

Loudoun County, Virginia, at 5 CFR 733.107(c).

### E.O. 12866, Regulatory Review

This regulation has been reviewed by the Office of Management and Budget in accordance with E.O. 12866.

### Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because the changes will affect only employees of the Federal Government.

### List of Subjects in 5 CFR Part 733

Political activities (Government employees).

U.S. Office of Personnel Management.

**John Berry,**  
Director.

Accordingly, the Office of Personnel Management amends 5 CFR part 733 as follows:

### PART 733—POLITICAL ACTIVITY— FEDERAL EMPLOYEES RESIDING IN DESIGNATED LOCALITIES

■ 1. The authority citation for part 733 continues to read as follows:

**Authority:** 5 U.S.C. 7325; sec. 308 of Pub. L. 104–93, 109 Stat. 961, 966 (Jan. 6, 1996)

■ 2. Section 733.107(c) is amended by adding King George County, Virginia, alphabetically to the list of designated Virginia municipalities and political subdivisions as set forth below.

#### § 733.107 Designated localities.

\* \* \* \* \*

(c) \* \* \*  
In Virginia

\* \* \* \* \*

King George County June 6, 2012.

\* \* \* \* \*

[FR Doc. 2012–10951 Filed 5–4–12; 8:45 am]

BILLING CODE 6325–48–P

## DEPARTMENT OF AGRICULTURE

### Office of Procurement and Property Management

#### 7 CFR Part 3203

RIN 0599–AA13

### Guidelines for the Transfer of Excess Computers or Other Technical Equipment Pursuant to Section 14220 of the 2008 Farm Bill

**AGENCY:** Office of Procurement and Property Management, USDA.

**ACTION:** Final rule.

**SUMMARY:** The Office of Procurement and Property Management (OPPM) of the U.S. Department of Agriculture (USDA) is establishing and implementing procedures for the transfer of excess computers or other technical equipment for the purposes of distribution to a city, town, or local government entity in a rural area.

**DATES:** *Effective Date:* June 6, 2012.

**FOR FURTHER INFORMATION CONTACT:** Mr. Michael R. Johnson, Office of Procurement and Property Management, USDA on (202) 720–9779 or by Email at [michaelr.johnson@dm.usda.gov](mailto:michaelr.johnson@dm.usda.gov).

#### SUPPLEMENTARY INFORMATION:

##### A. Background

A proposed rule was published in the **Federal Register** on May 16, 2011 (76 FR 28188–28191, FR Doc No: 2011–11601) soliciting comments on the establishment of Guidelines for the Transfer of Excess Computers or Other Technical Equipment Pursuant to Section 14220 of the 2008 Farm Bill. The proposed rule would have established 7 CFR part 3201, but the final rule will be establishing part 3203. The proposed rule had a comment period of 60 days ending July 15, 2011. No comments were received through email, fax, mail, or hand delivery/courier. A total of 12 comments were received through the Federal eRulemaking Portal. Of the comments received, two were sent as tests, nine were submitted to the wrong docket and subsequently moved to the correct docket, and one comment had multiple questions and comments that were put into one of three categories: (1) Comments on the Farm Bill itself, which will not be addressed; (2) Questions on personal property disposal which are covered by Federal Management Regulations, Agriculture Property Management Regulations and internal agency regulations and policies, and will not be addressed; and (3) A question that asked who is responsible and what happens to the equipment if the items are refurbished and the intended recipient changes its mind or cannot pay the cost (go to [www.Regulations.gov](http://www.Regulations.gov) to see entire comment). Two revisions have been made as a result of the comment referenced above: 1. The word ‘designated’ has been added before ‘organization’ in sections 3203.6(c), 3203.7 and 3203.8; and 2. Additional language has been added to section 3203.4(e)(5) stating that the recipient needs to furnish a copy of the agreement between the recipient and its designated organization.

##### B. Executive Orders Number 12866 and 13563

Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been designated a non-significant regulatory action under section 3(f) of Executive Order 12866. Accordingly, the rule has not been reviewed by the Office of Management and Budget.

