

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 01-1907; MM Docket No. 01-188, RM-10203; MM Docket No. 01-189, RM-10204; MM Docket No. 01-190, RM-10210; and MM Docket No. 01-191, RM-10211]

### Radio Broadcasting Services; Evant, TX; Winnsboro, TX; Comanche, TX; and Clayton, OK

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document proposes four allotments. The Commission requests comment on a petition filed by Charles Crawford proposing the allotment of Channel 243A at Evant, Texas, as the community's first local aural transmission service. Channel 243A can be allotted to Evant in compliance with the Commission's minimum distance separation requirements with a site restriction of 0.8 km (0.5 miles) east of Evant. The coordinates for Channel 243A at Evant are 31-28-56 North Latitude and 98-09-19 West Longitude. The Commission requests comment on a petition filed by Katherine Pyeatt proposing the allotment of Channel 263A at Winnsboro, Texas, as the community's first local competing FM transmission service. Channel 263A can be allotted to Winnsboro in compliance with the Commission's minimum distance separation requirements with a site restriction of 7.9 km (4.9 miles) east of Winnsboro. The coordinates for Channel 263A at Winnsboro are 32-56-40 North Latitude and 95-12-27 West Longitude.

The Commission further requests comment on a petition filed by Jeraldine Anderson proposing the allotment of Channel 280A at Comanche, Texas, as the community's first local competing FM transmission service. Channel 280A can be allotted to Comanche at center city coordinates in compliance with the Commission's minimum distance separation requirements, with no site restriction. The coordinates for Channel 280A at Comanche are 31-53-50 North Latitude and 98-36-12 West Longitude.

The Commission requests comment on a petition filed by Maurice Salsa proposing the allotment of Channel 232C3 at Clayton, Oklahoma, as the community's first local aural transmission service. Channel 232C3 can be allotted to Clayton at center city coordinates in compliance with the Commission's minimum distance separation requirements, with no site restriction. The coordinates for Channel

232C3 at Clayton are 34-35-22 North Latitude and 95-21-09 West Longitude.

**DATES:** Comments must be filed on or before October 1, 2001, and reply comments on or before October 16, 2001.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, his or her counsel, or consultant, as follows: Charles Crawford, 4553 Bordeaux Avenue, Dallas, TX 75205; Katherine Pyeatt, 6655 Aintree Circle, Dallas, TX 75214; Jeraldine Anderson, 1702 Cypress Drive, Irving, TX 75061; and Maurice Salsa, 5615 Evergreen Valley Drive, Kingwood, TX 77345.

**FOR FURTHER INFORMATION CONTACT:** Deborah A. Dupont, Mass Media Bureau (202) 418-7072.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket Nos. 01-188, 01-189, 01-190, and 01-191, adopted August 1, 2001, and released August 10, 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.

The 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.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR Part 73 as follows:

### PART 73—RADIO BROADCAST SERVICES

1. The authority citation for Part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334 and 336.

### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Channel 280A at Comanche, adding Evant, Channel 243A, and adding Channel 263A at Winnsboro.

3. Section 73.202(b), the Table of FM Allotments under Oklahoma, is amended by adding Clayton, Channel 232C3.

Federal Communications Commission.

**John A. Karousos,**

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

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**BILLING CODE 6712-01-P**

## DEPARTMENT OF DEFENSE

### 48 CFR Parts 232 and 252

[DFARS Case 2001-D012]

### Defense Federal Acquisition Regulation Supplement; Customary Progress Payment Rate for Large Business Concerns

**AGENCY:** Department of Defense (DoD).

**ACTION:** Proposed rule with request for comments.

**SUMMARY:** DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to increase the customary uniform progress payment rate for large business concerns from 75 percent to 80 percent. The progress payment rate change will be applicable only to contract awards made on or after October 1, 2001, with final implementation contingent upon the approval of a DoD budget and outlay ceiling for Fiscal Year (FY) 2002 sufficient to accommodate the outlay impact of this proposed change. The Budget of the United States Government, FY 2002, submitted by the President, accommodates the outlay impact. Contracts awarded before October 1, 2001, will not be modified to include the 80 percent rate.

