

418–2120, Media Bureau, Policy Division.

**SUPPLEMENTARY INFORMATION:** In a Thirteenth Order on Reconsideration released on September 22, 1995, FCC 95–397, and published in the **Federal Register** on October 5, 1995, 60 FR 52106, the Commission adopted rules which contained information collection requirements subject to the Paperwork Reduction Act. The document stated that the rule changes requiring OMB approval would become effective upon announcement in the **Federal Register** of OMB approval. On December 15, 1995, the Office of Management and Budget (OMB) approved the information collection requirements contained in §§ 76.923(n) and (o), 76.933(a), (b), and (e) through (g), 76.934(f), and 76.960. This information collection is assigned to OMB Control No. 3060–0685.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. 2010–24158 Filed 9–24–10; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Telecommunications and Information Administration

#### 47 CFR Part 301

[Docket No. 100910444–0444–01]

RIN 0660–AA23

#### Removal of Regulations That Implement and Administer a Coupon Program for Digital-to-Analog Converter Boxes

**AGENCY:** National Telecommunications and Information Administration, U.S. Department of Commerce.

**ACTION:** Final rule.

**SUMMARY:** The National Telecommunications and Information Administration (NTIA) issues this final rule to remove its regulations to implement and administer the Digital-to-Analog Converter Box Program (Coupon Program). The regulations implemented provisions of section 3005 of the Digital Television Transition and Public Safety Act of 2005, as subsequently amended. The final coupons were issued on August 12, 2009, and expired on November 9, 2009. NTIA is removing its regulations because the Coupon Program is closed and the regulations are now obsolete.

**DATES:** This rule becomes effective on November 9, 2010.

**FOR FURTHER INFORMATION CONTACT:** Milton Brown, Deputy Chief Counsel, National Telecommunications and Information Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW., Room 4713, Washington, DC 20230; *telephone:* (202) 482–1816; *facsimile:* (202) 501–8013; or *electronic mail:* mbrown@ntia.doc.gov.

#### I. Background Information

The Digital Television Transition and Public Safety Act of 2005 (the Act), Public Law 109–171, as amended by the DTV Delay Act, Public Law 111–4, directed the Federal Communications Commission (FCC) to require full-power television stations to cease analog broadcasting and to broadcast solely digital transmissions after June 12, 2009.<sup>1</sup> The returned analog television spectrum was auctioned and proceeds were deposited into the Digital Television Transition and Public Safety Fund (the Fund).<sup>2</sup>

Section 3005 of the Act authorized NTIA to establish and implement the Coupon Program and provided that eligible U.S. households could obtain a maximum of two coupons of \$40 each to apply toward the purchase of Coupon-Eligible Converter Boxes (CECB).<sup>3</sup> Accordingly, on March 15, 2007, NTIA issued a final rule entitled, “Rules to Implement and Administer a Coupon Program for Digital-to-Analog Converter Boxes.”<sup>4</sup> The purpose of the program was to provide consumers who wished to continue receiving over-the-air broadcast programming on their analog-only televisions \$40 coupons to offset the cost of digital-to-analog converter boxes. Consumers had the option to apply by mail, over the phone, via fax, or online. Consumers had 90 days to redeem their \$40 coupon(s) at participating retailers.<sup>5</sup> The converter boxes were manufactured according to NTIA minimum technical specifications based on ATSC Guidelines A/74 and 47 CFR part 73.<sup>6</sup> Retailers were required to provide NTIA with redemption information and payment receipts related to coupons used in the purchase of CECBs, specifically tracking each serialized coupon by number with a corresponding CECB purchase. Participating retailers also were required to accept coupons for, and receive

payment resulting from, only authorized purchases made for CECBs.<sup>7</sup> The regulations required retailers to maintain sales records for one year following the sales transaction date for auditing purposes.<sup>8</sup>

NTIA subsequently amended its regulations to waive the “eligible household” requirements in the regulations for individuals residing in nursing homes, intermediate care facilities, and assisted living facilities.<sup>9</sup> NTIA also amended its regulations to permit otherwise eligible households to utilize post office boxes in applying for and receiving coupons.<sup>10</sup>

On March 31, 2009, NTIA amended the regulations to conform to the DTV Delay Act, which extended the deadline for the digital conversion and the coupon application period for an additional four months.<sup>11</sup> The amended regulations also permitted households to request replacement coupons, and gave NTIA flexibility in the manner in which it distributed coupons.<sup>12</sup>

#### II. Removal of the Regulations To Implement and Administer a Coupon Program for Digital-to-Analog Converter Boxes

Section 3005 of the Act required NTIA to issue coupons through July 31, 2009, and administer the program until the last coupon expired 90 days from issuance. The final coupons were issued on August 12, 2009, and expired on November 9, 2009. Retailers are required to maintain sales records for one year following the sales transaction date, which would be November 8, 2010. NTIA is removing its regulations because the statute no longer obligates NTIA to implement and administer the program, and after November 8, 2010, the regulations are obsolete.

#### *Administrative Procedure Act*

The Assistant Secretary for Communications and Information Administration for NTIA finds good cause under the Administrative Procedure Act, 5 U.S.C. 553(b)(B) to waive prior notice and opportunity for public comment because it is unnecessary and contrary to the public interest. This rulemaking would remove from the Code of Federal Regulations those regulations that implement provisions of section 3005 of the Act, which authorized NTIA to establish and implement a coupon program in which

<sup>1</sup> See Title III of the Deficit Reduction Act of 2005, Public Law 109–171, 120 Stat. 4, 21 (Feb. 8, 2006), amended by the DTV Delay Act, Public Law 111–4, 123 Stat. 112 (Feb. 11, 2009).

