informational programming on any station-to-FCC reports or applications requiring such tallies. They stated that while (and here we paraphrase) "off-hours" informational programming may not qualify as satisfactory programming proposals or performance as traditionally reported for full-bodied telecasts of news, public affairs or other non-entertainment programs, *some* credit should be given for such programming and no flat ban should be adopted on reporting.

14. We are persuaded to allow such informational programming to be included in tallies for the "Midnight to 6 A.M." portion of the Annual Programming Report, (FCC Form 303–A) and on such application reporting as may pertain. In Form 303–A, such programming, where informational, would also be described in the required "brief description" of programs that must be submitted with the 303–A filing. Therefore, the rule, as shown in Appendix B herein, will allow such news, public affairs and other non-entertainment presentations to be tallied in program reports.

15. Lastly, several proposals were made to remove commercial limitation restrictions during these "off-hours" programs with the argument that special commercial deals and production techniques should be allowed to support such programs. Since the Notice of Proposed Rulemaking did not contemplate a departure from our established precedents pertaining to commercial content on TV stations, we will expect licensees to conform to all applicable FCC policies and requirements pertaining thereto. However, we recognize that there are commercially related factors that could bear additional scrutiny. In the future proceeding, described in paragraph 11 above, we will ask for comments regarding the need for special commercial plans that might encourage more licensees to create and to experiment in these new presentation techniques if there existed the possibility of recapturing the additional operational expenses via expanded commercial programming. In addition, there are possibly new, undocumented programming ideas that could develop into programming fare (and a resultant programming service to the public), in which the programming *is* commercial in nature (such as a presentation of classified advertising). These matters are beyond the scope of this proceeding, but will be part of the future notice seeking comments on a broad range of future possibilities.

16. Thus, we shall adopt the rule amendments shown in Appendix B for the reasons and conclusions discussed above and terminate this proceeding by Report and Order.

17. Authority for adoption of the amendments contained in Appendix B hereto is set forth in Sections 4(i), and 303 (j) and (r) of the Communications Act of 1934, as amended.

18. Accordingly, it is ordered, That effective October 27, 1980, Part 73 of the Commission's Rules IS AMENDED as set forth in Appendix B.

19. It is further ordered, That this proceeding IS TERMINATED.

20. For further information concerning this proceeding, contact Steve Crane, Philip Cross, or John Reiser, Broadcast Bureau, Policy and Rules Division, (202) 653–7275.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission,

William J. Tricarico,

Secretary.

Attachment: Appendices A and B.

Appendix A

1. American Broadcasting Companies, Inc.
2. KUTV, Inc.
3. Midwest Radio-Television, Inc.
4. National Association of Broadcasters
5. Pennsylvania State University
6. Scripps-Howard Broadcasting Co.
7. Washington State University
8. WTMJ, Inc.
9. Joint Comments:
   Buford Television, Inc. of Lufkin (Texas)
   Buford Television of Ohio, Inc.
   Buford Television of Tyler (Texas)
   Continental Urban Television Corp.
   Forward Communications Corp.
   Forward Communications of Texas, Inc.
   Forward of Illinois, Inc.
   Forward Tele-Production, Inc.
   Guaranty Broadcasting Corp.
   John H. Phipps Broadcasting Stations, Inc.
   May Broadcasting Co.
   Plains Television Corp.
   Shamrock Broadcasting Company, Inc.
   Southern Television Corporation
   Spanish International Communications Corp.
   Studio Broadcasting System, Division of Highwood Service, Inc.
   Summit Radio Corp.
   Weigel Broadcasting Co.
   Wilson Communications, Inc.
   Winnebago Television Corp.
   WKRG–TV, Inc.
10. Joint Comments:
   Channel Five Television
   Cosmos Broadcasting Corp.
   Cox Broadcasting Corp.
11. Associated Press

Appendix B

1. In § 73.653, paragraphs (a) and (b) are amended and (b)(1), (b)(2), (b)(3) and (c) are added to read as follows:

§ 73.653 Operation of TV aural and visual transmitters.

(a) During the operating hours of a TV station, between its regularly scheduled sign-on and sign-off times, the aural and visual transmitters shall not be operated separately, or to present different or unrelated program material, except in the following cases:

(1) Emergency fills due to either visual or aural equipment failures leaving the licensee with only the audio or video programming to announce the equipment failures to the audience;

(2) For equipment tests or experimentation pursuant to § 73.1510 (Experimental authorizations) and § 73.1520 (Operation for tests and maintenance).

(b) During the normal non-operating hours of a TV station between sign-off of one broadcast day and sign-on of the next but, in any event, no earlier than 12 Midnight nor later than 6 A.M., the aural and visual transmitters shall, if the licensee chooses to broadcast, be operated as follows:

(1) As described in paragraphs (a) (1) and (2) of this section, or

(2) Separately, with either (i) no aural transmissions, or (ii) aural transmissions of non-related, different program material.

(3) All rules and all policies of the FCC apply to the operation of stations presenting programs described in this paragraph (b) of this section.

(c) Stations signing on after 6 A.M. may present visual transmissions of a test pattern, still pictures or slides, with aural transmission consisting of a single tone, or series of variable tones, a presentation of the upcoming program schedule, aural news broadcasts, or music. This type program material shall not exceed 15 minutes immediately prior to the start of the station's scheduled sign-on.

[FR Doc. 80–29778 Filed 9–25–80; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 90

[RM–3505; FCC 80–512]

Private Land Mobile Radio Service; Amending Rules Concerning the Special Industrial Radio Service and Application Filing and Licensing Processes

AGENCY: Federal Communications Commission.

