foreign carrier's primary markets, and the ability and incentives of the foreign carrier to discriminate against unaffiliated U.S. carriers.

In addition, the Notice proposes a specified level of foreign carrier ownership in a U.S. carrier at which the proposed entry standard would apply. The Commission asks whether it is desirable to consider an applicant to be "affiliated" with a foreign carrier for purposes of the new rules when the foreign carrier acquires an ownership interest of a certain minimum level or a controlling interest at any level. The Notice requests comment on whether the minimum level of ownership should be set at greater than ten percent, twenty-five percent, or some other level of the capital stock of the applicant.

The Commission also seeks comment on whether the affiliation standard it adopts should replace the current affiliation standard it uses for purposes of classifying an affiliated U.S. carrier as dominant or nondominant on a particular U.S. international route, based on the market power of its foreign carrier affiliate on the foreign end of the route. In addition, the Commission requests comment on whether certain safeguards applied to dominant carriers should be modified to improve their effectiveness. It additionally asks for comment on other proposed nondiscrimination safeguards, including safeguards that would apply to all U.S. international carriers. The Commission also clarifies the definition of a facilities-based carrier and requests comment on its proposal to codify that definition in this proceeding. Finally, the Notice asks whether the

goals of the proceeding would be served by incorporating the proposed effective market access test as an element of the Section 310(b)(4) public interest analysis applicable to foreign entities seeking to acquire an indirect ownership interest of more than 25 percent in U.S. radio licensees. Thus, the Notice asks whether the Commission's evaluation of the public interest should consider whether the primary markets of the foreign entity offer effective market access to U.S. licensees to provide the same type of radio-based services as requested in the United States. The Notice also seeks comment on other public interest factors the Commission should consider.

The Notice seeks public comment on whether these proposals are administratively feasible and whether these approaches or other alternatives will best serve the Commission's goals.

# List of Subjects in 47 CFR Part 63

Communications common carriers.

Federal Communications Commission. **William F. Caton,**  *Acting Secretary.* [FR Doc. 95–5127 Filed 3–1–95; 8:45 am] **BILLING CODE 6712–01–M** 

#### DEPARTMENT OF ENERGY

## 48 CFR Parts 933 and 970

#### Regulation Identifier Number 1991– AB20 Acquisition Regulation; Department of Energy Management and Operating Contracts

AGENCY: Department of Energy.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Department of Energy (DOE) today issues a Notice of Proposed Rulemaking to amend the Department of Energy Acquisition Regulation (DEAR) to modify requirements for management and operating contractor purchasing systems. DEAR subpart 970.71 will be revised to identify certain purchasing system objectives and standards; eliminate the application of the "Federal norm"; and place greater reliance on commercial practices.

**DATES:** Written comments on the proposed rulemaking must be received on or before May 1, 1995.

ADDRESSES: Comments on the proposed rulemaking should be addressed to the U.S. Department of Energy, Director, Procurement and Property Review and Evaluation Division (HR–525.1), Attention: James J. Cavanagh, 1000 Independence Avenue SW., Washington, DC 20585.

#### FOR FURTHER INFORMATION CONTACT:

James J. Cavanagh, Director, Procurement and Property Review and Evaluation Division (HR–525.1), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585; telephone 202– 586–8257.

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#### I. Background

The Government-wide approach to evaluating contractor purchasing systems, as set forth in Federal Acquisition Regulation (FAR) Subpart 44.301, is to "evaluate the efficiency and effectiveness with which the contractor spends Government funds and complies with the Government policy when subcontracting." Most Federal contracts require purchases to be made in accordance with the applicable laws and the terms and conditions of the contract, with minimal references back to acquisition regulations. The policy for the extent of reviews of these purchasing systems is set forth at FAR 44.303.

Unlike other contractors, however, a DOE management and operating contractor historically has been expected to conform its purchasing practices to the "Federal norm." As provided at the DEAR 970.7103, the Federal norm is an "evolving concept", which attempts to balance commercial purchasing practices with Federal procurement principles embodied in law and regulation. The DEAR identifies a number of tenets of Federal policy and practices to which DOE's management and operating contractors must adhere. As a result of the Federal norm, and iterations of related reviews, audits, and protest decisions, management and operating contractor purchasing has, over the years, become increasingly Federal-like, replacing efficient and effective commercial business practices.

In accordance with the objectives of the National Performance Review and the Secretary of Energy's Contract Reform Team Report, the Department intends to revise its expectations for management and operating contractor purchasing systems by eliminating the concept of the "Federal norm." In lieu of the detailed tenets contained in DEAR subpart 970.71, which have resulted in the inefficient layering of non-commercial systems and practices, the Department has identified certain purchasing system objectives and standards which it believes are common to superior purchasing activities, whether they be commercial or public.

In addition, as the Department eliminates the concept of the "Federal norm," the Department intends that any disagreements with management and operating contractor purchasing decision(s) be a matter to be settled between the contractor and potential subcontractor(s). Such disagreements are typically handled in this manner in the commercial sector. The Department expects that its management and operating contractors shall handle any