

6. Section 97.307 is amended by adding new paragraph (f)(14) to read as follows.

**§ 97.307 Emission standards.**

\* \* \* \* \*

(f) \* \* \*

(14) *In the 60 m band:*

(i) A station may transmit only phone, data, and CW emissions using the emission designators and any additional

restrictions that are specified in the table below (except that the use of a narrower necessary bandwidth is permitted):

**60 M BAND EMISSION REQUIREMENTS**

Emission type	Emission designator	Restricted to
Phone .....	2K80J3E .....	Upper sideband only.
Data .....	2K80J2D .....	Data using FACTOR-III technique.
Do .....	60H0J2B .....	Data using PSK31 technique.
CW .....	150HA1A .....	

(ii) The following requirements also apply:

(A) When transmitting phone emissions, the suppressed carrier frequency must be set as specified in 97.303(h).

(B) The control operator of a station transmitting data emissions must exercise care to limit the length of transmission so as to avoid causing harmful interference to United States Government stations.

7. Section 97.313 is amended by adding paragraph (i) to read as follows.

**§ 97.313 Transmitter power standards.**

\* \* \* \* \*

(i) No station may transmit with an effective radiated power (ERP) exceeding 100 W PEP on the 60 m band. For the purpose of computing ERP, the transmitter PEP will be multiplied by the antenna gain relative to a dipole or the equivalent calculation in decibels. A half-wave dipole antenna will be presumed to have a gain of 1. Licensees using other antennas must maintain in their station records either the antenna manufacturer's data on the antenna gain or calculations of the antenna gain.

[FR Doc. 2010-14384 Filed 6-14-10; 8:45 am]

BILLING CODE 6712-01-P

**DEPARTMENT OF DEFENSE**

**Defense Acquisition Regulations System**

**48 CFR Parts 202, 203, 212, and 252**

[DFARS Case 2009-D015]

RIN 0750-AG63

**Defense Federal Acquisition Regulation Supplement; Organizational Conflicts of Interest in Major Defense Acquisition Programs**

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

**ACTION:** Proposed rule with request for comments; extension of comment period.

**SUMMARY:** DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to implement section 207 of the Weapons System Acquisition Reform Act of 2009. The comment period is being extended an additional 30 days to provide additional time for interested parties to review the proposed DFARS changes.

**DATES:** Comments on the proposed rule should be submitted in writing to the address shown below on or before July 21, 2010, to be considered in the formation of the final rule.

**ADDRESSES:** You may submit comments, identified by DFARS Case 2009-D015, using any of the following methods:

*Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

*E-mail:* [dfars@osd.mil](mailto:dfars@osd.mil). Include DFARS Case 2009-D015 in the subject line of the message.

*Fax:* 703-602-0350.

*Mail:* Defense Acquisition Regulations System, Attn: Ms. Amy Williams, OUSD (AT&L) DPAP (DARS), 3060 Defense Pentagon, Room 3B855, Washington, DC 20301-3060.

Comments received generally will be posted without change to <http://www.regulations.gov>, including any personal information provided.

**FOR FURTHER INFORMATION CONTACT:** Ms. Amy Williams, 703-602-0328.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

DoD published a proposed rule in the **Federal Register** on April 22, 2010 (75 FR 20954), with a request for comment by June 21, 2010. DoD is extending the comment period for 30 additional days to provide an additional time for

interested parties to review the proposed DFARS changes.

**Ynette R. Shelkin,**

*Editor, Defense Acquisition Regulations System.*

[FR Doc. 2010-14392 Filed 6-14-10; 8:45 am]

BILLING CODE 5001-08-P

**DEPARTMENT OF ENERGY**

**48 CFR Parts 919, 922, 923, 924, 925, 926, and 952**

RIN 1991-AB87

**Acquisition Regulation: Socioeconomic Programs**

**AGENCY:** Department of Energy.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Department of Energy (DOE) is proposing to amend the Department of Energy Acquisition Regulation (DEAR) Socioeconomic Programs to make changes to conform to the FAR, remove out-of-date coverage, and to update references. Today's proposed rule does not alter substantive rights or obligations under current law.

