

Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

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 FM Allotments under Arizona, is amended by adding Channel 281C3 at Peach Springs.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 2010-30853 Filed 12-7-10; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 10-2236; MB Docket No. 10-108]

Radio Broadcasting Services: Pacific Junction, IA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The staff deletes FM Channel 299C2 at Pacific Junction, Iowa, because the record in this proceeding reveals that there is no site to activate this allotment that would meet Federal Aviation Administration criteria regarding electromagnetic interference to instrument landing system configurations and the Commission's spacing requirements. Further, there are no other FM channels that could be substituted for Channel 299C2 at Pacific Junction and no alternate FAA frequencies to remedy this problem.

DATES: Effective January 7, 2011.

FOR FURTHER INFORMATION CONTACT: Andrew J. Rhodes, Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MB Docket No. 10-108, adopted November 22, 2010, and released November 24, 2010. The full text of this *Report and Order* 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., Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 1-800-378-3160 or <http://www.BCPIWEB.com>.

On the Commission's own motion, the *Notice of Proposed Rulemaking* in this proceeding solicited comment on deleting the Pacific Junction allotment due to difficulties encountered by Connoisseur Media LLC, the permittee of Station KGGG(FM), Channel 299C2, Pacific Junction, in overcoming objections raised by the FAA to the activation of this allotment. *See* 75 FR 30756 (June 2, 2010). No parties filed comments expressing an interest in retaining this allotment or suggested a site that would be technically feasible and meet FAA criteria. Accordingly, the allotment was deleted. In addition, Connoisseur's construction permit (File No. BNPH-20041228AAI, as modified by BMPH-20061019AAM) was cancelled and the KGGG(FM) call sign was deleted.

Although the *Notice of Proposed Rulemaking* proposed the deletion of Channel 299C2, Pacific Junction, Iowa, from Section 73.202(b), the FM Table of Allotments, the channel is no longer listed in Section 73.202(b) due to its authorization and is included instead in the Media Bureau's Consolidated Data Base System ("CDBS") as a reserved assignment for Station KGGG(FM). Accordingly, the staff deleted Channel 299C2 from the Media Bureau's CDBS instead of from Section 73.202(b).

The *Report and Order* does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any proposed 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 the *Report and Order* in this proceeding 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).

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 2010-30856 Filed 12-7-10; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 10-2211; MB Docket No. 10-81; RM-11600]

Radio Broadcasting Services; Fairbanks, AK

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Audio Division, at the request of Educational Media Foundation, LLC, allots Channels 224C2 and 232C2 at Fairbanks, Alaska, as the community's tenth and eleventh potential local FM services. Channels 224C2 and 232C2 can be allotted to Fairbanks, Alaska, in compliance with the Commission's minimum distance separation requirements with a site restriction of 9.4 kilometers (5.9 miles) north of Fairbanks. The coordinates for Channel 224C2 and 232C2 at Fairbanks, Alaska, are 64-55-20 North Latitude and 147-42-49 West Longitude. The Government of Canada has concurred in these allotments, which are located within 320 kilometers (199 miles) of the U.S.-Canadian border.

DATES: Effective January 7, 2011.

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 No. 10-81, adopted November 17, 2010, and released November 19, 2010. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. The complete text of this decision also may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC 20554, (800) 378-3160, or via the company's Web site, <http://www.bcpiweb.com>. This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any

proposed 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* U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

■ For the reasons discussed 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 FM Allotments under Alaska, is amended by adding Fairbanks, Channels 224C2 and 232C2.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 2010–30851 Filed 12–7–10; 8:45 am]

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DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Parts 222 and 252

RIN 0750–AG70

Defense Federal Acquisition Regulation Supplement; Restrictions on the Use of Mandatory Arbitration Agreements (DFARS Case 2010–D004)

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD is converting an interim rule to a final rule with changes. The interim rule implemented section 8116 of the DoD Appropriations Act for Fiscal Year 2010 to restrict the use of mandatory arbitration agreements when awarding contracts that exceed \$1 million when using Fiscal Year 2010 funds appropriated or otherwise made available by the DoD Appropriations Act. It allows the Secretary of Defense

to waive applicability to a particular contractor or subcontractor, if determined necessary to avoid harm to national security.