ACTION: Final rule (Order).

SUMMARY: This order grants in part and denys in part a petition for rulemaking filed by the Special Industrial Radio Service Association which requested

amendment of Part 90—Private Land Mobile Radio Service of the Commissions rules to clarify existing operating policy and rules.

EFFECTIVE DATE: October 10, 1980.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Gay Ludington, Private Radio Bureau (202) 632-6497.

Adopted: September 10, 1980.

Released: September 19, 1980.

1. The Special Industrial Radio Service Association (SIRSA) has filed a petition for rulemaking (Petition) requesting clarifying amendments of the Commission's Rules relating to the Special Industrial and other radio services with respect to application and licensing procedures. During the public notice period (November 1 through 30, 1979) comments on SIRSA's request were received from Forest Industries Telecommunications (FIT) and the Association of American Railroads (AAR). The petition seeks changes in the following areas:

A. Amendment of several Rule sections to specify that prior interservice frequency coordination is required for the use of frequencies shared with other radio services, including the Motion Picture Radio Service.

B. Amendment of the Rules to specify the particular frequencies which are available in the Special Industrial Radio Service for general use (i.e., those which may be assigned for either permanent or itinerant operation).

C. Amendment of the Rules to clarify that the frequencies 152.465 MHz and 157.725 MHz are available for permanent use.

D. Amendment of Rules to clarify certain procedures concerning discontinuance of station operations; application filing and processing; application for operations at temporary locations; and the scope of grants of special temporary authority.

2. FIT and AAR supported many of the amendments SIRSA requested regarding license and filing requirements. In addition, FIT supported SIRSA's proposal to require interservice frequency coordination for the six frequencies shared between the Special Industrial Radio Service and the Motion Picture Radio Service.

3. We have considered SIRSA's requests and the comments carefully and we think it is in the public interest to adopt some but not all of SIRSA's suggestions. The specific points and the reasons for our decision are set out below.

Interservice Frequency Coordination

4. SIRSA requests clarification of our Rules to state that it is the Commission's practice to require evidence of interservice frequency coordination from applicants who wish to use frequencies shared with other services. We have considered SIRSA's request, but since the coordination requirements of Rule § 90.175 already provide that applicants must submit either a statement from a frequency coordinating committee or a field study indicating the degree of probable interference to all existing co-channel stations within 75 miles of the proposed station, together with a statement that all such co-channel licensees have been notified of the applicant's intention to apply, we feel the language SIRSA requests is unnecessary. We therefore decline to amend the rule on this point.

Motion Picture Radio Service

5. SIRSA further requests that the Commission require interservice frequency coordination of applicants for the six frequencies shared between the Special Industrial Radio Service and the Motion Picture Radio Service. In support, SIRSA argues this is necessary to ascertain that proper records and mileage separation between base stations are maintained. We have considered SIRSA's request but we do not believe it would serve the public interest to eliminate for such applicants the option of the field survey since it has been our experience that the majority of applicants in this service choose this method of frequency of coordination. If an applicant wishes to use the services provided by a frequency coordinator, the applicant is free to do so, but we will not require it. Furthermore, applications for shared frequencies which are supported by field surveys are routinely made available to the coordinator groups of the shared frequency for comment, so this approach in no way affects SIRSA's ability to maintain its records.

"General Use" Limitation for Certain Frequencies

6. SIRSA requests that the Commission further clarify its rules so as to identify more clearly those frequencies which are available for general use. We think this request has merit and §90.79(d) will be amended accordingly. When we recodified Parts 89, 91 and 93 into a single Part 90, our intent was to simplify and combine those rule parts without making major substantive changes.[1] Because elimination in that proceeding of the "general reference" column has generated some confusion in this service, we are restoring the designation as to which frequencies are for general (that is, either permanent or itinerant) use as SIRSA asks. In so doing, we point out that just as the previous elimination of the category was not meant to have any substantive impact, neither is its restoration.

"Permanent Use" of 152.465 and 157.725 MHz

7. SIRSA also requests that we clarify in the rules that the two frequencies 152.465 and 157.725 MHz, which are shared among Special Industrial, Forest Products, and Taxicab Radio Services, are "permanent use only" frequencies. It states that this codifies existing practice and would assist the public if we made this point clear. We have considered SIRSA's request and because the language which SIRSA requests does codify existing practice, we believe that implementation of the request serves the public interest. We are therefore adopting the clarification set out in the attached Appendix.

Amendment of Other Rules Affecting Application and Licensing Procedures Generally

8. Another request SIRSA makes is addition of a new subparagraph to Rule §90.127 stating that: 1) Persons holding expired authorizations have no authority to operate in the absence of a timely filed application for renewal; and 2) the Commission will purge expired authorizations from its files 180 days after the expiration date of the authorization. We have considered SIRSA's requests; however, we feel that §§90.127(b) and 90.149 read together lead to the same conclusion, and that this added language is extraneous. First it is clear from our present rules that anyone holding an expired authorization has absolutely no authority to operate, absent a timely filed application for renewal. The rule is straight forward and we see no need to amend it. Second, based on present available resources, we cannot implement a purging system with the time constraints which SIRSA suggests.[2] Therefore, we do not adopt either of these suggestions.

Temporary Location Authorizations

9. SIRSA also requests refinement of §90.137(a)(2) of the Rules to require applicants who desire an authorization to operate at a temporary location, and

[1] See *Report and Order* in Docket 21348, released November 16, 1978, 43 FR 54788.

