

**40 CFR Parts 52 and 81**

[CA-98-1-7196b; FRL-5661-7]

**Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; State of California; Determination Regarding Applicability of Certain Reasonable Further Progress and Attainment Demonstration Requirements; Monterey Bay Area****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice of proposed rulemaking (NPR).

**SUMMARY:** In the Final Rules section of this Federal Register, EPA is approving as revisions to the California State Implementation Plan (SIP) for the Monterey ozone nonattainment area, the maintenance plan, emission inventory, emission statement rule and volatile organic compounds (VOC) and oxides of nitrogen (NO<sub>x</sub>) reasonably available control technology (RACT) rules. EPA is also making the determination that the Monterey Bay Area has attained the ozone National Ambient Air Quality Standards (NAAQS) and a determination regarding the applicability of the Reasonable Further Progress (RFP) and attainment demonstration and related requirements based on the area's attainment of the ozone NAAQS. Finally, EPA is redesignating the Monterey Bay Area from nonattainment to attainment for the ozone NAAQS. A detailed rationale for this action is set forth in the direct final rule. If no adverse comments are received in response to the direct final rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments concerning any part of the rule, EPA will withdraw the direct final rule and address the comments in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

**DATES:** Comments on this action must be received by February 18, 1997.**ADDRESSES:** Written comments should be mailed to: David P. Howekamp, Director, Air Toxics Division (A-1), United States Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Copies of the redesignation request, State submittals and the EPA's technical support document (TSD) are available for public review at the above address and at the California Air Resources

Board, 2020 L Street, Sacramento, CA 95814, or the Monterey Bay Unified Air Pollution Control District, 24580 Silver Cloud Court, Monterey, CA 93940.

**FOR FURTHER INFORMATION CONTACT:** Julia Barrow, Chief, Plans Development Section (A-2-2), Air Planning Branch, United States Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, California, 94105, (415) 744-1207.**SUPPLEMENTARY INFORMATION:** This document concerns the Monterey Bay Unified Air Pollution Control District SIP revisions and redesignation to attainment for ozone. For further information, please see the information provided in the Direct Final action located in the Final Rules section of this Federal Register.

Authority: 42 U.S.C. 7401-7671q.

Dated: November 15, 1996.

Felicia Marcus,

*Regional Administrator.*

[FR Doc. 97-877 Filed 1-16-97; 8:45 am]

**BILLING CODE** 6560-50-W**DEPARTMENT OF THE INTERIOR****Bureau of Land Management****43 CFR Parts 2800, 2920, 4100, 4300, 4700, 5460, 5510, 8200, 8340, 8350, 8360, 8370, 8560, 9210, and 9260**

[WO-130-1820-00 24 1A]

RIN 1004-AC30

**Law Enforcement—Criminal****AGENCY:** Bureau of Land Management, Interior.**ACTION:** Proposed regulations, extension of comment period.

**SUMMARY:** On November 7, 1996, the Bureau of Land Management ("BLM") published a document in the Federal Register announcing a proposed rule to revise and consolidate many of the regulations which instruct the public regarding BLM criminal law enforcement (61 FR 57605). The 60-day comment period for the proposed rule expired on January 6, 1997. After receiving requests for more time to comment, BLM extended the comment period for 30 days (61 FR 66008, December 16, 1996). Once again, BLM has received requests for an extension of the comment period. BLM is therefore extending the comment period for an additional 30 days.

**DATES:** Submit comments by March 7, 1997.**ADDRESSES:** If you wish to comment, you may:

(a) Hand-deliver comments to the Bureau of Land Management, Administrative Record, Room 401, 1620 L St., NW., Washington, DC.;

(b) Mail comments to the Bureau of Land Management, Administrative Record, Room 401LS, 1849 C Street, NW., Washington, DC 20240; or

(c) Send comments through the Internet to WOCComment@wo.blm.gov. Please include "attn: AC30", and your name and return address in your Internet message. If you do not receive a confirmation from the system that we have received your Internet message, please contact us directly at (202) 452-5030.

You will be able to review comments at BLM's Regulatory Affairs Group office, Room 401, 1620 L Street, N.W., Washington, D.C., during regular business hours (7:45 a.m. to 4:15 p.m.) Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Erica Petacchi, (202) 452-5084, or Dennis McLane, (208) 387-5126.

Dated: January 13, 1997.

