

Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities." Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

L. Paperwork Reduction Act

Under the Paperwork Reduction act, 44 U.S.C. 3501 *et seq.*, Federal agencies must consider the paperwork burden imposed by any information request contained in a proposed rule or a final rule. This rule will not impose any information requirements upon the regulated community.

M. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 ("NTTAA"), Public Law 104-113 section 12(d) (15 U.S.C. 272) directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be standards inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This action does not involve technical standards. Therefore, the EPA did not consider the use of any voluntary consensus standards.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous Waste transportation, Indian land, Intergovernmental relations, Penalties, Reporting and recordkeeping

requirements, Water pollution control, Water supply.

Authority: This document is issued under the authority of Sections 2002(a) 3006 and 7004(b) of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: October 6, 1998.

Chuck Clarke,

Regional Administrator, U.S. Environmental Protection Agency, Region 10.

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GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-44

[FPMR Amdt. H-200]

RIN 3090-AG77

Donations To Service Educational Activities

AGENCY: Office of Governmentwide Policy, GSA.

ACTION: Final rule.

SUMMARY: This document amends the regulation issued by GSA for donations made to educational activities of special interest to the armed services. The amendment is necessary to comply with subsection 203(j)(2) of the Federal Property and Administrative Services Act of 1949, as amended. Subsection 203(j)(2) requires all donations of surplus property under the control of the Department of Defense (DOD) to service educational activities (SEAs) to be made through State Agencies for Surplus Property (SASPs). Currently, SEAs acquire property directly from DOD disposal facilities.

EFFECTIVE DATE: This rule is effective December 21, 1998.

FOR FURTHER INFORMATION CONTACT: Martha Caswell, Director, Personal Property Management Policy Division (202-501-3846).

SUPPLEMENTARY INFORMATION: This rule finalizes the proposed amendments to 41 CFR 101-44.4 that were published for comment at 63 FR 42310 on August 7, 1998. Since no comments were received, the proposed revisions are being issued as a final rule without change.

Under this rule, the SASPs will assume responsibilities that were previously performed by the DOD including: (1) Distributing the donated property to the SEAs; (2) conducting utilization surveys and reviews during the period of restriction to ensure that donated property is being used by the SEA donees for the purposes for which

it was donated; and (3) monitoring compliance by the SEA donees with the conditions specified in § 101-44.208 (except for §§ 101-44.208(a)(3) and (4)).

Additionally, it is important to note that the SEAs are not subject to any additional terms, conditions, reservations, or restrictions imposed by the SASPs. This exemption is provided by subsection 203(j)(4)(E) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484(j)(4)(E)). Therefore, new §§ 101-44.400(c)(5) and 101-44.401(b) specifically state that regulatory provisions at §§ 101-44.208(a)(3) and (4) governing the imposition by SASPs of additional terms, conditions, reservations, or restrictions do not apply to donations of surplus DOD personal property to eligible SEAs.

This rule is not a major rule for the purposes of Executive Order 12866. This rule is not required to be published in the **Federal Register** for notice and comment. Therefore, the Regulatory Flexibility Act does not apply.

The Paperwork Reduction Act does not apply because the rule does not impose recordkeeping or information collection requirements or the collection of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501-3520. This rule also is exempt from congressional review prescribed under 5 U.S.C. 801 since it relates solely to agency management and personnel.

The rule is written in a new, simpler to read and understand, question and answer format. In the new format, a question and its answer combine to establish a rule. This means the employee and the agency must follow the language contained in both the question and its answer.

List of Subjects in 41 CFR Part 101-44

Government property management, Reporting requirements, Surplus Government property.

For the reasons stated in the preamble, GSA amends 41 CFR part 101-44 as follows:

PART 101-44—DONATION OF PERSONAL PROPERTY

1. The authority citation for 41 CFR part 101-44 continues to read as follows:

Authority: Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).

2. Subpart 101-44.4 is revised to read as follows:

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?

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

101-44.402 May SEAs acquire non-DOD property?

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

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.