

47 CFR Part 68

Administrative practice and procedure, Communications common carriers, Communications equipment, Reporting and recordkeeping requirements, Telephone, Hearing aid compatibility, Volume control.

Federal Communications Commission.

Linda B. Dubroof,

*Deputy Chief, Network Services Division,
Common Carrier Bureau.*

[FR Doc. 96-1071 Filed 1-23-96; 8:45 am]

BILLING CODE 6712-01-P

47 CFR Part 76

[CS Docket No. 95-178; FCC 95-489]

Cable Television Service; Definitions for Purposes of the Cable Television Must-Carry Rules

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking

SUMMARY: The Commission, through this action, invites comments on a revised market definition process for purposes of the cable television broadcast signal carriage rules. The current process uses the Arbitron "Area of Dominant Influence" ("ADI") as the applicable market definition. The Commission anticipated that Arbitron ADI market definitions would continue to be revised annually and that new maps would be available for use every three years coincident with the triennial must-carry/retransmission consent election cycle. However, the next election must be made by October 1, 1996, and Arbitron has ceased updating its ADI market list. Therefore, the Commission proposes to retain the existing market definition process for the next must-carry/retransmission consent election.

DATES: Comments are due on or before February 5, 1996 and reply comments are due on or before February 26, 1996.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION, CONTACT: John Adams or Marcia Glauber, Cable Services Bureau (202) 416-0800.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rulemaking, CS Docket No. 95-178, adopted December 5, 1995 and released December 8, 1995. The full text of this decision is available for inspection and copying during normal business hours in the FCC Reference Center (room 239), 1919 M Street NW., Washington, D.C. 20554, and may be purchased from the Commission's copy contractor, International Transcription

Service (202) 857-3800, 1919 M Street NW., Washington, D.C. 20554.

Synopsis of the Notice of Proposed Rulemaking

1. The Commission, on its own motion, proposes to retain the existing market definitions for the next must-carry/retransmission consent election. The next election must be made by October 1, 1996.

2. In light of the fact that Arbitron has ceased its designation and publication of ADI market areas, a new mechanism must be established for defining market areas in which television broadcasters may insist on carriage. The Commission has concluded that several options appear to be available: (1) the Arbitron areas of dominant influence ("ADI") could be substituted with Nielsen "Designated Market Areas" or "DMAs;" (2) continue to use Arbitron's 1991-92 Television ADI Market Guide to define market areas, subject to individual review and refinement through the Section 614(h) process; or (3) retain the existing market definitions for the 1996 election period and switch to a Nielsen based standard thereafter.

3. It is our tentative view that the second of these options is preferable. It has the advantage of providing stability in the television broadcast signal carriage process. It is also not clear whether changing from ADIs to DMAs and revising market boundaries every three years based on shifting audience patterns, involves any systematic improvement in market definitions. Finally, changing from one system to the other would raise questions as to the numerous cases which have been processed under Section 614(h) revising market areas with respect to particular stations and particular communities. Comment is sought on the above alternatives as well as suggestions for any other alternatives that would better accomplish the market definition objectives of the must-carry provisions of Section 614 of the Communications Act.

Initial Regulatory Flexibility Analysis

4. The Commission certifies that the Regulatory Flexibility Act of 1980 does not apply to this rulemaking proceeding because if the proposed rule amendment is promulgated, there will not be a significant economic impact on a substantial number of small business entities, as defined by Section 601(3) of the Regulatory Flexibility Act. The change proposed would continue the existing market definitions and the existing market definition change process and would thereby avoid modifications otherwise to be

anticipated in a relatively limited number of markets in which there are not likely to be a significant number of small business entities impacted. The Secretary shall cause a copy of this Notice of Proposed Rulemaking, including the certification, to be sent to the Chief Counsel for Advocacy of the Small Business Administration in accordance with Section 603(a) of the Regulatory Flexibility Act, Public Law 96-354, 94 Stat. 1164, 5 U.S.C. 601 *et seq.* (1981).

Ex Parte

5. This is a non-restricted notice and comment rule making proceeding. Ex parte presentations are permitted, provided they are disclosed as provided in the Commission's Rules. See generally, 47 CFR 1.1202, 1.1203 and 1.1206(a).

Comment Dates

6. Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's Rules, interested parties may file comments on or before February 5, 1996, and reply comments on or before February 26, 1996. All relevant and timely comments will be considered before final action is taken in this proceeding. To file formally in this proceeding, participants must file an original and four copies of all comments, reply comments, and supporting comments. If participants want each Commissioner to receive a personal copy of their comments, an original plus nine copies must be filed. Comments and reply comments should be sent to the Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center (room 239) of the Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

List of Subjects in 47 CFR Part 76

Cable television.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Rule Changes

Part 76 of Title 47 of the CFR is amended as follows:

PART 76—CABLE TELEVISION SERVICE

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

Authority: 47 U.S.C. Secs. 152, 153, 154, 301, 303, 307, 308, 309, 532, 533, 535, 542, 543, 544A, 552 as amended.

