

Reporting and recordkeeping requirements, and Superfund.

44 CFR Part 221

Disaster assistance, Grant programs—environmental protection, Grant programs—housing and community development, Hazardous substances, Real property acquisition, Relocation assistance, Reporting and recordkeeping requirements, and Superfund.

44 CFR Part 222

Administrative practice and procedure, Disaster assistance, Grant programs—environmental protection, Hazardous substances, Intergovernmental relations, Relocation assistance, Reporting and recordkeeping requirements, and Superfund.

44 CFR Part 301

Civil defense, Grant programs—national defense, and Reporting and recordkeeping requirements.

44 CFR Part 303

Administrative practice and procedure, Civil defense, and Grant programs—national defense.

44 CFR Part 306

Civil defense, Penalties, Seals and insignia.

44 CFR Part 308

Civil defense, Grant programs—national defense, Minimum wages, and Reporting and recordkeeping requirements.

44 CFR Part 320

National defense, Security measures.

44 CFR Part 324

Engineers, Manpower, National defense, and Scientists.

44 CFR Part 325

Health professions, Manpower, and National defense.

44 CFR Part 328

Strategic and critical materials.

44 CFR Part 333

Armed forces reserves.

For the reasons set forth in the preamble and under the authority of Reorganization Plan No. 3 of 1978, E.O. 12127, and E.O. 12148, 44 CFR, Chapter 1, is amended by removing and reserving the following parts:

Part 77—Acquisition of Flood Damaged Structures;
Part 80—Description of program and offer to agents;
Part 81—Purchase of insurance and adjustment of claims;
Part 82—Protective device requirements;

Part 83—Coverages, rates, and prescribed policy forms;

Part 152—State grants for arson research, prevention, and control;

Part 207—Great Lakes planning assistance;

Part 220—Temporary Relocation Assistance;

Part 221—Permanent Relocation assistance;

Part 222—Superfund cost share eligibility criteria for permanent and temporary relocation;

Part 301—Contributions for civil defense equipment;

Part 303—Procedure for withholding payments for financial contributions under the Federal Civil Defense Act;

Part 306—Official civil defense insignia;

Part 308—Labor standards for federally assisted contracts;

Part 320—Dispersion and protective construction: policy, criteria responsibilities (DMO-1);

Part 324—National security policy governing scientific and engineering manpower (DMO-5);

Part 325—Emergency health and medical occupations;

Part 328—General policies for strategic and critical materials stockpiling (DMO-11);

Part 333—Peacetime screening; and

Part 336—Predesignation of nonindustrial facilities (NIF) for national security emergency use.

Dated: May 18, 1999.

James L. Witt,

Director.

[FR Doc. 99-13184 Filed 5-24-99; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 76

[CS Docket No. 98-61; FCC 99-13]

1998 Biennial Regulatory Review—“Annual Report of Cable Television Systems,” Form 325

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document revises and streamlines the Form 325, “Annual Report of Cable Television Systems,” which is provided for in the Commission’s rules. The Form 325 solicits basic operational information from cable television systems. In the past, in order to ensure the accuracy and usefulness of the data obtained, the Form 325 was mailed to every cable system in the country. In an effort to reduce the administrative burdens

imposed upon both the cable industry and the Commission, while still allowing the Commission access to the public information necessary for it to carry out its regulatory functions, the Commission not only modified the form but also drastically reduced the universe of system operators required to file the form.

DATES: These rules are effective June 24, 1999 except for § 76.403, which contains modified information collection requirements that require OMB approval. The Commission will publish a notice in the **Federal Register** at a later date announcing the effective date. Written comments by the public on the modified information collection requirements should be submitted on or before June 24, 1999.