[2] At some time, however, the Commission intends to implement a purging system. When this occurs requests for re-instatement will be treated as new applications.

who describe their area of operation by a "geographic area," [3] to specify the area of operation more particularly (e.g., by a radius of operation in miles). It states that this does not create any burden on the applicant, since he already has this information, and it will aid in discovering and minimizing co-channel and adjacent channel interference, thereby benefiting coordinators and the public. We agree with SIRSA and find this procedural change serves the public interest and does not impose any additional burden on applicants or licensees. Therefore we are adopting the language that SIRSA suggests.

10. As an adjunct to the above proposal, SIRSA requests we "clarify" §90.73(d)(2) to substitute language which would require that stations which propose to employ permanent use frequencies must specify an area of operation not greater than 75 miles from a "fixed station location." Presently, applicants for permanent use frequencies may specify an area of operation within 75 miles of a "specified reference point," not a specified "fixed station location" as SIRSA proposes. The reference point normally specified is usually the applicant's place of business, and may or may not be the fixed base station location. Therefore, we believe the rule is adequate as it is, and that SIRSA's proposed revision would be too restrictive. We decline therefore to adopt it.

Technical Information

11. SIRSA also requests we add a new subparagraph (4) to Rule § 90.139 to require that if the "technical information in the frequency recommendation letter does not conform to the data in the application" for the license, that the application will be returned to the applicant. We agree that the recommendation should match the application, but we do not believe that it is necessary or in the public interest to return applications for small technical insufficiencies that can be corrected quickly and efficiently by other means, such as contacting the applicant, granting the license in part or relying on known technical facts. Our present procedures for dealing with inconsistencies are adequate, we believe, and we are declining to adopt the more restrictive procedure which SIRSA proposes.

Special Temporary Authorizations

12. SIRSA wishes rewording of § 90.145 to emphasize that "the grant of a Special Temporary Authorization does not bind the Commission to act favorably on a subsequent or pending application for regular authorization. The very nature of an STA is that it is temporary and we think the present language in the Act and in our Rules is clear on this point.[4] We are, therefore, declining to adopt the language SIRSA proposes.

Discontinuance of Station Operation

13. Last, SIRSA recommends a final sentence be added to § 90.157 which would provide "if a station has not been operated for a period of one year or more, the previously granted authorization becomes immediately invalid and radio operations may not be reinstated through the facility until a new license has been issued." Section 90.157 presently states that if a station discontinues operating for a year it is considered permanently discontinued, and the license should be submitted for cancellation. This provides adequate treatment of this situation without unduly restricting our ability, for good cause, to reinstate an authorization when we find it will serve the public interest. We are therefore declining to grant this request.

Conclusion

14. For the reasons discussed, we believe that the changes which we are adopting serve the public interest and benefit the radio user by clarifying existing rules and policies. The changes made by this Order are procedural or clarifying in nature only, and therefore need not follow the public notice and comment procedure requirements set out in Section 553 of the Administrative Procedure Act (5 U.S.C. 553). Accordingly, IT IS ORDERED, effective October 10, 1980, that Part 90 of the Rules IS AMENDED as shown in the Appendix attached hereto. The authority for this action is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and in §§ 0.231(d), 0.331(a)(1) and 1.407 of the Commission's Rules. It is Further Ordered, that this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

1. Section 90.73(c) table is amended and (d)(34) is added to read as follows:

§ 90.73 Special Industrial Radio Service

* * * * *

(c) *Frequencies available.* * * *

Special Industrial Radio Service Frequency Table

Frequency of band	Class of station(s)	Limitations
Kilohertz:		
2292	Base or Mobile	1, 34
2398	do	1, 34
4637.5	do	1, 34
Megahertz:		
* * * * *		
30.62	do	2
30.64	do	34
31.28	do	34
31.32	do	29, 34
31.36	do	34
31.40	do	29, 34
31.44	do	29, 34
31.48	do	29, 31, 34
31.52	do	29, 31, 34
31.56	do	34
31.60	do	29, 34
31.64	do	29, 31, 34
31.68	do	34
31.72	do	29, 31, 34
31.76	do	29, 31, 34
31.80	do	34
31.84	do	34
31.88	do	34
31.92	do	34
31.96	do	34
33.12	Mobile	3, 34
35.28	Base or Mobile	34
35.32	do	34
35.36	do	34
35.40	do	34
35.44	do	34
35.48	do	29, 34
35.52	do	34
35.74	do	2
* * * * *		
35.86	do	2
43.02	do	31, 34
43.04	do	4
43.06	do	34
43.08	do	34
43.10	do	34
43.12	do	34
43.14	do	34
43.18	do	2, 34
43.28	do	31, 34
43.32	do	34
43.36	do	31; 34
43.40	do	31, 34
43.44	do	34
43.48	do	34
43.52	do	31, 34
47.44	do	2
* * * * *		
47.68	do	2
49.52	do	34
49.54	do	5, 34
49.56	do	2
49.58	do	5, 34
72–76	Operational-Fixed	6
* * * * *		
151.595	Base or Mobile	2
152.465	do	2, 28, 34
152.48	do	2, 9
152.870	do	10, 34
152.885	do	2
* * * * *		
154.625	Base or Mobile	2, 9
157.725	do	2, 28
157.74	do	2, 9
* * * * *		

(d) * * *

[3] "Geographic area" may presently be specified as a city, a county or counties, a state or states, or other definable geographic area. *See* 47 CFR 90.137(a) (2).

