

**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