

Dated: November 5, 2009.

**W. Craig Fugate,**

*Administrator, Federal Emergency  
Management Agency.*

[FR Doc. E9-27358 Filed 11-13-09; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 09-2266; MB Docket No. 09-83; RM-11532]

### FM Table of Allotments, Dubois, WY

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Audio Division, at the request of Lorenz E. Proietti, allots FM Channel 242C2 at Dubois, Wyoming, as that community's first transmission service. Channel 242C2 can be allotted at Dubois, Wyoming, in compliance with the Commission's minimum distance separation requirements with a site restriction of 6.0 km (3.8 miles) southwest of Dubois at the following reference coordinates: 43-29-59 North Latitude and 109-41-17 West Longitude.

**DATES:** Effective December 16, 2009.

**ADDRESSES:** Secretary, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Deborah Dupont, Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MB Docket 09-83, adopted October 21, 2009, and released October 23, 2009. The full text of this Commission document 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 20554.

The complete text of this decision may also be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., 445 12th Street, SW, Room CY-B402, Washington, DC 20554, 800-378-3160 or via the company's website, <http://www.bcpweb.com>.

This document does not contain any information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any information collection burden "for small business concerns with fewer than 25 employees," pursuant to the Small

Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. 3506(c)(4). The Commission will send a copy of this Report and Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A).

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

### List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

■ As stated in the preamble, the Federal Communications Commission amends 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, 336.

#### § 73.202 [Amended]

■ 2. Section 73.202(b), the Table of Allotments under Wyoming, is amended by adding Dubois, Channel 242C2.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

[FR Doc. E9-27367 Filed 11-13-09; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### 48 CFR Parts 3009 and 3052

[Docket No. DHS-2009-0017]

RIN 1601-AA55

### Prohibition on Federal Protective Service Guard Services Contracts With Business Concerns Owned, Controlled, or Operated by an Individual Convicted of a Felony [HSAR Case 2009-001]

**AGENCY:** Office of the Chief Procurement Officer, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Department of Homeland Security (DHS) is issuing a final rule to amend the Homeland Security Acquisition Regulation (HSAR) to establish guidelines under which DHS will prohibit awards of Federal Protective Service (FPS) contract for guard services to a business concern that is owned, controlled, or operated by an individual who has been convicted of a serious felony. The rule implements the provisions of the Federal Protective

Service Guard Contracting Reform Act of 2008.

**DATES:** *Effective date:* December 16, 2009.

*Applicability:* DHS contracting officers shall insert the clause at (HSAR) 48 CFR 3052.209-76 in solicitations for Federal Protective Service guard services issued on or after the effective date of this rule.

### FOR FURTHER INFORMATION CONTACT:

Gloria Sochon, Senior Procurement Analyst, at (202) 447-5307 for clarification of content.

### SUPPLEMENTARY INFORMATION:

#### I. Background

The Federal Protective Service Guard Contracting Reform Act of 2008, Public Law 110-356, 122 Stat. 3996 (Oct. 8, 2008), required DHS to promulgate regulations establishing guidelines for the prohibition of awards of FPS contracts for guard services to any business concern that is owned, controlled, or operated by an individual who has been convicted of a serious felony (as determined by DHS). This final rule implements the prohibition; identifies which felonies are serious and may prohibit a business concern from being awarded a contract; requires contractors to provide information regarding any felony convictions when submitting bids or proposals; provides guidelines for the contracting officer to assess present responsibility, mitigating factors, and the risk associated with the previous conviction; and allows the contracting officer to award a contract under certain circumstances, notwithstanding the conviction of a serious felony of an individual who owns, controls, or operates the contractor.

#### II. Discussion and Analysis

##### A. Final Rule

The final rule expressly defines certain types of felonies as serious felonies, and generally defines as serious felonies those which cast doubt on the integrity or business ethics of a business concern or are of a nature that is inconsistent with the mission of FPS. Serious felonies, committed by an individual who owns, controls, or operates the contractor, will normally prohibit a business concern from being awarded an FPS contract for guard services. Serious felonies include, but are not limited to, felony convictions for: fraud arising out of a contract with the federal, state or local government; bribery, graft or a conflict of interest; threatened or actual harm to a government official, family member or government property; crimes of