

official record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in "ADDRESSES" at the beginning of this document.

The Agency, accordingly, will review and consider all comments received during the comment period in determining whether to issue the emergency exemption requested by the Florida Department of Agriculture and Consumer Services.

Dated: March 5, 1997.

Stephen L. Johnson,
Director, Registration Division, Office of
Pesticide Programs.

[FR Doc. 97-6655 Filed 3-18-97; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL COMMUNICATIONS COMMISSION

Notice of a Correction to a Public Information Collections Submitted to OMB for Review and Approval

March 13, 1997.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid 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 (PRA) that does not display a valid control number. Comments are requested concerning (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.

DATES: Written comments should be submitted on or before April 11, 1997. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of

time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Dorothy Conway, Federal Communications Commission, Room 234, 1919 M St., NW., Washington, DC 20554 or via internet to dconway@fcc.gov and Timothy Fain, OMB Desk Officer, 10236 NEOB 725 17th Street, NW., Washington, DC 20503 or fain_t@a1.eop.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Dorothy Conway at 202-418-0217 or via internet at dconway@fcc.gov.

SUPPLEMENTARY INFORMATION: The Commission adopted rules and policies to streamline application and licensing requirements for satellite space and earth stations under the Commission's rules regarding satellite communications. A summary of the Commission's Report and Order in IB Docket No. 95-117, FCC 96-425, was published in the **Federal Register** at 62 FR 5924 (February 10, 1997). The information collection contained in that summary is being corrected here to reflect an increase in the number of respondents (from 1275 to 1300) and a corresponding increase in the total annual burden (from 2550 to 2600). The estimated costs per application type remain the same. However, the estimated fee costs have been increased to reflect the additional submissions. **OMB Approval Number:** 3060-0678.

Title: Streamlining the Commission's Rules and Regulations for Satellite Application and Licensing Procedures. **Form No.:** FCC Form 312.

Type of Review: Revision of existing collections.

Respondents: Businesses or other for profit, including small businesses.

Number of Respondents: 1,300.

Estimated Time Per Response: The Commission estimates all respondents will hire an attorney or legal assistant to complete the form. The time to retain these services is 2 hours per respondent.

Total Annual Burden: 2,600 hours.

Estimated Costs Per Respondent: This includes the charges for hiring an attorney, legal assistant, or engineer at \$150 an hour to complete the submissions. The estimated average time to complete the Form 312 is 10 hours per response. The estimated average time to complete space station submissions is 20 hours per response. The estimated average time to complete the ASIA submission is 24 hours per response. Earth station submissions: \$1935. (\$1500 for Form 312; \$375 remainder of application; \$60 for

outside hire.) Space station submissions: \$4560 (\$1500 for Form 312; \$3000 for remainder of submission; \$60 for outside hire). ASIA submissions: \$3,660 (\$3,600 for submission; \$60 for outside hire). Fee amounts vary by type of service and application. Total fee estimates for industry: \$5,803,770.00.

Needs and Uses: In accordance with the Communications Act, the information collected will be used by the Commission in evaluating applications requesting authority to operate pursuant to Part 25 of the Commission's rules. The information will be used to determine the legal, technical, and financial ability of the applicants and will assist the Commission in determining whether grant of such authorizations are in the public interest.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 97-6898 Filed 3-18-97; 8:45 am]

BILLING CODE 6712-01-F

Notice of Public Information Collections Submitted to OMB for Review and Approval

March 11, 1997.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid 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 (PRA) that does not display a valid control number. Comments are requested concerning (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.

DATES: Written comments should be submitted on or before April 18, 1997.

If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Dorothy Conway, Federal Communications Commission, Room 234, 1919 M St., NW., Washington, DC 20554 or via internet to dconway@fcc.gov and Timothy Fain, OMB Desk Officer, 10236 NEOB 725 17th Street, NW., Washington, DC 20503 or fain_t@a1.eop.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Dorothy Conway at 202-418-0217 or via internet at dconway@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Approval Number: 3060-0728.

Title: Supplemental Information Required for Taxpayer Identifying Number for the Debt Collection.

Form No.: N/A.

Type of Review: Extension of an existing collection.

Respondents: Individuals; business or other for-profit; State or local governments; non-for-profit insititutions.