Annetta Cheek,

*Regulatory Affairs Group Manager.*

[FR Doc. 97-1248 Filed 1-16-97; 8:45 am]

**BILLING CODE** 4310-84-M**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 69**

[CC Docket No. 97-21] [FCC 97-11]

**Changes to the Board of Directors of the National Exchange Carrier Association, Inc.****AGENCY:** Federal Communications Commission.**ACTION:** Notice of Proposed rulemaking and notice of inquiry.

**SUMMARY:** On January 10, 1997, the Commission adopted a Notice of Proposed Rulemaking (NPRM) and an accompanying Notice of Inquiry (NOI) to amend the Commission's rules consistent with proposals to permit the National Exchange Carrier Association (NECA) to change the size and composition of its Board of Directors. In the NPRM, the Commission tentatively concludes that the composition of NECA's Board of Directors must be altered to make the Board more representative of all segments of the telecommunications industry before NECA may be appointed as the temporary administrator of the new universal service support mechanisms, pursuant to the Universal Service proceeding in CC Docket 96-45. In the

Notice of Inquiry (NOI), the Commission seeks comment on how the Commission might amend its rules to remove any regulatory barriers that otherwise may prevent NECA from satisfying the Joint Board's criteria for a neutral third party permanent administrator for the new universal service support mechanisms. The NOI also seeks comment as to what, if any, additional reforms the Commission should adopt with respect to the administration of the current access tariff and pool revenue distribution programs and whether, in connection with any such proposed reforms, interested parties, in addition to NECA, should be entitled to participate in a selection process to serve as the administrator of those programs. The Commission seeks comment on the NPRM and NOI.

**DATES:** NPRM comments should be filed on or before January 27, 1997 and NPRM reply comments should be filed on or before February 3, 1997. NOI comments should be filed on or before March 3, 1997 and NOI reply comments should be filed on or before April 3, 1997.

**ADDRESSES:** Interested parties must file an original and four copies of their comments with the Office of the Secretary, Federal Communications Commission, Room 222, 1919 M Street, NW., Washington, DC 20554. Comments should reference CC Docket No. 96-. Parties should send one copy of their comments to the Commission's copy contractor, International Transcription Service, Room 140, 2100 M Street, NW., Washington, DC 20037. After filing, comments will be available for public inspection during regular business hours in the FCC Reference Center, Room 239, 1919 M Street, NW., Washington, DC 20554.

Parties are also asked to submit comments on diskette. Diskette submissions would be in addition to and not a substitute for the formal filing requirements addressed above. Parties submitting diskettes should submit them to Sheryl Todd, Common Carrier Bureau, 2100 M Street, NW., Room 8611, Washington, DC 20554. Such a submission should be on a 3.5 inch diskette in an IBM compatible format using WordPerfect 5.1 for Windows software in a "read only" mode. The diskette should be clearly labelled with the party's name, proceeding, and date of submission. The diskette should be accompanied by a cover letter.

**FOR FURTHER INFORMATION CONTACT:** Sheryl Todd at 202-530-6040.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rulemaking and Notice of

Inquiry adopted and released on January 10, 1997 (FCC 97-11). The full text of this NPRM and NOI is available for inspection and copying during normal business hours in the FCC Reference Center, Room 239, 1919 M Street, Washington, DC 20554.

#### Summary of Notice of Proposed Rulemaking

1. On October 18, 1996, NECA requested that the Commission amend section 69.602 of the Commission's rules to permit NECA to modify the size and composition of its Board of Directors to reflect the interests of competitive local exchange carriers (LECs), interexchange carriers, wireless carriers, and non-carriers such as schools, libraries, rural healthcare providers, and the states.

2. On March 8, 1996, the Commission initiated a rulemaking in CC Docket 96-45, pursuant to section 254 of the Communications Act of 1934 (Communications Act), as amended by the Telecommunications Act of 1996 (1996 Act), to reform our system of universal service support. On November 8, 1996, the Federal-State Joint Board (Joint Board) on Universal Service released a Recommended Decision regarding numerous universal service issues. The Joint Board recommended that NECA be appointed as the temporary fund administrator of the universal service support mechanisms for schools, libraries and health care providers in order to provide supported telecommunications services to these entities as quickly as possible. The Joint Board also recommended that, prior to appointing NECA as temporary administrator, the "Commission permit NECA to add significant, meaningful representation" for non-incumbent LEC interests to the NECA Board of Directors.

