

**SUMMARY:** The Commission requests comments on a petition filed by Helen Jones proposing the allotment of Channel 281A at Murrieta, California, as the community's first local aural transmission service. Channel 281A can be allotted at Murrieta in compliance with the Commission's minimum distance separation requirements with a site restriction of with respect to all domestic allotments, with a site restriction of 5.2 kilometers (3.2 miles) east to avoid a short-spacing to the licensed site of Station KBIG-FM, Channel 282B, Los Angeles, California. The coordinates for Channel 281A at Murrieta are 33-32-55 North Latitude and 117-09-26 West Longitude. The allotment will result in a short-spacing to Station XHBA-FM, Channel 281C, Mexicali, BN, Mexico. Therefore, since Murrieta is located within 320 kilometers (199 miles) of the U.S.-Mexican border, concurrence in the allotment as a specially-negotiated, short-spaced allotment will be sought from the Mexican government.

**DATES:** Comments must be filed on or before March 12, 2001, reply comments on or before March 27, 2001.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: David Tillotson, Esq., 4606 Charleston Terrace, NW., Washington, DC 20007 (Counsel for Petitioner).

**FOR FURTHER INFORMATION CONTACT:** Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01-11, adopted January 10, 2001, and released January 19, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY-A257), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments.

See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

**John A. Karousos,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

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**BILLING CODE 6712-01-U**

### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 73

[DA 01-133; MM Docket No. 01-12, RM-10039]

#### Radio Broadcasting Services; Arthur, ND

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by Vision Media Incorporated requesting the substitution of Channel 280A for Channel 244A at Arthur, North Dakota, and the modification of Station's WVMI(FM)'s license accordingly. Channel 280A can be allotted at Arthur in compliance with the Commission's minimum distance separation requirements with a site restriction of 6.35 kilometers (3.96 miles) west at petitioner's presently authorized site. The coordinates for Channel 280A at Arthur are 47-05-42 North Latitude and 97-18-01 West Longitude. Since Arthur is located within 320 kilometers (200 miles) of the U.S.-Canadian border, Canadian concurrence has been requested. We will not accept competing expressions of interest for the use of Channel 280A at Arthur, North Dakota, because the Commission's Rules do not contemplate the filing of expressions of interest in proceedings which seek to make equivalent channel substitutions.

**DATES:** Comments must be filed on or before March 12, 2001, reply comments on or before March 27, 2001.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Harry C. Martin, Esq., Fletcher, Heald & Hildreth, P.L.C., 1300 North 17th Street, 11th Floor, Arlington,

Virginia 22209-3801 (Counsel for Petitioner).

**FOR FURTHER INFORMATION CONTACT:** Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01-12, adopted January 10, 2001, and released January 19, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY-A257), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding. Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

**John A. Karousos,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

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### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 73

[DA 01-134; MM Docket No. 01-13, RM-10038]

#### Radio Broadcasting Services; Woodbury, GA

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by Bernice P. Hedrick proposing the allotment of Channel 233A at Woodbury, Georgia, as the community's first local aural transmission service. Channel 233A can

be allotted at Woodbury in compliance with the Commission's minimum distance separation requirements with a site restriction of 13.0 kilometers (8.1 miles) southeast to avoid short-spacings to the licensed sites of Station WSTR(FM), Channel 231C, Smyrna, Georgia, and Station WYSF(FM), Channel 233C, Birmingham, Alabama. The coordinates for Channel 233A at Woodbury are 32-54-40 North Latitude and 84-28-24 West Longitude.

**DATES:** Comments must be filed on or before March 12, 2001, reply comments on or before March 27, 2001.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Bernice P. Hedrick, P.O. Box 27, 317 Stonegables Court, Gray, Georgia 31032 (Petitioner).

**FOR FURTHER INFORMATION CONTACT:**

Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01-13, adopted January 10, 2001, and released January 19, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY-A257), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding. Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

**List of Subjects in 47 CFR Part 73**

Radio broadcasting.