ADDRESSES: A copy of any comments on the modified information collection requirements in §§ 76.403 should be submitted to Judy Boley, Federal Communications Commission, Room 1-C804, 445 12th Street, S.W., Washington, DC 20554, and to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725—17th Street, N.W., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Karen Kosar, Consumer Protection and Competition Division, Cable Services Bureau at (202) 418-1053. For additional information concerning the information collection requirements contained herein, contact Judy Boley at (202) 418-0214, or via the Internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION:

Summary of Action

1. As part of the Commission’s 1998 biennial regulatory review of its regulations conducted pursuant to Section 11 of the Telecommunications Act of 1996, the Commission issued a Report and Order which revises and streamlines the Form 325, “Annual Report of Cable Television Systems,” which is provided for in section 76.403 of the Commission’s rules. In this proceeding, the Commission sought to strike a balance to reduce the burdens placed upon the industry and on Commission resources in the Form 325 information collection process while still retaining access to core information that is needed by the Commission in order to perform its regulatory functions.

2. In the Report and Order, the Commission drastically reduced the number of system operators required to file the form. In the past, the Form 325

information collection process applied to every cable system in the country—nearly 11,000 systems. The Report and Order states that the Commission now believes that sufficient information could be collected to monitor the cable industry by sending out approximately 1,100 forms, an overall reduction of over 9,000 forms. In this regard, all cable systems with 20,000 or more subscribers will be required to file the form annually. For those systems with less than 20,000 subscribers, the Commission will utilize a stratified sampling methodology in order to collect information from that group, as opposed to a mandatory requirement to have all of those systems file Form 325.

3. The current four part Form 325 will be replaced with a streamlined, user-friendly Form 325 containing a reduced number of questions. In addition, information will no longer be collected on both a Community Unit Identification Number (“CUID”) basis and a Physical System Identification Number (“PSID”) basis, but will be collected solely on a PSID basis. This method of reporting information on a system basis will eliminate a previously cumbersome and excessively detailed procedure designed to elicit information regarding cable operators and the communities they serve on an individual community unit basis.

4. The following modifications will be made to the revised Form 325:

General Information

5. In this portion of the form, the Commission will solicit information from cable operators regarding the number of subscribers served by their systems as well as the number of potential subscribers (homes passed) that cable operators can access from their systems. Additionally, information will be sought regarding miles of cable plant and how much of the plant is devoted to coaxial cable or fiber optic cable, including the number and average nodal sizes in terms of subscribers served. Cable operators will also be required to report whether their cable systems use microwave facilities as part of the cable plant.

6. In addition, questions on the form will solicit general information regarding the provision of digital services so that the Commission can better assess the technical capabilities of cable systems and the future of the cable industry. In that regard, the form will ask for information including: number of cable modems deployed and the number of cable modem subscribers; number of subscribers requiring set-top boxes and the number of set-top boxes in inventory and deployed—analogue/

digital/hybrid—and total amount of analog spectrum versus digital spectrum.

Frequency and Signal Distribution Information

7. In this part of the form, the Commission will seek information pertaining to areas such as transmitted spectrum and channel capacity. Specifically, information will be sought regarding upstream channel usage (i.e., two-way capability) in order to ascertain the capabilities of cable operators to transmit information from their subscribers' premises back to the cable headend. The form also will request information regarding downstream channel usage in order to ascertain the total number of video channels, both analog and digital, capable of being carried on a system, including the number of digital channels per 6 MHz of spectrum. Of that number, information will be sought regarding the total number of channels, including all non-video channels, activated and delivered on the system. Operators also will be asked to provide information about aggregate totals for addressable converters, modems deployed, and the number of telephony subscribers that use their systems. The form will also require operators to submit their channel lineups and to identify which stations are carried pursuant to leased access, government access, public and educational access, and which stations are carried pursuant to must carry or retransmission consent provisions. Finally, operators will be asked to provide information regarding the number of tiers carried on their systems and how many channels may be carried on each of those tiers.

8. This Report and Order also modifies section 76.615 of the Commission's rules which requires cable operators to notify the Commission annually of all signals carried in the aeronautical radio frequency bands, a requirement previously fulfilled by the filing of a Form 325. Since all cable operators will no longer be required to file Form 325, this requirement will now be satisfied by a cable operator filing Commission Form 320, “Basic Signal Leakage Performance Report.”

