

signal booster station, within the 60 day period provided for in § 74.985(e).

(b) The applicant or notifier may file an opposition to any petition to deny, and the petitioner a reply to such opposition in which allegations of fact or denials thereof shall be supported by affidavit of a person or persons with personal knowledge thereof. Except with regard to petitions to deny against the long-form applications of ITFS auction winners, the times for filing such oppositions and replies shall be those provided in § 1.45 of this chapter.

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DEPARTMENT OF DEFENSE

48 CFR Part 213

[DFARS Case 98-D031]

Defense Federal Acquisition Regulation Supplement; Applicability of Buy American Clauses to Simplified Acquisitions

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Director of Defense Procurement has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to clarify the use of contract clauses that implement the Buy American Act. The rule applies to acquisitions that use the Federal Acquisition Regulation (FAR) clause containing a list of clauses that most commonly apply to simplified acquisitions.

EFFECTIVE DATE: May 7, 1999.

EFFECTIVE DATES: Ms. Amy Williams, Defense Acquisition Regulations Council, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0131; telefax (703) 602-0350. Please cite DFARS Case 98-D031.

SUPPLEMENTARY INFORMATION:

A. Background

This final rule revises DFARS 213.302-5 to clarify that, when using the clause at FAR 52.213-4, Terms and Conditions-Simplified Acquisitions (Other Than Commercial Items), the contracting officer must delete the reference to the clause at FAR 52.225-3, Buy American Act-Supplies. In accordance with DFARS 225.109(d), the clause at FAR 52.225-3 does not apply to DoD. This rule instead requires the contracting officer to use the

appropriate Buy American Act clause prescribed by the DFARS.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

This final rule does not constitute a significant revision within the meaning of FAR 1.501 and Public Law 98-577 and publication for public comment is not required. However, comments from small entities concerning the affected DFARS subpart will be considered in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 98-D031.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the 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 Part 213

Government procurement.
Michele P. Peterson,
Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Part 213 is amended as follows:

1. The authority citation for 48 CFR Part 213 continues to read as follows:

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

PART 213—SIMPLIFIED ACQUISITION PROCEDURES

2. Section 213.302-5 is revised to read as follows:

§ 213.302-5 Clauses.

(a) Use the clause at 252.243-7001, Pricing of Contract Modifications, in all bilateral purchase orders.

(d) When using the clause at FAR 52.213-4, delete the reference to the clause at FAR 52.225-3, Buy American Act-Supplies. Instead, if the Buy American Act applies to the acquisition, use the clause at—

(i) 252.225-7001, Buy American Act and Balance of Payments Program, as prescribed at 225.109(d); or

(ii) 252.225-7036, Buy American Act-North American Free Trade Agreement Implementation Act-Balance of Payments Program, as prescribed at 225.408(a)(vi).

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DEPARTMENT OF DEFENSE

48 CFR Parts 225 and 252

[DFARS Case 98-D310]

Defense Federal Acquisition Regulation Supplement; Para-Aramid Fibers and Yarns

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Director of Defense Procurement has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to permit the procurement of articles containing para-aramid fibers and yarns manufactured in the Netherlands. This rule finalizes the interim rule that was published in the **Federal Register** on January 15, 1999, to implement Section 807 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999.

EFFECTIVE DATE: May 7, 1999.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, Defense Acquisition Regulations Council, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0131; telefax (703) 602-0350. Please cite DFARS Case 98-D310.

SUPPLEMENTARY INFORMATION:

A. Background

An interim rule with request for comments was published in the **Federal Register** at 64 FR 2599 on January 15, 1999. The rule implemented Section 807 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261). Section 807 provides that the Secretary of Defense may waive the foreign source restrictions for para-aramid fibers and yarns under certain conditions. The Secretary of Defense delegated this waiver authority to the Under Secretary of Defense (Acquisition and Technology). On February 12, 1999, the Under Secretary of Defense (Acquisition and Technology) issued a determination authorizing the procurement of articles containing para-aramid fibers and yarns manufactured in the Netherlands. Synthetic fabric containing the para-aramid fibers and yarns still must be manufactured in the United States.

Three sources submitted comments in response to the interim rule. All comments were considered in the development of the final rule.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.