**DATES:** Written comments on the proposed rulemaking must be received on or before close of business July 15, 2010.

**ADDRESSES:** This proposed rule is available online at [www.regulation.gov](http://www.regulation.gov) and you may submit comments, identified by DEAR: Subchapter D and RIN 1991-AB87, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *E-mail to:*

[DEARrulemaking@hq.doe.gov](mailto:DEARrulemaking@hq.doe.gov). Include DEAR: Subchapter D and RIN 1991-AB87 in the subject line of the message.

- *Mail to:* U.S. Department of Energy, Office of Procurement and Assistance Management, MA-611, 1000 Independence Avenue, SW.,

Washington, DC 20585. Comments by e-mail are encouraged.

**FOR FURTHER INFORMATION CONTACT:** Barbara Binney at (202) 287-1340 or by e-mail [barbara.binney@hq.doe.gov](mailto:barbara.binney@hq.doe.gov).

**SUPPLEMENTARY INFORMATION:**

I. Background

II. Section-by-Section Analysis

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. Review Under the Treasury and General Government Appropriations Act, 1999
- I. Review Under Executive Order 13211
- J. Review Under the Treasury and General Government Appropriations Act, 2001
- K. Approval by the Office of the Secretary of Energy

**I. Background**

The objective of this action is to update the existing Department of Energy Acquisition Regulation (DEAR) Subchapter D which has sections that need to be updated to conform to the Federal Acquisition Regulation (FAR). None of these changes are substantive or of a nature to cause any significant expense for DOE or its contractors. Changes are proposed to DEAR parts 919, 922, 923, 925, 926, and 952. A new part 924 is added to the DEAR. There are no DEAR parts 920 or 921. DEAR parts 919 and 926 will have another proposed rule to cover additional changes.

**II. Section-by-Section Analysis**

*DOE proposes to amend the DEAR as follows:*

1. Section 919.201 is amended by removing “DOE” in the first sentence of paragraph (c) and adding in its place “Department of Energy (DOE)”.

2. A new section 919.502 is added and the title of section 919.502-2 is revised to “Total small business set-asides” to conform to the FAR.

3. Section 919.503 is amended by revising the heading to “Setting aside a class of acquisitions for small business” and by removing “SBA” and adding in its place “Small Business Administration (SBA)” in the first sentence.

4. Section 919.7 is amended by revising the title heading to read “The Small Business Subcontracting Program” to conform to the FAR.

5. Sections 919.7007, 919.7009, 919.7010, and 919.7011 are amended by revising the punctuation in the

introductory text to remove the “.” and adding in its place “—”.

6. Subpart 922.6 is removed and reserved. This subpart implemented detailed instructions on protests of eligibility determinations (FAR 22.608) that were deleted from the FAR on December 20, 1996, 61 FR 67410.

7. Subpart 923.4 is removed in its entirety, including section 923.405, and reserved. The FAR has the current procedures, therefore a DOE supplement is unnecessary.

8. Subpart 923.5 is amended by adding a new section 923.500 Scope of subpart. This section clarifies that for contracts performed at DOE sites, in lieu of FAR Subpart 23.5, contracting activities shall use 923.570, Workplace Substance Abuse Programs at DOE Sites.

9. Section 923.570-1 is amended by renumbering paragraph (a) and removing paragraph (b) in its entirety. By adding the new section 923.500, paragraph (b) at 923.570-1 is not needed.

10. Section 923.570-3 is amended by correcting the clause reference in paragraph (a) to 970.5223-4, Workplace Substance Abuse Programs at DOE Sites.

11. Subpart 923.7 is removed in its entirety, including section 923.703, and reserved. DOE Directive 430.2B implements the Executive Order 13149 on environmental issues.

12. Section 923.7003 is amended by adding a new paragraph (h) to add a prescription on when to use the existing clauses at 952.223-75, Preservation of Individual Occupational Radiation Exposure Records, in contracts containing 952.223-71, Integration of Environment, Safety, and Health into Work Planning and Execution, or 952.223-72, Radiation Protection and Nuclear Criticality.

