

**Subpart 101-44.4—Donations to Service Educational Activities**

Sec.

101-44.400 What are the responsibilities of DOD, GSA, and State agencies in the Service Educational Activity (SEA) donation program?

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**Subpart 101-44.4—Donations to Service Educational Activities**

**§ 101-44.400 What are the responsibilities of DOD, GSA, and State agencies in the Service Educational Activity (SEA) donation program?**

(a) *Department of Defense.* The Secretary of Defense is responsible for:

(1) Determining the types of surplus personal property under DOD control that are usable and necessary for SEAs.

(2) Setting eligibility requirements for SEAs and making eligibility determinations.

(3) Providing surplus personal property under the control of DOD for transfer by GSA to State agencies for distribution to SEAs.

(b) *General Services Administration.* The Administrator of General Services is responsible for transferring surplus personal property designated by DOD to State agencies for donation to eligible SEAs.

(c) *State agencies.* State agency directors are responsible for:

(1) Verifying that an activity seeking to obtain surplus DOD personal property is an SEA designated as eligible by DOD to receive surplus personal property.

(2) Locating, screening, and acquiring from GSA surplus DOD personal property usable and necessary for SEA purposes.

(3) Distributing surplus DOD property fairly and equitably among SEAs and other eligible donees in accordance with established criteria.

(4) Keeping a complete and accurate record of all DOD property distributed to SEAs and furnishing GSA this information as required in § 101-44.4701(e).

(5) Monitoring compliance by SEA donees with the conditions specified in § 101-44.208 (except §§ 101-44.208(a)(3) and (4), which do not apply to donations of surplus DOD personal property to SEAs).

**§ 101-44.401 How is property for SEAs allocated and distributed?**

(a) *Allocations.* GSA will make allocations in accordance with subpart

101-44.2 of this part, unless DOD requests that property be allocated through a State agency for donation to a specific SEA. Those requests will be honored unless a request is received from an applicant with a higher priority.

(b) *Distributions.* State agencies must observe all the provisions of § 101-44.208, except §§ 101-44.208(a)(3) and (4), when distributing surplus DOD personal property to eligible SEAs.

**§ 101-44.402 May SEAs acquire non-DOD property?**

Generally no. Surplus property generated by Federal civil agencies is not eligible for donation to SEAs, unless the SEAs also qualify under § 101-44.207 to receive donations of surplus personal property.

**§ 101-44.403 What if a provision in this subpart conflicts with another provision in this part 101-44?**

The provisions of this subpart shall prevail.

Dated: October 9, 1998.

**David J. Barram,**

*Administrator of General Services.*

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**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 1**

[GC Docket No. 97-113; FCC 98-254]

**Electronic Filing of Documents in Rulemaking Proceedings**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; petition for reconsideration.

**SUMMARY:** On reconsideration, the Commission is deleting from the Electronic Filing of Documents in Rulemaking Proceedings the requirement that comments filed electronically over the Internet include the telephone number of the commenting party. This ruling will allow individuals to file comments electronically without revealing their telephone numbers and will encourage the use of electronic filing.

**EFFECTIVE DATE:** October 21, 1998.

**FOR FURTHER INFORMATION CONTACT:** Laurence H. Schecker, Office of General Counsel, 202-418-1720.

**SUPPLEMENTARY INFORMATION:**

1. The Commission has under its consideration a petition for reconsideration of its Report and Order in *Electronic Filing of Documents in*

*Rulemaking Proceedings*, 13 FCC Rcd 11322, 63 FR 24121 (1998) (*ECFS Order*), which adopted rules permitting the electronic filing of comments in rulemaking proceedings. Petitioner David B. Popkin requests that we eliminate the requirement that individuals filing comments electronically via the Internet include their telephone number on the comments. Mr. Popkin believes individuals, including amateur radio operators, may wish to keep their telephone number which may be unlisted) non-public. For the reasons discussed, the petition is granted.

2. As Mr. Popkin correctly observes, a commenter's telephone number is not required on non-electronically filed comments in rulemaking proceedings. Thus, parties filing comments in rulemaking proceedings that wish to keep their telephone number private can always file comments on paper rather than electronically. However, we do not want to interpose any barriers to anyone filing comments in rulemaking proceedings electronically, and wish to encourage use of the ECFS. On reconsideration, we will delete the requirement in section 1.419(e), 47 CFR 1.419(e), that telephone numbers be provided on all electronically-filed comments in rulemaking proceedings. The telephone number instead will be optional on the ECFS interface and the e-mail template, neither of which is made part of the public record. We note that our action here applies to the filing of comments in rulemaking proceedings only, as telephone numbers may be required in other regulatory contexts.

3. We further note that section 1.419(e) also requires electronic comment filers to provide their "street address." We will take this opportunity to change this requirement to "mailing address" to accommodate those filers that use post office boxes rather than street addresses. We also will insert the phrase "and other documents" in section 1.419(e), consistent with other paragraphs of section 1.419.

4. In the *ECFS Order*, we certified that the rules "will not have a significant economic impact on a substantial number of small entities." 5 U.S.C. 605(b). We supplement that certification to include the amendment of section 1.419(e) adopted here. The changes to section 1.419(e) relieve burdens on electronic filers or simply clarify the language of the rule, and therefore will not have a significant economic impact on a substantial number of small entities.

