PART 76—CABLE TELEVISION SERVICE

3. The authority citation for Part 76 continues to read as follows:

Authority: Secs. 2, 3, 4, 301, 303, 307, 308, 309, 48 Stat., as amended, 1064, 1065, 1066, 1081, 1082, 1083, 1084, 1085, 1101; 47 U.S.C. § 152, 153, 154, 301, 303, 307, 308, 309; Secs. 612, 614–615, 623, 632 as amended, 106 Stat. 1460, 47 U.S.C. 532; Sec. 623, as amended, 106 Stat. 1460; 47 U.S.C. 532, 533, 535, 543, 552.

4. Section 76.501 is amended by removing and reserving paragraph (b) and by revising paragraph (f) to read as follows:

* * * * *

§ 76.501 Cross-ownership.

* * * * *

(f) The restrictions in paragraphs (d) and (e) of this section shall not apply to any cable operator in any franchise area in which a cable operator is subject to effective competition as determined under section 623(l) of the Communications Act.

* * * * *

5. Section 76.502 is revised to read as follows:

§ 76.502 Time limits applicable to franchise authority consideration of transfer applications.

(a) A franchise authority shall have 120 days from the date of submission of a completed FCC Form 394, together with all exhibits, and any additional information required by the terms of the franchise agreement or applicable state or local law to act upon an application to sell, assign, or otherwise transfer controlling ownership of a cable system.

(b) A franchise authority that questions the accuracy of the information provided under paragraph (a) must notify the cable operator within 30 days of the filing of such information, or such information shall be deemed accepted, unless the cable operator has failed to provide any additional information reasonably requested by the franchise authority within 10 days of such request.

(c) If the franchise authority fails to act upon such transfer request within 120 days, such request shall be deemed granted unless the franchise authority and the requesting party otherwise agree to an extension of time.

[FR Doc. 96–8454 Filed 4–5–96; 8:45 am]

BILLING CODE 6712–01–P

47 CFR Part 76

[MM Docket No. 92–266, FCC 95–150]

Cable Television Consumer Protection and Competition Act of 1992; Rate Regulation

AGENCY: Federal Communications Commission.

ACTION: Final Rule; petition for reconsideration.

SUMMARY: This Eleventh Order on Reconsideration (''The Order'') eliminates the requirement that cable systems subject to transition rate treatment keep track of both their transition rates and full reduction rates on external cost forms filed with the Commission. This Order is intended to reduce paperwork burdens on cable operators when they file requests for rate adjustments.

EFFECTIVE DATE: May 8, 1996.

FOR FURTHER INFORMATION CONTACT: Paul Glenchur, Cable Service Bureau, (202) 416–0800.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Eleventh Order on Reconsideration in MM Docket No. 92–266, FCC 95–150, adopted on April 7, 1995 and released April 26, 1995. The complete text of this document is available for inspection and copying during normal business hours in the FCC Reference Center, 1919 M St., N.W., Washington, D.C.

I. Introduction

1. In this Order, the Commission on its own motion modifies reporting requirements described in its Second Order on Reconsideration, Fourth Report and Order, and Fifth Notice of Proposed Rulemaking (''Second Reconsideration Order''), 59 FR 17943 (April 15, 1994), which direct certain small systems and low price systems to calculate both their ''transition'' rates and their ''full reduction rates'' for submission on applicable rate forms.

II. Elimination of Parallel Rate Tracking

A. Background

2. In the Second Reconsideration Order, we required regulated cable systems, as a general matter, to reduce their rates by the full competitive differential established in that Order. We further provided, however, that certain qualifying systems would be eligible for transition treatment under which such systems would not be required to reduce their rates by the full competitive differential. These transition systems include ''cable operators which have a total subscriber base of 15,000 or fewer customers and which are not affiliated with a larger operator.'' They also include systems having March 31, 1994 rates that are at or below the revised benchmark and systems having March 31, 1994 rates above the benchmark but having permitted rates at or below the benchmark.

3. We further provided in the Second Reconsideration Order that a system qualifying for transition relief would not be able to adjust its transition rate for inflation until its transition rate equaled its full reduction rate. We required transition systems to calculate both their transition and full reduction rates for the purpose of future rate adjustments. To enable parallel tracking of the transition and full reduction rates, we established on the FCC Form 1210, the form used to modify already justified rates, a reporting module acknowledging the difference in inflation adjustments for the two rates. All other cost adjustments, however, were allowed for both transition and full reduction rate calculations.

B. Discussion

4. In the Ninth Order on Reconsideration, 60 FR 10512 (February 27, 1995), we determined that it would be appropriate to allow transition systems to adjust their transition rates for inflation. By lifting the prohibition on inflation adjustments for transition rates, we eliminated the only difference in adjustment mechanisms between transition and full reduction rates. Accordingly, it is no longer necessary to require systems eligible for transition relief to render separate calculations for adjustments in transition and full reduction rates.

5. In light of the foregoing, and in order to relieve transition system operators of burdens associated with the separate calculation of transition and full reduction rates, we are eliminating the requirement that transition system operators report both rates in their applications for external rate adjustments. Rather, such systems will only be required to report their transition rates adjusted pursuant to the commission's price cap rules for inflation, changes in external costs and changes in the number of channels on regulated tiers. We will make correlative adjustments on the FCC Form 1210.