13. Part 924 is a new part being added titled Part 924—Protection of Privacy and Freedom of Information. This new part provides the cross reference to DOE’s regulations at 10 CFR part 1008, which implement the procedures prescribed at FAR 24.103.

14. Section 925.103(b)(2)(ii) is added to prescribe the DOE procedures for proposed additions to the list of nonavailable items at FAR 25.104 list.

15. Section 925.202 is renamed “Exceptions” to conform with the FAR.

16. Section 925.202(b) is redesignated “925.202(a)(2)” and “FAR 25.202(a)(3)” in the first sentence is changed to read “48 CFR 25.202(a)(2), if the cost of the materials is not expected to exceed \$100,000” to conform with the FAR and make the paragraph more concise.

17. Subpart 925.9 is redesignated to read “925.10” and the title is amended

to read “Additional Foreign Acquisition Regulations” to conform to the FAR.

18. Section 925.901 is redesignated to read “925.1001 Waiver of right to examination of records.”

19. Section 925.901(c) is redesignated to read “925.1001(b) Determination and findings.” Additionally, the first sentence is revised to read “A determination and finding required at 48 CFR 25.1001(b) shall be forwarded to either the Director, Office of Contract Management, Office of Procurement and Assistance Management, or for the National Nuclear Security Administration (NNSA), to the Director, Office of Acquisition and Supply Management, for coordination of the Secretary’s approval.”

20. Section 926.7001 is amended by removing “Department of Energy” and adding in its place “Department of Energy (DOE)” in the first sentence in paragraph (a), changing the punctuation in paragraph (c) and revising paragraph (e) to read “48 CFR subpart 15.6 and subpart 915.6” to conform with the FAR.

21. Sections 926.7005, 926.7006, and 926.7102 are amended by revising the punctuation.

22. Clauses 952.223-76 and 952.223-77 are amended to update the references to DOE Orders and Manuals.

23. Clauses 952.226-70 and 952.226-72 are amended by revising the title of the subcontracting plan to reflect the correct name, Small Business Subcontracting Plan.

24. Clauses 952.226-70, 952.226-71, 952.226-72, 952.226-73 are amended to revise the punctuation.

25. Throughout, sections were amended as follows: Removing “FAR” or “DEAR” and adding “48 CFR”; removing “(FAR)”, “DEAR”, or “48 CFR”; revising the punctuation; and capitalizing Offeror, Contractor, Contractor’s and Contracting Officer.

**III. Procedural Requirements**

*A. Review Under Executive Order 12866*

Today’s regulatory action has been determined not to be a “significant regulatory action” under Executive Order 12866, “Regulatory Planning and Review,” (58 FR 51735, October 4, 1993). Accordingly, this rule is not subject to review under that Executive Order by the Office of Information and Regulatory Affairs (OIRA) of the Office of Management and Budget (OMB).

*B. Review Under Executive Order 12988*

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, “Civil Justice Reform,” 61 FR 4729 (February 7, 1996),

imposes on Executive agencies the general duty to adhere to the following requirements: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; and (3) provide a clear legal standard for affected conduct rather than a general standard and promote simplification and burden reduction. With regard to the review required by section 3(a), section 3(b) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) Clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the United States Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or, alternatively, if it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, this rule meets the relevant standards of Executive Order 12988.

#### *C. Review Under the Regulatory Flexibility Act*

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires that an agency prepare an initial regulatory flexibility analysis for any regulation for which a general notice or proposed rulemaking is required, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities (5 U.S.C. 605(b)). This rule updates references in the DEAR that apply to public contracts and does not impose any additional requirements on small businesses. Today's proposed rule does not alter any substantive rights or obligations. Consequently, today's proposed rule will not have a significant cost or administrative impact on contractors, including small entities. On the basis of the foregoing, DOE certifies that this proposed rule would not have a significant economic impact on a substantial number of small entities. Accordingly, DOE has not prepared a regulatory flexibility analysis for this rulemaking. DOE's certification and supporting statement of factual basis will be provided to the Chief Counsel

for Advocacy of the Small Business Administration pursuant to 5 U.S.C. 605(b).