DATES: *Effective date:* December 8, 2010.

FOR FURTHER INFORMATION CONTACT: Mr. Julian E. Thrash, 703–602–0310.

SUPPLEMENTARY INFORMATION:

I. Background

An interim rule was published in the **Federal Register** at 75 FR 27946 on May 19, 2010, to implement section 8116 of the DoD Appropriations Act for Fiscal Year 2010 (Pub. L. 111–118). This section prohibits the use of funds appropriated or otherwise made available by the DoD Appropriations Act for Fiscal Year 2010 for any contract (including task or delivery orders and bilateral modifications adding new work) in excess of \$1 million, if the contractor restricts its employees to arbitration for claims under title VII of the Civil Rights Act of 1964, or torts related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention (hereinafter the “covered areas”).

This rule does not apply to the acquisition of commercial items, including commercially available off-the-shelf items. After June 17, 2010, section 8116(b) requires the contractor to certify compliance by subcontractors.

Additionally, enforcement of this rule does not affect the enforcement of other aspects of an agreement that is not related to the covered areas.

This rule allows the Secretary of Defense to waive applicability to a particular contract or subcontract, if determined necessary to avoid harm to national security.

The public comment period for the interim rule closed July 19, 2010. Four respondents submitted comments to the interim rule. A discussion of the comments and the changes made to the rule as a result of those comments is provided below.

1. Definition of a “contractor.” One respondent objected to the interim rule’s application of the term “contractor” only to the entity that has the contract. In the **Federal Register** Notice, the term “contractor” was used in one of several examples provided to help determine rule applicability. In the particular example, the term “contractor” was described as being narrowly applied only to the entity that has the contract. Unless a parent or subsidiary corporation is a party to the contract, they are not affected. The respondent

stated that there was no justification for using such a narrow definition of a “contractor” and there is good reason to use a broader definition. The respondent suggested that the narrow definition of “contractor” heightens the potential for contractors to establish shell companies to circumvent the law. The respondent stated that in past regulations, different contexts have led to different definitions of “contractor”—sometimes broader, sometimes narrower, and that the definition used in the **Federal Register** is not absolutely determined by fixed precedent or other controlling authority.

Response: Expanding the definition of “contractor” to include parents and subsidiaries would require a change to the language of section 8116, which by its terms, is limited to employees of the contractor who was awarded the contract. The text of the statute does not provide a basis for making a broader application. With respect to the concern regarding the potential for the establishment of shell companies as a means of circumventing the requirement, such practices would be noted in responsibility determinations. In addition, guidance will be included in Procedures Guidance and Information which cautions contracting officers that, if they believe that, in fact, there is evidence that a contractor has created a shell company for the purpose of obviating section 8116, the contracting officer shall not award the contract and shall report such a condition to the Director, Defense Procurement and Acquisition Policy.

2. Definition of a “covered contract.” One respondent recommended that 252.222–7006, Restrictions on the Use of Mandatory Arbitration Agreements, be amended to include a definition of a “covered contract.”

Response: DoD does not agree. DFARS 222.7401, Policy, and 222.7404, Contract Clause, provide sufficient detail on the use of 252.222–7006, Restrictions on the Use of Mandatory Arbitration Agreements, and make it clear what constitutes a “covered contract.” There is no additional benefit to be derived from repeating the language set forth at either 222.7401 or 222.7404 in a separate definition of a “covered contract.”

3. Definition of “subcontract.” One respondent recommended that the final rule should delete the definition of “subcontract” at 222.7401, Policy. The respondent stated that since FAR 44.101 already defines the term “subcontract,” an additional definition is unnecessary.

Response: DoD does not agree. It appears that the respondent incorrectly referenced 222.7401, Policy. The