make the contracts available for Government agencies to use, as quickly as possible. In the past, FSS MAS contracts all started on a common date. FSS awarded many contracts in advance of the common start date, allowing time between award and the start date for the process of approving the pricelists. Many schedule contracts now have a variable contract period, effective on the date of award. The process of approving pricelists only delays the ability of contractors and customers to begin using the established contracts on that date. Other contractual remedies, including price adjustment or termination, sufficiently protect the Government's interest in the event that a contractor issues an incorrect pricelist. GSA expects this rule will have no significant cost or administrative burden on contractors or offerors. The rule simplifies administrative processes by removing the requirement to seek and obtain Government approval to print or distribute a contract pricelist. It also eliminates the costs involved in seeking and obtaining the approval.

B. Executive Order 12866

This regulatory action was not subject to Office of Management and Budget Review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

C. Regulatory Flexibility Act

The 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.* The rule provides that the Government will make payment in 10 days from receipt of a proper invoice when the contractor agrees to full cycle EC. Because not all contractors are EDI capable, full cycle EC is not mandatory. Contractors who do not agree to the terms will be paid under standard Prompt Payment Act (31 U.S.C. 3903) procedures and suffer no adverse consequences. Contractors who agree to

full cycle EC will benefit from receiving payment more quickly and being able to streamline administrative procedures and costs associated with processing contract orders.

The change to allow contractors under the FSS MAS program to print and distribute contract pricelists without prior written approval from the contracting officer is not a significant revision requiring public comments and therefore the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, does not apply.

D. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the GSAR do not impose recordkeeping or information collection requirements, or otherwise collect information from offerors, contractors, or members of the public that require approval of the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

List of Subjects in 48 CFR Parts 532 and 552

Government procurement.

Accordingly, the interim rule amending 48 CFR Parts 532 and 552 which was published at 63 FR 12965, March 16, 1998, is adopted as a final rule with the following changes:

1. The authority citation for 48 CFR Parts 532 and 552 continues to read as follows:

Authority: 40 U.S.C. 486(c).

PART 532—CONTRACT FINANCING

2. Section 532.902 is amended by revising the introductory paragraph to read as follows:

532.902 Definitions.

"Full cycle electronic commerce" means the use of electronic data interchange (EDI), Internet-based invoice processing, and electronic funds transfer (EFT):

* * * * *

3. Section 532.905 is amended by revising paragraph (c)(2) to read as follows:

532.905 Invoice payments.

* * * * *

(c) * * *

* * * * *

(2) The 10 day payment terms apply to each order that meet all the following conditions:

(i) FSS places the order using EDI in accordance with the Trading Partner Agreement.

(ii) The contractor submit EDI invoices in accordance with the Trading Partner Agreement or invoices through the GSA Finance Center Internet-based invoice process.

(iii) A GSA Finance Center pays the invoices using EFT.

* * * * *

PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

4. Section 552.232–25 is amended by revising the clause date and deviation citation and revising paragraph (a)(2)(ii) to read as follows:

552.232–25 Prompt payment.

* * * * *

PROMPT PAYMENT (JUL 1998)
(DEVIATION FAR 52.232–25)

* * * * *

(a) *Invoice payments.*

* * * * *

(2) * * *

* * * * *

(ii) The Contractor must generate and submit to the Government valid EDI invoices (transaction set 810) or submit invoices through the GSA Finance Center Internet-based invoice process. Internet-based invoices must be submitted using procedures provided by GSA.

* * * * *

5. Section 552.232–70 is amended by revising the clause date and paragraph (b)(2) to read as follows:

552.232–70 Invoice payments.

* * * * *

INVOICE PAYMENTS (JUL 1998)

* * * * *

(b) * * *

* * * * *

(2) The Contractor must generate and submit to the Government valid EDI invoices (transaction set 810) or submit invoices through the GSA Finance Center Internet-based invoice process. Internet-based invoices must be submitted using procedures provided by GSA.

* * * * *

6. Section 552.238–74 is amended by revising the clause date and paragraph (b) to read as follows:

552.238–74 Submission and distribution of authorized FSS schedule pricelists.