III. Regulatory Flexibility Act Analysis

6. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. §§ 601–12, the Commission's final analysis with respect to the Eleventh Order on Reconsideration is as follows:

7. *Need and purpose of this action.* The Commission, in compliance with § 3 of the Cable Television Consumer Protection and Competition Act of 1992, 47 U.S.C. § 543 (1992), pertaining to rate regulation, adopts revised rules and procedures intended to ensure that cable services are offered at reasonable rates with minimum regulatory and administrative burdens on cable entities.

8. *Summary of issues raised by the public in response to the Initial Regulatory Flexibility Analysis.* There were no comments submitted in response to the Initial Regulatory Flexibility Analysis. The Chief Counsel for Advocacy of the United States Small Business Administration (SBA) filed comments in the original rulemaking order. The Commission addressed the concerns raised by the Office of Advocacy in the Report and Order and Further Notice of Proposed Rulemaking, 58 FR 29736 (May 21, 1993).

9. *Significant alternatives considered and rejected.* In the course of this proceeding, petitioners representing cable interests and franchising authorities submitted several alternatives aimed at minimizing administrative burdens. The Commission has attempted to accommodate the concerns expressed by these parties. In this order, the Commission is providing relief to small systems and low-price systems by terminating the requirement that such systems report both their adjusted transition rate and their full reduction rate on forms requesting external cost adjustments.

IV. Paperwork Reduction Act

10. The requirements adopted herein have been analyzed with respect to the Paperwork Reduction Act of 1980 and found to impose new or modified information collection requirements on the public. Implementation of any new or modified requirement will be subject to approval by the Office of Management and Budget as prescribed by the Act.

V. Ordering Clauses

11. Accordingly, it is ordered that, pursuant to Sections 4(i), 4(j), 303(r), 612 and 623 of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154(i), 154(j). 303(r), 532, 542(c) and 543, the rules, requirements and policies discussed in this Order ARE ADOPTED.

12. It is further ordered that the revised reporting requirements adopted in this Order will become effective as soon as they may be approved by the Office of Management and Budget but not sooner than May 28, 1996.

Federal Communications Commission.
William F. Caton,
Acting Secretary.

[FR Doc. 96–8455 Filed 4–5–96; 8:45 am]
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DEPARTMENT OF THE INTERIOR

Office of the Secretary

48 CFR Parts 1425 and 1452

RIN 1090–AA55

Department of the Interior Acquisition Regulation; Foreign Construction Materials

AGENCY: Office of the Secretary, Interior.
ACTION: Final rule.

SUMMARY: In the interests of streamlining processes and improving relationships with contractors, the Department of the Interior (DOI) is issuing this final rule which amends 48 CFR Chapter 14 by revising and updating the Department of the Interior Acquisition Regulation (DIAR).

EFFECTIVE DATE: May 8, 1996.

FOR FURTHER INFORMATION CONTACT: Ms. Mary L. McGarvey at (202) 208–3158, Department of the Interior, Office of Acquisition and Property Management, 1849 C. Street N.W. (MS5522 MIB), Washington, D.C. 20240.

SUPPLEMENTARY INFORMATION:

A. Background

Under the auspices of the National Performance Review, a thorough review of the DIAR was conducted. The review revealed unnecessary and outdated regulations, and some excessively burdensome procedures.

In the interests of streamlining processes and improving relationships with contractors, essential portions of the DIAR are being reinvented and retained in 48 CFR, when appropriate. The review identified Sections that would remain codified. Specifically, Section 1425.203 which reflects the use of a 6% differential to evaluate U.S. versus foreign construction materials will remain codified. If a U.S. material exceeds the cost of the foreign product, then the cost of the U.S. material is unreasonable. Cost savings must be passed on to the Government in post-award approval to use foreign material. Sections 1425.205 and 1452.225–70 are the prescription and the clause associated with this DOI policy. We changed titles, rewrote language, and eliminated redundant FAR material from the Sections. We removed §§ 1425.202 and 1425.204 from 48 CFR Chapter 14 under another final rule published in the Federal Register dated 2/13/96.

This final rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., because contractors are required to either comply with the Buy American Act or seek exceptions. An Initial Regulatory Flexibility Analysis has, therefore, not been performed.

Paperwork Reduction Act

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), the Department has received approval for this collection of information, with approval number 1090–0018, with the expiration date of September 30, 1988. The Paperwork Reduction Act applies because the proposed revisions impose additional recordkeeping requirements or information collection requirements or collection of information from offerors, contractors or members of the public which require the approval of the Office of Management and Budget (OMB) under 44 U.S.C. 3501 et seq. The rule requires contractors proposing to use foreign construction materials to submit information on foreign and domestic construction materials, as well as a justification for use of foreign material. This information will be evaluated by the government in determining if a request for a waiver of the Buy American Act should be granted.

Annual Reporting Burden

Public reporting burden for this collection of information is estimated to average 1 hour, including examination of all bids received to see if foreign materials are proposed and an additional burden of applying the differential and comparing costs.

It is estimated that the information collection would affect 250 contractors (50 applicable contractors × 5 average bidders per contract). The amount of time required for each respondent to provide the required information would not exceed 1 hour, thus 250 burden hours.

Required Determinations: The Department believes that public comment is unnecessary because the revised material implements standard Government operating procedures. Therefore, in accordance with 5 U.S.C. 553(b)(B), the Department finds good cause to publish this document as a final rule. This rule was not subject to Office of Management and Budget