

296C3 at Clear Lake, South Dakota, as the community's first local aural transmission service. Channel 296C3 can be allotted to Clear Lake in compliance with the Commission's minimum distance separation requirements with a site restriction of 2.7 kilometers (1.6 miles) southwest to avoid a short-spacing to the licensed site of Station KMGK(FM) Channel 296A, Glenwood, Minnesota. The coordinates for Channel 296C3 at Clear Lake are North Latitude 44-44-21 and West Longitude 96-42-38.

DATES: Comments must be filed on or before December 30, 1996, and reply comments on or before January 14, 1997.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Maynard R. Meyer, Vice President, Lac Qui Parle Broadcasting Co., Inc., 623 W. 3rd Street, P.O. Box 70, Madison, Minnesota 56256 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 96-224, adopted November 1, 1996, and released November 8, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, N.W., Suite 140, Washington, D.C. 20037.

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.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 96-30130 Filed 11-25-96; 8:45 am]

BILLING CODE 6712-01-P

47 CFR Part 73

[MM Docket No. 96-225; RM-8894]

Radio Broadcasting Services; Canton and Normal, IL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by WSHY, Inc., proposing the allotment of Channel 252A at Canton, Illinois, as the community's third local FM transmission service. Petitioner also proposes the allotment of Channel 250A at Normal, Illinois, as the community's second local commercial FM transmission service. Channel 252A can be allotted to Canton in compliance with the Commission's minimum distance separation requirements with a site restriction of 3.9 kilometers (2.4 miles) west to avoid a short-spacing to the licensed site of Station WIVR(FM), Channel 253A, Eureka, Illinois. The coordinates for Channel 252A at Canton are North Latitude 40-32-46 and West Longitude 90-04-59. Additionally, Channel 250A can be allotted to Normal in compliance with the Commission's minimum distance separation requirements with a site restriction of 0.7 kilometers (0.4 miles) northwest to accommodate petitioner's requested site. The coordinates for Channel 250A at Normal are North Latitude 40-30-51 and West Longitude 88-59-26.

DATES: Comments must be filed on or before December 30, 1996 and reply comments on or before January 14, 1997.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: John F. Garziglia, Esq., Pepper & Corazzini, L.L.P., 1776 K Street, N.W., Suite 200, Washington, D.C. 20006 (Counsel for Petitioner).

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 96-225, adopted November 1, 1996, and released November 8, 1996. The full text

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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.

Federal Communications Commission

John A. Karousos,

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

[FR Doc. 96-30131 Filed 11-25-96; 8:45 am]

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DEPARTMENT OF COMMERCE

48 CFR Ch. 13

[Docket No. 960826231-6231-01]

RIN 0690-AA26

Streamlining of Commerce Acquisition Process

AGENCY: Department of Commerce.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Department of Commerce has reengineered its acquisition processes and is planning to implement these new processes department-wide. The Department is also testing the effectiveness of the new processes at two Pilot sites within the agency. The new processes are described in the Acquisition Process Case for Change, Concept of Operations (CONOPS). The new processes were developed by a team of departmental representatives who extensively reviewed private and public sector acquisition practices and recommendations. The intended effect is to create a more customer-friendly acquisition process that is less complex,

less time consuming and less expensive for the Department as well as the vendor community, and is more responsive to meeting the Department's program objectives. The new processes are also designed to be fair, to increase the public's insight into the Government's mission objectives and acquisition processes and to increase the range of potential approaches and capabilities which may compete to meet a particular Department need.

In order to implement the new processes on a department-wide basis, a class deviation to applicable provisions of the Federal Acquisition Regulations (FAR) would be required. The Department is inviting public comment on the proposed streamlined acquisition processes and proposed FAR deviations **DATES:** Comments must be submitted on or before January 10, 1997.

ADDRESSES: Comments may be mailed to Joe Gray, Office of Procurement Policy and Programs, U.S. Department of Commerce, 14th and Constitution N.W., Room 6422, Washington, D.C. 20230. Comments may also be submitted electronically via the following Internet site: <http://www.conops.doc.gov>.

FOR FURTHER INFORMATION CONTACT: Joe Gray at 301 258-4505, ext. 25; E-mail: JLGray@rdc.noaa.gov.

SUPPLEMENTARY INFORMATION: The Department of Commerce (DOC) Office of Acquisition Management has sponsored a business process reengineering effort to create a more customer-friendly, cost-effective acquisition process that is less complex and time consuming and is more responsive to meeting the agency's program objectives. The effort was facilitated by the PTO Office of Business Process Reengineering. The reengineered process is described in the Acquisition Process Case for Change, Concept of Operations (CONOPS).