Number of Respondents: 10,469,716.

Estimated Time Per Response: .017 hours.

Total Annual Burden: 177,985 hours.

Needs and Uses: The information will be used by the Commission to comply with Public Law 104-134, Omnibus Consolidated Recissions and Appropriations Act of 1996. Chapter 10 requires each Federal agency to obtain for each person doing business with it their Taxpayer Identification Number (TIN). In cases of individuals the number is the person's Social Security Number (SSN); in the case of a business, it is the Employer Identification Number (EIN) as assigned by the the Internal Revenue Service, U.S. Department of Treasury.

OMB Approval Number: 3060-0048.

Title: Application for Consent to Tranfer of Control.

Form No.: FCC 704.

Type of Review: Revision of an existing collection.

Respondents: Business or other for-profit.

Number of Respondents: 800.

Estimated Time Per Response: 8 hours.

Total Annual Burden: 6,400 hours.

Estimated Cost Per Respondent: \$70 filing fee.

Needs and Uses: Section 301(d) of the Communications Act requires that common cariers and noncommon carrier

permitees or licensees contemplating a transfer of control apply for authority to make such transfrer. Ruleparts 21, 23, 25 and 101 of the FCC Rules and Regulations promulgate Section 310(d) of the Act. In addition to information specified on the formapplicants may be required to file other information. The information is used by the Cmmission to determine whehter an entity seeking control of an existing permittee or licensee is legally and financially qualified to become a common carrier or noncommon carrier telecommunications licensee. If the information is not submitted the determination could not be made. The form is being revised to include a space for the applicant's internet address. The yes/no question for the drug certification has been deleted and certification to this item has been made part of the certification text. The Commission is also seeking approval to collect the applicant's Taxpayer Identification Number to comply with the Debt Collection Improvement Act of 1996.

OMB Approval Number: 3060-0012.

Title: Application for Additional Time to Construct a Radio Station.

Form No.: FCC 701.

Type of Review: Revision of an existing collection.

Respondents: Business or other for-profit.

Number of Respondents: 200.

Estimated Time Per Response: 2 hours.

Total Annual Burden: 400 hours.

Estimated Cost Per Respondent: \$70 filing fee.

Needs and Uses: FCC Form 701 is used when applying for additional time to construct a radio or satellite station. Section 308, 309, and 319 of the Communications Act are the legal authorities for the requirement. Ruleparts 21, 23, 25 and 101 promulgate the collection. In addition to the requirements in the form, applicants may be subject to other requirements. FCC 701 is used by agency staff to determine whehter ot grant the applicant's request for an additional period of time to construct a station. A space for the applicant to provide an internet address is being added to the form. The yes/no question for the drug certification has been deleted and certification to this item has been made part of the Certification text. The Commission is also seeking approval to collect the applicant's Taxpayer Identification Number to comply with the Debt Collection Improvement Act of 1996.

OMB Approval Number: 3060-0093.

Title: Application for Renewal of Radio Station License in Specified Services.

Form No.: FCC 405.

Type of Review: Revision of an existing collection.

Respondents: Business or other for-profit.

Number of Respondents: 540.

Estimated Time Per Response: 2.25 hours.

Total Annual Burden: 1,215 hours.

Estimated Cost Per Respondent: \$45 filing fee.

Needs and Uses: The FCC 405 is used by all common carriers and Multipoint Distribution Service non-common carriers to apply for renewal of radio station licenses. Section 307(c) of the Communications Act limits the term of common carrier radio licenses to ten years and requires that written applications be submitted for renewal. FCC Form 405 is required by 47 CFR Parts 5, 21, 22, 23, 25 and 101. The form is being revised to include a space for the applicants internet address. The yes/no question relating to the NEPA and drug certification has been deleted and certification to this item has been made part of the Certification text. The Commission is also seeking approval to collect the applicant's Taxpayer Identification Number to comply with the Debt Collection Improvement Act of 1996. In the near future the Commission is also going to implement electronic filing for this type of renewal as part of the "generic renewal" FCC Form 900. The burden for the 405 will be adjusted accordingly once the new electronic renewal form has been implemented and the frequency of use can be determined.

OMB Approval Number: 3060-0551.

