

a short distance, occasional use service for individuals. PRSG also requests that we relax interference standards when FRS units are transmitting on channels with the General Mobile Radio Service ("GMRS").

3. In a Petition for Partial Reconsideration, filed July 3, 1996, Michael C. Trahos (Trahos) requests that we conform the GMRS to the FRS rules by amending the GMRS rules to permit GMRS stations to communicate with FRS units. PRSG and Trahos assert that the GMRS rules restrict GMRS stations to communications with other GMRS stations.

4. In addition, PRSG filed a Petition for Stay ("Stay") requesting the implementation of the new FRS rules be stayed pending resolution of its reconsideration petition, and Motorola has filed a Request for Clarification requesting that we clarify that an antenna must be a non-detachable antenna to be an "integral antenna" within the meaning of the FRS rules.

5. We conclude that revision of the FRS rules as requested by PRSG is unnecessary. PRSG essentially seeks to impose on FRS a much more restrictive regulatory environment than is warranted, based in large part on its speculative prediction that individuals may misuse the FRS. We note that during the two years that FRS has been authorized, the Bureau has not received any complaints of misuse of FRS units or harmful interference to GMRS users sharing channels with FRS. We further conclude that PRSG's and Trahos' requests to amend the GMRS rules stem from a misreading of the GMRS rules. Accordingly, we deny both petitions for reconsideration. We also deny PRSG's Petition for Stay and grant, in part, Motorola's request that we clarify that an integral antenna is not a detachable antenna.

#### Ordering Clauses

6. This action is taken pursuant to the authority found in Sections 4(i), 303, and 405 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303, and 405, and sections 1.106 and 1.429 of our rules, 47 CFR 1.106 and 1.429.

7. Accordingly, *It is ordered* that the Petition for Reconsideration submitted by the Personal Radio Steering Group, Inc. and the Petition for Partial Reconsideration submitted by Michael C. Trahos *Are hereby denied*.

8. *It is further ordered* that the Request for Clarification filed by Motorola *Is hereby granted* to the extent indicated herein.

9. *It is further ordered* that the Petition for Stay filed by the Personal

Radio Steering Group, Inc. *Is hereby denied*.

10. *It is further ordered* that this proceeding *Is terminated*.

Federal Communications Commission.

**Magalie Roman Salas,**

*Secretary.*

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## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

### 48 CFR Parts 1804, 1807, 1835 and 1872

#### NASA Internal Programmatic Approval Documentation

**AGENCY:** National Aeronautics and Space Administration (NASA).

**ACTION:** Final rule.

**SUMMARY:** This final rule changes the NASA FAR Supplement (NFS) to ensure that no affected solicitation is released prior to the approval of key programmatic documentation required by NASA Procedures and Guidelines (NPG) 7120.5, NASA Program and Project Management Processes and Requirements. This final rule prohibits release of affected solicitations until the required approvals have been obtained or authority to proceed without the required documentation has been granted by the Chair of the Governing Program Management Council or designee.

**EFFECTIVE DATE:** March 26, 1999.

**FOR FURTHER INFORMATION CONTACT:** Kenneth A. Sateriale, (202) 358-0491, kenneth.sateriale@hq.nasa.gov.

**SUPPLEMENTARY INFORMATION:**

#### Background

NPG 7120.5 establishes the management system for processes, requirements and responsibilities for implementing NASA Policy Directive 7120.4, Program and Project Management. This management system governs the formulation, approval, implementation, and evaluation of all Agency programs and projects established under the Provide Aerospace Products and Capabilities (PAPAC) process. The policy and guidelines require approvals at various programmatic stages and decision points. Before a program or project formulation may commence, a Formulation Authorization document must be approved. Before program implementation may commence, a Program Commitment Agreement and a Program Plan must be approved. Before

project implementation may commence, a Program Commitment Agreement, Program Plan, and Project Plan must be approved. Approval to commence any of these activities without the required documentation must be obtained from the chair of the Governing Program Management Council or designee.

#### Impact

##### Regulatory Flexibility Act

This final rule does not constitute a significant revision within the meaning of FAR 1.501 and Pub. L. 98-577, and publication for public comments is not required. However, comments from small entities concerning the affected NFS subpart will be considered in accordance with 5 U.S.C. 610. Such comments must be submitted separately and should cite 5. U.S.C. 601, *et seq.*

##### Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the NFS do not impose recordkeeping or information collection requirements, or collections of information from offerors, contractors, or members of the public which require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

### List of Subjects in 48 CFR 1804, 1807, 1835 and 1872

Government procurement.