This rule implements Section 14220 of the 2008 Farm Bill. It is expected that the benefits that accrue to cities, towns, and local government entities in rural areas from the receipt of excess USDA computers and technical equipment will exceed the costs to USDA in providing such equipment.

##### C. Regulatory Flexibility Act

USDA certifies that this rule will not have a significant impact on a substantial number of small entities as defined in the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* The impact of this regulation will be primarily limited to rural towns and government entities. The Department estimates that 400 eligible entities will submit requests for donated equipment annually. As small businesses are not considered eligible entities under this regulation, the rule will not have a significant impact on the small business community or on a substantial number of small businesses. The Department invited comments on its estimates for the potential impact of this rule on small businesses and did not receive any comments.

##### D. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 through 3520), the information collection is currently approved under OMB control number 0505–0023.

##### E. Executive Order 12630

This rule has been reviewed in accordance with Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights, and does not contain policies that would have implications for these rights.

**F. Executive Order 13132**

This rule has been reviewed in accordance with Executive Order 13132, Federalism, and does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. Provisions of this rule will not have a substantial direct effect on States or their political subdivisions or on the distribution of power and responsibilities among the various government levels.

**G. Unfunded Mandates Reform Act of 1995**

This rule contains no Federal mandates under the regulatory provisions of Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), and therefore a written statement is not required.

**H. Executive Order 12372**

This rule has been reviewed in accordance with Executive Order 12372, Intergovernmental review of Federal programs, and does not establish federal financial assistance or direct Federal development with State and local governments, and is therefore outside the scope of Executive Order 12372, which requires intergovernmental consultation with State and local officials.

**I. Executive Order 13175**

This rule has been reviewed in accordance with Executive Order 13175, Consultation and Coordination With Indian Tribal Governments, and does not have tribal implications or impose unfunded mandates with Indian tribes.

**J. E-Government Act Compliance**

USDA is committed to compliance with the E-Government Act, which requires Government agencies, in general, to provide the public the option of submitting information or transacting business electronically to the maximum extent possible. This rule requires one letter from requestors that can be sent electronically to USDA. USDA will continue to seek other avenues to increase electronically submitted information.

**List of Subjects in 7 CFR 3203**

Computers, Excess, Excess computers, Excess government property, Government property, Other technical equipment, Personal property, Technical equipment.

For the reasons set forth in the preamble, the Department of Agriculture adds 7 CFR part 3203 to read as follows:

**PART 3203—GUIDELINES FOR THE TRANSFER OF EXCESS COMPUTERS OR OTHER TECHNICAL EQUIPMENT PURSUANT TO SECTION 14220 OF THE 2008 FARM BILL**

- Sec.
- 3203.1 Purpose.
  - 3203.2 Eligibility.
  - 3203.3 Definitions.
  - 3203.4 Procedures.
  - 3203.5 Dollar limitation.
  - 3203.6 Restrictions.
  - 3203.7 Title.
  - 3203.8 Costs.
  - 3203.9 Accountability and recordkeeping.
  - 3203.10 Disposal.
  - 3203.11 Liabilities and losses.

**Authority:** 7 U.S.C. 2206b.

**§ 3203.1 Purpose.**

This part sets forth the procedures to be utilized by USDA when transferring excess USDA computers or other technical equipment to an organization for the purposes of distribution to a city, town, or local government entity in a rural area as authorized by 7 U.S.C. 2206b.

**§ 3203.2 Eligibility.**

To be eligible under this part:

- (a) A city, town, or local government entity must be located in a rural area as defined in 7 U.S.C. 1991(a)(13)(A).
- (b) A designated organization must:
  - (1) Have the documented capability to refurbish and distribute excess computers or other technical equipment;
  - (2) Serve the interest of cities, towns, or local government entities in rural areas; and
  - (3) Have been designated by an official of a city, town, or local government entity in a rural area to receive excess computers or other technical equipment under this part.

