

devices designed for television reception, we do not believe that small manufacturers will be adversely affected since the cost of integrating the necessary technology is *de minimis*. The written commitment regime should likewise have no significant effect on small manufacturers or importers as there is little cost involved in preparing and filing a written commitment. As to the interim procedures for approval of new content protection and recording technologies, we do not believe that small entities seeking approval will be significantly economically affected by the applicable procedures. Finally, we believe that the flexibility afforded MVPDs in how to effectuate the flag will mitigate any potential significant economic impact on smaller MVPDs.

34. *Federal Rules Which Duplicate, Overlap, or Conflict with the Commission's Proposals.* None.

35. *Report to Congress:* The Commission will send a copy of the *Report and Order and Further Notice of Proposed Rulemaking*, including this FRFA, in a report to be sent to Congress pursuant to the Congressional Review Act. In addition, the Commission will send a copy of the *Report and Order*, including this FRFA, to the Chief Counsel for Advocacy of the SBA. A copy of the *Report and Order* and FRFA (or summaries thereof) will also be published in the **Federal Register**.

List of Subjects

47 CFR Part 73

Incorporation by reference, Television.

47 CFR Part 76

Cable television, Television.

Federal Communications Commission.

Marlene H. Dortch,
Secretary.

■ For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR parts 73 and 76 as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

■ 2. Add subpart L to part 73 to read as follows:

Subpart L—Digital Broadcast Television Redistribution Control

Sec.
73.8000 Incorporation by reference.

§ 73.8000 Incorporation by reference.

(a) The materials listed in this section are incorporated by reference in this part. These incorporations by reference were approved by the Director of the **Federal Register** in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they exist on the date of the approval, and notice of any change in these materials will be published in the **Federal Register**. The materials are available for purchase at the corresponding addresses noted below, and all are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC, and at the Federal Communications Commission, 445 12th St., SW., Reference Information Center, Room CY-A257, Washington, DC 20554.

(b) The following materials are available for purchase from at least one of the following addresses: Global Engineering Documents, 15 Inverness Way East, Englewood, CO 80112 or at <http://www.global.ihs.com>; or American National Standards Institute, 25 West 43rd Street, 4th Floor, New York, NY 10036 or at <http://www.webstore.ansi.org/ansidocstore/default.asp>.

(1) ATSC A/52: "ATSC Standard Digital Audio Compression (AC-3)," 1995, IBR approved for § 73.682.

(2) ATSC Doc. A/53B, Revision B with Amendment 1: "ATSC Digital Television Standard," August 7, 2001, IBR approved for § 73.682, except for Section 5.1.2 ("Compression format constraints") of Annex A ("Video Systems Characteristics") and the phrase "see Table 3" in Section 5.1.1. Table 2 and Section 5.1.2 Table 4.

(3) ATSC A/65B: "ATSC Standard: Program and System Information Protocol for Terrestrial Broadcast and Cable (Revision B)," March 18, 2003, IBR approved for §§ 73.9000 and § 73.9001.

(4) International Standard ISO/IEC 13818-1:2000(E); "Information Technology "Generic Coding of Moving Pictures and Associated Audio Information: Systems," 2000, IBR approved for § 73.9000.

■ 3. Add subpart M to part 73 to read as follows:

Subpart M—Digital Broadcast Television Redistribution Control

Sec.
73.9000 Definitions.
73.9001 Redistribution control of digital television broadcasts.
73.9002 Sale or distribution of demodulators, covered demodulator products, and peripheral TSP products.

73.9003 Compliance requirements for covered demodulator products: Unscreened content.
73.9004 Compliance requirements for covered demodulator products: Marked content.
73.9005 Compliance requirements for covered demodulator products: Audio.
73.9006 Add-in covered demodulator products.
73.9007 Robustness requirements for covered demodulator products.
73.9008 Interim approval of authorized digital output protection technologies and authorized recording methods.
73.9009 Manufacture for exportation.

§ 73.9000 Definitions.

(a) *Authorized digital output protection technology* means a technology approved pursuant to the procedures in § 73.9008.

(b) *Authorized recording method* means a recording method approved pursuant to the procedures in § 73.9008.

(c) *Bona fide reseller* means a party regularly engaged, or about to become regularly engaged, in the lawful commercial enterprise of selling, reselling, manufacturing, or assembling demodulators, or products incorporating demodulators, in compliance with this subpart.

(d) *Broadcast flag* means the redistribution control descriptor (rc_descriptor()) described in ATSC A/65B: "Standard: Program and System Information Protocol for Terrestrial Broadcast and Cable (Revision B)," (incorporated by reference, *see* § 73.8000).

(e) *Computer product* means a product that is designed for or permits the end user to install a wide variety of commercially available software applications thereon, such as a personal computer, handheld "Personal Digital Assistant" and the like, and further includes a subsystem of such a product, such as a graphics card.

(f) *Covered demodulator product* means a product that is required under §§ 73.9002(a)(1) or 73.9002(b)(1) to comply with the demodulator compliance requirements, and to be manufactured in accordance with the demodulator robustness requirements.

(g) *Demodulator* means a component, or set of components, that is designed to perform the function of 8-VSB, 16-VSB, 64-QAM or 256-QAM demodulation and thereby produce a data stream for the purpose of digital television reception.

(h) *Demodulator compliance requirements* means the requirements set out in §§ 73.9003 through 73.9006.

(i) *Demodulator robustness requirements* means the requirements set out in § 73.9007.