Final Regulatory Flexibility Analysis

9. *Background.* As required by the Regulatory Flexibility Act (“RFA”), an Initial Regulatory Flexibility Analysis (“IRFA”) was incorporated into the Notice of Proposed Rule Making (“NPRM”) in this proceeding. The Commission sought written public comment on the possible impact of the

proposed policies and rules on small entities in the NPRM, including comments on the IRFA. This Final Regulatory Flexibility Analysis (“FRFA”) in this Report and Order conforms to the RFA.

10. *Need for Action and Objectives of the Rules.* Section 11 of the 1996 Telecommunications Act requires the Commission to conduct a biennial review of regulations that apply to operations and activities of any provider of telecommunications service and to repeal or modify any regulation it determines to be no longer in the public interest. Although Section 11 does not specifically refer to cable operators, the Commission has determined that the first biennial review presents an excellent opportunity for a thorough examination of all of the Commission's regulations.

11. *Summary of Significant Issues Raised by the Public Comments in Response to the IRFA.* While no commenter has specifically responded to the IRFA, several commenters allege that the current requirement to file a Form 325 is unnecessarily burdensome. Commenters generally contend that the current Form 325 has outlived its usefulness and the information contained therein is available from other sources.

12. *Description and Estimate of the Number of Small Entities to which Rules will Apply.* The RFA directs the Commission to provide a description of and, where feasible, an estimate of the number of small entities that might be affected by the rules here adopted. The RFA defines the term “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.” In addition, the term “small business” has the same meaning as the term “small business concern” under the Small Business Act. Under the Small Business Act, a small business concern is one which: (a) is independently owned and operated; (b) is not dominant in its field of operation; and (c) satisfies any additional criteria by the SBA. The rule implementing a streamlined Form 325 that we adopt in this Report and Order only will affect cable systems.

13. *SBA Definitions for Cable.* The SBA has developed a definition of small entities for cable and other pay television services, which includes all such companies generating \$11 million or less in annual receipts. According to the Census Bureau data from 1992, there were approximately 1,758 cable systems with less than \$11 million in revenue.

14. *Additional Cable System Definitions.* In addition, the

Commission has developed, with SBA's approval, our own definition of a small cable system operator for the purposes of rate regulation. Under the Commission's rules, a "small cable company" is one serving no more than 400,000 subscribers nationwide. Based on recent information, we estimate that there were 1,439 cable operators that qualified as small cable companies at the end of 1995. Since then, some of those companies may have grown to serve over 400,000 subscribers, and others may have been involved in transactions that caused them to be combined with other cable operators.

15. The Communications Act also contains a definition of a small cable system operator, which is "a cable operator that, directly or through an affiliate, serves in the aggregate fewer than 1% of all subscribers in the United States and is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed \$250,000,000." The Commission has determined that there are 61,700,000 cable subscribers in the United States. Therefore, we found that an operator serving fewer than 617,000 subscribers shall be deemed a small operator, if its annual revenues, when combined with total annual revenues of all of its affiliates, do not exceed \$250 million in the aggregate. Based on available data, we find that the number of cable operators serving 617,000 subscribers or less total 1,450. Although it seems certain that some of these cable system operators are affiliated with entities whose gross annual revenues exceed \$250,000,000, we are unable at this time to estimate with greater precision the number of cable systems that would qualify as small cable operators under the definition in the Communications Act.

16. *Description of Reporting, Recordkeeping and Other Compliance Requirements.* This analysis examines the costs and administrative burdens associated with our rules and requirements. The rule we adopt today significantly reduces the burden on the cable industry. The rule requires that all cable systems having 20,000 or more subscribers, and a sampling of cable operators having less than 20,000 subscribers, must file a streamlined Form 325. This will result in reducing the filing burden from nearly 11,000 to approximately 1,100 forms filed by cable operators. In addition, the form itself has been modified to be less burdensome. We estimate that it will take operators approximately 2 hours to fill out each newly revised Form 325. No other compliance requirements are imposed.

