

Attachment A to Standard Protective Order Declaration

In the Matter of [Name of Proceeding]
 Docket No. _____
 I, _____, hereby declare under penalty of perjury that I have read the Protective Order in this proceeding, and that I agree to be bound by its terms pertaining to the treatment of Confidential Information submitted by parties to this proceeding. I understand that the Confidential Information shall not be disclosed to anyone except in accordance with the terms of the Protective Order and shall be used only for purposes of the proceedings in this matter. I acknowledge that a violation of the Protective Order is a violation of an order of the Federal Communications Commission. I acknowledge that this Protective Order is also a binding agreement with the Submitting Party.
 (signed) _____
 (printed name) _____
 (representing) _____
 (title) _____
 (employer) _____
 (address) _____

 (phone) _____
 (date) _____
 [FR Doc. 98-22001 Filed 8-17-98; 8:45 am]
 BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 91-58; RM-7419, RM-7797, RM-7798]

Radio Broadcasting Services; Caldwell, College Station and Gause, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule; Application for review.

SUMMARY: This document denies an Application for Review filed by Roy E. Henderson directed to a *Memorandum Opinion and Order* denying a Petition for Reconsideration. 61 FR 24244 (May 14, 1996). In the *Memorandum Opinion and Order*, the Commission determined that the Henderson proposal for a Channel 236C2 upgrade at Caldwell, Texas, did not comply with the principal city coverage requirement contained in Section 73.315(a) of the Rules, and, as such, the competing proposal for a Channel 236C2 upgrade at College Station, Texas, should be preferred in this comparative proceeding. With this action, the proceeding is terminated.

EFFECTIVE DATE: August 18, 1998.

FOR FURTHER INFORMATION CONTACT: Robert Hayne, Mass Media Bureau (202) 418-2177.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Memorandum Opinion and Order*, MM Docket No.91-58, adopted July 15, 1998, and released July 22, 1998. The full text of this decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3805, 1231 M Street, NW, Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336. Federal Communications Commission.

Magalie Roman Salas,
Secretary.

[FR Doc. 98-22161 Filed 8-17-98; 8:45 am]

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NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1836 and 1852

Partnering for Construction Contracts

AGENCY: Office of Procurement, Contract Management Division, National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: This final rule amends NASA's Federal Acquisition Regulation Supplement (NFS) to set forth a clause to be used to promote partnering under construction contracts when it is determined that the benefits to be derived exceed the costs.

EFFECTIVE DATE: August 18, 1998.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Le Cren, Telephone: (202) 358-0444.

SUPPLEMENTARY INFORMATION:

Background

On April 29, 1998, a proposed rule to amend the NFS to establish a clause to promote the use of partnering under construction contracts was published in the *Federal Register* (63 FR 23414-23415) for comment. The clause is to be included in construction contracts when a determination is made that the benefits to be derived exceed the costs. Comments were submitted by only one

commenter. The commenter believes the proposed rule is not strong enough since it neither makes partnering mandatory for construction contracts, nor does it make mandatory participation by all subcontractors and the architect and design contractor under a construction contract. The comments were reviewed and considered; however, no changes were made to the proposed rule.

Impact

NASA certifies that this regulation will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et. seq.) because it establishes a voluntary communication program applicable only to construction contracts. This rule does not impose any reporting or record keeping requirements subject to the Paperwork Reduction Act.

List of Subjects in 48 CFR Parts 1836 and 1852

Government procurement.

Tom Luedtke,

Deputy Associate Administrator for Procurement.

Accordingly, 48 CFR 1836 and 1852 are amended as follows:

1. The authority citation for 48 CFR Parts 1836 and 1852 continues to read as follows:

Authority: 42 U.S.C. 2473(c)(1).

PART 1836—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

1836.70 [Added]

2. Subpart 1836.70 is added to read as follows:

Subpart 1836.70 Partnering

1836.7001 Definition.

1836.7002 General.

1836.7003 Policy.

1836.7004 NASA solicitation provision and contract clause.

1836.70 Partnering.

1836.7001 Definition.

Partnering means a relationship of open communication and close cooperation that involves both Government and Contractor personnel working together for the purpose of establishing a mutually beneficial, proactive, cooperative environment within which to achieve contract objectives and resolve issues and implementing actions as required.

1836.7002 General.

(a) The establishment of a partnering environment usually leads to higher quality products completed more

quickly at lower overall costs and with fewer accidents and litigation.

(b) The use of partnering is encouraged as it has been shown to reduce the average contract cost and schedule growth and to reduce contract claims and litigation.

(c) Partnering is a voluntary contract relationship within the management process that is not to be used to unofficially alter terms of the contract.