**DATES:** Comments on the proposed rule should be submitted to the address shown below on or before September 24, 2001 to be considered in the formation of the final rule.

**ADDRESSES:** Respondents may submit comments directly on the World Wide Web at <http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm>. As an alternative, respondents may e-mail comments to: [dfars@acq.osd.mil](mailto:dfars@acq.osd.mil). Please cite DFARS Case 2001-D012 in the subject line of e-mailed comments.

Respondents that cannot submit comments using either of the above

methods may submit comments to: Defense Acquisition Regulations Council, Attn: Ms. Sandra Haberlin, OUSD (AT&L) DP (DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301-3062; facsimile (703) 602-0350. Please cite DFARS Case 2001-D012.

At the end of the comment period, interested parties may view public comments on the World Wide Web at <http://emissary.acq.osd.mil/dar/dfars.nsf>.

**FOR FURTHER INFORMATION CONTACT:** Ms. Sandra Haberlin, (703) 602-0289.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

Pursuant to Section 8155 of the FY 1994 Defense Appropriations Act (Public Law 103-139), DoD reduced the customary progress payment rate for large business concerns from 85 percent to 75 percent, effective for solicitations issued on or after November 11, 1993. The rates for small business and small disadvantaged business concerns (90 percent and 95 percent, respectively) were not changed.

Despite changes to short term borrowing rates in subsequent years that have supported an increase in the progress payment rate for large business concerns, DoD has been unable to accommodate a rate increase within available funding outlays until FY 2002. This proposed DFARS change will conform the DoD customary uniform progress payment rate for large business concerns with the progress payment rate for large business concerns currently being used by other Executive agencies under FAR 32.501-1(a). The DoD rate will be applicable only to new contract awards made on or after October 1, 2001. Contracts awarded before October 1, 2001, will not be modified to include the 80 percent rate.

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

**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 progress payment rates for small and small disadvantaged business concerns are unchanged. Therefore, DoD has not performed an initial regulatory flexibility analysis. DoD invites comments from small businesses and other interested parties. DoD also will consider comments from small entities concerning the affected DFARS subparts in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 2001-D012.

**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 Parts 232 and 252**

Government procurement.

**Michele P. Peterson,**  
*Executive Editor, Defense Acquisition Regulations Council.*

Therefore, DoD proposes to amend 48 CFR Parts 232 and 252 as follows:

1. The authority citation for 48 CFR Parts 232 and 252 continues to read as follows:

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

**PART 232—CONTRACT FINANCING**

2. Section 232.501-1 is revised to read as follows:

**232.501-1 Customary progress payment rates.**

(a) The customary progress payment rates for DoD contracts, including

contracts that contain foreign military sales (FMS) requirements, are 80 percent for large business concerns, 90 percent for small business concerns, and 95 percent for small disadvantaged business concerns.

3. Section 232.502-4-70 is amended by revising paragraph (b) to read as follows:

**232.502-4-70 Additional clauses.**

\* \* \* \* \*

(b) Use the clause at 252.232-7004, DoD Progress Payment Rates, instead of Alternate I of the clause at FAR 52.232-16, if the contractor is a small business or small disadvantaged business concern.

**PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

4. Section 252.232-7004 is revised to read as follows:

**252.232-7004 DoD Progress Payment Rates.**

As prescribed in 232.502-4-70(b), use the following clause:

**DoD Progress Payment Rates (XXX 2001)**

(a) If the contractor is a small business concern, the Progress Payments clause of this contract is modified to change each mention of the progress payment rate and liquidation rate (excepting paragraph (k), *Limitations on Undefined Contract Actions*) to 90 percent.

(b) If the contractor is a small disadvantaged business concern, the Progress Payments clause of this contract is modified to change each mention of the progress payment rate and liquidation rate (excepting paragraph (k), *Limitations on Undefined Contract Actions*) to 95 percent.  
(End of clause)

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