17. *Steps Taken to Minimize Significant Economic Impact on Small and Significant Alternatives Considered.* We believe that our amended rule will alleviate Form 325 filings for some small cable operators under the SBA's definition of small businesses. In addition, by our action of streamlining Form 325, the burden on all cable operators will be substantially reduced.

18. It is ordered that, pursuant to authority found in Sections 4(i), 303(r) and 628 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(r) and 548 that section 76.403 of the Commission's rules, and section 76.615 of the Commission's rules, are amended as set forth in the rule changes.

19. It is further ordered that the rules as amended shall become effective 30 days after publication in the **Federal Register**. The information collections contained in these rules shall become effective 70 days after publication in the **Federal Register**, following OMB approval, unless a notice is published in the **Federal Register** stating otherwise.

20. It is further ordered that the Commission's Office of Public Affairs, Reference Operations Division, shall send a copy of this Report and Order, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act, Public Law No. 96-354, 94 Stat. 1164, 5 U.S.C. 601 *et seq.* (1981).

Paperwork Reduction Act

This Report and Order has been analyzed with respect to the Paperwork Reduction Act of 1995 (the "1995 Act") and found to impose new or modified information collection requirements on the public. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public to take this opportunity to comment on the information collection requirements contained in this Report and Order as required by the 1995 Act. Public comments are due June 24, 1999. Comments should address: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

OMB Approval Number: 3060-0061.

Title: Annual Report of Cable Television Systems—Form 325.

Type of Review: Revision of existing collection.

Respondents: Business and for-profit entities.

Number of Respondents: approximately 1,100.

Estimated Time per Response: 2 hours.

Total Estimated Annual Burden to Respondents: 2,200 hours.

Total Estimated Annual Cost to Respondents: \$2,200. Postage, stationery and photocopying costs pertaining to this filing requirement are estimated to be \$2 per filing. 1,100 x \$2 = \$2,200.

Needs and Uses: The modified Form 325 will primarily assist the Commission in collecting information regarding the conversion of cable systems from the analog to the digital medium. The information collected will allow the Commission to monitor the scope of the conversion process. The information solicited also will help to assess industry compliance with Commission rules and to monitor industry trends in various areas.

List of Subjects in 47 CFR Part 76

Cable television.

Federal Communications Commission.

Magalie Roman Salas,
Secretary.

Rule Changes

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR 76 as follows:

PART 76—MULTICHANNEL VIDEO AND CABLE TELEVISION SERVICE

1. The authority citation for part 76 is revised to read as follows:

Authority: 47 U.S.C. 151, 152, 153, 154, 301, 302, 303, 303a, 307, 308, 309, 312, 315, 317, 325, 503, 521, 522, 531, 532, 534, 535, 536, 537, 543, 544, 544a, 545, 548, 549, 552, 554, 556, 558, 560, 561, 571, 572, 573.

2. Section 76.403 is revised to read as follows:

§ 76.403 Cable television system reports.

The operator of every operational cable television system that serves 20,000 or more subscribers shall file with the Commission a Form 325 soliciting general information and frequency and signal distribution information on a Physical System Identification Number ("PSID") basis. These forms shall be completed and returned to the Commission within 60 days after the date of receipt by the operator.

Note: The Commission retains its authority to require Form 325 to be filed by a sampling of cable operators with less than 20,000 subscribers.

3. Section 76.615 is amended by revising the introductory text and paragraph (a) to read as follows:

§ 76.615 Notification requirements.

All cable television operators shall comply with each of the following notification requirements:

(a) The operator of the cable system shall notify the Commission annually of all signals carried in the aeronautical radio frequency bands, noting the type of information carried by the signal (television picture, aural, pilot carrier, or system control etc.) The timely filing of the FCC Form 320 will meet this requirement.