#### *D. Review Under the Paperwork Reduction Act*

This proposed rule does not impose a collection of information requirement subject to the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* Existing burdens associated with the collection of certain contractor data under the DEAR have been cleared under OMB control number 1910-4100.

#### *E. Review Under the National Environmental Policy Act*

DOE has concluded that promulgation of this proposed rule falls into a class of actions which would not individually or cumulatively have significant impact on the human environment, as determined by DOE's regulations (10 CFR part 1021, subpart D) implementing the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*). Specifically, this proposed rule is categorically excluded from NEPA review because the amendments to the DEAR are strictly procedural (categorical exclusion A6). Therefore, this proposed rule does not require an environmental impact statement or environmental assessment pursuant to NEPA.

#### *F. Review Under Executive Order 13132*

Executive Order 13132, 64 FR 43255 (August 4, 1999), imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. Agencies are required to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and carefully assess the necessity for such actions. The Executive Order requires agencies to have an accountability process to ensure meaningful and timely input by state and local officials in the development of regulatory policies that have federalism implications. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process it will follow in the development of such regulations (65 FR 13735). DOE has examined the proposed rule and has determined that it does not preempt State law and does not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. No further action is required by Executive Order 13132.

#### *G. Review Under the Unfunded Mandates Reform Act of 1995*

The Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4) generally requires a Federal agency to perform a written assessment of costs and benefits of any rule imposing a Federal mandate with costs to State, local or tribal governments, or to the private sector, of \$100 million or more. This rulemaking proposes changes that do not alter any substantive rights or obligations. This proposed rule does not impose any mandates.

#### *H. Review Under the Treasury and General Government Appropriations Act, 1999*

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105-277) requires Federal agencies to issue a Family Policymaking Assessment for any rulemaking or policy that may affect family well-being. This rulemaking will have no impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

#### *I. Review Under Executive Order 13211*

Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use, 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare and submit to Office of Information and Regulatory Affairs of the Office of Management and Budget, a Statement of Energy Effects for any proposed significant energy action. A "significant energy action" is defined as any action by an agency that promulgates or is expected to lead to promulgation of a final rule, and that: (1) Is a significant regulatory action under Executive Order 12866, or any successor order; (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy, or (3) is designated by the Administrator of OIRA as a significant energy action. For any proposed significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use should the proposal be implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use. Today's proposed rule is not a significant energy action. Accordingly, DOE has not prepared a Statement of Energy Effects.

*J. Review Under the Treasury and General Government Appropriations Act, 2001*

The Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note) provides for agencies to review most disseminations of information to the public under guidelines established by each agency pursuant to general guidelines issued by OMB. OMB's guidelines were published at 67 FR 8452 (February 22, 2002), and DOE's guidelines were published at 67 FR 62446 (October 7, 2002). DOE has reviewed the proposed rule under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

*K. Approval by the Office of the Secretary of Energy*

Issuance of this proposed rule has been approved by the Office of the Secretary.

**List of Subjects in 48 CFR Parts 919, 922, 923, 924, 925, 926, and 952**

Government procurement.

Issued in Washington, DC, on May 19, 2010.

**Patrick M. Ferraro,**

*Acting Director, Office of Procurement and Assistance Management, Department of Energy.*

**Joseph F. Waddell,**

*Acting Director, Office of Acquisition and Supply Management, National Nuclear Security Administration.*

For the reasons set out in the preamble, the Department of Energy is proposing to amend Chapter 9 of Title 48 of the Code of Federal Regulations as set forth below.

1. The authority citation for parts 919 and 926 is revised to read as follows:

**Authority:** 42 U.S.C. 7101 *et seq.* and 50 U.S.C. 2401 *et seq.*

**PART 919—SMALL BUSINESS PROGRAMS**

**§ 919.201 [Amended]**

2. Section 919.201 is amended by removing "DOE" and adding in its place "Department of Energy (DOE)" in the first sentence in paragraph (c).