[4] *See* Section 309(c)(2) (C) and (G) of the Communications Act of 1934, as amended, 47 U.S.C. 309(c)(2) (C) and (G). See also Section 1.935, *Application for special temporary authorization or interim amateur permit*, and Section 90.145, *Special Temporary Authority*.

(34) This frequency is for general use and may be assigned either for itinerant or permanent use operations.

2. Section 90.137 is amended by adding new language in paragraph (a)(2) to read as follows:

§ 90.137 Applications for operations at temporary locations.

(a) * * *

(2) The application must specify the general geographic area within which the operation will be confined. The area may be specified as a city, a county or counties, a state or states, or other definable geographic area such as a specified radius in miles of a particular city or known geographic site.

* * * * *

[FR Doc. 80-29795 Filed 9-25-80; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 32

National Wildlife Refuges in Alabama, and Arkansas; Hunting

AGENCY: Fish and Wildlife Service.

ACTION: Special regulations.

SUMMARY: The Director has determined that the opening to hunting of certain national wildlife refuges in Alabama and Arkansas is compatible with the objectives for which the areas were established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public. In addition, managed big game hunts are designed to keep population levels compatible with habitat capabilities. This document establishes special regulations effective for the upcoming hunting seasons for certain upland game and big game species.

DATES: Period covered—October 1, 1980 to May 30, 1981.

FOR FURTHER INFORMATION CONTACT:

The Area Manager or appropriate refuge manager at the address or telephone number listed below:

Gary L. Hickman, Area Manager, 200 E. Pascagoula St., Suite 300, Jackson, Mississippi 39201, Telephone (601) 960-4900

Tom Atkeson, Refuge Manager, Blowing Wind Cave National Wildlife Refuge, Box 1643, Decatur, Alabama 35602, Telephone (205) 353-7243

Marvin Nichols, Refuge Manager, Box 67, Manila, Arkansas 72442, Telephone (501) 564-5011

SUPPLEMENTARY INFORMATION: Alton Dunaway is the primary author of these special regulations.

General Conditions

1. Hunting is permitted on national wildlife refuges indicated below in accordance with 50 CFR Part 32, all applicable state regulations, the general conditions, and the following special regulations:

The Refuge Recreation Act of 1963 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires: (a) that any recreational use permitted will not interfere with the primary purpose for which the area was established; and (b) that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which these refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November, 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

2. A list of special conditions applying to individual refuge hunts and a map of the hunt area(s) are available at each refuge headquarters. Portions of refuges which are closed to hunting are designated by signs and/or delineated on maps.

3. Access points on certain refuges are limited to designated roads or other specified areas. Vehicle use on all refuge areas is restricted to designated roads and lanes.

4. Persons under 16 must be under the close supervision of an adult. For safety reasons each adult may not have more than two juveniles under his supervision.

5. Unless otherwise specified, dogs are not permitted on refuge areas during hunts.

§ 32.22 Special regulations; upland game hunting for individual wildlife refuge areas.

Alabama

Blowing Wind Cave National Wildlife Refuge

(1) Dates, species, and regulations same as Sauty Creek-Crow Creek State Waterfowl Refuge.

§ 32.22 Special regulations; big game hunting for individual wildlife refuge areas.

Arkansas

Big Lake National Wildlife Refuge

(1) Archery deer hunt: October 1, 1980 through November 15, 1980.

(2) Permanent tree stands or blinds are not permitted. No metal objects may be driven or screwed into trees.

(3) Boats are not allowed after October 31, 1980.

(4) The hunt may be closed without advance notice should flood conditions arise.

The provisions of these special regulations supplement the regulations which generally govern hunting on wildlife refuge areas and which are set forth in Title 50, *Code of Federal Regulations*, Part 32. The public is invited to offer suggestions and comments at any time.

Dated: September 22, 1980.

Gary L. Hickman,

Area Manager.

[FR Doc. 80-29848 Filed 9-25-80; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 655

Squid Fishery of the Northwest Atlantic, Allocation of Atlantic Squid From Reserves

AGENCY: National Oceanic and Atmospheric Administration, (NOAA)/ Commerce.

ACTION: Notice of allocation of squid.

SUMMARY: Under the authority delegated by the Assistant Administrator for Fisheries, NOAA, the Northeast Regional Director, National Marine Fisheries Service (NMFS), is allocating the entire reserves of *Illex* and *Loligo* to foreign fishermen. The *Illex* reserve is 13,000 mt and the *Loligo* reserve is 19,000 mt.

EFFECTIVE DATE: September 23, 1980.

FOR FURTHER INFORMATION CONTACT:

Mr. Allen E. Peterson, Jr., Regional Director, Northeast Region, National Marine Fisheries Service, State Fish Pier, Gloucester, Massachusetts 01930, Telephone (617) 281-3600.

SUPPLEMENTARY INFORMATION:

Regulations to implement the management measures of the Fishery Management Plan for the Atlantic Squid Fishery, as amended, were published in the **Federal Register** at 45 FR 45296 and

in the Rules and Regulations Section of this issue of the **Federal Register.** These regulations establish a reserve for each species of Atlantic squid and provisions to allocate all or part of these reserves to the total allowable level of foreign fishing (TALFF). The Northeast Regional Director, NMFS, is authorized by regulations cited above to review the U.S. squid harvest during August for *Illex,* and during September for *Loligo,* and project the total amounts of each species which would be harvested by domestic fishermen during the remainder of the fishing year.

The projections below were derived by using multiplication factors developed from reported monthly domestic landings for the fishing year 1979–1980. *Illex* landings for April through July were multiplied by a factor of 2.9 to obtain the projected annual harvest. Similarly, *Loligo* landings from April through August were multiplied by a factor of 1.3 to obtain the projected annual harvest for that species. There are no proposed joint ventures for which to retain squid in the reserves.

