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

[DA 00-2238; MM Docket No. 99-278; RM-9424]

**Radio Broadcasting Services; Susquehanna, PA and Conklin, NY****AGENCY:** Federal Communications Commission.**ACTION:** Final rule.

**SUMMARY:** The Commission, at the joint request of Majac of Michigan, Inc., and Equinox Broadcasting Corporation, reallocates Channel 223A from Susquehanna, Pennsylvania, to Conklin, New York, and modifies Station WKGB-FM's license accordingly. We also reallocate Channel 263A from Conklin, New York, to Susquehanna, Pennsylvania, and modify Station WCDW(FM)'s license accordingly. See 64 FR 51284, September 22, 1999. Channel 223A can be reallocated to Conklin in compliance with the Commission's minimum distance separation requirements at Station WKGB-FM's requested site. The coordinates for Channel 223A at Conklin are 42-06-53 North Latitude and 75-51-16 West Longitude. Additionally, Channel 263A can be reallocated to Susquehanna in compliance with the Commission's minimum distance separation requirements at Station WCDW(FM)'s requested site. The coordinates for Channel 263A at Susquehanna are 42-02-30 North Latitude and 75-41-30 West Longitude.

**DATES:** Effective November 13, 2000.**FOR FURTHER INFORMATION CONTACT:** Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 99-278, adopted September 20, 2000, and released September 29, 2000. 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 contractors, International Transcription Service, Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

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

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

**Part 73 [AMENDED]**

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

**Authority:** 47 U.S.C. 54, 303, 334, 336.**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under New York, is amended by adding Channel 223A and removing Channel 263A at Conklin.

3. Section 73.202(b), the Table of FM Allotments under Pennsylvania, is amended by adding Channel 263A and removing Channel 223A at Susquehanna.

Federal Communications Commission.

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

[FR Doc. 00-26714 Filed 10-17-00; 8:45 am]

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**DEPARTMENT OF ENERGY****48 CFR Parts 931 and 970****RIN 1991-AB36****Acquisition Regulations; Costs Associated With Whistleblower Actions****AGENCY:** Department of Energy.**ACTION:** Final rule.

**SUMMARY:** The Department of Energy (Department) is amending its acquisition regulations to address contractor defense, settlement and award costs associated with contractor employee whistleblower actions. This action implements a cost principle approach in the Department of Energy Acquisition Regulation (DEAR) which will apply to the Department's cost reimbursement contractors and subcontractors with a contract amount exceeding \$5,000,000.

**EFFECTIVE DATE:** This final rule is effective November 17, 2000.**FOR FURTHER INFORMATION CONTACT:** Terrence D. Sheppard, (202) 586-8193; e-mail terry.sheppard@hq.doe.gov.**SUPPLEMENTARY INFORMATION:**

I. Background.

II. Disposition of Comments

III. 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. Congressional Notification.

**I. Background**

The purpose of this final rule is to establish the Department's policy on the reimbursement of contractor settlement, award and defense costs associated with contractor employee whistleblower actions. This policy will cover the Department's cost reimbursement contractors and subcontractors with a contract amount in excess of \$5,000,000. Costs associated with whistleblower actions filed by an employee in Federal and state courts, and with Federal agencies under 29 CFR Part 24, 48 CFR Subpart 3.9, 10 CFR Part 708 or 42 U.S.C. 7239 will be subject to the reimbursement provisions of the new regulation.

This action grows out of rulemaking notices published on January 5, 1998 (63 FR 386) and March 24, 1999 (64 FR 14206). The first notice published for comment a proposed rule to create a whistleblower costs clause. The second notice reopened the comment period for an alternate proposal using a cost principle approach.

The alternate proposal was the result of a number of factors, including: (1) The Department's experience in a few high profile whistleblower actions; (2) further review of the practices of the rest of the Federal Government with this cost category; (3) a Department effort to reduce the number of cost clauses in DEAR Part 970 in favor of a cost principle approach (notice of proposed rule published June 14, 2000 (65 FR 37335)); and (4) the comments received in response to the initial proposed rule.

For the reasons stated below, the Department has now concluded that the cost principle approach, which provides contracting officers with greater flexibility in making determinations on a case-by-case basis, is the best approach for the circumstances facing the Department and its facility management contractors. However, the Department has modified its initial cost principle proposal in response to some of the comments received concerning that proposal.

**II. Disposition of Comments**

Two sets of comments were received in response to the January 5, 1998, notice of proposed rulemaking and five sets of comments were received in response to the March 24, 1999, notice to reopen the comment period. Except