The CONOPS is the product of a cross-functional team of departmental representatives who extensively reviewed private and public sector acquisition practices and recommendations. The reengineered practices will streamline the Department's acquisition processes and provide significant benefits to the agency and the vendor community by reducing the time and effort required to complete the acquisition cycle and by providing an opportunity for substantially increasing the value and quality of acquisition products.

The Department of Commerce is testing the effectiveness of the new processes on several projects at two Pilot sites within the agency. The results of these pilots will be used to validate

and refine the CONOPS for future implementation on a department-wide basis.

In order to implement the reengineered processes on a department-wide basis a class deviation to the Federal Acquisition Regulations (FAR) provisions is required in accordance with FAR 1.404. Since the reengineered processes will substantially affect the way in which the Department will conduct its acquisitions, public comment on the new processes and proposed FAR deviations is invited. Public comment will be taken into account in refining the CONOPS and in preparation and issuance of the FAR deviations which facilitate implementation of the CONOPS.

Part 1. Reengineered Acquisition Process

The Concept of Operations (CONOPS) may be obtained by submitting a written request to Joe Gray, U.S. Department of Commerce, 14th and Constitution, N.W., Room 6422, Washington, D.C. 20230, or fax to 202-482-1711. The CONOPS is also available at the following Internet site: <http://www.conops.doc.gov>.

Part 2. Class Deviation

Class Definition

The class of procurements to which the proposed FAR deviation will apply is "all acquisitions conducted within the Department of Commerce in accordance with the CONOPS".

Proposed FAR Deviations

In order to implement the reengineered acquisition processes the following deviations from the Federal Acquisition Regulations (FAR) are required.

1. FAR Subparts 10 and 11. Minimum Needs.

Discussion: One of the premises of the BPR CONOPS is to seek early involvement of the private sector in the acquisition process, and to maximize competition and promote innovative solutions wherever practicable by stating requirements in the form of a statement of need in terms of mission/project objectives rather than a detailed statement of work. While the recommended practice appears to be consistent with the intent of the FAR, the use of the term "minimum needs" (FAR 10.004(a)(1)) as well as the numerous references to requirements, specifications, and purchase descriptions, found in Subparts 10 and 11 create ambiguity and are interpreted by some to preclude adoption of the recommended approach.

Proposed FAR Deviation: Nothing in FAR Subparts 10 or 11 will be construed to prohibit the expression of requirements in terms of mission or project needs and objectives (rather than detailed statements of work) together with appropriate guidance to potential sources, as a basis for soliciting and evaluating proposed approaches, capabilities and proposals, for the purpose of down-selecting for negotiation, as needed, and award.

2. FAR Subparts 5, 6, 10 and 15. Publicizing, market research, competition, solicitation, proposal and competitive range requirements.

Discussion: The BPR CONOPS is based on a two-phased approach to meeting mission/project needs which combines market research and solicitation into a single process. The initial phase involves issuance of a procurement opportunity notice in the Commerce Business Daily, and release of a description of the project objectives and ground rules for receipt and down-selection, including evaluation factors such as approach, capability, past performance and cost. Upon conclusion of the initial phase, only those sources considered likely candidates for award will be invited to participate in the second phase during which more detailed proposals and discussions will occur. The intent is to meet requirements for full and open competition while limiting the extent of solicitation and proposal preparation, evaluation and negotiation to that which contributes significantly to the achievement of project objectives and the opportunity for private sector sources to participate in those objectives.

Negotiations will be concluded when the Project Team is satisfied that it has reached agreement on contract terms and conditions with a source which has been determined, in accordance with the evaluation factors, to be the source most likely to provide the best value performance in relation to the Government's needs, with due consideration to fairness in providing sources the opportunity to present their offers. Additional streamlining is sought through the elimination of announcement of the close of negotiations and the use of best and final offers. Offerors will be expected to make their best proposals available at appropriate times during the process without a need for a final call.

Proposed FAR Deviation: A deviation from the provisions of FAR Subparts 5, 6, 10 and 15 is requested which will allow the Department of Commerce to combine publicizing, market research and solicitation into a single two-phased

process as outlined above and described more fully in the CONOPS. Pursuant to this deviation the agency may meet publicizing requirements by publishing the Project Agreement or a notice of its availability in the CBD, and meet the requirement for full and open competition by inviting all responsible sources to submit information regarding their qualifications and approach to meeting the agencies objectives as described in the Project Agreement.

