

indirect measurement of processing gain, based on receiver jamming margin (the "CW jamming margin method"), is permitted. See 15 CFR 15.247(e)(2). The receiver jamming margin is representative of the ability of the receiver to reject other radio signals appearing on the same frequency. The test is generally viewed as an accurate measure of processing gain for systems employing spreading rates of at least 10 chips/symbol. However, in cases where the spreading rate is less, the results of the test are questionable.

6. The jamming margin test is based on use of a CW signal as an interference source. Some spread spectrum device manufacturers have suggested that the use of a Gaussian noise interferer, instead of a CW interferer, would be more suitable for the jamming margin test. After reviewing the various submissions, we tentatively conclude that a Gaussian interferer is likely to give a more accurate measure of processing gain because it is more closely related to the noise a system would encounter in a real-world environment. Therefore, we propose to permit the use of a Gaussian interferer for determining receiver jamming margin.

7. The Commission has also received comments from manufacturers asserting that the current jamming margin test, along with a mathematical calculation of processing gain, should be required to demonstrate that systems using fewer than 10 chips per symbol are in compliance with the rules. The mathematical calculation would take into account the "coding gain" achieved by modulating and spreading of the baseband signal. We believe that this approach will provide greater assurance that the systems are in compliance. Accordingly, we propose to amend the rules to require manufacturers of direct sequence spread spectrum systems that use a spreading rate less than 10 chips per symbol to submit the results of the jamming margin test as well as a calculation of processing gain to verify compliance. Omnidirectional antenna operating at 250 mV/m.

Initial Regulatory Flexibility Analysis

8. As required by Section 603 of the Regulatory Flexibility Act, 5 U.S.C. 603, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the expected significant economic impact on small entities by the policies and rules proposed in this *Notice of Proposed Rule Making* ("NPRM"). Written public comments are requested on the IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for

comments on the NPRM. The Commission shall send a copy of this NPRM, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act.

A. Reason for Action

9. This rule making proceeding is initiated to obtain comment regarding proposed changes to the regulations for non-licensed transmitters.

B. Legal Basis

10. The proposed action is taken pursuant to Sections 4(i), 301, 302, 303(e), 303(f), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 301, 302, 303(e), 303(f), and 303(r).

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

11. For the purposes of this NPRM, the RFA defines a "small business" to be the same as a "small business concern" under the Small Business Act, 15 U.S.C. 632, unless the Commission has developed one or more definitions that are appropriate to its activities. See 5 U.S.C. 601(3). Under the Small Business Act, a "small business concern" is one that: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) meets any additional criteria established by the Small Business Administration (SBA). See 15 U.S.C. 632. SBA has defined a small business for Standard Industrial Classification (SIC) category 4812 (Radiotelephone Communications) to be small entities when they have fewer than 1500 employees. See 13 CFR 121.201. Given this definition, nearly all such companies are considered small.

D. Description of Projected Reporting, Recordkeeping and Other Compliance Requirements

12. Part 15 transmitters are already required to be authorized under the Commission's certification procedure as a prerequisite to marketing and importation. See 47 CFR 15.101, 15.201, 15.305, and 15.405. The changes proposed in this proceeding would not change any of the current reporting or recordkeeping requirements. Further, the proposed regulations adds permissible measurement techniques and methods of operation. The proposals would not require the modification of any existing products.

E. Significant Alternatives to Proposed Rules Which Minimize Significant Economic Impact on Small Entities and Accomplish Stated Objectives

13. None.

F. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rule

14. None.

List of Subjects in 47 CFR Part 15

Communications equipment.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99-18428 Filed 7-19-99; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF DEFENSE

48 CFR Parts 208, 212, 213, 214, 215, 232, and 252

[DFARS Case 98-D026]

Defense Federal Acquisition Regulation Supplement; Streamlined Payment Practices

AGENCY: Department of Defense (DoD).

ACTION: Proposed rule with request for comments.

SUMMARY: The Director of Defense Procurement is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to require use of the Governmentwide commercial purchase card as the method of purchase and/or method of payment for purchases valued at or below the micro-purchase threshold, unless an exception is authorized. Use of the purchase card streamlines purchasing and payment procedures and, therefore, increases operational efficiency.

DATES: Comments on the proposed rule should be submitted in writing to the address specified below on or before September 20, 1999, to be considered in the formation of the final rule.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulations Council, Attn: Ms. Susan L. Schneider, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telefax (703) 602-0350. Please cite DFARS Case 98-D026.

E-mail comments submitted over the Internet should be addressed to: dfars@acq.osd.mil.

Please cite DFARS Case 98-D026 in all correspondence related to this proposed rule. E-mail correspondence should cite DFARS Case 98-D026 in the subject line.

FOR FURTHER INFORMATION CONTACT: Ms. Susan L. Schneider, (703) 602-0131. Please cite DFARS Case 98-D026.

