

## Transmittal No. 98-40

**Notice of Proposed Issuance of Letter of Offer  
Pursuant to Section 36(b)(1)  
of the Arms Export Control Act**

**Annex  
Item No. vi**

**(vi) Sensitivity of Technology:**

1. The TOW 2 weapon system including the TOW 2A missiles and documentation are Unclassified. Sensitive technology is contained within the missile system software programs. Some performance characteristics and system capabilities which could be derived from the use of the equipment are classified Secret.

2. The hardware is also considered sensitive and knowledge of the modulation frequency and infrared wavelengths could be useful in developing countermeasures. The highest level of classified material which could be disclosed through reverse engineering or testing of the TOW missile is Secret.

3. If a technologically capable adversary were to obtain knowledge of this highly sensitive equipment, the technology could be easily absorbed, thereby permitting development of countermeasures which could reduce overall weapon system effectiveness.

4. A determination has been made that the recipient country can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This proposed sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

[FR Doc. 98-14012 Filed 5-27-98; 8:45 am]

BILLING CODE 5000-04-C

**DEPARTMENT OF DEFENSE****General Services Administration****National Aeronautics and Space Administration**

[OMB Control No. 9000-0020]

**Proposed Collection; Comment Request Entitled Qualification Requirements**

**AGENCY:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of request for comments regarding an extension to an existing OMB clearance (9000-0020).

**SUMMARY:** Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Qualification Requirements. The clearance currently expires on September 30, 1998.

**COMMENTS:** Comments may be submitted on or before July 27, 1998.

**FOR FURTHER INFORMATION CONTACT:** Ralph DeStefano, Federal Acquisition Policy Division, GSA (202) 501-1758.

**ADDRESSES:** Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503 and a copy to the General Services Administration, FAR Secretariat, 1800 F Street, NW, Room 4035, Washington, DC 20405.

**SUPPLEMENTARY INFORMATION:****A. Purpose**

10 U.S.C. 2319 and 41 U.S.C. 253c prescribe policies and procedures which are to be followed by Federal agencies before they may establish any prequalification requirement with which a prospective contractor must comply before his offer will even be

considered by the agency for a contract award. Three basic requirements are prescribed.

First, the agency must examine the need for establishing the prequalification requirement, given its adverse impact on free and open competition. Having established that a need for a prequalification requirement exists, the agency must prepare a written justification which explains that need.

Second, the agency must specify the standards which a prospective contractor, or its product or service, must satisfy in order to be qualified. The agency is directed to limit such standards to those essential to "meet the purposes necessitating the establishment of the prequalification requirement."

Third, the executive agency imposing the prequalification requirement must promptly provide a prospective contractor with the opportunity to demonstrate its ability to meet the standards the agency has specified for qualification.

The contracting officer uses the information to determine eligibility for award when the clause at 52.209-1, Qualification Requirements, is included in the solicitation. The offeror must identify the offeror, manufacturer, source, product or service, as appropriate, that has been prequalified and test number as evidence that the qualification requirement has been met. Alternatively, an offeror not meeting the qualification requirement may be considered for award upon the submission of evidence that the qualification requirement has been satisfied.

### B. Annual Reporting Burden

Public reporting burden for this collection of information is estimated to average .17 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The annual reporting burden is estimated as follows: Respondents, 2,700; responses per respondent, 10; total annual responses, 27,000; preparation hours per response, .17; and total response burden hours, 4,590.

**Obtaining Copies of Proposals:** Requester may obtain a copy of the justification from the General Services Administration, FAR Secretariat (MVRS), 1800 F Street, Room 4035, Washington, DC 20405, telephone (202) 501-4755. Please cite OMB Control No. 9000-0020, Qualification Requirements, in all correspondence.

Dated: May 21, 1998.

**Sharon A. Kiser,**

*FAR Secretariat.*

[FR Doc. 98-14117 Filed 5-27-98; 8:45 am]

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Privacy Act of 1974; System of Records

**AGENCY:** Office of the Secretary, DoD.

**ACTION:** Notice to alter a system of records.

**SUMMARY:** The Office of the Secretary proposes to alter a system of records notice in its existing inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended. The alteration consists of adding three routine uses to DGC 18, entitled 'DoD Roster of Mediators' to enable the release of information outside of the Department of Defense.

**DATES:** This proposed action will be effective without further notice on June 23, 1998, unless comments are received which result in a contrary determination.

**ADDRESSES:** Send comments to OSD Privacy Act Coordinator, Records Section, Directives and Records Division, Washington Headquarter Services, Correspondence and Directives, 1155 Defense Pentagon, Washington, DC 20301-1155.

**FOR FURTHER INFORMATION CONTACT:** Mr. David Bosworth at (703) 695-0970 or DSN 225-0970.

**SUPPLEMENTARY INFORMATION:** The Office of the Secretary systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on May 14, 1998, to the House Committee on Government Reform and Oversight, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A-130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: May 21, 1998.

**L.M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

### DGC 18

#### SYSTEM NAME:

DoD Roster of Mediators (*August 25, 1995, 60 FR 44324*).

#### CHANGES

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#### SYSTEM NAME:

Delete entry and replace with 'DoD Roster of Neutrals.'

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with 'DoD employees who have agreed to serve as neutrals as described in 5 U.S.C. 573. These individuals are trained and experienced in Alternative Dispute Resolution (ADR) and may serve as a conciliator, facilitator, mediator, or in other neutral roles in the dispute resolution process.'

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with 'Background information including experiences and training of persons who wish to be and/or are registered in the DoD Roster of Neutrals. Information includes Alternate Dispute Resolution education or certification status and notes or any other information pertaining to a neutral, including recertification, removal, and investigatory or disciplinary actions taken against an individual. The investigator's files that may be used to determine those actions are not contained in this system of records.'

Files of neutrals assigned to Alternate Dispute Resolution proceedings generally contain evaluations contributed by the parties to the dispute commenting on the effectiveness of the neutral.

Other records consist of ADR case files, which include requests for, and agreements to engage in, an ADR proceeding, settlement agreements and other correspondence relating to a case; case file logs; and case file databases.'

\* \* \* \* \*

#### PURPOSE(S):

Delete entry and replace with 'The primary purpose of the system is to maintain the Roster of Neutrals for use by parties in dispute to review training, experience and other qualifications information about neutrals. Secondary purposes are to manage application, investigative, certification,