

commissions must be applied as an offset against program costs. We remain concerned that a programmer's definition of program cost can be manipulated to raise such costs artificially. Accordingly, we limit the scope of this Order to the revenue offset requirement for home shopping sales commissions as it applies to the per channel mark up only.

III. Regulatory Flexibility Act Analysis

12. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 601-12, the Commission's final analysis with respect to the Twelfth Order on Reconsideration is as follows:

13. *Need for and purpose of this action.* The Commission, in compliance with section 3 of the Cable Television Consumer Protection and Competition Act of 1992, 47 U.S.C. 543 (1992), pertaining to rate regulation, adopts revised rules intended to ensure that cable services are offered at reasonable rates with minimum regulatory and administrative burdens on cable entities.

14. *Summary of issues raised by the public in response to the Initial Regulatory Flexibility Analysis.* Comments were filed in response to the Initial Regulatory Flexibility Analysis. HSN and Jones Informercial Network explain that operators face significantly less complexity when deciding to carry traditional advertiser-supported channels rather than home shopping services. They argue that advertising availabilities represent value to operators and that such value, unlike shopping commission revenue, need not be offset against the channel adjustment mark up, rendering less burdensome the addition of non-shopping channels.

15. *Significant alternatives considered and rejected.* In the course of this proceeding, home shopping channels and other programming entities submitted requests to delete shopping commission revenue from the offset rule. This was the only proposal advanced by petitioners and the only alternative to current rules considered in connection with this specific action. In this Order, the Commission is providing relief to certain programmers seeking the elimination of regulatory burdens associated with the carriage of their channels.

IV. Paperwork Reduction Act

16. The requirements adopted herein have been analyzed with respect to the Paperwork Reduction Act of 1980 and have been found to impose new or modified information collection requirements on the public. Implementation of any new or modified

requirement will be subject to approval by the Office of Management and Budget as prescribed by the Act.

V. Ordering Clauses

17. Accordingly, *it is ordered* that, pursuant to sections 4(i), 4(j), 303(r), 612 and 623 of the Communications Act of 1934, as amended, 47 U.S.C. sections 154(i), 154(j), 303(r), 532, 542(c) and 543, the rules, requirements and policies discussed in this Order are adopted and part 76 of the Commission's rules, 47 CFR part 76, is amended as set forth below.

18. *It is further ordered* that the petitions for reconsideration filed by QVC, Inc. and Home Shopping Network, Inc. are granted consistent with this Order. The Petition for Reconsideration filed by the West Michigan Communities is denied.

19. *It is further ordered* that the regulations established in this Order shall become effective February 23, 1996.

Federal Communications Commission.  
William F. Caton,  
*Acting Secretary.*

Amendatory Text

Title 47, Part 76 of the Code of Federal Regulations is amended as follows:

**PART 76—CABLE TELEVISION SERVICE**

1. The authority citation for part 76 continues to read as follows:

Authority: 47 U.S.C. 543(c).

2. Section 76.922 is amended by revising paragraph (e)(3)(ii) to read as follows:

**§ 76.922 Rates for the basic service tier and cable programming services tiers.**

\* \* \* \* \*

(e) \* \* \*

(3) \* \* \*

(ii) *Per Channel Adjustment.*

Operators may increase rates by a per channel adjustment of up to 20 cents per subscriber per month, exclusive of programming costs, for each channel added to a CPST between May 15, 1994, and December 31, 1997, except that an operator may take the per channel adjustment only for channel additions that result in an increase in the highest number of channels offered on all CPSTs as compared to May 14, 1994, and each date thereafter. Any revenues received from a programmer, or shared by a programmer and an operator in connection with the addition of a channel to a CPST shall first be deducted from programming costs for that channel pursuant to paragraph

(d)(3)(x) of this section and then, to the extent revenues received from the programmer are greater than the programming costs, shall be deducted from the per channel adjustment. This deduction will apply on a channel by channel basis. With respect to the per channel adjustment only, this deduction shall not apply to revenues received by an operator from a programmer as commissions on sales of products or services offered through home shopping services.

\* \* \* \* \*

[FR Doc. 95-26526 Filed 10-25-95; 8:45 am]

BILLING CODE 6712-01-M

**DEPARTMENT OF DEFENSE**

**GENERAL SERVICES ADMINISTRATION**

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

**48 CFR Parts 11, 12, and 52**

[FAC 90-32 Correction]

**Federal Acquisition Regulation; Corrections**

**AGENCIES:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Corrections.

**SUMMARY:** The Federal Acquisition Regulatory Council is issuing corrections to Federal Acquisition Circular 90-32, FAR Case 94-790, Acquisition of Commercial Items, published at 60 FR 48206, September 18, 1995.

**DATES:** Effective Date: October 1, 1995.

**FOR FURTHER INFORMATION CONTACT:** FAR Secretariat, Room 4037, GS Building, Washington, DC 20405, (202) 501-4755. Please cite correction to FAC 90-32.

Corrections

**PART 11—DESCRIBING AGENCY NEEDS**

1. On page 48238, in the center column, following the table of contents, the authority citation for Part 11 should read as follows:

Authority: 40 U.S.C. 486 (c); 10 U.S.C. Chapter 137; 42 U.S.C. 2473 (c).