Title: 47 CFR 76.1002 Specific unfair practices prohibited.

Type of Review: Extension of a currently approved information collection.

Respondents: Business or other for-profit.

Number of Respondents: 52 (26 petitions and 26 oppositions).

Estimated Time Per Response: 1-25 hours. We estimate the total burden in undergoing all aspects of the proceeding to be 25 hours. We estimate that 50% of entities will use outside counsel and will undergo a burden of 1 hour to coordinate information with outside counsel.

Total Annual Burden: 676 hours. (26 respondents with outside counsel x 1 hour = 26 hours. 26 respondents without outside counsel x 25 hours = 650 hours.).

Estimated Costs to Respondents: \$97,500. 26 respondents using outside

counsel at \$150 per hour = 26 x 25 hours x \$150 = \$97,500.

Needs and Uses: Section 628 of the Communications Act of 1934 directs the Commission to prescribe rules to prohibit exclusive contracts between cable operators and vertically integrated satellite cable and broadcast programming vendors, that prevent a multichannel video programming distributor from obtaining satellite cable or satellite broadcast programming for distribution to persons in areas served by a cable operator unless the Commission determines that the exclusive contract is in the public interest. Pursuant to the legislative mandate of Section 19 of the 1992 Cable Act (Section 628(c)(2)(D) of the Act), the Commission adopted a Report and Order on April 1, 1993, in MM Docket No. 92-265, which, among other things, added new Section 76.1002 to the Commission's Rules requiring any vertically integrated programmer or any cable operator seeking to execute an exclusive contract, to seek and obtain the Commission's public interest judgement before doing so by filing a "petition for exclusivity."

On April 9, 1996, the Commission released Order and Notice of Proposed Rulemaking, Cable Reform: Implementation of the Telecommunications Act of 1996 ("1996 Act"). This rulemaking amended the Commission's cable television rules pursuant to the February 8, 1996 enactment of the 1996 Act. Specifically, Section 301(j) of the 1996 Act expands the applicability of the Commission's program access provisions to include cable operators, as well as common carriers and their affiliates that provide video programming by any means directly to subscribers.

The information will be used by Commission staff to determine on a case-by-case basis whether particular exclusive contracts for cable television programming comply with the statutory public interest standard of Section 19 of the 1992 Cable Act and Section 628 of the Communications Act of 1934, as amended.

OMB Approval Number: 3060-0552.

Title: 47 CFR 76.1003 Adjudicatory proceedings.

Type of Review: Extension of a currently approved information collection.

Respondents: Business or other for-profit.

Number of Respondents: 24 (12 complainants and 12 defendants).

Estimated Time Per Response: 1-20 hours. The Commission estimates a burden of 20 hours for each entity to undergo all aspects of the program

access complaint proceeding, including preliminary notices, responses to notices, complaints, answers to complaints, and replies to answers. We estimate that 50% of entities will use outside counsel and will undergo a burden of 1 hour to coordinate information with outside counsel.

Total Annual Burden: 252 hours. (12 respondents with outside counsel x 1 hour = 12 hours. 12 respondents without outside counsel x 20 hours = 240 hours.)

Estimated Costs to Respondents: \$36,000. We estimate that entities using outside counsel will pay \$150 per hour for services. 12 respondents x 20 hours x \$150 = \$36,000.

Needs and Uses: Section 19 of the Cable Television Consumer Protection and Competition Act of 1992 (1992 Cable Act) added new Section 628 to the Communications Act of 1934 (the Act). The program access provisions of Section 628 proscribe a cable operator, a satellite cable programming vendor in which a cable operator has an attributable interest, or a satellite broadcast programming vendor from engaging in unfair practices and directs the Commission to, among other things, prescribe regulations to provide for an expedited review of any complaints made under this Section. Accordingly, the Commission adopted a Report and Order on April 1, 1993, in MM Docket No. 92-265, which added Section 76.1003 to its rules. Section 76.1003 provides that any aggrieved multichannel video programming distributor intending to file a program access complaint must first notify the potential defendant cable operator, and/or the potential defendant satellite cable programming vendor or satellite broadcast programming vendor, that it intends to file such a complaint with the Commission. If the parties cannot resolve the dispute, the complainant may file a complaint with the Commission, commencing an adjudicatory proceeding.