2a. New section 919.502 is added to part 919 to read as follows:

**§ 919.502 Setting aside acquisitions.**

3. Section 919.502–2 heading is revised to read:

**§ 919.502–2 Total small business set-asides.**

\* \* \* \* \*

4. Section 919.503 is amended by revising the heading as set forth below and by removing "SBA" and adding in

its place "Small Business Administration (SBA)" in the first sentence.

**§ 919.503 Setting aside a class of acquisitions for small business.**

\* \* \* \* \*

**Subpart 919.7—The Small Business Subcontracting Program**

5. Subpart 919.7 heading is revised to read as set forth above.

**§ 919.7007 [Amended]**

6. Section 919.7007 is amended by removing the ":" in paragraph (a) introductory text and adding in its place "—".

**§ 919.7009 [Amended]**

7. Section 919.7009 is amended by removing the "." in the introductory text and adding in its place "—".

**§ 919.7010 [Amended]**

8. Section 919.7010 is amended by removing the ":" in the introductory text and adding in its place "—".

**§ 919.7011 [Amended]**

9. Section 919.7011 is amended by removing the ":" in paragraphs (a) introductory text and (a)(1) and adding in its place "—".

10. The authority citation for parts 922, 923, and 925 continues to read as follows:

**Authority:** 42 U.S.C. 7101 *et seq.* and 50 U.S.C. 2401 *et seq.*

**PART 922—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITION**

**Subpart 922.6 [Removed and Reserved]**

11. Subpart 922.6 is removed and reserved.

**PART 923—ENVIRONMENT, ENERGY AND WATER EFFICIENCY, RENEWABLE ENERGY TECHNOLOGIES, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE**

**Subpart 923.4 [Removed and Reserved]**

12. Subpart 923.4 is removed and reserved.

13. Add a new section 923.500 to subpart 923.5 to read as follows:

**§ 923.500 Scope of subpart.**

For contracts performed at DOE sites, in lieu of 48 CFR subpart 23.5, contracting activities shall use 923.570, Workplace Substance Abuse Programs at DOE Sites.

14. Section 923.570–1 is revised to read as follows:

**§ 923.570–1 Applicability.**

The policies, criteria, and procedure specified in 10 CFR part 707, Workplace Substance Abuse Programs at DOE Sites, apply to contracts for work performed at sites owned or controlled by DOE and operated under the authority of the Atomic Energy Act of 1954, as amended, where such work—

(a) Has a value of \$25,000 or more; and

(b) Has been determined by DOE to involve—

(1) Access to or handling of classified information or special nuclear materials;

(2) High risk of danger to life, the environment, public health and safety or national security; or

(3) The transportation of hazardous materials to or from a DOE site.

15. Section 923.570–3 is amended by removing "970.5223" in paragraph (a) and adding in its place "970.5223–4".

**Subpart 923.7 [Removed and Reserved]**

16. Subpart 923.7 is removed and reserved.

17. Section 923.7003 is amended by adding a new paragraph (h) to read as follows:

**§ 923.7003 Contract clauses.**

\* \* \* \* \*

(h) The contracting officer shall insert the clause at 952.223–75, Preservation of Individual Occupational Radiation Exposure Records, in contracts containing 952.223–71, Integration of Environment, Safety, and Health into Work Planning and Execution, or 952.223–72, Radiation Protection and Nuclear Criticality.

18. Add a new part 924 to Subchapter D to read as follows:

**PART 924—PROTECTION OF PRIVACY AND FREEDOM OF INFORMATION**

**Subpart 924.1—Protection of Individual Privacy**

Sec.  
924.103 Procedures.

**Authority:** 42 U.S.C. 7101 *et seq.* and 50 U.S.C. 2401 *et seq.*

**Subpart 924.1—Protection of Individual Privacy**

**§ 924.103 Procedures.**

(b)(2) The Department of Energy rules and regulations on Privacy Act are implemented under 10 CFR part 1008.