* * * * *

SUBMISSION AND DISTRIBUTION OF
AUTHORIZED FSS SCHEDULE PRICELISTS
(JUL 1998)

* * * * *

(b) The Contracting Officer will return one copy of the Authorized FSS Schedule Pricelist to the Contractor with the notification of contract award.

* * * * *

Dated: July 8, 1998.

Ida M. Ustad,

*Deputy Associate Administrator for
Acquisition Policy.*

[FR Doc. 98–18816 Filed 7–15–98; 8:45 am]

BILLING CODE 6820–61–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 7

[Docket No. OST–96–1430; Amdt. 1]

RIN 2105–AC69

Public Availability of Information; Electronic FOIA Amendment

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: The Department of Transportation revises its regulations implementing the Freedom of Information Act (FOIA), 5 U.S.C. 552. This amendment provides changes to conform to the requirements of the Electronic Freedom of Information Act Amendments of 1996 (EFOIA), Public Law 104–231, provides changes to DOT's fee schedule, and reflects certain organizational changes.

DATES: This rule takes effect on August 17, 1998.

FOR FURTHER INFORMATION CONTACT:

Robert I. Ross, Office of the General Counsel, C–10, Department of Transportation, Washington, DC 20590, telephone (202) 366–9156, FAX (202) 366–9170; electronic mail bob.ross@ost.dot.gov.

SUPPLEMENTARY INFORMATION: These revisions reflect changes required by the Electronic Freedom of Information Act Amendments of 1996 (Public Law 104–231). New provisions implementing the amendments are found at §§ 7.5 (frequently requested documents), 7.8 (electronic reading room requirements), 7.21 (deletion markings and volume estimation), 7.31 (timing of responses, multi-track and expedited processing), and 7.33 (unusual circumstances). Revisions to DOT's fee schedule can be found at § 7.43. DOT will be charging fees at rates based on an average of hourly rates for three pay scale levels. Finally, references to DOT's Urban Mass Transportation Administration (UMTA) are changed to the Federal Transit Administration (FTA) to reflect a statutory revision to the name of the agency. This amendment was published for public comment (63 FR 18855; April 16, 1998), but none was received. We are therefore issuing this amendment as proposed.

Regulatory Notices and Analysis

This amendment is not a “significant regulatory action” within the meaning of Executive Order 12866 or the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531 *et seq.*). It is also not significant within the definition in

DOT's Regulatory Policies and Procedures, 49 FR 11034 (1979), in part because it does not involve any change in important DOT policies. Because the economic impact should be minimal, further regulatory evaluation is not necessary. Under the Regulatory Flexibility Act, the group of persons who will be directly affected by this amendment are the public, who will find it easier to obtain information from the DOT under FOIA. Individual members of the public do not qualify as small entities, but small organizations, businesses, etc., do and all will have burdens lessened by this amendment, as its effect will be to make records available through electronic media and to streamline FOIA processing activities; however, it is not likely that any such burden reduction will be large nor that it will be convertible into economic equivalents. Hence, I certify that this amendment will not have a significant economic impact on a substantial number of small entities.

This amendment does not significantly affect the environment, and therefore an environmental impact statement is not required under the National Environmental Policy Act of 1969. It has also been reviewed under Executive Order 12612, Federalism, and it has been determined that it does not have sufficient implications for federalism to warrant preparation of a Federalism Assessment.

Finally, the amendment does not contain any collection of information requirements, requiring review under the Paperwork Reduction Act, as amended.

List of Subjects in 49 CFR Part 7:

Freedom of information.

In accordance with the above, DOT revises 49 CFR Part 7 to read as follows:

PART 7—PUBLIC AVAILABILITY OF INFORMATION

Subpart A—General Provisions

Sec.

7.1 General.

7.2 Definitions.

Subpart B—Information Required to be Made Public by DOT

7.3 Publication in the **Federal Register**.

7.4 Publication required.

7.5 Availability of opinions, orders, staff manuals, statements of policy, and interpretations and indices.

7.6 Deletion of identifying detail.

7.7 Access to materials and indices.

7.8 Copies.

7.9 Protection of records.

7.10 Public records.