**§ 3203.3 Definitions.**

*Cannibalization* means to remove serviceable parts from one item of equipment in order to install them on another item of equipment in order to repair or enhance its operability.

*City, town, or local government entity in a rural area* as defined in 7 U.S.C. 1991(a)(13)(A) means any area other than:

- (1) A city or town that has a population of greater than 50,000 inhabitants; and
- (2) Any urbanized area contiguous and adjacent to such a city or town described in paragraph (1) of this definition.

*Computers or other technical equipment* means central processing units, laptops, desktops, computer mice, keyboards, monitors, related

peripheral tools (e.g., printers, modems, routers, servers, multimedia projectors, multifunctional devices, external hard drives) and fax machines. This term may also include computer software where the transfer of a license is permitted.

*Designated Organization* means an organization that has been selected by an official of a city, town, or local government entity in a rural area to provide refurbishing services on donated computer and technical equipment.

*Excess* means any property under the control of a USDA agency that is no longer required for that agency's or another USDA agency's needs, as determined by the agency head or designee.

*Property Management Officer (PMO)* is an eligible recipient's designated point of contact, responsible for adherence to procedures described in this part.

*Recipient* means a city, town, or local government entity located in a rural area as defined in 7 U.S.C. 1991(a)(13)(A) that may receive excess computers or other technical equipment under this part.

*Refurbish* means to make 'like new' by the process of major maintenance or minor repair of an item, either aesthetically or mechanically.

**§ 3203.4 Procedures.**

(a) Each agency head will designate, in writing, an authorized official to approve transfers of excess computers or other technical equipment under this part consistent with the Department's policies on personal property management.

(b) Excess computers or other technical equipment must first be internally screened to ensure it is not needed elsewhere in the Department.

(c) To receive information concerning the availability of USDA excess computers or other technical equipment, an eligible recipient's PMO should contact any USDA office near to its location.

(d) The USDA employee responsible for personal property, at the office contacted, will review the request for eligibility of the recipient and the availability of excess computers or other technical equipment. The USDA employee will inform the requestor of the outcome of the review (e.g. eligibility, the availability of excess computers or other technical equipment).

(e) Eligible recipients will express their interest in receiving property under this part by submitting a request, on letterhead paper (electronic copy is

acceptable), to a USDA authorized official. All requests must originate from, and be signed by, a representative of an eligible recipient city, town, or local government entity. Requests must include:

(1) Type of excess computers or other technical equipment requested (should include specifications);

(2) Justification for eligibility (see § 3203.2);

(3) Contact information of the requestor;

(4) Logistical information such as when and how the property will be picked up; and

(5) Information on the recipient's designated organization (company name, contact person and phone number) that is designated to receive and refurbish the property for the eligible recipient along with a copy of the agreement between the recipient and its designated organization.

(f) Excess computers or other technical equipment should be inspected before the property is transferred or the USDA agency should be contacted to verify the condition of the property.

(g) If the condition of the property is acceptable, the recipient or its designated organization will coordinate with the USDA contact for transfer of the property. Since the USDA agency office may have several requests for property, it is critical that the recipient or its designated organization contact USDA as soon as possible. Property will usually be allocated on a first-come, first-served basis, taking into account fair and equitable distribution of excess computers or other technical equipment to all eligible recipients.

(h) Transfers will be accomplished using the appropriate USDA property transfer form. The transfer form must contain the following statement: "Property listed on this form is being transferred pursuant to the provisions in 7 CFR Part 3203." The form must be signed by an authorized official of the USDA agency and an official of the recipient organization.

(i) A copy of the request that transferred the property must be attached to the transfer order and kept in the USDA agency's files.

(j) When property is transferred to a designated organization, a copy of the completed transfer document will be sent to the eligible recipient government entity for its records. Eligible recipients are responsible for following up with the designated organization they have designated for the final receipt of the property.

(k) In cases where an agency receives competing requests for excess

computers or other technical equipment, to the extent permitted by law, the agency shall give full consideration to such factors as national defense requirements, emergency needs, energy conservation, preclusion of new procurement, fair and equitable distribution, transportation costs, and retention of title in the Government.