On April 9, 1996, the Commission released Order and Notice of Proposed Rulemaking, Cable Reform: Implementation of the Telecommunications Act of 1996. This rulemaking amended the Commission's cable television rules pursuant to the February 8, 1996 enactment of the Telecommunications Act of 1996 ("1996 Act"). Specifically, Section 301(j) of the 1996 Act expands the applicability of the Commission's program access provisions to include cable operators, as well as common carriers and their affiliates that provide video programming by any means directly to subscribers.

The information will be used by Commission staff to resolve disputes alleging unfair methods of competition and deceptive practices by a cable operator, a satellite cable programming vendor in which a cable operator has an attributable interest, or a satellite broadcast programming vendor where the purpose or effect of which is to hinder significantly or to prevent any multichannel video programming distributor from providing satellite cable programming or satellite broadcast programming to subscribers or consumers.

OMB Approval Number: 3060-0580.

Title: Section 76.504 limits on carriage of vertically integrated programming.

Form No.: N/A.

Type of Review: Extension of an existing collection.

Respondents: Business or other for-profit.

Number of Respondents: 1,500.

Estimated Time Per Response: 15 hours.

Total Annual Burden: 22,500 hours.

Cost to Respondents: \$7,500. (\$5 per respondent for photocopying and administrative expenses associated with recordkeeping.)

Needs and Uses: 47 CFR 76.504 requires cable operators to maintain records regarding the nature and extent of their attributable interests in all video programming services as well as information regarding their carriage of such vertically integrated video programming services on cable systems in which they also have an attributable interest. These records must be maintained in operators' public files for a period of 3 years. The records are to be made available to members of the public, local franchising authorities and the Commission on reasonable notice and during regular business hours. The records will be reviewed by local franchising authorities and the Commission to monitor compliance with channel occupancy limits in respective local franchise areas. In 1993, the Commission's initial estimate of the burden of complying with this information collection requirement incorrectly based the number of respondents on the number of community units in the country, instead of the number of cable operators. The number of respondents was thus estimated to be 31,000. Recent publicly available information on hand in the Commission indicates that there are currently 1,468 existing cable operators. To adjust for prospective new market entries, we therefore have used the number 1,500 in our estimate of the

number of respondents impacted by this collection.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 97-6899 Filed 3-18-97; 8:45 am]

BILLING CODE 6712-01-F

[DA 97-477; Report No. AUC 97-01]

Auction of Satellite Digital Audio Radio Service; Auction Notice and Filing Requirements For 2 DARS Licenses Scheduled for April 1, 1997

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Wireless Telecommunications Bureau announced the application procedures for the upcoming DARS auction (Auction #15) in a Public Notice dated March 6, 1997. The auction is scheduled to begin on April 1, 1997 and will consist of two nationwide licenses. The purpose and intent of the notice is to inform the general public and the four DARS applicants of the auction procedures the Commission will utilize in Auction #15 and the filing requirements to become an eligible bidder.

FOR FURTHER INFORMATION CONTACT:

Amy Zoslov, Christina Clearwater, or Ruby Hough, Wireless Telecommunications Bureau, at (202) 418-0660, or Rosalee Chiara, at (202) 418-0754, or Ron Repasi, at (202) 418-0768, of the International Bureau.

SUPPLEMENTARY INFORMATION:

1. *Auction Date:* 9 a.m., Eastern Time, April 1, 1997. The precise schedule for bidding will be announced by Public Notice prior to the start of the auction.

2. *Auction Methodology:* Simultaneous multiple round auction. Bidding will be permitted only at the FCC Auction site, 2 Massachusetts Avenue, NE., Washington, DC. (adjacent to Union Station; entrance on North Capitol Street). Telephonic bids and electronic bids from remote locations will not be accepted.

3. *Licenses to be Auctioned:* Two nationwide licenses will be auctioned in the satellite Digital Audio Radio Service ("DARS"). Licenses will authorize service on 12.5 MHz of spectrum over the continental United States located in the S-band of 2320-2354 MHz.

License No.	Spectrum authorized
EBN001	2320-2332.5 MHz
EBN002	2332.5-2345 MHz

In addition to the Supplemental Information described below, applicants must indicate to the FCC the license(s) on which they intend to bid.