Domestic *Illex* landings from April through July, 1980, were 74 metric tons (mt); therefore, the projected landings are 215 mt. This projected amount is less than the domestic annual harvest (DAH) of 5,000 mt. The entire *Illex* reserve of 13,000 mt is therefore allocated to the foreign fishermen for the remainder of the fishing year, ending March 31, 1981.

Domestic *Loligo* landings from April through August, 1980, were 3,041 mt; therefore, the projection is 3,953 mt. This projected amount is less than the DAH of 7,000 mt. Therefore the entire *Loligo* reserve of 19,000 mt is allocated to the foreign fishermen for the remainder of the fishing year, ending March 31, 1981.

Signed at Washington, D.C., this 23d day of September 1980.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

(16 U.S.C. 1801 et seq.)

50 CFR 611.20 Appendix 1 is revised to read as follows:

PART 611—FOREIGN FISHING

§ 611.20 (Appendix 1) [Revised]

Species	Species code	Area	OY	DAH	JVP	Reserve	TALFF
1. Northwest Atlantic Ocean fisheries:							
C. Trawl fisheries:							
Long-finned squid	502		44,000	7,000		0	37,000
Short-finned squid	504		30,000	5,000		0	31,000

[FR Doc. 80-29900 Filed 9-25-80; 8:45 am]

BILLING CODE 3510-22-M

50 CFR Parts 611 and 655

Atlantic Squid Fishery

AGENCY: National Oceanic and Atmospheric Administration (NOAA)/ Commerce.

ACTION: Final regulations.

SUMMARY: These regulations implement the reserve provisions of Amendment No. 1 to the Atlantic Squid Fishery Management Plan (FMP). The reserve provisions require the Northeast Regional Director to: (1) Project the domestic annual harvest of short-finned squid (*Illex illecebrosus*) and long-finned squid (*Loligo pealei*) after several months of the fishing year; and (2) based on these projections, allocate appropriate amounts of squid from the reserves to the foreign fisheries.

All regulations governing foreign fishing for squid contained in 50 CFR Part 611, other than the new § 611.51, are continued in effect without change.

EFFECTIVE DATE: September 23, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Allen E. Peterson, Jr., Regional Director, Northeast Region, National Marine Fisheries Service, State Fish Pier, Gloucester, Massachusetts 01930, Telephone (617) 281–3600.

SUPPLEMENTARY INFORMATION: The Assistant Administrator for Fisheries disapproved that part of Amendment No. 1 submitted by the Mid-Atlantic Fishery Management Council (Council) which set provisions for allocation of squid from the reserves to the total allowable levels of foreign fishing (TALFFs) (45 FR 51254). In its place, these regulations establish a mechanism for allocating squid from the reserves to TALFFs in a manner which is consistent with the provisions of the Act. The Northeast Regional Director will review the U.S. squid harvest during August for *Illex,* and during September for *Loligo,* and project the total amounts of each species which will be harvested by domestic fishermen during the remainder of the fishing year. The projections are to be derived using multiplication factors developed from reported monthly domestic landings for the fishing year 1979–80. *Illex* landings for April through July will be multiplied by a factor of 2.9 to obtain the projected annual harvest. Similarly, *Loligo* landings from April through August will be multiplied by a factor of 1.3 to obtain the projected annual harvest for that species. Any amounts of squid authorized for "joint ventures" will be added to the projections. Based on the projections, the Regional Director will allocate *Illex* on or about September 1 and *Loligo* on or about October 1 by publishing a notice in the **Federal Register.** If the entire reserves are not allocated at those times, he may allocate the remaining reserves to TALFFs later in the year, if the projections prove to be inaccurate.

Public Comments

The proposed regulations were published in the **Federal Register** on August 1, 1980 (45 FR 51254). Public comments were invited until September 14, 1980. Eight comments were received; four from foreign sources and four from sources involving domestic fisheries.

The foreign comments were concerned principally with two issues; the timing of the reserves and the quantity of the reserves. The Governments of Japan and Spain, the Japan Deep Sea Trawlers Association, and the Spanish Fishing Trawlers Owners Association, were concerned with the delay in releasing the *Illex* reserve on or after September 1. They expressed concern that the reserve would be released too late in the fishing season for utilization. The Government of Spain expressed the need for advance notification of the reserve releases, since that nation's vessels need four to five weeks to plan their fishing operation. With regard to the second issue, the foreign commenters believed that the amounts of *Illex* and *Loligo* held in reserves, compared to the amounts initially allocated to the TALFFs, are excessive. The *Illex* reserve is 13,000 metric tons (mt) and the *Loligo* reserve is 19,000 mt.

As published in the **Federal Register,** the proposed release date for the *Illex* reserve was to have been September 1, 1980. However, because of administrative delays and the 45-day comment period, the release date for this year is projected for late September. Since the foreign fishery for *Illex* ranges from mid-June to November, release of the reserve about three weeks after the

proposed September 1 date should allow sufficient time for foreign countries to utilize their allocation. As indicated, the Japanese and Spanish comments expressed concern that this would not be timely. This year's delay will not seriously affect these foreign fisheries since, as of September 13, 1980, only 60 percent of the entire FCMA foreign allocation (all countries) had been taken, with the Japanese fishermen only taking 40 percent of their nation's allocation of 1,500 mt and the Spanish taking 61 percent of their nation's allocation of 4,450 mt. Domestic as well as foreign *Illex* catch levels have been low this year. None of the foreign commenters expressed opposition to the reserve release provisions for *Loligo*.