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[FR Doc. 99-13010 Filed 5-24-99; 8:45 am]
BILLING CODE 6712-01-P

DEPARTMENT OF DEFENSE

48 CFR Parts 222 and 253

[DFARS Case 99-D003]

Defense Federal Acquisition Regulation Supplement; Work Stoppage Report

AGENCY: Department of Defense (DoD).
ACTION: Final rule.

SUMMARY: The Director of Defense Procurement has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to eliminate the requirement for use of a specific form to report work stoppages resulting from labor disputes. The form is unnecessary, as the DFARS provides guidance for preparation of a narrative report on this subject.

EFFECTIVE DATE: May 25, 1999.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, Defense Acquisition Regulations Council, PDUSD(A&T)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0131; telefax (703) 602-0350. Please cite DFARS Case 99-D003.

SUPPLEMENTARY INFORMATION:

A. Background

This final rule eliminates the requirement for use of DD Form 1507, Work Stoppage Report, to report labor disputes that could interfere with contract performance. The form is unnecessary in view of the narrative reporting requirement at DFARS 222.101-3-70.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

This final rule does not constitute a significant revision within the meaning of FAR 1.501 and Public Law 98-577 and publication for public comment is not required. However, comments from small entities concerning the affected DFARS subparts will be considered in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 99-D003.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the final rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 222 and 253

Government procurement.

Michele P. Peterson,
Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Parts 222 and 253 are amended as follows:

1. The authority citation for 48 CFR Parts 222 and 253 continues to read as follows:

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

PART 222—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

2. Section 222.101-3 is revised to read as follows:

222.101-3 Reporting labor disputes.

The contract administration office shall—

(1) Notify the labor advisor, the contracting officer, and the head of the contracting activity when interference is likely; and

(2) Disseminate information on labor disputes in accordance with departmental procedures.

3. Section 222.101-3-70 is amended by revising the introductory text of paragraph (b) to read as follows:

222.101-3-70 Impact of labor disputes on defense programs.

* * * * *

(b) Each contracting activity involved shall obtain and develop data reflecting the impact of a labor dispute on its requirements and programs. Upon determining the impact, the head of the contracting activity shall submit a report

of findings and recommendations to the labor advisor. This reporting requirement is assigned Report Control Symbol DD-ACQ(AR)1153. The report must be in narrative form and must include—

* * * * *

PART 253—FORMS

4. The note at the end of Part 253 is amended by removing the entry “253.303-1507 Work Stoppage Report.”.

[FR Doc. 99-13040 Filed 5-24-99; 8:45 am]
BILLING CODE 5000-04-M

DEPARTMENT OF DEFENSE

48 CFR Parts 232 and 237

[DFARS Case 99-D008]

Defense Federal Acquisition Regulation Supplement; Contracts Crossing Fiscal Years

AGENCY: Department of Defense (DoD).
ACTION: Final rule.

SUMMARY: The Director of Defense Procurement has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to permit contracting officers to enter into contracts for the procurement of severable services that cross fiscal years. The Federal Acquisition Regulation (FAR) authorizes the heads of executive agencies to enter into such contracts. This DFARS rule delegates the authority to DoD contracting officers.

EFFECTIVE DATE: May 25, 1999.

FOR FURTHER INFORMATION CONTACT: Ms. Sandra G. Haberlin, Defense Acquisition Regulations Council, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0131; telefax (703) 602-0350. Please cite DFARS Case 99-D008.

SUPPLEMENTARY INFORMATION:

A. Background

This final rule adds guidance at DFARS 232.703-3 and 237.106 to supplement the FAR rule that was published as Item VIII of Federal Acquisition Circular 97-09 on October 30, 1998 (63 FR 58600). The FAR rule implemented Section 801 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85). Section 801 amended 10 U.S.C. 2410a to provide authority to enter into contracts for the procurement of severable services that cross fiscal years. The FAR rule permits the head of an executive agency to enter into such contracts. This