review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2), 42 U.S.C. 7607(b)(2)).

It has been determined that this rule is not a ''significant regulatory action'' under the terms of Executive Order 12866 and is therefore not subject to OMB review.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Particulate matter.

Note: Incorporation by reference of the Implementation Plan for the State of Washington was approved by the Director of the Office of Federal Register on July 1, 1982.

Dated: October 2, 1995.

Chuck Clarke,

Regional Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart WW—Washington

2. Section 52.2470 is amended by adding paragraph (c) (58) to read as follows:

§ 52.2470 Identification of plan.

* * * * *

(c) * * *

(58) On February 21, 1995 and May 11, 1994, WDOE submitted to EPA revisions to the Washington SIP addressing the contingency measures for the Seattle and Kent PM–10 nonattainment plans.

(i) Incorporation by reference.

(A) February 21, 1995 letter from the Washington Department of Ecology to EPA Region 10 submitting PSAPCA Section 13.07—Contingency Plan, adopted December 8, 1994, as a revision to the Seattle PM–10 attainment plan and the Washington SIP.

(B) May 11, 1994 letter from WDOE to EPA Region 10 submitting clarifying documentation to the contingency measure for Kent Valley PM–10 attainment plan.

[FR Doc. 95–26592 Filed 10–25–95; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 7169

[OR–943–1430–01; GP5–134; OR–51332]

Withdrawal of National Forest System Land for Wocus Point; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws 86.85 acres of National Forest System land in the Winema National Forest from mining for a period of 20 years for the Department of Agriculture, Forest Service, to protect the cultural resource sites at Wocus Point. The land has been and will remain open to such forms of disposition as may by law be made of National Forest System land and to mineral leasing.

EFFECTIVE DATE: October 26, 1995.

FOR FURTHER INFORMATION CONTACT: Betty McCarthy, BLM Oregon/Washington State Office, P.O. Box 2965, Portland, Oregon 97208–2965, 503–952–6155.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

1. Subject to valid existing rights, the following described National Forest System land is hereby withdrawn from location and entry under the United States mining laws (30 U.S.C. Ch. 2 (1988)), but not from leasing under the mineral leasing laws, to protect the cultural resource sites at Wocus Point:

Willamette Meridian

Winema National Forest

T. 31 S., R. 9 E.,

Sec. 30, lots 2 and 3, and N½NE¼SW¼.

The area described contains 86.85 acres in Klamath County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the National Forest System land under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. This withdrawal will expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f) (1988), the Secretary determines that the withdrawal shall be extended.

Dated: October 16, 1995.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 95–26607 Filed 10–25–95; 8:45 am]

BILLING CODE 4310–33–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 68

[CC Docket No. 79–143]

Connection of Terminal Equipment to the Telephone Network

AGENCY: Federal Communications Commission.

ACTION: Correcting amendments.

SUMMARY: This document contains typographical corrections to final regulations which were published March 31, 1980 (45 FR 20830). The regulations relate to conditions, to registration of terminal equipment, regarding hazardous voltage limitations.

EFFECTIVE DATE: November 27, 1995.

FOR FURTHER INFORMATION CONTACT: Elizabeth Nightingale, (202) 418–2352, Network Services Division, Common Carrier Bureau.

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of these corrections concern conditions, to registration of terminal equipment under Part 68, regarding hazardous voltage limitations under § 68.306(a).

Need for Correction

As published, the final regulations contain errors which may prove to be misleading and are in need of clarification.

List of Subjects in 47 CFR Part 68

Communications common carriers, Telecommunications.

Accordingly, 47 CFR Part 68 is corrected by making the following correcting amendments:

PART 68—CONNECTION OF TERMINAL EQUIPMENT TO THE TELEPHONE NETWORK

1. The authority citation for 47 CFR Part 68, Subpart D, continues to read as follows:

Authority: Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082 (47 U.S.C. 154, 155, 303).

§ 68.306 [Corrected]

2. In § 68.306, paragraph (a)(4) is amended by removing the designations

for (i), (ii), (iii), and (iv) each place they appear.

3. In § 68.306, paragraph (a)(5) is amended by removing the designations for (i), (ii), and (iii) each place they appear.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 95–25247 Filed 10–25–95; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 76

[MM Docket Nos. 92–266, 93–215, FCC 95–343]

Rates for Cable Programming Service Tiers; External Costs

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This Twelfth Order on Reconsideration (''The Order'') amends the Commission's rules to eliminate the requirement that cable operators, when adding home shopping channels to cable programming service tiers, offset the per channel mark up with revenues received as sales commissions from such home shopping channels.