Three comments from the domestic fishing industry opposed any release of the squid reserves to foreign nations. Their opposition was based upon the belief that the squid allocations would have long-term deleterious effects on development of the American squid fishery. Commenters argued that allocations to foreign countries would reduce domestic catch potential, prices, and expansion of the domestic squid fishery into the world's market.

The NMFS believes establishment of the reserves by the Council is an appropriate method to take account of potential domestic expansion into world markets. This is consistent with Section 2(b)(6) of the FCMA, which encourages "* * * the development of fisheries which are currently underutilized by U.S. fishermen." Whether denying allocations to foreign countries would be of greater overall benefit to the nation should be addressed to the Council. Since the approved Amendment No. 1 does establish reserves, it is necessary to provide a regulatory means for allocating those reserves to foreign countries in the event that the domestic fishery will not utilize the reserve amounts.

The New England Fishery Management Council commented that the Regional Director should allocate portions of the reserves from time to time, as he deems appropriate, to the TALFFs, rather than allocate the total reserve amount at one time. These regulations provide for allocation of the entire reserve for each species at one time only in the event that domestic catch projections fall short of the domestic allowable harvest (DAH). If the projections for either species exceeds DAH, then subsequent allocations are authorized.

Environmental Impact and Executive Order 12044

A Supplemental Environmental Impact Statement (SEIS) for Amendment No. 1 was prepared (see Notice of Availability, 45 FR 37275). This action is a regulatory change under the amended FMP and the Assistant Administrator has determined that it does not alter the context or intensity of impacts described in the SEIS. The reserve allocation mechanism is viewed as nonsignificant under the National Environmental Policy Act of 1969. Therefore, pursuant to NOAA Directive 02–10, neither an Environmental Assessment nor an SEIS was prepared regarding these final regulations.

The amendment was determined by the Assistant Administrator to be nonsignificant under Executive Order 12044 and NOAA Directives Manual Chapter 21, Section 24. This regulatory action to implement the reserve concept through an allocation mechanism is also nonsignificant.

Other

The mechanism to allocate the reserves to TALFFs is set forth below as an amendment to Part 655. Because the allocation mechanism also affects the foreign fisheries, the regulations amend Part 611, as well. For ease of administration, Part 611 is amended by adding a new § 511.51 rather than amending § 611.50 as suggested by the proposed regulations. Signed at Washington, D.C., this 23 day of September 1980.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

(16 U.S.C. 1801 *et seq.*)

PART 655—SQUID FISHERY OF THE NORTHEAST ATLANTIC OCEAN

50 CFR Part 655 is amended as follows:

§ 655.2 [Amended]

1. Section 655.2 is amended by adding, between the definitions of "fishing week" and "operator," the following definition:

* * * * *

Joint venture harvest means U.S. harvested squid transferred at sea to foreign processing vessels.

* * * * *

2. Section 655.22 is amended to read as follows:

§ 655.22 Allocations.

(a) *Projections.* During August in the case of *Illex*, and during September in the case of *Loligo*, the Regional Director will project the total amounts of squid that will be harvested by U.S. fishermen during the entire fishing year. For *Illex*, the monthly catches from April through July (exclusive of joint venture harvest) will be multiplied by a factor of 2.9 to obtain a projected annual harvest. For *Loligo*, the monthly catches from April through August (exclusive of joint venture harvest) will be multiplied by a factor of 1.3 to obtain a projected annual harvest.

(b) *Joint ventures.* If any permits authorizing receipt of U.S. harvested squid have been issued to foreign processing vessels by August 15 (for *Illex*) or by September 15 (for *Loligo*), the Regional Director will add to the projected annual harvest the amounts of squid authorized to be received by such permits.

(c) *Allocation of reserves.* If the projected amount of either species of squid to be harvested by U.S. fishermen, including joint venture harvest, exceeds the initial level of harvest specified in § 655.21(a), the Regional Director shall leave the excess in the reserve to allow the U.S. fishery for that species to continue without closure throughout the year. The Regional Director shall allocate the rest of the reserve for that species to the total allowable level of foreign fishing (TALFF). If the projected amount of either species of squid to be harvested by U.S. fishermen, including joint venture harvest, does not exceed the initial level of harvest specified in § 655.21(a), the Regional Director shall allocate the entire reserve for that species to the TALFF.

(d) *Notice of allocation.* On or about September 1 for *Illex*, and on or about October 1 for *Loligo*, the Regional Director shall:

(1) Notify the Executive Directors of the Mid-Atlantic, New England, and South Atlantic Councils of his decision; and

(2) Publish a notice of the decision on allocation in the **Federal Register.**

(e) *Subsequent allocation.* After the initial allocation decision is made, the Regional Director may allocate any remaining portion of the reserve to TALFF, if he determines that the domestic harvest, including joint venture harvest, will not attain the level projected under paragraphs (a) and (b) of this section plus any joint venture harvest authorized after the initial decision. Notice of subsequent allocations will be made according to the procedures in paragraph (d) of this section.

PART 611—FOREIGN FISHING

50 CFR Part 611 is amended by adding a new § 611.51 as follows:

§ 611.51 Northwest Atlantic squid fishery.

(a) *Definitions.* For purposes of this section, "joint venture harvest" means U.S. harvested squid transferred at sea to foreign processing vessels.