4. *Closed Auction:* Participation in this auction will be limited to the following four entities: American Mobile Radio Corporation, Digital Satellite Broadcasting Corporation, Primosphere Limited Partnership, and Satellite CD Radio, Inc.

5. *Pre-Auction Deadlines:*

*Supplemental Information

5:30 p.m., ET, on the fifth day from publication of the DARS rules in the **Federal Register**. This day will be specified in a subsequent Public Notice.

*Upfront Payment of \$3 million (by Wire Transfer)

3 p.m., ET, Fri., March 28, 1997

*Auction Registration

2 p.m.-3 p.m., ET, March 31, 1997

*Mock Auction

3 p.m.-5 p.m., ET, March 31, 1997

6. *Prohibition of Collusion:* To ensure the competitiveness of the auction process, the FCC's rules prohibit all applicants from communicating with each other during the auction about bids, bidding strategies, or settlements. This prohibition begins with the filing deadline of the Supplemental Information and ends when bidders submit down payments.

7. *Telephone Contacts:*

- FCC Technical Support Hotline: (202) 414-1250
- Wireless Bureau—Auctions Division
 - Amy Zoslov: (202) 418-0660
 - Ruby Hough: (202) 418-0660
 - Christina Clearwater: (202) 418-0660
- International Bureau
 - Rosalee Chiara: (202) 418-0754
 - Ron Repasi: (202) 418-0768

8. *List of Attachments:*

- Attachment A: Federal Communications Commission DARS Licenses Auction; Auction Specific Instructions, FCC Remittance Advice, FCC Form 159
- Attachment B: FCC Remittance Advice (FCC Form 159) and Instructions for Using FCC Form 159 (Remittance Advice)

I. Introduction

9. Those wishing to participate in the DARS auction must submit certain supplemental information ("Supplemental Information") in accordance with the Commission's rules and the instructions in this Public Notice. The FCC will not issue a Bidder Information Package for this auction. All information necessary to participate in this auction will be available through

this Public Notice, subsequent Public Notices, or the Commission's Rules. See 47 CFR § 1.2101-1.2103, 1.2104(a) through (f), (h) and (i), and 25.401-25.406; Establishment of Rules and Policies for the Digital Audio Radio Satellite Service in the 2310-2360 MHz Frequency Band, *Report and Order, Memorandum Opinion and Order, and Further Notice of Proposed Rulemaking*, FCC 97-70 (released March 3, 1997) ("DARS Report and Order").

10. The Supplemental Information must be received no later than 5:30 p.m. Eastern Time on the fifth day from the publication of the DARS rules in the **Federal Register**. This date will be specified in a subsequent Public Notice. Applicants for the DARS auction must file their Supplemental Information manually pursuant to the instructions set forth in this Public Notice.

11. Applicants will be required to submit an upfront payment (in U.S. dollars) to be eligible to participate in the auction. The upfront payment shall be made by wire transfer and must be received by 3 p.m. Eastern Time on March 28, 1997, at the Mellon Bank in Pittsburgh, Pennsylvania.

12. Prospective bidders must familiarize themselves thoroughly with the procedures, terms and conditions contained in this Public Notice. The rules contained in the DARS Report and Order in IB Docket No. 95-91 and GEN Docket No. 90-357, FCC 97-70 (released March 3, 1997), this Public Notice, and subsequent Public Notices are not negotiable. Prospective bidders should review these auction documents thoroughly prior to the auction to make certain that they understand all of the provisions and are willing to be bound by all of the terms before participating in the auction.

13. The information contained in this Public Notice may be subsequently amended or supplemented by the FCC or the Wireless Telecommunications Bureau at any time. The Wireless Telecommunications Bureau will issue Public Notices to convey new or supplemental information to prospective bidders. It is the responsibility of all prospective bidders to remain fully informed regarding all FCC rules and Public Notices pertaining to this auction. FCC Public Notices and other FCC documents may be obtained for a fee by calling the FCC duplication contractor, International Transcription Services, Inc., at (202) 857-3800. Additionally, prospective bidders may retrieve some of these documents from the FCC Internet site using ftp to connect as anonymous@ftp.fcc.gov, or via the world wide web at www.fcc.gov.