(l) Prior to transferring any property pursuant to this Act, the transferring agency must remove data from the excess computers or other technical equipment (memory or any kind of data storage device) according to accepted sanitization procedures. To the maximum extent practicable, the transferring agency must remove data using a means that does not remove, disable, destroy, or otherwise render unusable the excess computers or other technical equipment or components. It is imperative that agencies take the necessary steps to ensure that no personal computer, server, external storage device, or related electronic component is transferred that might contain sensitive or confidential information. See Departmental Manual 3575-001, Security Controls in the System Life Cycle/System Development Life Cycle, for additional guidance.

#### § 3203.5 Dollar limitation.

There is no dollar limitation on excess computers or other technical equipment obtained under this part.

#### § 3203.6 Restrictions.

(a) Only an authorized USDA official may approve the transfer of excess computers or other technical equipment under this part.

(b) Excess computers or other technical equipment may be transferred for the purpose of cannibalization, provided that the requestor submits a statement clearly indicating that cannibalization of the requested property will have greater benefit than utilization of the item in its existing form. Cannibalization is a secondary use of equipment and, therefore, these requests are considered subordinate to requests for primary use.

(c) Designated organizations will only receive property for cannibalization when it has been specifically requested by the recipient and the cannibalized parts must only be used in computers or other technical equipment destined for eligible recipients.

#### § 3203.7 Title.

Title of ownership to excess computers or other technical equipment transferred under this part shall automatically pass to the recipient once the transferring agency and recipient or

designated organization sign the transfer form indicating that the designated organization has received the property.

#### § 3203.8 Costs.

The designated organization must pay any costs associated with packaging and transportation of the property unless it has made other arrangements. The designated organization must remove property from the USDA agency's premises within 15 calendar days after being notified that the property is available for pickup, unless otherwise coordinated with the USDA agency. If the recipient decides prior to picking up or removing the property that it no longer wants the property, it must notify the USDA agency that approved the transfer request that the property is no longer needed.

#### § 3203.9 Accountability and recordkeeping.

(a) USDA requires all excess computers or other technical equipment received by an eligible recipient pursuant to this part be placed into use within one year of receipt of the property and used for at least one year thereafter. The recipient's PMO must maintain accountable records for such property during this time period.

(b) GSA requires that all excess personal property given to non-federal recipients be reported each fiscal year. USDA agencies that transfer property under this part must report the transfers in their annual reports to OPPM and include both the recipient and organization names. OPPM will review the reports for accuracy, as well as fair and equitable distribution of the excess computers or other technical equipment, before submitting to GSA.

#### § 3203.10 Disposal.

When property received under this part is no longer needed by the recipient, it must be disposed of in an environmentally sound manner that is not detrimental or dangerous to public health or safety and in accordance with all Federal, State and local laws.

#### § 3203.11 Liabilities and losses.

USDA assumes no liability with respect to accidents, bodily injury, illness, or any other damages or loss related to excess computers or other technical equipment transferred under this part. The recipient/designated organization is advised to insure or otherwise protect itself and others as appropriate.

Dated: April 27, 2012.

Lisa M. Wilusz,

Director.

[FR Doc. 2012-10745 Filed 5-4-12; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2011-0044; Directorate Identifier 2010-NM-059-AD; Amendment 39-17039; AD 2012-09-04]

RIN 2120-AA64

#### Airworthiness Directives; The Boeing Company Model 767-200, -300, -300F, and -400ER Series Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** We are superseding an existing airworthiness directive (AD) that applies to The Boeing Company Model 767-200, -300, and -300F series airplanes. That AD currently requires inspections to detect cracking or corrosion of the fail-safe straps between the side fitting of the rear spar bulkhead at body station 955 and the skin; and follow-on and corrective actions. This new AD expands the applicability; and adds an inspection for cracking in the fail-safe strap, and repair or replacement if necessary. This AD was prompted by additional reports of cracks in 51 fail-safe straps on 41 airplanes; we have also received a report of a crack found in the "T" fitting that connects the fail-safe strap to the outboard edge of the pressure deck. We are issuing this AD to detect and correct fatigue cracking or corrosion of the fail-safe straps and the "T" fittings, which could result in cracking of adjacent structure and consequent reduced structural integrity of the fuselage.

**DATES:** This AD is effective June 11, 2012.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of June 11, 2012.

The Director of the Federal Register approved the incorporation by reference of certain other publications listed in this AD as of November 1, 2004 (69 FR 57636, September 27, 2004, as referenced in 70 FR 58000, October 5, 2005).

**ADDRESSES:** For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data

& Services Management, P.O. Box 3707, MC 2H-65, Seattle, Washington 98124-2207; telephone 206-544-5000, extension 1, fax 206-766-5680; email [me.boecom@boeing.com](mailto:me.boecom@boeing.com); Internet <https://www.myboeingfleet.com>. You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98057-3356. For information on the availability of this material at the FAA, call 425-227-1221.

#### Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800-647-5527) is Document Management Facility, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Berhane Alazar, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, Washington 98057-3356; phone: 425-917-6577; fax: 425-917-6590; email: [berhane.alazar@faa.gov](mailto:berhane.alazar@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2004-19-06 R1, amendment 39-14313 (70 FR 58000, October 5, 2005). That AD applies to The Boeing Company Model 767-200, -300, and -300F series airplanes. The NPRM published in the **Federal Register** on February 24, 2011 (76 FR 10288). That NPRM proposed to continue to require inspections to detect cracking or corrosion of the fail-safe straps between the side fitting of the rear spar bulkhead at body station 955 and the skin; and follow-on and corrective actions. That NPRM also proposed to expand the applicability, and add an inspection for cracking in the fail-safe strap, and repair or replacement if necessary.

##### Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments

received on the proposal and the FAA's response to each comment.

#### Request To Add Airplanes to Applicability

Aviation Partners Boeing (APB) asked that we include airplanes in the NPRM (76 FR 10288, February 24, 2011) that have been modified with winglets, in accordance with Supplemental Type Certificate (STC) ST01920SE. APB stated that it completed an analysis of Boeing Alert Service Bulletin 767-53A0100, Revision 2, dated January 15, 2010, and determined that the defined rework limits are valid when winglets are installed. APB added that including these airplanes will reduce the effort to support requests for alternative methods of compliance (AMOCs) to the NPRM.

We acknowledge APB's request to include airplanes modified with winglets in accordance with the referenced STC in the applicability of this AD. We received an analysis package from APB which verifies that the compliance information included in Boeing Alert Service Bulletin 767-53A0100, Revision 2, dated January 15, 2010, is adequate to provide an acceptable level of safety for airplanes equipped with those winglets. Those airplanes are listed in the effectivity section of Revision 2 of this service bulletin, which is identified in the applicability section of this AD. We have not changed the AD in this regard. However, since the referenced STC does not affect accomplishment of the requirements of this AD, we have clarified that an AMOC is not necessary for these airplanes by adding this provision in new Note 1 to paragraph (c) of this AD. We have also reidentified subsequent notes.

#### Request To Change Supplementary Information Section of NPRM

Boeing noted that in the Supplementary Information section of the NPRM (76 FR 10288, February 24, 2011), there is an error under "Actions Since Existing AD Was Issued." Boeing asked for a correction to the "flight cycles" data in the sentence "Fail-safe straps were repaired on 33 airplanes with total accumulated flight cycles ranging from 39,886 to 89,236." Boeing stated that the correct flight cycles range is "9,250 to 38,490," and the correct flight hours range is "39,886 to 89,236," as published in Boeing Alert Service Bulletin 767-53A0100, Revision 2, dated January 15, 2010.

We agree with Boeing that there is an error in the number of flight cycles specified under "Actions Since Existing AD Was Issued;" the correct number of flight cycles was inadvertently omitted