

consultation with representatives of affected State, local, and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local, and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates."

Today's rule does not create an unfunded Federal mandate on State, local, or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

C. Executive Order 13084

Under Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998), EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

VIII. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small

Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the Agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: March 17, 1999.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

2. Section 180.550 is adding to read as follows:

§ 180.550 Arsanilic acid [(4-aminophenyl) arsonic acid]; tolerances for residues.

(a) *General.* A time-limited tolerance is established for residues of the plant growth regulator arsanilic acid [(4-aminophenyl) arsonic acid], in or on the following food commodities in connection with the use of the pesticide under section 5 experimental use permit. The tolerance will expire on the date specified in the following table:

Commodity	Parts per million	Expiration/revocation date
Grapefruit	2 ppm (not to exceed 0.7 ppm total ar-senic)	2/28/01

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 95

[WT Docket No. 95-102; FCC 98-293]

Establishing a Very Short Distance Two-Way Voice Radio Service

AGENCY: Federal Communications Commission.

ACTION: Final rule; petitions for reconsideration and clarification.

SUMMARY: This action denies two petitions for reconsideration and clarifies that, within the Family Radio Service ("FRS") rules, an antenna must be non-detachable to be an "integral antenna".

EFFECTIVE DATE: November 9, 1998.

FOR FURTHER INFORMATION CONTACT: Joy Alford, Policy and Rules Branch, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau at jalford@fcc.gov or (202) 418-0680.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Memorandum, Opinion and Order*, released on November 9, 1998. The full text of this *Memorandum, Opinion and Order* is available for inspection and copying during normal business hours in the FCC Reference Center, Room 239, 1919 M Street, NW, Washington, DC. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, Washington, DC 20036, telephone (202) 857-3800.

Summary of Memorandum Opinion and Order

1. On May 10, 1996, the Commission adopted a *Report and Order*, 61 FR 28768, June 6, 1996, 11 FCC Rcd 12977 (1996), in WT Docket No. 95-102 in which the Commission established the FRS, a very short distance, two-way voice personal radio service.

2. In a Petition for Reconsideration filed July 5, 1996, The Personal Radio Steering Group (PRSG) requests a series of additional rules and rule changes which it argues are primarily designed to provide greater assurance that the FRS is used for its intended purposes. It also expresses concern that some users of FRS units may not share spectrum responsibly with other users, and requests that we adopt rule changes to maintain the integrity of the FRS as

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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BILLING CODE 6712-01-P

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;