5. Accordingly, it is ordered that the Petition for Reconsideration is granted.

6. It is further ordered that pursuant to sections 4(i), 4(j), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), and 303(r), Part 1 of the Commission's Rules is AMENDED as set forth in the Rule Changes, effective upon publication in the Federal Register. These rule changes are procedural rules and relieve restrictions on electronic comment filers. We therefore find that the rule amendments should be made effective upon publication. See 5 U.S.C. 553(d)(1).

#### List of Subjects in 47 CFR Part 1

Administrative practice and procedure.

Federal Communications Commission.  
**Magalie Roman Salas,**  
*Secretary.*

#### Rule Changes

Part 1 of Title 47 of the Code of Federal Regulations is amended as follows:

#### PART 1—PRACTICE AND PROCEDURE

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

**Authority:** 47 U.S.C. 151, 154, 207, 303 and 309(j) unless otherwise noted.

2. Section 1.419 is amended by revising paragraph (e) to read as follows:

##### § 1.419 Form of comments and replies; number of copies.

\* \* \* \* \*

(e) Comments and replies and other documents filed in electronic form by a party represented by an attorney shall include the name and mailing address of at least one attorney of record. Parties not represented by an attorney that file comments and replies and other documents in electronic form shall provide their name and mailing address.

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#### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

#### 48 CFR Parts 1817, 1834, and 1852

#### Phased Acquisitions

**AGENCY:** National Aeronautics and Space Administration (NASA).

**ACTION:** Final rule.

**SUMMARY:** This is a final rule amending the NASA FAR Supplement (NFS) to revise its existing coverage on phased acquisitions and down-selections to reflect changes in NASA Procedures and

Guidance (NPG) 7120.5A, NASA Program and Project Management Processes and Requirements. In addition, the revision also includes: relocation of the NFS coverage from Part 1834, Major System Acquisition, to 1817, Special Contracting Methods, to more accurately reflect the subject matter; and editorial revisions to the text and associated contract clauses to eliminate redundancies and improve readability. All of these changes are considered non substantive in that they do not affect the existing phased acquisition/down-selection procedures.

**DATES:** This rule is effective October 21, 1998.

**ADDRESSES:** Kenneth A. Sateriale, NASA Headquarters Office of Procurement, Contract Management Division (Code HK), Washington, DC 20546.

**FOR FURTHER INFORMATION CONTACT:** Kenneth A. Sateriale, (202) 3580491.

#### SUPPLEMENTARY INFORMATION:

##### Background

NPG 7120.5A, NASA Program and Project Management Processes and Requirements, is the primary internal document governing NASA program management. Revision A supersedes the previous version. The revision includes new terminology that makes obsolete some references, such as program phase designations and definitions, in the NFS coverage on phased acquisitions. Editorial and administrative changes to the NFS are required to ensure complete compatibility with the revised NPG.

##### Impact

NASA certifies that this regulation will not have a significant economic impact on a substantial number of small business entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) since the changes do no more than align NFS terminology to that in Agency internal documents and make editorial revisions to delete redundancies and improve readability. The rule does not impose any reporting or record keeping requirements subject to the Paperwork Reduction Act.

#### List of Subjects in 48 CFR Parts 1817, 1834, and 1852

Government procurement.

**Tom Luedtke,**

*Acting Associate Administrator for Procurement.*

Accordingly, 48 CFR Parts 1817, 1834, and 1852 are amended as follows:

1. The authority citation for 48 CFR Parts 1817, 1834, and 1852 continues to read as follows:

**Authority:** 42 U.S.C. 2473(c)(1).

#### PART 1817—SPECIAL CONTRACTING METHODS

##### Subpart 1817.73 [Added]

2. Subpart 1817.73 is added to read as follows:

##### Subpart 1817.730 Phased Acquisition

1817.7300 Definitions.

1817.7301 Down-selections in phased acquisitions.

1817.7301-1 Pre-solicitation planning.

1817.7301-2 Evaluation factors.

1817.7301-3 Down-selection milestones.

1817.7301-4 Synopsis.

1817.7301-5 Progressive competition.

1817.7302 Contract clauses.

##### Subpart 1817.73—Phased Acquisition

1817.7300 Definitions.

(a) *Down-selection.* In a phased acquisition, the process of selecting contractors for later phases from among the preceding phase contractors.

(b) *Phased Acquisition.* An incremental acquisition implementation comprised of several distinct phases where the realization of program/project objectives requires a planned, sequential acquisition of each phase. The phases may be acquired separately, in combination, or through a down-selection strategy.

(c) *Progressive Competition.* A type of down-selection strategy for a phased acquisition. In this method, a single solicitation is issued for all phases of the program. The initial phase contracts are awarded, and the contractors for subsequent phases are expected to be chosen through a down-selection from among the preceding phase contractors. In each phase, progressively fewer contracts are awarded until a single contractor is chosen for the final phase. Normally, all down-selections are accomplished without issuance of a new, formal solicitation.

1817.7301 Down-selections in phased acquisitions.

1817.7301-1 Pre-solicitation planning.

(a) The rationale for the use of the down-selection technique shall be thoroughly justified in the acquisition planning requirement. Because the initial phase solicitation will also lead to subsequent phase award(s), the decision to use a downselection strategy must be made prior to release of the initial solicitation. Accordingly, all phases must be addressed in the initial acquisition strategy planning and documented in the acquisition plan or ASM minutes.

(b) If there is no direct link between successful performance in the preceding