Features specifically permitted include, but are not limited to, the ability of the Department of Commerce Project Teams:

(1) during the initial phase to down-select among sources on the basis of capabilities, approach, past performance and other criteria as specified in the published Project Agreement and Ground Rules, without the necessity of receiving or reviewing detailed technical proposals;

(2) to continue market research and initiate solicitation by issuance of the Project Agreement during the initial phase of the acquisition process;

(3) to invite only those sources to participate during the second phase who were found to have a reasonable likelihood of receiving a contract award as a result of their participation during phase one;

(4) to conclude negotiations at any time after receipt of vendor information during phase two, in accordance with published ground rules and criteria, and to conduct and conclude discussions without the need to notify the sources in advance of the date and time for conclusion of discussions, or to request best and final offers; and

(5) to deviate from the Uniform Contract Format and to deviate from or omit solicitation and contract terms and conditions prescribed by the FAR as necessary and appropriate to reflect the streamlined processes upon which this deviation is based, except where and to the extent required by statute.

(6) to down-select among proposals and sources and eliminate sources where there is significant doubt as to whether a proposal has a reasonable chance of being selected for award.

3. FAR Subparts 15, 16 and 42.
Contract Type and Required Audit Sources.

Discussion: Current regulations have a preference for use of fixed price and cost-based contracts over labor-hour and time and materials contracts and require use of Government audit agencies to conduct contractor cost audits. It is our intent to reduce the need for pre- and post-award cost audits by utilizing cost-based contracting only as a last resort and utilizing fixed-price and labor hour

or time and materials types for task order and incremental development process (IDP) contracts, as described in the CONOPS, instead. When audits are needed these would be obtained utilizing commercial auditing capabilities, e.g., reputable private sector Certified Public Accountants (CPAs), instead of Government audit agencies. This will be less expensive and administratively less burdensome for both the agency and the contractor.

Proposed FAR Deviation: A deviation from FAR provisions is requested to permit use of appropriate contract type without necessity of preparing a determination and findings that no other type is more suitable. Also a deviation is requested which will permit the use of private sector CPAs to perform audits instead of Government audit agencies.

Authority: The Federal Property and Administrative Services Act of 1949, as amended, and other applicable laws and regulations.

Dated: August 30, 1996.

Kenneth J. Buck,

Acting Director, Office of Acquisition Management, U.S. Department of Commerce.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

Denial of Petition for Rulemaking; Federal Motor Vehicle Safety Standards

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Denial of petition for rulemaking.

SUMMARY: This document denies petitions for rulemaking submitted by the Automobile Safety Foundation (ASF). ASF believes that steering locks installed on some vehicles to comply with Federal Motor Vehicle Safety Standard No. 114, *Theft Protection*, are ineffective in preventing theft and also dangerous because they lock up while the vehicle is in motion. Among other things, the petitions requested that NHTSA either revise the standard to prohibit any form of steering locks and allow for alternative designs, or require another design. They also asked that NHTSA require manufacturers to affix warning stickers about the steering locks on new vehicles or send warning

stickers to all registered owners of previously sold vehicles. NHTSA denies these petitions because: Available crash data do not demonstrate a safety problem with the steering lock; steering locks continue to serve an anti-theft purpose; and vehicles with automatic transmissions, which account for about 80 percent of vehicles sold, are required to have a transmission lock and to be designed so that the ignition key cannot be removed unless the transmission is in the "park" position.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Atelsek, Office of the Chief Counsel, NHTSA, 400 Seventh Street, SW, Washington, DC 20590. Mr. Atelsek's telephone number is (202) 366-2992. His facsimile number is (202) 366-3820.

SUPPLEMENTARY INFORMATION:

Background on Existing Requirements

Federal Motor Vehicle Safety Standard No. 114, *Theft Protection*, requires that new trucks, multipurpose passenger vehicles, and passenger cars have a key locking system. S4.2 of the standard states that "[e]ach vehicle shall have a key-locking system which, whenever the key is removed, prevents: (a) The normal activation of the vehicle's engine or motor; and (b) Either steering or forward self-mobility of the vehicle or both." Vehicle manufacturers could comply by installing either a steering lock or transmission lock. Most vehicle manufacturers have chosen to install a "steering lock," a device that locks the steering column when the key has been removed.

Although not required by the Standard, the key-locking systems of many vehicles are designed to prevent or reduce the likelihood of unintentional activation of the steering lock while the vehicle is in motion (for the sake of convenience, NHTSA refers below to this situation as "inadvertent lockup"). This is accomplished by the incorporation of a button, lever, or other mechanism that must be activated before the key can be removed. Some of these mechanisms require two hands (one to operate the mechanism and one to turn the key), while others are operable with one hand (i.e., the hand turning the key). Some vehicles may not be equipped with such mechanisms. Unless those vehicles are equipped with some other device to prevent inadvertent lockup, it would be possible to remove the key from the lock and activate the steering lock while the vehicles are in motion.

NHTSA briefly adopted a requirement that key-locking systems provide protection against inadvertent lockup