

**§ 304-8.1 For the purpose of this subchapter, who is a donor?**

A donor, for the purpose of this subchapter, is an non-profit charitable organization described by 26 U.S.C. 501(c)(3), that is exempt from taxation under 26 U.S.C. 501(a).

**PART 304-9—CONTRIBUTIONS AND AWARDS**

Sec.

304-9.1 May we allow an employee to accept contributions and awards pertaining to training and payments incident to attendance at meetings under this subchapter?

304-9.2 May we pay an employee for expenses that are fully reimbursed by a donor for training in a non-Government facility, or travel expenses incident to attendance at a meeting?

304-9.3 May we reimburse an employee for training expenses that are not fully paid by a donor?

304-9.4 What if the employee is compensated by a donor and by us for the same expenses?

304-9.5 Must we reduce an employee's reimbursement when a donor pays for items for which we are not authorized to reimburse the employee?

304-9.6 Must we obtain data from employees or donors for all expenses received?

**Authority:** 5 U.S.C. 4111(b); E.O. 11609, 36 FR 13747, 3 CFR, 1971-1975 Comp., p. 586.

**§ 304-9.1 May we allow an employee to accept contributions and awards pertaining to training and payments incident to attendance at meetings under this subchapter?**

Yes, you may allow an employee to accept contributions and awards pertaining to training and payments incident to attendance at meetings when you specifically authorize them to do so in accordance with OPM guidelines issued under section 401(b) of Executive Order 11348 (see 5 CFR part 410) and section 303(j) of Executive Order 11348 (3 CFR, 1966-1970 Comp., p. 639). The OPM guidelines may be found at 5 CFR part 410.

**§ 304-9.2 May we pay an employee for expenses that are fully reimbursed by a donor for training in a non-Government facility, or travel expenses incident to attendance at a meeting?**

No, you may not reimburse an employee for expenses that are fully reimbursed by a donor for training in a non-Government facility, or travel expenses incident to attendance at a meeting.

**§ 304-9.3 May we reimburse an employee for training expenses that are not fully paid by a donor?**

Yes, you may reimburse an employee for training expenses that are not fully

paid by a donor an amount considered sufficient to cover the balance of expenses to the extent authorized by law and regulation, including 5 U.S.C. 4109 and 5 U.S.C. 4110.

**§ 304-9.4 What if the employee is compensated by a donor and by us for the same expenses?**

If you reimburse an employee for expenses that are also paid by a donor, you must establish and carry out policy in accordance with 5 U.S.C. 5514 to recover any excess amount paid to the employee.

**§ 304-9.5 Must we reduce an employee's reimbursement when a donor pays for items for which we are not authorized to reimburse the employee?**

No, when a donor pays for travel expenses that the Government is not authorized to pay (such as travel expenses for an employee's family) no reduction in payment is required.

**§ 304-9.6 Must we obtain data from employees or donors for all expenses received?**

Yes, you must set agency policy to ensure collection of expense data in such detail as you deem necessary to carry out this part.

Dated: February 26, 2001.

**G. Martin Wagner,**

*Associate Administrator for Governmentwide Policy.*

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**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 73**

[DA 01-1021; MM Docket No. 01-95; RM-10093]

**Radio Broadcasting Services; Naches, Sunnyside and Benton City, Washington**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition for rule making filed by Butterfield Broadcasting Corporation ("petitioner") licensee of Stations KZTA(FM), Naches, Washington and KZTB(FM), Sunnyside, Washington. Petitioner proposes to substitute Channel 245C2 for 245A at Naches, and to reallocate Channel 244A from Sunnyside to Benton City, Washington, as the community's first local transmission service. Channel 245C2 can be allotted at Naches at petitioner's requested site at coordinates

NL 46-36-02 and WL 120-56-06 and Channel 244A can be reallocated from Sunnyside to Benton City in compliance with the Commission's minimum distance separation requirements at petitioner's requested site, at coordinates NL 46-14-48 and 120-25-40.