**Tom Luedtke,**

*Acting Associate Administrator for Procurement.*

Accordingly, 48 CFR Parts 1804, 1807, 1835 and 1872 are amended as follows:

1. The authority citation for 48 CFR Parts 1804, 1807, 1835 and 1872 continues to read as follows:

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

### PART 1804—ADMINISTRATIVE MATTERS

2. Section 1804.7301, is revised to read as follows:

#### 1804.7301 General.

(a) Except in unusual circumstances, the contracting office shall not issue solicitations until an approved procurement request (PR), containing a certification that funds are available, has been received. However, the contracting office may take all necessary actions up to the point of contract obligation before receipt of the PR certifying that funds are available when—

(1) Such action is necessary to meet critical program schedules;

(2) Program authority has been issued and funds to cover the acquisition will be available prior to the date set for contract award or contract modification;

(3) The procurement officer authorizes such action in writing before solicitation issuance; and

(4) The solicitation includes the clause at FAR 52.232-18, Availability of Funds. The clause shall be deleted from the resultant contract.

(b) The contracting office shall not issue either a draft or final solicitation until a PR, either planning or final, has been received that contains an NPG 7120.5 certification. That certification must be made by the project or program office that initiated the PR, or the PR approval authority when there is no project or program office. The certification must state that either—

(1) The requested action is not in support of programs and projects subject to the requirements of NPG 7120.5, or

(2) The requested action is in support of programs and projects subject to the requirements of NPG 7120.5, and

(i) All NPG 7120.5 required documentation is current and has been approved; or

(ii) Authority to proceed without the required documentation has been granted by the Chair of the Governing Program Management Council or designee.

#### **PART 1807—ACQUISITION PLANNING**

3. In section 1807.105, paragraph (a)(2) is added to read as follows:

##### **1807.105 Contents of written acquisition plans.**

\* \* \* \* \*

(a) \* \* \*

(2) NPG 7120.5 shall be an integral part of acquisition planning for programs and projects subject to its requirements. If the NPG does not apply, the acquisition plan shall clearly state that fact. If the NPG does apply, specify whether all required NPG 7120.5 documentation is current and approved

(see 1804.7301(b)(2)(i)). If not, describe the approach for obtaining approval or the authority to proceed without approval before release of draft or final solicitations. For programs and projects under the NPG, all draft or final solicitations subject to, or directly or substantially in support of, those programs or projects shall clearly identify the program or project of which they are part.

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#### **PART 1835—RESEARCH AND DEVELOPMENT CONTRACTING**

4. In section 1835.016, paragraph (a)(iii) is added to read as follows:

##### **1835.016 Broad agency announcements.**

(a) \* \* \*

(iii) Draft or final versions of any form of BAA that directly or substantially supports a program subject to NASA Procedures and Guidelines (NPG) 7120.5 shall not be released unless—

(A) All applicable NPG 7120.5 required documentation (see 1804.7301(b)(2)(i)) is current and has been approved (e.g., Formulation Authorization Document, Program Commitment Agreement, Program Plan, or Project Plan); or

(B) Authority to proceed without the required documentation has been granted by the Chair of the Governing Program Management Council or designee.

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#### **PART 1872—ACQUISITIONS OF INVESTIGATIONS**

5. In section 1872.102, paragraph (a)(1) is revised to read as follows:

##### **1872.102 Key features of the system.**

(a)(1) Use of the system commences with the Enterprise Associate

Administrator's determination that the investigation acquisition process is appropriate for a program. An Announcement of Opportunity (AO) is disseminated to the interested scientific and technical communities. The AO is a form of broad agency announcement (BAA) (see FAR 35.016 and 1835.016 for general BAA requirements). This solicitation does not specify the investigations to be proposed but solicits investigative ideas which contribute to broad objectives. In order to determine which of the proposals should be selected, a formal competitive evaluation process is utilized. The evaluation for merit is normally made by experts in the fields represented by the proposals. Care should be taken to avoid conflicts of interest. These evaluators may be from NASA, other Government agencies, universities, or the commercial sector. Along with or subsequent to the evaluation for merit, the other factors of the proposals, such as engineering, cost, and integration aspects, are reviewed by specialists in those areas. The evaluation conclusions as well as considerations of budget and other factors are used to formulate a complement of recommended investigations. A steering committee, serving as staff to the Enterprise Associate Administrator or designee when source selection authority is delegated, reviews the proposed payload or program of investigation, the iterative process, and the selection recommendations. The steering committee serves as a forum where different interests, such as flight program, discipline management, and administration, can be weighed.

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