<sup>2</sup> Act at § 3004, 120 Stat. at 22.

<sup>3</sup> Act at § 3005, 120 Stat. at 23.

<sup>4</sup> 72 FR 12,097 (Mar. 15, 2007). The regulations were codified at 47 CFR part 301.

<sup>5</sup> 47 CFR 301.4(e).

<sup>6</sup> 72 FR 12,118–12,121 (Mar. 15, 2007).

<sup>7</sup> 47 CFR 301.6(b)(2)(E)–(F).

<sup>8</sup> 47 CFR 301.6(a)(5).

<sup>9</sup> 47 CFR 301.7.

<sup>10</sup> 47 CFR 301.3(a)(2); see also 73 FR 54,325, 54,333 (Sept. 19, 2008).

<sup>11</sup> 74 FR 10,686 (March 12, 2009).

<sup>12</sup> 47 CFR 301.3(e).

eligible U.S. households could obtain a maximum of two coupons of \$40 each to apply toward the purchase of CECBs. The agency is taking this action because these regulations are obsolete after November 8, 2010. The Act permitted consumers to request coupons from NTIA through July 31, 2009. The final coupons were issued on August 12, 2009, and the last issued coupon expired on November 9, 2009. NTIA has fulfilled its statutory mandate to administer the Coupon Program, and is removing the regulations as they are unnecessary. If these regulations are not removed, it may suggest that the program is still active and may cause confusion regarding the status of the program.

*Executive Order 12866*

This rule has been determined to be not significant under Executive Order 12866.

*Executive Order 13132*

This rule does not contain policies with federalism implications as that term is defined in EO 13132.

*Regulatory Flexibility Act*

As prior notice and an opportunity for public comment are not required under 5 U.S.C. 553 or any other law, the analytical requirements of the Regulatory Flexibility Act are inapplicable. Thus, no regulatory flexibility analysis is required and none has been prepared.

*Paperwork Reduction Act*

This action contains no information collection requirements. Therefore, clearance by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 is not required. The OMB collection numbers 0660-0026 and 0660-0027 associated with the regulations are discontinued effective November 9, 2010.

**Lists of Subjects in 47 CFR Part 301**

Antennas, Broadcasting, Cable television, Communications, Communications equipment, Electronic products, Telecommunications, Television.

**PART 301—[REMOVED AND RESERVED]**

■ For the reasons stated above, 47 CFR chapter III is amended by removing and reserving part 301 pursuant to authority contained in Public Law 109-171, as amended by Public Law 111-4.

Dated: September 21, 2010.  
**Lawrence E. Strickling,**  
*Assistant Secretary for Communications and Information Administration.*  
 [FR Doc. 2010-24048 Filed 9-24-10; 8:45 am]  
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**DEPARTMENT OF DEFENSE**

**Defense Acquisition Regulations System**

**48 CFR Parts 203 and 252**

**Defense Federal Acquisition Regulation Supplement; DoD Office of the Inspector General Address (DFARS Case 2010-D015)**

**AGENCY:** Defense Acquisition Regulations System; Department of Defense (DoD).  
**ACTION:** Final rule.

**SUMMARY:** DoD is issuing a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to provide the address for the agency Office of the Inspector General as referenced in FAR clause 52.203-13, Contractor Code of Business Ethics and Conduct.

**DATES:** *Effective Date:* September 27, 2010.

**FOR FURTHER INFORMATION CONTACT:** Ms. Amy Williams, Defense Acquisition Regulations System, OUSD(AT&L)DPAP(DARS), 3060 Defense Pentagon, Room 3B855, Washington, DC 20301-3060. Telephone 703-602-0328; facsimile 703-602-0350. Please cite DFARS Case 2010-D015.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

The Federal Acquisition Regulation (FAR) Case 2007-006, “Contractor Business Ethics Compliance Program and Disclosure Requirements,” was published as a final rule in the **Federal Register** on November 12, 2008, with an effective date of December 12, 2008. The contract clause entitled “Contractor Code of Business Ethics and Conduct” requires the contractor to disclose to the agency office of the Inspector General (with a copy to the contracting officer), when the contractor has credible evidence that a principal, employee, agent, or subcontractor of the contractor has committed a violation of criminal law involving fraud, conflict of interest, bribery, or gratuity violations found in title 18 U.S.C. or a violation of the civil False Claims Act. This final rule provides the address for the DoD Office of the Inspector General.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This is not a major rule under 5 U.S.C. 804.

**B. Regulatory Flexibility Act**

The Regulatory Flexibility Act does not apply to this rule. This final rule does not constitute a significant DFARS revision within the meaning of 41 U.S.C. 418b and FAR 1.501, and publication for public comment is not required. However, DoD will consider comments from small entities concerning the affected DFARS parts in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 601, *et seq.*, in correspondence.

**C. Paperwork Reduction Act**

This rule does not impose any new 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 203 and 252**

Government procurement.

**Ynette R. Shelkin,**  
*Editor, Defense Acquisition Regulations System.*

■ Therefore, 48 CFR parts 203 and 252 are amended as follows:

■ 1. The authority citation for 48 CFR parts 203 and 252 continues to read as follows:

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

**PART 203—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST**

■ 2. Section 203.1004 is amended by adding paragraph (a) to read as follows:

**203.1004 Contract clauses.**

(a) Use the clause at 252.203-7003 in solicitations and contracts that include the FAR clause 52.203-13, Contractor Code of Business Ethics and Conduct.

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**PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

■ 3. Section 252.203-7003 is added to read as follows:

**252.203-7003 Agency Office of the Inspector General.**

As prescribed in 203.1004(a), use the following clause: