

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 76**

[MB Docket Nos. 07–42 and 17–105, FCC 19–52; FRS 16303]

**Leased Commercial Access; Modernization of Media Regulation Initiative****AGENCY:** Federal Communications Commission.**ACTION:** Final rule; announcement of effective date.

**SUMMARY:** In this document, the Commission announces that the Office of Management and Budget (OMB) has approved, for a period of three years, the information collection associated with the Commission's Report and Order (*Order*) updating its leased access rules as part of its Modernization of Media Regulation Initiative. This document is consistent with the *Order*, which stated that the Commission would publish a document in the **Federal Register** announcing the effective date of the rules that contain new or modified information collection requirements.

**DATES:** Title 47 CFR 76.970(h) and 76.975(e), published at 84 FR 28761, June 20, 2019, are effective on December 18, 2019.

**FOR FURTHER INFORMATION CONTACT:** Diana Sokolow, Policy Division, Media Bureau, at (202) 418–2120, or email: [diana.sokolow@fcc.gov](mailto:diana.sokolow@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This document announces that on December 3, 2019, OMB approved, for a period of three years, the information collection requirements relating to the rules and procedures contained in the Commission's *Order*, FCC 19–52, published at 84 FR 28761, June 20, 2019. The OMB Control Number is 3060–0568. The Commission publishes this document as an announcement of the effective date of the rules. If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Cathy Williams, Federal Communications Commission, Room 1–C823, 445 12th Street SW, Washington, DC 20554. Please include the OMB Control Number, 3060–0568, in your correspondence. The Commission will also accept your comments via email at [PRA@fcc.gov](mailto:PRA@fcc.gov).

To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to [\[fcc.gov\]\(http://fcc.gov\) or call the Consumer and Governmental Affairs Bureau at \(202\) 418–0530 \(voice\), \(202\) 418–0432 \(TTY\).](mailto:fcc504@</a></p>
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**Synopsis**

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received final OMB approval on December 3, 2019, for the information collection requirements contained in revised rules 47 CFR 76.970(h) and 76.975(e).

Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Number is 3060–0568.

The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law 104–13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the respondents are as follows:

*OMB Control Number:* 3060–0568.

*OMB Approval Date:* December 3, 2019.

*OMB Expiration Date:* December 31, 2022.

*Title:* Sections 76.970, 76.971, and 76.975, Commercial Leased Access Rates, Terms and Conditions, and Dispute Resolution.

*Form Number:* N/A.

*Respondents:* Businesses or other for-profit entities; Not-for-profit institutions.

*Number of Respondents and Responses:* 2,677 respondents; 6,879 responses.

*Estimated Time per Response:* 0.5 hours to 40 hours.

*Frequency of Response:* Recordkeeping requirement; On occasion reporting requirement; Third-party disclosure requirement.

*Obligation to Respond:* Mandatory; Required to obtain or retain benefits. The statutory authority for this information collection is contained in sections 4(i), 303, and 612 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303, and 532.

*Total Annual Burden:* 17,131 hours.

*Total Annual Cost:* \$118,000.

*Nature and Extent of Confidentiality:* There is no need for confidentiality with this collection of information.

*Privacy Act Impact Assessment:* No impact(s).

*Needs and Uses:* On June 7, 2019, in document FCC 19–52, the Commission released a *Report and Order* updating its leased access rules as part of its Modernization of Media Regulation Initiative. Two of the revised rules (47 CFR 76.970(h) and 76.975(e)) contained new or modified information collection requirements.

Title 47 CFR 76.970(h) requires cable operators to provide prospective leased access programmers with the following information within 30 calendar days of the date on which a bona fide request for leased access information is made, provided that the programmer has remitted any application fee that the cable system operator requires up to a maximum of \$100 per system-specific bona fide request (for systems subject to small system relief, cable operators are required to provide the following information within 45 calendar days of a bona fide request):

(a) How much of the cable operator's leased access set-aside capacity is available;

(b) a complete schedule of the operator's full-time leased access rates;

(c) rates associated with technical and studio costs; and

(d) if specifically requested, a sample leased access contract.

Bona fide requests, as used in this section, are defined as requests from potential leased access programmers that have provided the following information:

(a) The desired length of a contract term;

(b) the anticipated commencement date for carriage; and

(c) the nature of the programming.

All requests for leased access must be made in writing and must specify the date on which the request was sent to the operator. Operators must maintain supporting documentation to justify scheduled rates, including supporting contracts, calculations of the implicit fees, and justifications for all adjustments.

Cable system operators must disclose on their own websites, or through alternate means if they do not have their own websites, a contact name or title, telephone number, and email address for the person responsible for responding to requests for information about leased access channels.

Title 47 CFR 76.975(e) provides that the cable operator or other respondent will have 30 days from service of the petition to file an answer. If a leased access rate is disputed, the answer must show that the rate charged is not higher than the maximum permitted rate for such leased access, and must be supported by the affidavit of a

responsible company official. If, after an answer is submitted, the staff finds a prima facie violation of our rules, the staff may require a respondent to produce additional information, or specify other procedures necessary for resolution of the proceeding. Replies to answers must be filed within fifteen (15) days after submission of the answer.

Federal Communications Commission.

**Marlene Dortch,**  
Secretary.

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## DEPARTMENT OF THE INTERIOR

### Office of the Secretary

#### 48 CFR Part 1419

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RIN 1090–AB22

#### Acquisition Regulation: Removal of Outdated References

**AGENCY:** Office of Small and Disadvantaged Business Utilization, Interior.

**ACTION:** Final rule.

**SUMMARY:** The Department of the Interior (DOI) is issuing a final rule amending the Department of the Interior Acquisition Regulation (DIAR) to implement Section 15(k) of the Small Business Act and remove outdated references and/or obsolete information.

**DATES:** This final rule will become effective February 18, 2020.

**FOR FURTHER INFORMATION CONTACT:** Mr. Christopher Bell, Senior Small Business Specialist, Office of Small and Disadvantaged Small Business, Department of the Interior, 1849 C Street NW, Mail Stop 4214 MIB, Washington, DC 20240; telephone (202) 208–3458 or email [christopher\\_bell@ios.doi.gov](mailto:christopher_bell@ios.doi.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

This rule will revise the Department of the Interior Acquisition Regulation (DIAR) in order to update references to other Federal and Departmental directives, remove obsolete material and remove obsolete references.

On November 24th, 2015, DOI's Office of Acquisition and Property Management (PAM) issued a policy that deviated from DIAR 1419.2, to revise the content in sections 1419.201 and 1419.202. This policy deviation was needed to comply with statutory requirements of the Small Business Act.

This rule updates the DIAR with changes from the class deviation and subsequently allows the Department to rescind the class deviation.

The content of DIAR 1419.201 related to setting goals for small business contracting, the role of the Office of Small and Disadvantaged Business Utilization (OSDBU) and the appointment of Small Business Specialists was out of date and inconsistent with statutory requirements and the Federal Acquisition Regulation (FAR). The deviation ensured that DOI manages our small business goals in full compliance with SBA's procedures and adhered to FAR requirements regarding the role of the OSDBU and Small Business Specialists. This rule ensures that the role of the Director of the OSDBU is consistent with the Small Business Act 15 U.S.C. 644(k).

The rule simplifies DIAR 1419.202–70 to allow the OSDBU Director responsibility for issuing policy on the use and content of the Form DI–1886 “Acquisition Screening and Review Form”.

The rule further intends to remove the following from DIAR 1419:

Remove DIAR 1419.505, “Rejecting Small Business Administration recommendations.” The Department has determined that the procedures in FAR 19.505 are sufficient for documenting the rejection of Small Business Administration's recommendation and that further supplemental guidance in the DIAR is duplicative and redundant;

Remove DIAR 1419.506, “Withdrawing or modifying small business set-asides.” The Department has determined that the procedures in FAR 19.506 are sufficient for withdrawing or modifying small business set-asides and that further supplemental guidance in the DIAR is duplicative and redundant;

Remove DIAR 1419.7, “The Small Business Subcontracting Program”, in its entirety. DOI has determined that the procedures in FAR 19.7 are sufficient for managing the DOI's small business subcontracting program;

Remove DIAR 1419.803, “Selecting acquisitions for the 8(a) program” in its entirety.

DOI has determined that the procedures in FAR 19.8 are sufficient for managing DOI's responsibilities under the Section 8(a) program;

Remove DIAR 1419.9, “Contracting Opportunities for Women-Owned Small Businesses”, in its entirety. The Executive order supporting the regulation has been superseded by the Women Owned Small Business program established under 15 U.S.C 637(m);

Remove DIAR 1419.10, “Small Business Competitiveness Demonstration Program”, in its entirety. FAR 19.10 was established to meet the requirements of the Business Opportunity Development Reform Act of 1988 (Pub. L. 100–656). Section 1335 of the Small Business Jobs Act of 2010 (Pub. L. 111–240) amended the Business Opportunity Development Reform Act of 1988 and repealed the Small Business Competitiveness Demonstration Program.

##### II. Summary of and Response to Comments

DOI published the proposed rule 84 FR 17131 on April 24, 2019 in the **Federal Register** for a 60-day public comment period. The public comment period closed on June 24, 2019. DOI received no comments on the proposed rule in Docket No. DOI–2018–0018.

##### III Required Determinations

1. *Regulatory Planning and Review* (Executive Orders 12866 and 13563). Executive Order (E.O.) 12866 provides that the Office of Information and Regulatory Affairs (OIRA) will review all significant rules. OIRA has determined that this rule is not significant.

Executive Order 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory objectives. The Executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public, where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

2. *Regulatory Flexibility Act.* The Secretary certifies that the adoption of this rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Therefore, under 5 U.S.C. 605(b), this rulemaking is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

3. *Small Business Regulatory Enforcement Fairness Act.* This rule is not a major rule under the Small