

Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Office of Procurement and Property Management

7 CFR Part 3200

RIN 0500-AA00

Uniform Procedures for the Acquisition and Transfer of Excess Personal Property

AGENCY: Office of Procurement and Property Management, USDA.

ACTION: Notice of proposed rule making.

SUMMARY: The proposed rulemaking sets forth uniform procedures for the acquisition and transfer of excess personal property to the 1890 Land Grant Institutions (including Tuskegee University), the 1994 Land Grant Institutions and the Hispanic-Serving Institutions in support of research, educational, technical, and scientific activities or for related programs as authorized by section 923 of the Federal Agriculture Improvement and Reform Act (FAIR) of 1996 (Pub. L. No. 104-127), 7 U.S.C. 2206a.

DATES: Comments are due by February 23, 1998.

ADDRESSES: Send your comments to Linda W. Oliphant, U.S. Department of Agriculture, Office of Procurement and Property Management (OPPM), Property Management Division, (PMD), Room 1520 South Building, 1400 Independence Avenue, SW., Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Denise R. Hayes or Linda W. Oliphant, U.S. Department of Agriculture, Office of Procurement and Property Management, Property Management Division, Room 1520 South Building, 1400 Independence Avenue, SW., Washington, DC 20250, (202) 720-3141.

SUPPLEMENTARY INFORMATION: Section 923 of the FAIR Act, 7 U.S.C. 2206a, authorizes the Secretary of Agriculture to convey title to excess personal property, with or without monetary compensation to the 1994 Institutions

(as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994, 7 U.S.C. 301 note); to any Hispanic-Serving Institution (as defined in section 316(b)) of the Higher Education Act of 1965, 20 U.S.C. 1059c(b); and to any college or university eligible to receive funds under the Act of August 30, 1890, 7 U.S.C. 321 *et seq.*, including Tuskegee University. Pursuant to the authority provided in section 923 USDA proposes to add part 3200 to title 7 of Code of Federal Regulations to establish uniform procedures for the acquisition and transfer of excess personal property to the designated institutions. This document includes not only the Department of Agriculture (USDA) procedures to implement 7 U.S.C. 2206a, but draws upon the General Services Administration (GSA) regulations concerning the disposal of excess personal property.

Paperwork Reduction

The information collection and recordkeeping requirements to implement these procedures have been cleared by the Office of Management and Budget (OMB), under 0505-0019, in accordance with the Paperwork Reduction Act, 44 U.S.C. 3500 *et seq.*

Classification

This proposed rule was reviewed under Executive Order 12866, and it has been determined that it is not a significant regulatory action because it will not have an annual effect on the economy of \$100 million or more or adversely and materially affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, Local, or Tribal governments or communities. This proposed rule will not create any serious inconsistencies or otherwise interfere with any actions taken or planned by another agency. It will not materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof.

Regulatory Flexibility

The Department of Agriculture certifies that this proposed 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.*

Executive Order 12988

The proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. The proposed rule meets the applicable standards in section 3 of Executive Order 12988.

List of Subjects in 7 CFR Part 3200

Excess government property, Government property, Government property management.

For the reasons set forth in the preamble, the Department of Agriculture proposes to establish chapter XXXII in title 7 of the Code of Federal Regulations to read as follows:

CHAPTER 32—OFFICE OF PROCUREMENT AND PROPERTY MANAGEMENT, DEPARTMENT OF AGRICULTURE

Part 3200 Department of Agriculture guidelines for the acquisition and transfer of excess personal property

3201—3299 [Reserved]

PART 3200—DEPARTMENT OF AGRICULTURE GUIDELINES FOR THE ACQUISITION AND TRANSFER OF EXCESS PERSONAL PROPERTY

Sec.

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Authority: 5 U.S.C. 301; 7 U.S.C. 2206a.

§ 3200.1 Purpose.

This part sets forth the procedures to be utilized by USDA, Office of Procurement and Property Management (OPPM) in the acquisition and transfer of excess property to the 1890 Land Grant Institutions (including Tuskegee University), 1994 Land Grant Institutions, and the Hispanic-Serving Institutions in support of research, educational, technical, and scientific activities or for related programs as authorized by 7 U.S.C. 2206a. Title to the personal property shall pass to the institution.

§ 3200.2 Eligibility.

Institutions that are eligible to receive Federal excess personal property

pursuant to the provision of this part are the 1890 Land Grant Institutions (including Tuskegee University), 1994 Land Grant Institutions, and the Hispanic-Serving Institutions conducting research, educational, technical, and scientific activities or related programs.

§ 3200.3 Definitions.

(a) *1890 Land grant institutions*—any college or university eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et.seq.), including Tuskegee University.