**PART 12—ACQUISITION OF COMMERCIAL ITEMS**

**12.303 [Corrected]**

2. In 12.303 on page 48244, in the third column, in paragraphs (b)(2)

through (b)(5) "Block 16B", "Block 18", "Block 19", and "Block 24" should read "Block 18B", "Block 19", "Block 20", and "Block 25", respectively.

## **PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

### **52.212-3 [Corrected]**

3. In 52.212-3 on page 48252, in the center column, under the definition of *Women-owned small business concern*, paragraphs (a) and (b) should be correctly designated as (1) and (2).

Dated: October 19, 1995.

Edward C. Loeb,

*Deputy Project Manager for the Implementation of the Federal Acquisition Streamlining Act of 1994.*

[FR Doc. 95-26488 Filed 10-25-95; 8:45 am]

BILLING CODE 6820-EP-M

## **DEPARTMENT OF COMMERCE**

### **National Oceanic and Atmospheric Administration**

#### **50 CFR Part 301**

[Docket No. 950106003; I.D. 102095A]

#### **Pacific Halibut Fisheries; Close Area 2A to Non-treaty Commercial Fishing**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Inseason action.

**SUMMARY:** The Assistant Administrator for Fisheries, NOAA, on behalf of the International Pacific Halibut Commission (IPHC), publishes this inseason action pursuant to IPHC regulations approved by the U.S. Government to govern the Pacific halibut fishery. This action is intended to enhance the conservation of the Pacific halibut stock.

**EFFECTIVE DATE:** 6 p.m., local time, September 26, 1995 through December 31, 1995.

**FOR FURTHER INFORMATION CONTACT:** Steven Pennoyer, 907-586-7221; William W. Stelle, Jr., 206-526-6140; or Donald McCaughran, 206-634-1838.

**SUPPLEMENTARY INFORMATION:** The IPHC, under the Convention between the

United States of America and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea (signed at Ottawa, Ontario, on March 2, 1953), as amended by a Protocol Amending the Convention (signed at Washington, DC, on March 29, 1979), has issued this inseason action pursuant to IPHC regulations governing the Pacific halibut fishery. The regulations have been approved by NMFS (60 FR 14651, March 20, 1995). On behalf of the IPHC, this inseason action is published in the Federal Register to provide additional notice of its effectiveness, and to inform persons subject to the inseason action of the restrictions and requirements established therein.

#### **Inseason Action**

##### *1995 Halibut Landing Report No. 16*

#### **Area 2A Non-treaty Commercial Halibut Fishery Closed**

The IPHC estimates that the Area 2A catch limit of 105,000 lb (47.62 metric tons (mt)) was reached after the September 26 fishing period. This catch limit includes approximately 14,000 lb (6.35 mt) that was "rolled-over" from the incidental commercial catch of halibut allocated to the salmon troll fishery. Therefore, Area 2A is closed to commercial halibut fishing for the remainder of 1995.

Dated: October 23, 1995.

Richard W. Surdi,

*Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.*

[FR Doc. 95-26619 Filed 10-25-95; 8:45 am]

BILLING CODE 3510-22-F

#### **50 CFR Part 672**

[Docket No. 950206041-5041-01; I.D. 102395B]

#### **Groundfish of the Gulf of Alaska; Trawl Gear Directed Fishery for Groundfish**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Closure.

**SUMMARY:** NMFS is closing the directed fishery for groundfish by vessels using

trawl gear in the Gulf of Alaska (GOA), except for directed fishing for pollock by vessels using pelagic trawl gear in those portions of the GOA that remain open to directed fishing for pollock. This action is necessary because the 1995 Pacific halibut prohibited species catch (PSC) limit for trawl gear in the GOA has been caught.

**EFFECTIVE DATE:** 12 noon, Alaska local time (A.l.t.), October 23, 1995, until 12 midnight, A.l.t., December 31, 1995.

**FOR FURTHER INFORMATION CONTACT:** Thomas Pearson, 907-486-6919.

**SUPPLEMENTARY INFORMATION:** The groundfish fishery in the GOA exclusive economic zone is managed by NMFS according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 672.

The Final 1995 Harvest Specifications of Groundfish for the GOA (60 FR 8470, February 14, 1995) established the 1995 Pacific halibut PSC limit for vessels using trawl gear at 2,000 metric tons (mt). The Director, Alaska Region, NMFS, has determined, in accordance with § 672.20(f)(3)(i), that vessels engaged in directed fishing for groundfish with trawl gear in the GOA have caught the 1995 Pacific halibut PSC limit. Therefore, NMFS is closing the directed fishery for groundfish by vessels using trawl gear in the GOA, except for directed fishing for pollock by vessels using pelagic trawl gear in those portions of the GOA that remain open to directed fishing for pollock.

#### **Classification**

This action is taken under 50 CFR 672.20 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: October 23, 1995.

Richard W. Surdi,

*Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.*

[FR Doc. 95-26641 Filed 10-23-95; 3:51 pm]

BILLING CODE 3510-22-F