**DATES:** Comments must be filed on or before June 11, 2001, and reply comments on or before June 26, 2001.

**ADDRESSES:** Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Peter Gutmann, Esq., Pepper and Corazzini, 1776 K Street, NW., Suite 200, Washington, DC 20006. (Counsel to Petitioner).

**FOR FURTHER INFORMATION CONTACT:**

Victoria M. McCauley, Mass Media Bureau, and (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01-95 adopted April 11, 2001 and released April 20, 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.

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 Washington is amended by removing Channel 245A at Naches and adding Channel 245C2 at Naches, and by removing Sunnyside, Channel 244A, and adding Benton City, Channel 244A.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 01-11174 Filed 5-3-01; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 01-1022; MM Docket No. 01-94; RM-10086]

#### Radio Broadcasting Services; Corinth, Scotia and Hudson Falls, New York

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition for rule making filed by Vox New York, LLC, licensee of Stations WHTR(FM), Corinth, New York, and WFFG-FM, Hudson Falls, New York, proposing the substitution of Channel 229A for Channel 228A at Corinth, New York, the reallocation of Channel 229A from Corinth to Scotia, New York, as the community's first local service, and the reallocation of Channel 296A from Hudson Falls, New York, to Corinth. Channel 229A is reallocated from Corinth to Scotia at a site 9.9 kilometers (6.2 miles) northwest of the community at coordinates 42-54-27 NL, and 74-00-57 WL. Channel 296A can be reallocated from Hudson Falls to Corinth at petitioner's licensed site 5 kilometers (3.1 miles) east of the community at coordinates 43-14-40 NL and 73-46-18 WL.

**DATES:** Comments must be filed on or before June 11, 2001, and reply comments on or before June 26, 2001.

**ADDRESSES:** Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Jonathan E. Allen, Rini, Coran, and Lancellotta, P.C., 1350 Connecticut Avenue, NW., Suite 900, Washington, DC 20036-0551 (Counsel to Petitioner).

### FOR FURTHER INFORMATION CONTACT:

Victoria M. McCauley, Mass Media Bureau, at (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01-94 adopted April 11, 2001 and released April 20, 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.

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 New York, is amended by removing Channel 228A at Corinth and adding Channel 296A at Corinth, by removing Channel 296A at Hudson Falls, and by adding Scotia, Channel 229A.

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 TRANSPORTATION

### Federal Motor Carrier Safety Administration

### 49 CFR Parts 383, 384, and 390

[Docket No. FMCSA-00-7382]

RIN 2126-AA55

#### Commercial Driver's License Standards; Requirements and Penalties; Noncommercial Motor Vehicle Violations

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM); request for comments.

**SUMMARY:** The FMCSA proposes disqualification regulations for drivers subject to the Commercial Motor Vehicle Safety Act of 1986 (CMVSA). Sections 201(b) and 202(h) of the Motor Carrier Safety Improvement Act of 1999 (MCSIA) amended the CMVSA by adding disqualification requirements for a commercial driver's license (CDL) holder convicted of committing violations while operating a noncommercial motor vehicle (non-CMV). Each State would be required to disqualify the CDL upon conviction by revoking, suspending, or canceling it. Each employer would be required to stop using a driver from driving a commercial motor vehicle (CMV) upon the State's disqualification. The purpose of this proposal is to enhance the safety of CMV operations on our nation's highways.

**DATES:** You must submit comments on or before August 2, 2001.

**ADDRESSES:** You can mail, hand deliver, fax, or electronically submit written comments to the Docket Management Facility, U.S. Department of Transportation, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001; FAX: (202) 493-2251, online at <http://dmses.dot.gov/submit>.

Please include the docket number that appears in the heading of this document in your comment. You can examine and copy all comments from 9 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays at the docket facility. You can also examine the docket on the Internet at <http://dms.dot.gov>. If you want us to notify you of receipt of your comments, please include a self-addressed, stamped envelope or postcard, or after submitting comments electronically, print the acknowledgment page.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert Redmond, (202) 366-9579, and