**PART 925—FOREIGN ACQUISITION**

19. Section 925.103 is amended by adding a new paragraph (b)(2)(ii) to read as follows:

**§ 925.103 Exceptions.**

\* \* \* \* \*

(b) (2) (ii) Proposals to add an article to the list of nonavailable articles at 48 CFR 25.104, with appropriate justifications, shall be submitted for approval by the Senior Procurement Executive and submission to the appropriate council.

20. Section 925.202 is revised to read as follows:

**§ 925.202 Exceptions.**

(a)(2) Contracting officers may make the determination required by 48 CFR 25.202(a)(2), if the cost of the materials is not expected to exceed \$100,000.

**Subpart 925.9 [Removed and Reserved]**

21. Subpart 925.9 is removed and reserved.

22. Add a new subpart 925.10 consisting of 925.1001 to part 925 to read as follows:

**Subpart 925.10—Additional Foreign Acquisition Regulations**

**§ 925.1001 Waiver of right to examination of records.**

(b) *Determination and findings.* A determination and finding required by 48 CFR 25.1001(b) shall be forwarded to either the Director, Office of Contract Management, Office of Procurement and Assistance Management, or for the National Nuclear Security Administration (NNSA), to the Director, Office of Acquisition and Supply Management, for coordination of the Secretary's approval.

**PART 926—OTHER SOCIOECONOMIC PROGRAMS**

**§ 926.7001 [Amended]**

23. Section 926.7001 is amended by: a. Removing "Department of Energy" and adding in its place "Department of Energy (DOE)" in the first sentence in paragraph (a);

b. Removing the ":" in paragraph (c) introductory text and adding in its place "—"; and

c. Removing "(FAR) 48 CFR 15.6 and (DEAR) 48 CFR 915.6." in paragraph (e) and adding in its place "48 CFR subpart 15.6 and subpart 915.6."

**§ 926.7005 [Amended]**

24. Section 926.7005 is amended by removing the ":" in paragraph (b)(1) introductory text and adding in its place "—".

**§ 926.7006 [Amended]**

25. Section 926.7006 is amended by removing the ":" in paragraph (a) introductory text and adding in its place "—".

**§ 926.7102 [Amended]**

26. Section 926.7102 is amended by removing the "," and adding in its place ";" at the end of paragraphs (1) and (2).

**PART 952—SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

27. The authority citation for part 952 continues to read as follows:

**Authority:** 42 U.S.C. 7101 *et seq.* and 50 U.S.C. 2401 *et seq.*

28. Section 952.223–76 clause is amended by revising the date of the clause and revising paragraphs (d)(1)(i), (d)(2)(i) and (d)(3)(i) to read as follows:

**§ 952.223–76 Conditional payment of fee or profit—safeguarding restricted data and other classified information and protection of worker safety and health.**

\* \* \* \* \*

**CONDITIONAL PAYMENT OF FEE OR PROFIT—SAFEGUARDING RESTRICTED DATA AND OTHER CLASSIFIED INFORMATION AND PROTECTION OF WORKER SAFETY AND HEALTH (XXX 20XX)**

\* \* \* \* \*

(d) \* \* \*

(1) \* \* \*

(i) Type A accident (defined in DOE Order 225.1A, Accident Investigations, or its successor).

\* \* \* \* \*

(2) \* \* \*

(i) Type B accident (defined in DOE Order 225.1A, Accident Investigations, or its successor).

\* \* \* \* \*

(3) \* \* \*

(i) Failure to implement effective corrective actions to address deficiencies/non-compliance documented through external (e.g., Federal) oversight and/or reported per DOE Manual 231.1–2, Occurrence Reporting and Processing of Operations Information, or it successor, requirements, or internal oversight of DOE Order 470.2B, Independent Oversight and Performance Assurance Program, or it successor, requirements.

