

take proper action by continuing to rely upon part 15 of our rules and regulations to protect such alleged vital communications and that we should instead provide a primary allocation for PLC systems in this band. PLC systems have been operating successfully in this band for many years on an unlicensed basis pursuant to part 15 of our rules. The Commission acted responsibly in deciding not to modify the allocations for the band. As we noted in the R&O, the Commission considers the potential for interference conflicts between different types of operations, whether licensed or unlicensed, when it considers whether to make allocation changes to a band. That we found a potential threat to PLC operations in the licensing of a new service in the band is not to say that current operations are uncertain or insecure. The Commission concluded that it was better to maintain the *status quo* than to differentiate the status of one service *vis-à-vis* another in the band.

6. Finally, in the NPRM in the proceeding, the Commission did not propose to provide an allocation for PLC systems in this band, and thus the Petitioner's request that we do so on reconsideration is beyond the scope of this proceeding. Further, we will not initiate a proceeding to provide such an allocation, nor to provide technical and service rules for PLC systems as the Petitioner requests. We note that the petitioner raised similar arguments in comments filed in response to the NPRM, suggesting that if PLC systems used narrow-band channels, a portion of the band could be made available for an ARS allocation. The Commission determined in the R&O that although other techniques, could be used to control the power grid, these alternatives may not be as effective, would be costly to implement, and would be disruptive to the public. The Commission is not persuaded that it should revisit this issue at this time.

7. In conclusion, the petitioner alternately reiterates arguments and information already considered in the R&O, and requests action beyond the scope of this proceeding. Further, the Commission concludes that, on balance, our decision properly balances concerns for PLC use supporting the protection and control of the national power grid, without unduly constraining amateur use of the band. The Commission denies the Petition for Reconsideration.

Ordering Clauses

8. Pursuant to the authority contained in sections 4(i), 303(c), 303(f), 303(g), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i),

303(c), 303(f), 303(g), and 303(r), the Petition for Reconsideration filed by petitioner *is denied*.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 04-9169 Filed 4-21-04; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 25

[MM Docket No. 93-25; FCC 03-78]

RIN 3060-AF39

Cable Television Consumer Protection and Competition Act of 1992; Direct Broadcast Satellite Public Interest Obligations

AGENCY: Federal Communications Commission.

ACTION: Final rule, denied.

SUMMARY: This document denies all Petitions for Reconsideration filed in this proceeding. This document has been superseded by a Sua Sponte Order on Reconsideration, FCC 04-44, adopted March 3, 2004 and released March 25, 2004. The new Order reflects changes in rules regarding children's advertising limits and clarification of rules regarding political broadcasting.

FOR FURTHER INFORMATION CONTACT: Rosalee Chiara, Policy Division, Media Bureau, (202) 418-0754.

SUPPLEMENTARY INFORMATION: The full text of this decision is available for inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554, and may be purchased from the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone (202) 863-2893, facsimile (202) 863-2898, or via e-mail qualexint@aol.com or may be viewed via Internet at <http://www.fcc.gov/mb/>.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 04-9171 Filed 4-21-04; 8:45 am]

BILLING CODE 6712-01-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1801, 1803 through 1809, 1811, and 1812

RIN 2700-AC65

Re-issuance of the NASA FAR Supplement Subchapters A and B Consistent With the Federal Acquisition Regulations System Guidance and Policy

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: This rule adopts as final without change, the proposed rule published in the **Federal Register** on November 17, 2003 (68 FR 64847). This final rule amends the NASA FAR Supplement (NFS) by removing from the Code of Federal Regulations (CFR) those portions of the NFS containing information that consists of internal Agency administrative procedures and guidance that does not control the relationship between NASA and contractors or prospective contractors. This change is consistent with the guidance and policy in FAR Part 1 regarding what comprises the Federal Acquisition Regulations System and requires publication for public comment. The NFS document will continue to contain both information requiring codification in the CFR and internal Agency guidance in a single document that is available on the Internet. This change will reduce the administrative burden and time associated with maintaining the NFS by only publishing in the **Federal Register** for codification in the CFR material that is subject to public comment.

EFFECTIVE DATE: April 22, 2004.

FOR FURTHER INFORMATION CONTACT: Celeste Dalton, NASA, Office of Procurement, Contract Management Division (Code HK); (202) 358-1645; e-mail: Celeste.M.Dalton@nasa.gov.