SUPPLEMENTARY INFORMATION:

A. Background

This rule proposes amendments to the DFARS to require use of the Governmentwide commercial purchase card as the method of purchase and/or method of payment for DoD purchases valued at or below the micro-purchase threshold of \$2,500, unless an exception is authorized. The rule implements a policy memorandum issued by the Principal Deputy Under Secretary of Defense (Acquisition and Technology) on October 2, 1998, Subject: Streamlined Payment Practices for Awards/Orders Valued at or below the Micro-Purchase Threshold; and a policy memorandum issued by the Under Secretary of Defense (Personnel and Readiness) on September 25, 1998, Subject: Use of Government-Wide Purchase Cards. The memoranda are available via the Internet at <http://purchasecard.sarda.army.mil>.

B. Regulatory Flexibility Act

The proposed rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the Governmentwide commercial purchase card is similar in nature to commercial credit cards that are commonly used in the commercial marketplace. Therefore, an initial regulatory flexibility analysis has not been performed. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected DFARS subparts also will be considered in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 98-D026 in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 208, 212, 213, 214, 215, 232, and 252

Government procurement.

Michele P. Peterson,
Executive Director, Defense Acquisition Regulations Council.

Therefore, 48 CFR Parts 208, 212, 213, 214, 215, 232, and 252 are proposed to be amended as follows:

1. The authority citation for 48 CFR Parts 208, 212, 213, 214, 215, 232, and 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR chapter 1.

PART 208—REQUIRED SOURCES OF SUPPLIES AND SERVICES

2. Section 208.405-2 is amended by revising paragraph (4) to read as follows:

208.405-2 Order placement.

* * * * *

(4) If permitted under the schedule contract, use of the Governmentwide commercial purchase card—

- (i) Is mandatory for placement of orders valued at or below the micro-purchase threshold; and
- (ii) Is optional for placement of orders valued above the micro-purchase threshold.

PART 212—ACQUISITION OF COMMERCIAL ITEMS

3. Section 212.301 is amended by adding paragraph (f)(vi) to read as follows:

212.301 Solicitation provisions and contract clauses for the acquisition of commercial items.

(f) * * *

(vi) Use the clause at 252.232-7XXX, Mandatory Payment by Governmentwide Commercial Purchase Card, as prescribed in 232.1110.

4. Section 212.303 is added to read as follows:

212.303 Contract format.

Structure awards valued above the micro-purchase threshold (e.g., contract line items, delivery schedule, and invoice instructions) in a manner that will minimize the generation of invoices valued at or below the micro-purchase threshold.

PART 213—SIMPLIFIED ACQUISITION PROCEDURES

5. Subpart 213.1 is added to read as follows:

Subpart 213.1—Procedures

Sec.

213.101 General.

213.101 General.

Structure awards valued above the micro-purchase threshold (e.g., contract line items, delivery schedule, and invoice instructions) in a manner that will minimize the generation of invoices valued at or below the micro-purchase threshold.

6. Subpart 213.2 is added to read as follows:

Subpart 213.2—Actions at or Below the Micro-Purchase Threshold

Sec.

213.270 Use of the Governmentwide commercial purchase card.

213.270 Use of the Governmentwide commercial purchase card.

Use the Governmentwide commercial purchase card as the method of purchase and/or method of payment for purchases valued at or below the micro-purchase threshold. This policy applies to all types of contract actions authorized by the FAR unless—

(1) The Deputy Secretary of Defense has approved an exception for an electronic commerce/electronic data interchange system or operational requirement that results in a more cost-effective payment process;

(2)(i) A general or flag officer or a member of the Senior Executive Service (SES) makes a written determination that—

(A) The source or sources available for the supply or service do not accept the purchase card; and

(B) The contracting office is seeking a source that accepts the purchase card.

(ii) To prevent mission delays, if an activity does not have a resident general or flag officer or SES member, delegation of this authority to the level of the senior local commander or director is permitted; or

(3) The purchase or payment meets one or more of the following criteria:

(i) The place of performance is entirely outside of any State, territory, or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico;

(ii) The purchase is a Standard Form 44 purchase for aviation fuel or oil;

(iii) The purchase is an overseas transaction by a contracting officer in support of a contingency operation as defined in 10 U.S.C. 101(a)(13) or a humanitarian or peacekeeping operation as defined in 10 U.S.C. 2302(7);

(iv) The purchase is a transaction in support of intelligence or other specialized activities addressed by Part 2.7 of Executive Order 12333;

(v) The purchase is for training exercises in preparation for overseas contingency, humanitarian, or peacekeeping operations;

(vi) The payment is made with an accommodation check;

(vii) The payment is for a transportation bill;

(viii) The purchase is under a Federal Supply Schedule contract that does not permit use of the Governmentwide commercial purchase card;

(ix) The purchase is for medical services and—

(A) It involves a controlled substance or narcotic;

(B) It requires the submission of a Health Care Summary Record to document the nature of the care purchased;

(C) The ultimate price of the medical care is subject to an independent determination that changes the price paid based on application of a mandatory CHAMPUS Maximum Allowable Charge determination that reduces the Government liability below billed charges;

(D) The Government already has entered into a contract to pay for the services without the use of a purchase card;

(E) The purchaser is a beneficiary seeking medical care; or

(F) The cardholder determines that use of the purchase card is not appropriate or cost-effective. The Medical Prime Vendor Program and the DoD Medical Electronic Catalog Program are two examples where use of the purchase card may not be cost-effective.