(b) *Allocations of Reserves*—(1) *Projections.* During August in the case of *Illex*, and during September in the case of *Loligo*, the Regional Director will project the total amounts of squid that will be harvested by U.S. fishermen during the entire fishing year. For *Illex*, the monthly catches from April through July (exclusive of joint venture harvest) will be multiplied by a factor of 2.9 to obtain a projected annual harvest. For *Loligo*, the monthly catches from April through August (exclusive of joint venture harvest) will be multiplied by a factor of 1.3 to obtain a projected annual harvest.

(2) *Joint ventures.* If any permits authorizing receipt of U.S. harvested squid have been issued to foreign processing vessels by August 15 (for *Illex*) or by September 15 (for *Loligo*), the Regional Director will add to the projected annual harvest the amounts of squid authorized to be received by such permits.

(3) *Allocation of reserves.* If the projected amount of either species of squid to be harvested by U.S. fishermen, including joint venture harvest, exceeds the initial level of harvest specified in § 655.21(a), the Regional Director shall leave the excess of the reserve to allow the U.S. fishery for that species to continue without closure throughout the year. The Regional Director shall allocate the rest of the reserve for that species to the TALFF. If the projected amount of either species of squid to be harvested by U.S. fishermen, including joint venture harvest, does not exceed the initial level of harvest specified in § 655.21(a), the Regional Director shall allocate the entire reserve for that species to the TALFF.

(4) *Notice of allocation.* On or about September 1 for *Illex*, and on or about October 1 for *Loligo*, the Regional Director shall:

(i) Notify the Executive Directors of the Mid-Atlantic, New England, and South Atlantic Councils of his decision; and

(ii) Publish a notice of the decision on allocation in the **Federal Register.**

(5) *Subsequent allocations.* After the initial allocation decision is made, the Regional Director may allocate any remaining portion of the reserve to TALFF, if he determines that the domestic harvest, including joint venture harvest, will not attain the level projected under paragraphs (b) (1) and (2) of this section, plus any joint venture harvest authorized after the initial decision. Notice of subsequent allocation will be made according to the procedures in paragraph (b)(4) of this section.

[FR Doc. 80-29899 Filed 9-25-80; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 45, No. 189
Friday, September 26, 1980

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Food Safety and Quality Service

7 CFR Part 2852

U.S. Standards for Grades of Frozen Green Beans and Frozen Wax Beans

Correction

In FR Doc. 80–27717 appearing at page 59325 in the issue for Tuesday, September 9, 1980, make the following corrections:

(1) On page 59325, in the middle column, in the second paragraph after "**Background**", in the seventh line, the work "Character" should have begun with a lower case "c".

(2) On page 59326, in the third column, in § 2852.2325, in the first paragraph, in the sixth line, the phrase "multi-branch process" should have read "multi-blanch process".

(3) On page 59328, in Table IV, in § 2852.2330, in the entries for "Sliced lengthwise style", under quality factor "Blemished (each 2.5g)", for defects "Seriously", under classification minor, please delete the letters "tl".

(4) Also in Table IV, Sliced lengthwise style," for "extraneous vegetable material," "edible (each piece)," under classification, the "X" should appear under "severe" rather than "major".

(5) On page 59329, in Table X, of § 2852.2331, footnote 2 should have read:

[2] Total=Fairly Good+Poor.

(6) Also in Table X, footnote 3 should have read:

[3] Total=Poor.

BILLING CODE 1505-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 212

[Docket No. ERA-R-79-42]

Intent Not To Amend Refiner Price Regulations To Remove Disincentives To Refine Lower Quality Crude Oil

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of intent.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) is issuing a Notice of its intent at this time not to amend the refiner price regulations (10 CFR 212.83) to remove potential regulatory disincentives to refine lower quality crude oils. While we are concerned that the refiner price regulations could create such disincentives, the available information indicates that the regulations are not a significant deterrent to current refinery investment or refinery investment in the period prior to September 30, 1981, the expiration date for our regulatory authority under the Emergency Petroleum Allocation Act of 1973 ("EPAA", Pub. L. 93–159, as amended). Although at present no decision has been made with respect to possible post-EPAA legislation for standby emergency price and allocation controls, we intend to minimize such disincentives in any standby regulations that would be adopted if such legislation were to be proposed and enacted.

FOR FURTHER INFORMATION CONTACT:
Norman Breckner (Office of Regulatory Policy), Economic Regulatory Administration, Room 7116, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653–3263.
William Funk (Office of General Counsel), Department of Energy, Room 6A–127, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–6736.

SUPPLEMENTARY INFORMATION: Under the current cost passthrough provision of the refiner price regulations, increased return on equity investment may not be passed through in the lawful selling price of a controlled product, such as motor gasoline. We have conducted two hearings, one in 1977 and the other in 1979, regarding the impact of this provision on refiner investment. In these proceedings, refiners have asserted that the regulations generally act as a disincentive to refiner investment. In particular, industry representatives have repeatedly cited the adverse impact of the regulations on investments that improve their capability to process the increasing amounts of lower quality crude oils which it is widely agreed that refineries must process as the relative supply of light, sweet crude oil falls.

Refiners have characterized the regulations as preventing them from "keeping the savings" from the lower prices of lower quality crude oils since the cost passthrough provision requires that increased product costs be reduced by any reduction in crude oil costs. A reduction in a refiner's increased product costs results in commensurately lower lawful selling prices for the refiner's covered products. Many refiners maintain that they should be able to retain a portion of the "savings" that result from using lower quality crude oils. Retention of these "savings" could help to compensate for operational and marketing adjustments involved in substituting lower quality crude oils in current refinery configurations, and encourage investment to desulfurize feedstocks and upgrade products.