SUPPLEMENTARY INFORMATION:

A. Background

Currently the NASA FAR Supplement (NFS) contains information to implement or supplement the FAR. This information contains NASA's policies, procedures, contract clauses, solicitation provisions, and forms that govern the contracting process or otherwise control the relationship between NASA and contractors or prospective contractors. The NFS also contains information that consists of internal Agency administrative procedures and guidance that does not

control the relationship between NASA and contractors or prospective contractors. Regardless of the nature of the information, as a policy, NASA has submitted to the Office of Information and Regulatory Affairs (OIRA) within the Office of Management and Budget (OMB) and published in the **Federal Register** all changes to the NFS. FAR 1.101 states in part that the "Federal Acquisition Regulations System consists of the Federal Acquisition Regulation (FAR), which is the primary document, and agency acquisition regulations that implement or supplement the FAR. The FAR System does not include internal agency guidance of the type described in 1.301(a)(2)." FAR 1.301(a)(2) states in part "an agency head may issue or authorize the issuance of internal agency guidance at any organizational level (e.g., designations and delegations of authority, assignments of responsibilities, work-flow procedures, and internal reporting requirements)." Further, FAR 1.303 states that issuances under FAR 1.301(a)(2) need not be published in the **Federal Register**. Based on the foregoing, NASA is not required to publish and codify internal Agency guidance.

This rule modifies the existing practice by only publishing those regulations which may have a significant effect beyond the internal operating procedures of the Agency or have a significant cost or administrative impact on contractors or offerors.

The NFS will continue to integrate into a single document both regulations subject to public comments and internal Agency guidance and procedures that do not require public comment. Those portions of the NFS that require public comment will continue to be amended by publishing changes in the **Federal Register**. NFS regulations that require public comment are issued as chapter 18 of title 48, CFR. Changes to portions of the regulations contained in the CFR, along with changes to internal guidance and procedures, will be incorporated into the NASA-maintained Internet version of the NFS through Procurement Notices (PNs). The single official NASA-maintained version of the NFS will remain available on the Internet. NASA personnel must comply with all regulatory and internal guidance and procedures contained in the NFS.

This change will result in savings in terms of the number of rules subject to publication in the **Federal Register** and provide greater responsiveness to internal administrative changes. NASA published a proposed rule in the **Federal Register** on November 17, 2003 (68 FR 64847). Comments were received from the Aerospace Industries

Association (AIA). AIA recommended that section 1804.7102, Numbering scheme for solicitations, be retained in the CFR on the basis that it describes the numbering prefixes that identify NASA's sites and is useful to contractors. The numbering methodology is an administrative internal control procedure and does not require inclusion in the FAR System requiring public comment. This information will be retained in the integrated NFS document that will contain both regulations subject to public comments and internal Agency guidance and procedures that do not require public comment. The single document will continue to be available on the Internet. AIA also recommended that section 1807.7205, Public availability, be retained on the basis that it describes the Internet site where the public can get the annual NASA forecast of procurement opportunities. The rule proposed to revise section 1807.7200, Policy, to include the Internet site information contained in section 1807.7205. Retaining 1807.7205 would result in redundant coverage and is not necessary. No changes are made to the proposed rule as a result of comments received.

B. Regulatory Flexibility Act

NASA certifies that this final rule will not have a significant economic impact on a substantial number of small entities with the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601. *et seq.*, because this rule only remove from the CFR information that is considered internal Agency administrative procedures and guidance. The information removed from the CFR will continue to be made available to the public via the Internet.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes do not impose recordkeeping or information collection requirements 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 Parts 1801, 1803 through 1809, 1811, and 1812

Government Procurement.

Tom Luedtke,

Assistant Administrator for Procurement.

■ Accordingly, 48 CFR Parts 1801, 1803 through 1809, 1811, and 1812 are amended as follows:

■ 1. The authority citation for 48 CFR Parts 1801, 1803 through 1809, 1811, and 1812 continues to read as follows:

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

PART 1801—FEDERAL ACQUISITION REGULATIONS SYSTEM

■ 2. Revise section 1801.105–1 to read as follows:

1801.105–1 Publication and code arrangement.

(b)(i) The NFS is an integrated document that contains both acquisition regulations that require public comment and internal Agency guidance and procedures that do not require public comment. NASA personnel must comply with all regulatory and internal guidance and procedures contained in the NFS.

(ii) NFS regulations that require public comment are issued as chapter 18 of title 48, CFR.

(iii) The single official NASA-maintained version of the NFS is on the Internet (<http://www.hq.nasa.gov/office/procurement/regs/nfstoc.htm>).

■ 3. Amend Part 1801 by removing Subparts 1801.2, 1801.3, 1801.4, 1810.6, and 1801.7.

PART 1803—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

■ 4. Amend Part 1803 by removing sections 1803.101, 1803.101–1, 1803.101–2, 1803.104–4, and 1803.104–7; and Subparts 1803.2, 1803.3, 1803.5, 1803.6, 1803.7, and 1803.8.

PART 1804—ADMINISTRATIVE MATTERS

■ 5. Amend Part 1804 by removing section 1804.103, Subparts 1804.2, 1804.5, 1804.6, 1804.8, 1804.9, 1804.70, 1804.71, 1804.72, and 1804.73.