Federal Communications Commission.

**John A. Karousos,**

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

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**DEPARTMENT OF ENERGY**

**48 CFR Parts 904, 952 and 970**

**RIN 1991-AB54**

**Acquisition Regulations; Conditional Payment of Fee, Profit, and Other Incentives**

**AGENCY:** Department of Energy, (DOE).

**ACTION:** Notice of proposed rulemaking and opportunity for public comment.

**SUMMARY:** The Department of Energy (DOE) proposes to amend its Acquisition Regulation to: Implement, in part, the requirements of Section 3147 of the National Defense Authorization Act for Fiscal Year 2000 relating to the safeguarding of classified information; establish more objective standards and procedures for considering and applying reductions of fee or other amounts payable for contractor performance failures relating to environment, safety, and health (ES&H); and make related technical and conforming amendments.

**DATES:** Written comments must be received on or before the close of business March 5, 2001.

**ADDRESSES:** Comments (3 copies) should be addressed to: Michael L. Righi, U.S. Department of Energy, Office of Procurement and Assistance Management, MA-51, 1000 Independence Avenue, SW., Washington, DC 20585.

**FOR FURTHER INFORMATION CONTACT:**

Michael L. Righi at [michael.l.righi@hq.doe.gov](mailto:michael.l.righi@hq.doe.gov) or (202) 586-8175.

**SUPPLEMENTARY INFORMATION:**

- I. Background
- II. Section by Section Analysis
- III. Public Comments
- IV. Procedural Requirements
  - A. Review Under Executive Order 12866
  - B. Review Under Executive Order 12988
  - C. Review Under the Regulatory Flexibility Act
  - D. Review Under the Paperwork Reduction Act
  - E. Review Under the National Environmental Policy Act
  - F. Review Under Executive Order 13132
  - G. Review Under the Unfunded Mandates Reform Act of 1995
  - H. Review Under the Treasury and General Government Appropriations Act of 1999

**I. Background**

In addition to other performance requirements specified in their contracts, the Department's management and operating contractors and other designated contractors are subject to minimum performance requirements relating to environment, safety, and

health (ES&H), and to safeguarding Restricted Data and other classified information. As a general rule, such performance requirements are so fundamental to the accomplishment of the Department's overall mission objectives that meeting expected levels of performance is considered a prerequisite for the payment of fee, profit, or a share of cost savings under DOE contracts which are subject to such requirements.

In March 1999, the Department amended its Acquisition Regulation to revise its fee policies and related procedures for management and operating contracts and other designated contracts. The objectives of the Department's fee policy are to ensure that fees: are reasonable and commensurate with performance, business and cost risks; create and implement tailored incentives for performance-based management contracts; are structured to attract best business partners; and afford flexibility to provide incentives to contractors to perform better at less cost. The rule prescribed the use of a clause entitled, "Conditional Payment of Fee, Profit, or Incentives." The clause at 48 CFR 970.5204-86 establishes the portion of total available fee, profit, or incentives that is subject to recovery by DOE due to a contractor's failure to meet minimum requirements for a specified level of performance, including cost performance, with an emphasis on requirements relating to ES&H, and the prevention of catastrophic performance failures.

Section 3147 of the National Defense Authorization Act for Fiscal Year 2000 (42 U.S.C. 2282b) requires, in part, that DOE contracts include a clause which provides for an appropriate reduction in the fees or amounts paid to the contractor under the contract in the event of a violation by the contractor or contractor employee of any rule, regulation, or order relating to the safeguarding or security of Restricted Data or other classified or sensitive information. The statute also prescribes that the clause must specify various degrees of violations and the amount of the reduction attributable to each degree of violation. It is noted that since there is currently no rule, regulation or order which defines the term "sensitive information," as used in the Act, this category of information is not addressed in this proposed regulation.

In May 2000, the Secretary of Energy announced an initiative to improve contractor performance management by requiring greater responsibility and accountability from both the Department's senior managers and its