

appropriate. The Commission would be required to issue a recommendation within 60 days.

### Request for Comments

The Commission invites interested parties to submit their views on the subject matters addressed in the Service's petition, and on its substantive and procedural proposals. In particular, the Commission invites comments on the following topics.

1. The Service's petition acknowledges the influence of the Joint Task Force's recommendations on the development of its proposals. Does that report offer other recommendations not included in the Service's petition that warrant consideration?

2. The petition states, without further elaboration, that existing Commission and judicial precedent create impediments to accommodating many promising ideas for carrying out the Joint Task Force's recommendations. *Id.* at 4. The Postal Service is requested to specify to what judicial precedents the petition refers, and how the proposed rules accommodate these precedents.

3. Any commenter which considers one or more of these proposals to violate current law as judicially interpreted is requested to explain why that proposal might be considered unlawful.

Comments addressing whether the proposals are consistent with the Administrative Procedure Act, 5 U.S.C. 556, 557, are requested to specify adequate time periods for various procedural steps.

4. The petition indicates that the proposed rules for market tests and provisional services include certain presumptions that would apply in evaluating Postal Service proposals. *Id.* at 11 and 13. Is inclusion of these presumptions an appropriate approach to Commission review of Service requests? Should these presumptions be specified in the rules?

5. The petition indicates that the Service and Governors believe that improvements in the ratemaking process may require direct legislative change or an explicit clarification that flexibilities already exist in the current law. Moreover, the petition states that certain fundamental changes in the law seem advisable in any event, particularly in basic structural matters and in substantive areas that have been the most controversial in the past. Petition at 3-4. The Postal Service is requested to explain what legislative changes it believes would be needed to foster further expedition and flexibility if the Commission were to adopt the proposed rules.

6. The petition acknowledges the Commission's workload, but nonetheless urges that a rulemaking docket be opened to consider the proposed changes. Petition at 5-6. Should the Commission consider all seven of these proposed changes at this time, or should part or all of the rulemaking be postponed? If some, but not all, of the proposals are considered at this time, which ones should be reviewed first, and which should be deferred? Why?

Issued by the Commission on April 24, 1995.

**Cyril J. Pittack,**

*Acting Secretary.*

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## GENERAL SERVICES ADMINISTRATION

### 41 CFR Parts 201-23 and 201-24

#### Amendment of FIRM Provisions Relating to GSA's Role in Screening Excess and Exchange/Sale Federal Information Processing (FIP) Equipment

**AGENCY:** Information Technology Service, GSA.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to amend the Federal Information Resources Management Regulation (FIRM) to allow Federal agencies to screen and transfer excess and exchange/sale FIP equipment.

**DATES:** Comments are due: July 3, 1995.

**ADDRESSES:** Comments may be mailed to GSA/KAR, 18th and F Streets NW., Room 3224, Washington, DC 20405, Attn: R. Stewart Randall, or delivered to that address between 8 a.m. and 4:30 p.m.

**FOR FURTHER INFORMATION CONTACT:** R. Stewart Randall, GSA, Office of Information Technology (IT) Policy and Leadership, Regulations Analysis Division (KAR), 18th and F Streets NW., Room 3224, Washington, DC 20405, telephone FTS/Commercial (202) 501-4469 (v) or (202) 501-4469 (tdd).

**SUPPLEMENTARY INFORMATION:** (1) Part 201-23 is being amended to delegate authority and responsibility to agencies regarding the screening and transfer of excess FIP equipment. Currently, the FIRM requires Federal agencies to request GSA to interagency screen and transfer excess FIP equipment that is not outdated and has an original acquisition cost (OAC) per component of \$1 million or more. It is not necessary for GSA to

continue to operate this program on a centralized basis. Accordingly, the requirement for GSA to be directly involved in interagency screening and transfer of excess FIP equipment will be removed from the FIRM.

(2) Explanation of the changes being made in this issuance are shown below:

(a) Section 201-23.000 "Scope of part" is revised by removing paragraphs (b), (c), and (d) to more succinctly describe the entire contents of this revised part.

(b) Section 201-23.001 paragraph (a)(2) is revised and paragraph (a)(4) is deleted to remove the references to the GSA Excess FIP Equipment Program. Agencies will no longer be required to submit to GSA information about their excess FIP equipment with the OAC above \$1 million for GSA to do interagency screening.

(c) Section 201-23.001 paragraph (b) is deleted. Section 201-23.001 paragraph (c) is redesignated as paragraph (b).

(d) Section 201-23.002 paragraph (c) the sentence "Agencies may interagency screen and transfer excess FIP equipment without GSA approval" is added at the end of the paragraph.

(e) Paragraph (b) of section 201-23.003 is redesignated as (c) and a new paragraph (b) is added. In the newly designated section 201-23.003 paragraph (c)(1), the work "internal" will be removed because it is redundant in this context. The words "within the agency" are added at the end of the paragraph to distinguish these procedures for interagency screening from those GSA will require.

(f) Section 201-23.003(c) is redesignated as paragraph (d) and is completely revised to remove the mandatory reporting requirement for agencies to submit equipment with an OAC of \$1 million or more to GSA for interagency screening purposes. The section will now show that agencies must offer to other Federal agencies excess FIP equipment with an OAC of \$1 million or more in accordance with guidelines in FIRM Bulletin C-2.

(g) Section 201-23.003(d) is redesignated as paragraph (e) and is revised to remove words indicating GSA's former role in interagency screening of agencies' excess FIP equipment.

(h) Paragraph (h) is added to § 201-23.003 to show that an agency may request GSA to review another agency's decision to transfer excess FIP equipment.

(i) Section 201-24.202 referencing the GSA Excess FIP Program as a mandatory for consideration program will be removed because changes to part 201-