PART 1805—PUBLICIZING CONTRACT ACTIONS

■ 6. Amend Part 1805 by—
 ■ (a) Removing Subparts 1805.1 and 1805.2;
 ■ (b) In section 1805.303, removing paragraphs (a)(i)(A), (a)(i)(B), (a)(ii), and (a)(iii);
 ■ (c) Removing sections 1805.303–70 and 1805.303–71; and
 ■ (d) Removing Subparts 1805.4 and 1805.5.

PART 1806—COMPETITION REQUIREMENTS

■ 7. Amend Part 1806 by—
 ■ (a) In section 1806.202, removing paragraph (b); and
 ■ (b) Removing section 1806.202–70 and Subparts 1806.3 and 1806.5.

PART 1807—ACQUISITION PLANNING

■ 8. Amend Part 1807 by—

- (a) Removing sections 1807.103, 1807.104, 1807.105, and 1807.170;
 - (b) Revising section 1807.107–70;
 - (c) Removing Subparts 1807.2, 1807.3, 1807.5, 1807.70, and 1807.71;
 - (d) Revising section 1807.7200; and
 - (e) Removing sections 1807.7202, 1807.7203, 1807.7204, and 1807.7205.
- Revised sections 1807.107–70 and 1807.7200 read as follows:

1807.107–70 Orders against Federal Supply Schedule contracts or other indefinite-delivery contracts awarded by another agency.

The FAR and NFS requirements for justification, review, and approval of bundling of contract requirements also apply to an order from a Federal Supply Schedule contract or other indefinite-delivery contract awarded by another agency if the requirements consolidated under the order meet the definition of “bundling” at FAR 2.101.

1807.7200 Policy.

(a) As required by the Business Opportunity Development Reform Act of 1988, it is NASA policy to—

- (1) Prepare an annual forecast and semiannual update of expected contract opportunities or classes of contract opportunities for each fiscal year;
- (2) Include in the forecast contract opportunities that small business concerns, including those owned and controlled by socially and economically disadvantaged individuals, may be capable of performing; and
- (3) Make available such forecasts to the public.

(b) The annual forecast and semiannual update are available on the NASA Acquisition Internet Service (<http://www.hq.nasa.gov/office/procurement/>).

PART 1808—REQUIRED SOURCES OF SUPPLIES AND SERVICES

- 9. Amend Part 1808 by removing sections 1808.003, 1808.003–70, 1808.003–71, 1808.003–72, 1808.003–73, Subparts 1808.1, 1808.4, 1808.6, 1808.7, section 1808.802, and Subpart 1808.11.

PART 1809—CONTRACTOR QUALIFICATIONS

- 10. Amend Part 1809 by removing sections 1809.106, 1809.106–1, 1809.106–2, 1809.106–3, 1809.106–70, 1809.200, 1809.202, 1809.203, 1809.203–70, 1809.203–71, paragraphs (b)(i) and (b)(ii) in section 1809.206–1, 1809.404, 1809.405, 1809.405–1, 1809.405–2, 1809.406, 1809.406–3, 1809.407, 1809.407–3, 1809.408, 1809.470, 1809.470–1, 1809.470–2,

1809.470–3, 1809.500, 1809.503, and 1809.506.

PART 1811—DESCRIBING AGENCY NEEDS

- 11. Amend Part 1811 by removing section 1811.002, Subpart 1811.1, sections 1811.403, 1811.403–70, 1811.404, and Subparts 1811.5 and 1811.6.

PART 1812—ACQUISITION OF COMMERCIAL ITEMS

- 12. Amend Part 1812 by removing Subpart 1812.1, section 1812.302 and Subpart 1812.4.

[FR Doc. 04–9014 Filed 4–21–04; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1813, 1814, 1815, 1816, and 1817

RIN 2700–AC83

Re-Issuance of NASA FAR Supplement Parts 1813 Through 1817

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: This rule adopts as final without change, the proposed rule published in the **Federal Register** on December 22, 2003 (68 FR 71055). This final rule amends the NASA FAR Supplement (NFS) by removing from the Code of Federal Regulations (CFR) those portions of the NFS containing information that consists of internal Agency administrative procedures and guidance that does not control the relationship between NASA and contractors or prospective contractors. This change is consistent with the guidance and policy in FAR Part 1 regarding what comprises the Federal Acquisition Regulations System and requires publication for public comment. The NFS document will continue to contain both information requiring codification in the CFR and internal Agency guidance in a single document that is available on the Internet. This change will reduce the administrative burden and time associated with maintaining the NFS by only publishing in the **Federal Register** for codification in the CFR material that is subject to public comment.

DATES: *Effective Date:* April 22, 2004.

FOR FURTHER INFORMATION CONTACT: Celeste Dalton, NASA, Office of Procurement, Contract Management

Division (Code HK); (202) 358–1645; e-mail: Celeste.M.Dalton@nasa.gov.

SUPPLEMENTARY INFORMATION:

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