\* \* \* \* \*

29. Section 952.223–77 is amended by revising the date of the clause and revising paragraphs (c)(1)(i), (c)(2)(i) and (c)(3)(i) to read as follows:

**§ 952.223–77 Conditional payment of fee or profit—protection of worker safety and health.**

\* \* \* \* \*

**CONDITIONAL PAYMENT OF FEE OR PROFIT—PROTECTION OF WORKER SAFETY AND HEALTH (XXX 20XX)**

\* \* \* \* \*

(c) \* \* \*

(1) \* \* \*

(i) Type A accident (defined in DOE Order 225.1A, Accident Investigations, or its successor).

\* \* \* \* \*

(2) \* \* \*

(i) Type B accident (defined in DOE Order 225.1A, Accident Investigations, or its successor).

\* \* \* \* \*

(3) \* \* \*

(i) Failure to implement effective corrective actions to address deficiencies/non-compliance documented through external (e.g., Federal) oversight and/or reported per DOE Manual 231.1–2, Occurrence Reporting and Processing of Operations Information, or it successor, requirements, or internal oversight of DOE Order 470.2B, Independent Oversight and Performance Assurance Program, or it successor, requirements.

\* \* \* \* \*

**§ 952.226–70 [Amended]**

30. Section 952.226–70 is amended by:

a. Removing the ":" in paragraphs (a) introductory text and (a)(1) and adding in its place "—"; and

b. Removing "Small, Small Disadvantaged and Women-Owned Subcontracting Plan" in paragraphs (c) and (d) and adding in its place "Small Business Subcontracting Plan".

**§ 952.226–71 [Amended]**

31. Section 952.226–71 is amended by removing the ":" in paragraphs (a) introductory text and (a)(1) and adding in its place "—".

**§ 952.226–72 [Amended]**

32. Section 952.226–72 is amended by:

a. Removing the ":" in paragraphs (a) introductory text and (a)(1) and adding in its place "—";

b. Removing the ":" in paragraph (b) and adding in its place "—";

c. Adding "and" in paragraph (b)(2) after the ","; and

d. Removing "Small, Small Disadvantaged and Women-Owned Subcontracting Plan" in paragraph (c)(2) and adding in its place "Small Business Subcontracting Plan".

**§ 952.226–73 [Amended]**

33. Section 952.226–73 is amended by:

a. Removing the ":" in paragraph (a)(1) and adding in its place "—"; and

b. Removing the “,” in paragraph (a)(1)(i) and adding in its place “;”.

**§ 952.226–74 [Amended]**

34. Section 952.226–74 is amended by removing “48 CFR (DEAR)” before “926.7104” in the introductory sentence.

**§ 919.501, 919.705–6, 919.805–2, 922.103–5, 925.103, 952.219–70, 952.225–70, 952.226–70, 952.226–72, 952.226–73, and 952.226–74 [Amended]**

35. In the table below, for each section indicated in the left column, remove the word indicated in the middle column

from where it appears in the section, and add the word in the right column:

Section	Remove	Add
919.501(g) .....	“FAR 19.501(g),” .....	“48 CFR 19.501,”.
919.705–6 .....	“FAR” .....	“48 CFR”.
919.805–2 .....	“FAR” .....	“48 CFR chapter 1”.
919.805–2 .....	“13 CFR 124.311(e)(1)” .....	“13 CFR 124”.
922.103–5 in 3 places .....	“FAR” .....	“48 CFR”.
923.570–3(a) .....	“FAR” .....	“48 CFR”.
925.103(a) .....	“FAR” .....	“48 CFR”.
952.219–70 in the provision second sentence .....	“contractor’s” .....	“Contractor’s”.
952.225–70(b) .....	“contractor” .....	“Contractor”.
952.226–70(c) .....	“offeror” .....	“Offeror”.
952.226–72(b) .....	“contractor” .....	“Contractor”.
952.226–72(c)(1) .....	“contractor” .....	“Contractor”.
952.226–72(c)(1) .....	“contracting officer” .....	“Contracting Officer”.
952.226–72(c)(2) .....	“contractor’s” .....	“Contractor’s”.
952.226–73(a) introductory text, and (b) in 2 places .....	“offeror” .....	“Offeror”.
952.226–73(b) .....	“contracting officer” .....	“Contracting Officer”.
952.226–74(b) at its second occurrence .....	“contractor” .....	“Contractor”.