PART 214—SEALED BIDDING

7. Section 214.201-1 is added to read as follows:

214.201-1 Uniform contract format.

Structure awards valued above the micro-purchase threshold (e.g., contract line items, delivery schedule, and invoice instructions) in a manner that will minimize the generation of invoices valued at or below the micro-purchase threshold.

PART 215—CONTRACTING BY NEGOTIATION

8. Section 215.204-1 is added to read as follows:

215.204-1 Uniform contract format.

Structure awards valued above the micro-purchase threshold (e.g., contract line items, delivery schedule, and invoice instructions) in a manner that will minimize the generation of invoices valued at or below the micro-purchase threshold.

PART 232—CONTRACT FINANCING

9. Subpart 232.11 is added to read as follows:

Subpart 232.11—Electronic Funds Transfer

Sec.

232.1108 Payment by Governmentwide commercial purchase card.

232.1110 Solicitation provisions and contract clauses.

232.1108 Payment by Governmentwide commercial purchase card.

The Governmentwide commercial purchase card is the mandatory EFT payment method for purchases valued at or below the micro-purchase threshold, except as provided in 213.270.

232.1110 Solicitation provisions and contract clauses.

Use the clause at 252.232-7XXX, Mandatory Payment by Governmentwide Commercial Purchase Card, in solicitations, contracts, and agreements when—

(1) Placement of orders or calls valued at or below the micro-purchase threshold is anticipated; and

(2) Payment by Governmentwide commercial purchase card is required for orders or calls valued at or below the micro-purchase threshold under the contract or agreement.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

10. Section 252.232-7XXX is added to read as follows:

252.232-7XXX Mandatory Payment by Governmentwide Commercial Purchase Card.

As prescribed in 232.1110, use the following clause:

MANDATORY PAYMENT BY
GOVERNMENTWIDE COMMERCIAL
PURCHASE CARD (XXX 1999)

The Contractor agrees to accept the Governmentwide commercial purchase card as the method of payment for orders or calls valued at or below \$2,500 under this contract or agreement.

(End of clause)

[FR Doc. 99-18218 Filed 7-19-99; 8:45 am]

BILLING CODE 5000-04-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1807, 1811, 1812, 1815, 1816, 1823, 1842, 1846, and 1852

Risk Management

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: This proposed rule would change the NASA FAR Supplement (NFS) to emphasize considerations of risk management, including safety, security (including information technology security), health, export control, and damage to the environment, within the acquisition process. The proposed rule addresses risk

management within the context of acquisition planning, selecting sources, choosing contract type, structuring award fee incentives, administering contracts, and conducting contractor surveillance. Additionally, this proposed rule would require offeror proposals to include a risk management plan whenever the value of the resulting contract is expected to exceed \$5,000,000, or whenever the contracting officer determines that it would be appropriate. Furthermore, this proposed rule would allow that contractors not be paid award fee for any evaluation period in which there is a major breach of safety or security.

DATES: Comments should be submitted on or before September 20, 1999.

ADDRESSES: Interested parties should submit written comments to Kenneth A. Sateriale, NASA Headquarters Office of Procurement, Contract Management Division (Code HK), Washington, DC 20546. Comments may also be submitted by e-mail to kenneth.sateriale@hq.nasa.gov

FOR FURTHER INFORMATION CONTACT: Kenneth A. Sateriale, (202) 358-0491.

SUPPLEMENTARY INFORMATION:

A. Background

The NASA Administrator, in a January 11, 1999 message, called upon NASA to become an agency of informed risk takers. Furthermore, he emphasized that it is critically important for NASA to achieve mission success without compromising safety. On February 26, 1999, the Administrator emphasized the need for NASA contractors, both on-site and others, to be supportive of, and accountable for safety. Safety, in this context, is freedom from those conditions that can cause death, injury, occupational illness, damage to or loss of equipment or property (including intellectual property), or damage to the environment. However, given the fact that many of NASA's activities involve advanced research, aeronautics, and space flight, NASA cannot completely avoid risk. Therefore, risk must be managed, i.e., comprehensively identified, analyzed, planned, tracked, and controlled. While risk management is not a new acquisition concept, NASA has initiated a risk-based acquisition management initiative to re-focus on risk as a core acquisition concern. That initiative will be implemented through training as well as through revisions to several of NASA's internal processes and guidelines. This proposed rule only implements that part of the initiative pertaining directly to the procurement process. Since NASA's activities often include contractor efforts, NASA's focus