2. Section 76.55 is amended by revising paragraph (e) to read as follows:

§ 76.55 Definitions applicable to the must-carry rules.

* * * * *

(e) *Television market.* (1) A commercial broadcast television station's market, unless amended pursuant to Section 76.59, shall be defined as its Area of Dominant Influence (ADI) as determined by Arbitron and published in the Arbitron 1991-92 Television ADI Market Guide, except that for areas outside the contiguous 48 states, the market of a station shall be defined using Nielsen's Designated Market Area (DMA), where applicable as published in the Nielsen 1991-92 DMA Market and Demographic Rank Report, and that Puerto Rico, the U.S. Virgin Islands, and Guam will each be considered a single market.

(2) A cable system's television market(s) shall be the one or more ADIs in which the communities it serves are located.

(3) In addition, the county in which a station's community of license is located will be considered within its market.

* * * * *

[FR Doc. 96-960 Filed 1-23-96; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF DEFENSE

48 CFR Part 232

Defense Federal Acquisition Regulation Supplement; Finance

AGENCY: Department of Defense (DoD).
ACTION: Proposed rule with request for comment.

SUMMARY: The Department of Defense is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to reflect recent changes in the Federal Acquisition Regulation pertaining to contract financing.

DATE: Comments on the proposed rule should be submitted in writing to the address shown below on or before March 25, 1996, to be considered in the formulation of the final rule.

ADDRESS: Interested parties should submit written comments to: Defense Acquisition Regulations Council, PDUSD(A&T)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062, telefax number (703) 602-0350. Please cite DFARS Case 95-D710 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Mr. John Galbraith, Finance Team Leader,

(703) 697-6710. Please cite DFARS Case 95-D710

SUPPLEMENTARY INFORMATION:

A. Background

The proposed revisions to the Defense Federal Acquisition Regulation Supplement (DFARS) implement the Federal Acquisition Streamlining Act of 1994 (Pub. L. 103-355) and resulting changes to the Federal Acquisition Regulation (FAR) published as Item VII of Federal Acquisition Circular 90-32 on September 18, 1995 (60 FR 48206), and Items I and IV of Federal Acquisition Circular 90-33 on September 26, 1995 (60 FR 49706). The proposed revisions include deletion of DFARS sections 232.173, Reduction or Suspension of Contract Payments Upon Finding of Fraud, and 232.970, Payment of Subcontractors, since equivalent coverage is now provided in the FAR; the addition of DFARS Subpart 232.2, Commercial Item Purchase Financing, to establish prompt payment times for commercial payments, to provide guidance on the use of installment payments for commercial financing, and to specify administrative instructions for Foreign Military Sales (FMS) contracts; the addition of DFARS Subpart 232.10, Performance-Based Payments, to establish prompt payment times for performance-based payments and to specify administrative instructions for FMS contracts; and to make a number of editorial changes to reflect revisions made in the FAR.

B. Regulatory Flexibility Act

The proposed changes to DFARS Part 232 may 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 the rule specifies prompt payment times, at 232.206(f) and 232.1001(d), that are shorter than the equivalent standard prompt payment times in the Federal Acquisition Regulation, and thus should be beneficial for small entities. An Initial Regulatory Flexibility Analysis (IRFA) has been prepared and may be obtained from the address stated herein. A copy of the IRFA has been submitted to the Chief Counsel for Advocacy of the Small Business Administration. comments are invited. Comments from small entities concerning the affected DFARS subparts will be considered in accordance with Section 610 of the Act. Such comments must be submitted separately and cite DFARS Case 95-D710 in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed rule does not impose any new recordkeeping, information collection requirements, or collections of information from offerors, contractors, or members of the public which require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 232

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, it is proposed that 48 CFR Part 232 be amended as follows:

1. The authority citation for 48 CFR Part 232 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 232—CONTRACT FINANCING

2. Sections 232.006, 232.006-5, 232.070, 232.072, 232.071-1, 232.072-2, and 232.072-3 are added to read as follows:

Sec.

232.006 Reduction or suspension of contract payments upon finding of fraud.
232.006-5 Reporting.
232.070 Responsibilities.
232.071 Contract Finance Committee.
232.072 Financial responsibility of contractors.
232.072-1 Required financial reviews.
232.072-2 Appropriate information.
232.072-3 Cash flow forecasts

232.006 Reduction or suspension of contract payments upon finding of fraud.

232.006-5 Reporting.

Departments and agencies, in accordance with department/agency procedures, shall prepare and submit to the Under Secretary of Defense (Acquisition and Technology), through the Director of Defense Procurement, annual reports (Report control symbol DD-ACO(A) 1891) containing the information required by FAR 32.006-5.

232.070 Responsibilities.

(a) The Director of Defense Procurement, Office of the Under Secretary of Defense (Acquisition and Technology), USD(A&T)DP, is responsible for ensuring uniform administration of DoD contract financing, including DoD contract financing policies and important related procedures. Agency discretion under FAR part 32 is at the DoD level and is not delegated to the military departments or defense agencies. Proposals by the military departments