**§ 919.7008, 919.7010, 919.7011, 919.7012, 922.800, 926.7006, 926.7007, 926.7104 [Amended]**

36. In the table below, for each section indicated in the left column, remove the word indicated in the right column from where it appears in the section:

Section	Remove
919.7008 .....	“48 CFR”.
919.7010(c) and (k) .....	“48 CFR”.
919.7011(b) .....	“48 CFR”.
919.7012(a) .....	“48 CFR”.
922.800 .....	“(FAR)”.
926.7006(c) .....	“(FAR)”.
926.7007(d) .....	“48 CFR”.
926.7007(e) .....	“(FAR)”.
926.7104 .....	48 CFR (DEAR)”.

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**DEPARTMENT OF TRANSPORTATION**

**Federal Transit Administration**

**49 CFR Part 611**

[Docket No. FTA–2010–0009]

RIN 2132–AB02

**Major Capital Investment Projects**

**AGENCY:** Federal Transit Administration (FTA), DOT.

**ACTION:** Public meetings on ANPRM.

**SUMMARY:** This document announces the dates, times, and locations of outreach sessions concerning the Advance Notice of Proposed Rulemaking (ANPRM) for

FTA’s New Starts and Small Starts programs. Presentations delivered at these meetings will describe the provisions of the ANPRM issued by the Federal Transit Administration (FTA). Further outreach sessions, if scheduled, will be announced in a subsequent **Federal Register** notice.

**DATES:** See **SUPPLEMENTARY INFORMATION** section for meeting dates.

**ADDRESSES:** See **SUPPLEMENTARY INFORMATION** section for meeting locations.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Day, Office of Planning and Environment, (202) 366–5159; for questions of a legal nature, Christopher Van Wyk, Office of Chief Counsel, (202) 366–1733. FTA is located at 1200 New Jersey Avenue, SE., Washington, DC 20590. Office hours are from 9 a.m. to 5:30 p.m., EST, Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:** FTA announced the time and location of its first two outreach meetings with the ANPRM published on June 3, 2010 (75 FR 31383), noting that additional meetings would be announced in subsequent **Federal Register** notices. The meetings listed below are additional outreach sessions that will provide a forum for FTA staff to make oral presentations on the ANPRM and for participants to ask questions. Additionally, the sessions are intended to encourage interested parties and stakeholders to submit their comments directly to the official docket per the instructions found in the June 3, 2010

ANPRM. Further outreach sessions, if scheduled, will be announced in a subsequent **Federal Register** notice.

**I. Meetings**

*Information on the public outreach session meeting dates and addresses follows:*

1. Tuesday, June 29, 2010, 9 a.m.–1 p.m., CST, 165 East Ontario Street, Chicago, IL 60611 (Courtyard Marriott Magnificent Mile Hotel, Ontario Ballroom).
2. Wednesday, June 30, 2010, 9 a.m.–1 p.m., PST, 299 Second Street, San Francisco, CA 94105 (Courtyard Marriott San Francisco Downtown Hotel, Rincon Hill Ballroom).
3. Monday, July 12, 2010, 9 a.m.–1 p.m., CST, 300 Reunion Blvd, Dallas, TX 75207 (Hyatt Regency Dallas Hotel, Reunion Ballroom F).
4. Thursday, July 15, 2010, 9 a.m.–1 p.m., EST, 525 New Jersey Ave, NW., Washington, DC 20001 (Washington Court Hotel, Atrium Ballroom).

**II. Comment Format**

Meeting attendees will have an opportunity to pose questions to the speakers and to the group as a whole. It is the responsibility of individuals who wish for their comments to become part of the official public record to submit their comments directly to the official docket for the rulemaking. Instructions for doing so can be found in the June 3rd ANPRM.

**III. Registration**

Registration is not required in order to attend one of these public meetings. But