1836.7003 Policy.

(a) Partnering should be used on a contract when the contracting officer, in coordination with the project manager, determines that the benefits to be achieved from its use are expected to be greater than the costs.

(b) In determining whether the benefits of partnering are greater than the costs, the following factors should be considered:

(1) The estimated dollar value of the contract;

(2) The complexity of the work to be performed;

(3) The contemplated length of the contract; and

(4) The estimated costs to be incurred in conducting the partnership development and team building initial and follow-up workshops.

1836.7004 NASA solicitation provision and contract clause.

The contracting officer may insert a clause substantially the same as stated at 1852.236-75, Partnering for Construction Contracts, in solicitations and contracts for construction, when it has been determined in accordance with 1836.7003 that the benefits to be derived from partnering exceed the costs.

PART 1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

1852.236-75 [Added]

3. Section 1852.236-75 is added to read as follows:

1852.236-75 Partnering for construction contracts.

As prescribed in 1836.7004, insert the following clause:

Partnering for Construction Contracts—August 1998

(a) The terms “partnering” and “partnership” used herein shall mean a relationship of open communication and close cooperation that involves both Government and Contractor personnel working together for the purpose of establishing a mutually beneficial, proactive, cooperative environment within which to achieve contract objectives and resolve issues and implementing actions as required.

(b) Partnering will be a voluntary commitment mutually agreed upon by at

least NASA and the prime contractor, and preferably the subcontractors and the A&E design contractor, if applicable. Sustained commitment to the process is essential to assure success of the relationship.

(c) NASA intends to facilitate contract management by encouraging the foundation of a cohesive partnership with the Contractor, its subcontractors, the A&E design contractor, and NASA’s contract management staff. This partnership will be structured to draw on the strengths of each organization to identify and achieve mutual objectives. The objectives are intended to complete the contract requirements within budget, on schedule, and in accordance with the plans and specifications.

(d) To implement the partnership, it is anticipated that within 30 days of the Notice to Proceed the prime Contractor’s key personnel, its subcontractors, the A&E design contractor, and NASA personnel will attend a partnership development and team building workshop. Follow-up team building workshops will be held periodically throughout the duration of the contract as agreed to by the Government and the Contractor.

(e) Any cost with effectuating the partnership will be agreed to in advance by both parties and will be shared with no change in the contract price. The contractor’s share of the costs are not recoverable under any other Government award.
(End of clause)

[FR Doc. 98-22023 Filed 8-17-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 555

[Docket No. 98-NHTSA-4285]

RIN 2127-AH44

Temporary Exemption From Motor Vehicle Safety Standards

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Technical amendments; final rule.

SUMMARY: This document amends Part 555 to clarify procedures for submitting confidential business information to accompany applications for temporary exemption from one or more of the Federal motor vehicle safety standards. The intent of the rule is to simplify the process for manufacturers who may wish to claim confidentiality for information in their applications.

The agency is also amending the temporary exemption procedures to give examples of factors that may be relevant in preparing hardship applications, and in demonstrating that good faith efforts

have been made to comply with standards for which an exemption may be sought.

Finally, the agency is updating statutory references and the location of the docket room where public comments are available for inspection.

DATES: The final rule is effective August 18, 1998.

FOR FURTHER INFORMATION CONTACT: Taylor Vinson, Office of Chief Counsel, NHTSA (202-366-5263).

SUPPLEMENTARY INFORMATION: The primary purpose of this document is to clarify the agency’s confidential business information procedures so that applicants for temporary exemption from the Federal motor vehicle safety standards may comply with NHTSA’s procedural requirements without unnecessary delay.

Manufacturers who apply for temporary exemptions from Federal motor vehicle safety standards are afforded an opportunity to “specify any part of the information and data submitted which petitioner requests be withheld from public disclosure in accordance with part 512” of Chapter V, Title 49, Code of Federal Regulations. Part 512, *Confidential Business Information*, is the agency’s regulation setting forth the procedures under which NHTSA will consider claims that information submitted to the agency is confidential business information as described in 5 U.S.C. 552(b)(4).

The agency has found that, when some manufacturers file their exemption applications, they assert a claim for confidentiality without submitting the documentation required by part 512, or otherwise substantiating their request. The absence of substantiation causes unnecessary delay while the Office of Chief Counsel contacts the applicant and explains the necessity of either submitting substantiation or withdrawing its request.

NHTSA has also found that when some small manufacturers apply for the first time for a temporary exemption based on a claim that compliance would cause them substantial economic hardship, they do not request confidential information for the financial information they submit in support of their claim of hardship. They do not realize they must make a specific request for confidentiality to prevent the information from becoming a matter of public record. This omission by applicants had limited consequences when their applications were available only through inspection in NHTSA’s docket room. However, the applications and their supporting information are now placed “on line” and may be