The potential regulatory disincentive cited by refiners could be removed by an amendment providing that a refiner's increased costs, which it may pass through in the lawful selling prices for its covered products, include an appropriately calculated rate of return on invested capital. This approach, however, was rejected by a majority of the refiners that addressed it in their comments in both the 1977 and 1979 hearings. Many saw such a "rate of return" regulatory change as a movement towards the type of regulation affecting public utilities. In contrast, most refiners suggested that the potential regulatory disincentive to investment in lower quality crude oil processing capability could be largely removed if refiners were permitted to "keep the savings" in crude oil costs.

We have evaluated information from different sources on refinery investment behavior, with special emphasis on investment to refine lower quality crude oils. Our review indicates that the impact of our regulations differs among

refiners. However, notwithstanding any actual or potential regulatory disincentives, there are a substantial number of currently underway or planned refinery investments to permit greater use of lower gravity and/or higher sulfur crude oils, and to upgrade their products. This may be due in part to industry expectations that price regulations will expire before or soon after completion of many of these investments. Therefore, current regulations may now have a minimal effect on the expected profitability of investment. Furthermore, refiners report that decontrol of almost 50% of the product slate has helped generate substantial funds from refinery operations to support refinery investments.

We recognize the merit of regulations that minimize potential disincentives for refiners to undertake investments to process lower quality crude oils. It appears, however, that the absence of a provision in the current refiner price regulations that permits refiners to "keep the savings" from lower crude oil costs when computing the maximum lawful selling prices of controlled products is not now a significant deterrent for such investment, nor will it be in the period prior to September 30, 1981, the expiration date of our regulatory authority under the EPAA. Therefore, we have decided that it is not necessary at this time to amend the refiner price regulations specifically to minimize any actual or potential disincentives for refiners to refine lower quality crude oils.

At present no decision has been made to propose post-EPAA legislation for standby emergency price controls. However, should regulations under any such legislation be considered in the future, it is our intention to minimize any disincentive to refine lower quality crude oils.

Issued in Washington, D.C., September 19, 1980.

Hazel R. Rollins,

Administrator, Economic Regulatory Administration.

[FR Doc. 80-29893 Filed 9-25-80; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Ch. III

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Semiannual agenda of regulations.

SUMMARY: The purpose of this agenda is to notify the public of regulatory actions the FDIC is currently considering. The agenda provides information on (1) proposed regulations that have not been finally adopted, (2) certain regulations under development, and (3) existing regulations that are being reviewed. The agenda also contains a list of regulations on which final action has been taken since publication of the last semiannual agenda (March 28, 1980).

ADDRESS: Interested persons are invited to submit comments on the semiannual agenda to the Office of the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429. Comments on a specific regulation included in the agenda should be addressed to the official whose name accompanies the information about the regulation.

FOR FURTHER INFORMATION CONTACT: Carol Galbraith, Attorney, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429, 202-389-4422.

Regulations That Are Proposed, Under Development, or Being Reviewed

International Banking Act Amendments

[12 CFR Parts 303, 326, 328, 331-333, 337, 338, 341-343]

The International Banking act of 1978 authorizes Federal deposit insurance coverage for U.S. branches of foreign banks and, in some cases, requires insurance. The Act also establishes special requirements for branches which are insured. To bring foreign banks and branches within the coverage of its present regulatory scheme, FDIC still intends to make a series of technical amendments to its existing regulations. Because these amendments are procedural in nature and are required by statute, FDIC may adopt them in final form without a comment period.

For further information, contact Margaret M. Olsen, Senior Attorney, Legal Division, 202-389-4433.

Public Access to Application Files

[12 CFR Parts 303, 309]

The FDIC has proposed amendments to its regulations prescribing the manner in which most bank applications are made available for public review. The proposal eliminates the separate public file but requires that FDIC make application information available within one day after a request to see the file is made. The comment period ends on October 20, 1980.

For further information, contact Roger A. Hood, Assistant General Counsel, Legal Division, 202-389-4628.

Disclosure of Confidential Financial Information

[12 CFR Part 309]

The last agenda stated that the FDIC was considering an amendment to this Part to provide for notice to a bank before FDIC releases business information submitted by the bank which the bank considers confidential. The FDIC is no longer actively considering such an amendment. As a matter of policy, the FDIC generally provides notice, a procedure that has proved to be effective. Development of a regulation may be reinstituted in the future.

For further information, contact Margaret M. Olsen, Senior Attorney, Legal Division, 202-389-4433.

Minimum Security Devices and Procedures for Insured Nonmember Banks

[12 CFR Part 326]

Part 326 is still being actively reviewed to determine whether the reporting requirements can be simplified and reduced. The Part prescribes the minimum security measures for insured nonmember banks. The FDIC expects to publish a proposed amendment before February 1981.

For further information, contact Jesse G. Snyder, Chief, Intelligence Section, Division of Bank Supervision, 202-389-4415.

Assessments

[12 CFR Part 327]

On March 3, 1980, FDIC published for comment a proposed revision to simplify Part 327 and to make technical changes to conform it to the requirements of the International Banking Act. Part 327 states the procedures to be used for the computation and payment of assessments by insured banks as provided under Sections 7 and 8 of the Federal Deposit Insurance Act. The comment period for the proposal ended on May 2, 1980 and the final regulation should be issued shortly.

For further information, contact Jerry L. Langley, Senior Attorney, Legal Division, 202-389-4237.

Interest on Deposits

[12 CFR Part 329]

The last agenda stated that FDIC was reviewing Part 329 to determine whether its structure and language could be