EFFECTIVE DATE: February 23, 1996.

FOR FURTHER INFORMATION CONTACT: Paul Glenchur, Cable Services Bureau, (202) 416–1150.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Twelfth Order on Reconsideration in MM Docket Nos. 92–266 and 93–215, FCC 95–343, adopted August 7, 1995 and released August 8, 1995. The complete text of this document is available for inspection and copying during normal business hours in the FCC Reference Center, 1919 M St. NW., Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Service (ITS) at 2100 M St. NW., Washington, DC 20037, (202) 857–3800.

I. Introduction

1. In the Sixth Order on Reconsideration, Fifth Report and Order, and Seventh Notice of Proposed Rulemaking (''Going Forward Order''), 59 FR 62614 (December 6, 1994), the Commission adopted rules providing incentives for cable operators to add new channels to their cable programming service tiers. Those rules allow operators a per channel mark up of up to 20 cents. With respect to home shopping channels, however, operators are required to offset this mark up with sales commission revenues received from such channels. Several programming entities, including Home Shopping Network, Inc. (''HSN'') and QVC, Inc. (''QVC''), filed petitions for reconsideration of the sales commission offset requirement. In this Twelfth Order on Reconsideration, the Commission grants these petitions for reconsideration and eliminates the home shopping offset requirement.

II. Elimination of Offsets

A. Background

2. Generally, an operator will pay a licensing fee to a programmer for the right to carry that programmer's service. This licensing fee, or program cost, is part of the overall cost that a programmer can recover as an ''external cost'' when rates are adjusted to account for the addition of a program service to an operator's channel lineup. In an effort to ensure that an operator's program cost reflects the actual cost of carrying a program service, the Commission, in the Report and Order and Further Notice of Proposed Rulemaking, 58 FR 29736 (May 21, 1993), required that revenues received from a programmer, or shared by a programmer with an operator, be netted against programming costs when calculating net programming costs that can be recovered through regulated rates.

3. In the Going Forward Order, the Commission established new rules governing the amount by which an operator can mark up its rates in addition to license fees to account for the addition of new channels to its CPST. These rules establish a mark up per channel of up to 20 cents subject to an overall cap of $1.20 for the first two years. Moreover, in that Order, the Commission applied the revenue offsetting requirement to the per channel mark up for channels added to Cable Programming Service Tiers (''CPSTs''). Specifically, the Going Forward Order provided that revenues received from programmers must be deducted from programming costs and, to the extent revenues remain, from the operator's mark up. Offsetting applies on a channel-by-channel basis. In addition, the Going Forward Order reaffirmed that commissions received by an operator from programmers will be treated as revenues received from programmers. Thus, commissions received by operators must first be netted against programming costs. Remaining commission revenues must be deducted from the per channel adjustment.

B. Petitions for Reconsideration

4. A number of parties filed petitions for reconsideration in response to the Going Forward Order. Home shopping entities such as QVC, Inc. and Home Shopping Network, Inc. contend that requiring operators to offset the operator's mark up with sales commissions discriminates against home shopping services. They argue that other programming networks offer advertising availabilities to operators and the value represented by such advertising availabilities is not offset against programming costs or the channel adjustment. In their view, this establishes a regulatory disincentive to add home shopping while encouraging the addition of traditional programming. Moreover, QVC contends that mark ups for channels added to the CPST reflect ''network costs'' which, unlike programming costs, are not as susceptible to manipulation or artificial inflation. Consequently, QVC argues, a primary purpose for restricting external cost recovery to net operator cost is absent in the case of network cost recovery embodied in the operator's mark up. HSN and Jones Infomercial Network further contend that the regulatory complexity and burdens associated with the accounting and offset of commission revenues discourage operators from adding home shopping channels. Furthermore, Petitioner Black Entertainment Television (''BET'') argues that the elimination of the offset for sales commission revenues could benefit subscribers by allowing sales commission revenues to cover some of its channel's operating costs. In turn, BET asserts, operators would be less inclined to raise subscriber rates for the service. BET also contends that the offset rule discourages operators from carrying niche programming that may contain both a traditional programming component and a shopping service.

5. Several parties, in response to petitions for reconsideration, have urged the Commission to retain the offset requirement for home shopping revenues. The Arts and Entertainment Network favors retention of the offset requirement. It argues that direct cash payments to operators in the form of commissions encourage operators to base programming choices on financial incentives offered by home shopping services rather than on the quality of a channel's programming. Lifetime TV argues that the offset requirement is needed to enable non-shopping networks to compete for limited channel space on cable systems. According to Lifetime, traditional program networks