(b) *1994 Land grant institutions*—any of the tribal colleges or universities as defined in Section 532 of the Equity in Educational Land-Grant Status Act of 1994.

(c) *Hispanic-serving institutions*—institutions of higher education as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c (b)).

(d) *Property management officer*—is an authorized Department of Agriculture or institution official responsible for property management.

(e) *Screener*—is an individual designated by an eligible institution and authorized by the General Services Administration (GSA) to visit property sites for the purpose of inspecting personal property intended for use by the institution.

(f) *Excess personal property*—is any personal property under the control of a Federal agency that is no longer needed.

(g) *Cannibalization*—is the dismantling of equipment for parts to repair or enhance other equipment.

§ 3200.4 Procedures.

(a) To receive information concerning the availability of Federal excess personal property, an eligible institution's property management officer may contact their regional GSA, Accountable Utilization Officer. All property management officers of eligible institutions will be placed on the Department of Agriculture's mailing list for information on the availability of property. USDA excess property first will be screened by USDA agencies through the Departmental Excess Personal Property Coordinator (DEPPC) using the PMIS/PROP system.

(b) Excess property selected by screeners of eligible institutions should be inspected whenever possible, or the holding agency should be contacted to verify the condition of the items, because interpretation of condition codes varies among agencies.

(c) If the condition of the item is acceptable, the institution should

“freeze” (reserve) items by calling the appropriate GSA office or USDA's Departmental Excess Personal Property Coordinator (DEPPC). Items are usually allocated on a “first come-first serve basis.” Since GSA may have several “freezes” on a piece of equipment, it is critical that the paperwork be submitted as soon as possible.

(d) Property requests are submitted by mail or fax on a Standard Form 122, “Transfer Order Excess Personal Property,” with a written justification statement explaining how the property will be used for research, educational, technical, or scientific activity or for related programs.

(e) The SF-122 should be forwarded to USDA, OPPM/PMD for approval. As confirmation of approval, the institution's Property Management Officer will receive a stamped copy of the SF-122. If the request is disapproved, it will be returned to the Property Management Officer with an appropriate explanation.

(f) Once the excess personal property is physically received, the institution is required to immediately return a copy of the SF-122, to OPPM/PMD, indicating receipt of requested items. Cancellations should also be reported to OPPM/PMD.

Note: OPPM/PMD shall send an informational copy of all USDA transactions to GSA.

§ 3200.5 Dollar limitation.

There is no dollar limitation on excess personal property obtained under these procedures.

§ 3200.6 Restrictions.

(a) The Department's authorized official will approve the transfer of excess personal property in the following groups for the 1890 Land Grant Institutions (including Tuskegee University), 1994 Land Grant Institutions and the Hispanic-Serving Institutions in support of research, educational, technical, and scientific activities or for related programs.

Eligible Federal supply code groups	Name
12	Fire Control Equipment.
19	Ships, Small Crafts, Pontoons, and Floating Docks.
22	Railway Equipment.
23	Vehicles, Motor Vehicles, Trailers and Cycles.
24	Tractors.
26	Tires and Tubes.
28	Engines, Turbines and Components.
29	Engine Accessories.

Eligible Federal supply code groups	Name
30	Mechanical Power Transmission Equipment.
31	Bearings.
32	Woodworking Machinery and Equipment.
34	Metal Working Machinery.
35	Service and Trade Equipment.
36	Special Industry Machinery.
37	Agricultural Machinery and Equipment.
38	Construction, Mining, Excavating, and Highway Maintenance Equipment.
39	Material Handling Equipment.
40	Rope, Cable, Chain, and Fittings.
41	Refrigeration, Air Conditioning and Air Circulating Equipment.
42	Fire Fighting, Rescue, and Safety Equipment.
43	Pumps, Compressors.
44	Furnace, Steam Plant, and Drying.
45	Plumbing, Heating, and Sanitation Equipment; and Nuclear Reactors.
46	Water Purification and Sewage Treatment Equipment.
47	Pipe, Tubing, Hose, and Fittings.
49	Maintenance and Repair Shop Equipment.
51	Hand Tools.
52	Measuring Tools.
53	Hardware and Abrasives.
54	Prefabricated Structures and Scaffolding.
55	Lumber, Millwork, Plywood, and Veneer.
56	Construction and Building Materials.
58	Communication, Detection, and Coherent Radiation Equipment.
59	Electrical and Electronic Equipment Components.
60	Fiber Optics Materials, Components, Assemblies, and Accessories.
61	Electric Wire, and Power and Distribution Equipment.
62	Lighting Fixtures and Lamps.
63	Alarm, Signal, and Security Detection Systems.
65	Medical, Dental, and Veterinary Equipment and Supplies.
66	Instruments and Laboratory Equipment.
67	Photographic Equipment.
69	Training Aids and Devices.
70	General Purpose Automatic Data Processing Equipment (Including Firmware), Software, and Support Equipment.
71	Furniture.
72	Household and Commercial Furnishings and Appliances.
73	Food Preparation and Serving Equipment.

Eligible Federal supply code groups	Name
74	Office Machines, Text Processing Systems and Visible Record Equipment.
75	Office Supplies and Devices.
76	Books, Maps, and Other Publications.
77	Musical Instruments, Phonographs, and Home-type Radios.
78	Recreational and Athletic Equipment.
79	Cleaning Equipment and Supplies.
80	Brushes, Paints, Sealers, and Adhesives.
81	Containers, Packaging and Packing Supplies.
83	Textiles, Leather, Furs, Apparel and Shoe Findings, Tents, and Flags.
84	Clothing, Individual Equipment and Insignia.
85	Toiletries.
87	Agricultural Supplies.
88	Live Animals.
91	Fuels, Lubricants, Oils and Waxes.
93	Nonmetallic Fabricated Materials.
94	Nonmetallic Crude Materials.
95	Metal Bars, Sheets, and Shapes.
96	Ores, Minerals and Their Primary Products.
99	Miscellaneous.

Note: Requests for items in FSC Groups other than the above shall be referred to the Director of OPFM for consideration and approval.

(b) Excess personal property may be transferred for the purpose of cannibalization, provided the institution submits a supporting statement which clearly indicates that cannibalizing the requested property for secondary use has greater benefit than utilization of the item in its existing form.

§ 3200.7 Title.

Title to excess personal property obtained under part 3200 will automatically pass to the 1890 Land Grant Institutions (including Tuskegee University), 1994 Land Grant Institutions, and the Hispanic-Serving Institutions once OPFM/PMD receives the SF-122 indicating that the institution has received the property.

§ 3200.8 Costs.

Excess personal property under this law is free of charge. However, the institution must pay all costs associated with packaging and transportation. The institution should specify the method of shipment on the SF-122.

§ 3200.9 Accountability and recordkeeping.

USDA requires that Federal excess personal property received by an eligible institution pursuant to this Part shall be placed into use for a research, educational, technical, or scientific activity or for related purpose within 1 year of receipt of the property and used for such purpose for at least 1 year thereafter. The institution's Property Management Officer must maintain accountable records identifying the property's location, description, utilization and value. The use of excess Federal personal property received under this part is subject to inspection by an authorized representative of USDA at all reasonable times.

§ 3200.10 Disposal.

When the property is no longer needed by the institution, it may be used in support of other Federal projects or sold and the proceeds used for research, educational technical, and scientific activities or for related programs of the recipient institution.

§ 3200.11 Liabilities and losses.

USDA assumes no liability with respect to accidents, bodily injury, illness, or any other damages or loss related to excess personal property transferred under this Part.

PARTS 3201-3299—[RESERVED]

W. R. Ashworth,

Director, Office of Procurement and Property Management.

[FR Doc. 98-1506 Filed 1-22-98; 8:45 am]

BILLING CODE 3410-XE-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97-ANE-45-AD]

RIN 2120-AA64

Airworthiness Directives; Pratt & Whitney JT8D Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to Pratt & Whitney JT8D series turbofan engines. This proposal would require a one-time visual and eddy current inspection of certain stage 3-4 low pressure compressor (LPC) disks and stage 7-12

high pressure compressor (HPC) disks identified by part number and serial number, for arc burns in tie rod, shielding, and pressure balance holes, and, if necessary, repair of tie rod holes. This proposal is prompted by reports of improper fixturing during the electrolytic cleaning process of certain compressor disks at a certified repair station, Avial, currently Greenwich Air Services Inc., certificate number RA1R445K of Dallas, Texas, that can result in damage to the disks in the form of arc burns. The actions specified by the proposed AD are intended to prevent compressor disk cracking from arc burns in tie rod holes, shielding holes, or pressure balance holes, which could lead to a fracture of a compressor disk, resulting in uncontained release of engine fragments, inflight engine shutdown, and airframe damage.

DATES: Comments must be received by February 23, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 97-ANE-45-AD, 12 New England Executive Park, Burlington, MA 01803-5299. Comments may also be sent via the Internet using the following address: "9-ad-engineprop@faa.dot.gov". Comments sent via the Internet must contain the docket number in the subject line. Comments may be inspected at this location between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Greenwich Air Services, 9311 Reeves Street, Dallas TX 75235-2095; telephone (214) 956-5310, fax (214) 956-5523. This information may be examined at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA.

FOR FURTHER INFORMATION CONTACT: Christopher Spinney, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (781) 238-7175, fax (781) 238-7199.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before