3. NECA is an association of incumbent LECs. Along with administering the interstate access tariff and revenue distributions processes, NECA currently administers the existing universal service fund, the Lifeline Assistance program, the long term support (LTS) program and the interstate Telecommunications Relay Services (TRS) fund. The universal service fund, the Lifeline Assistance program, and the LTS program were designed to promote affordable telephone service throughout the nation. The TRS fund is the cost recovery mechanism that reimburses eligible TRS providers for interstate TRS minutes of use. NECA presently has a 15-member Board of Directors that consists of five directors from outside of the LEC industry, two directors representing Bell

Operating Companies (BOCs), two directors representing other LECs having operating revenues in excess of \$40 million, and six directors representing LECs having annual operating of less than \$40 million.

4. Under NECA's proposal, three directors would represent carrier participants such as interexchange carriers, wireless carriers, and competitive LECs, and three would represent non-carriers, such as schools, libraries, rural health care providers, and states. Under NECA's proposal, the new Board members would participate in NECA's administration of the current universal service, Lifeline Assistance, and LTS programs, as well as Board oversight of auditing, finance, and general corporate matters. Access tariffs and pool revenue distribution, however, would continue to be the responsibility of the access charge committees, consisting of current members of NECA's Board. We find that for NECA to act on this proposal, § 69.602 of the Commission's rules would require amendment in order to create a fourth category or subset of six new directors, with three of those directors representing non-incumbent LEC participants, such as interexchange carriers, wireless carriers, and competitive LECs, and three directors representing support beneficiaries of universal service policies or other non-carriers, potentially including schools, libraries, rural health care providers, and states.

5. In this Notice of Proposed Rulemaking (NPRM), we address NECA's request and the Joint Board's recommendations and seek comment on how the Commission should amend its rules so that NECA can reform its Board of Directors in a manner that will enable it to become eligible to serve as the temporary administrator of the universal service support mechanisms. We tentatively conclude that, in order to be eligible to serve as the temporary administrator, NECA's Board of Directors must become more representative of the telecommunications industry as a whole. Accordingly, in order to meet the implementation schedule recommended by the Joint Board in its Recommended Decision and consistent with the recommendation that the Commission appoint NECA as temporary administrator of the new universal service support mechanisms, this NPRM proposes to amend § 69.602 of the Commission's rules so that NECA may modify the size and composition of its Board of Directors to make the Board more representative of the telecommunications industry. We also

seek comment on whether other part 69 rule sections should be modified in conjunction with the proposed rule changes to § 69.602.

#### Notice of Inquiry

6. In the Recommended Decision released on November 8, 1996, the Joint Board recommended that the permanent administrator of the new universal service support mechanisms, including its Board of Directors: (1) Be neutral and impartial; (2) not advocate specific positions to the Commission in non-administration-related proceedings; (3) not be aligned or associated with any particular industry segment; and (4) not have a direct financial interest in the support mechanisms established by the Commission. In declining to recommend NECA for the position of permanent administrator, the Joint Board emphasized the importance of the permanent administrator's ability to maintain an "appearance of impartiality" and questioned NECA's ability to do this in light of its current membership and governance. The Joint Board specifically cited commenters' concerns that NECA's ability to appear to be a neutral arbitrator among contributing carriers, its current membership of incumbent LECs, and the advocacy role it has assumed in several Commission proceedings created an appearance to non-LECs of NECA's bias favoring incumbent LECs. The Joint Board further stated that "[i]f changes to its membership and governance render NECA a neutral, third-party, NECA should be eligible to compete in the advisory board's selection process" for choosing a permanent administrator.

7. In this NOI, we seek comment as to how the Commission might amend subpart G of its part 69 rules to remove any regulatory barriers that otherwise may prevent NECA from making itself a neutral, third party and satisfying the four criteria identified by the Joint Board. We also seek comment on whether, and if so how, the Commission should streamline its rules to enable NECA to change the composition of its Board without unnecessary regulatory oversight. Alternatively, the Commission could repeal the rules currently contained in part 69 constraining NECA's structure and functions so that NECA could make whatever organizational changes it deems necessary without Commission endorsement or sanction. If the Commission's oversight function of NECA's structure and functions were diminished in this fashion, we seek additional comment with respect to whether the interests of NECA's current membership, as well as other carriers,

could be adversely affected by how NECA might administer tariffs and access charges.

8. In the Recommended Decision, the Joint Board also recommended that the qualified applicant have the capacity to process large amounts of data and bill large number of carriers. Accordingly, we seek comment on whether existing Commission rules prevent NECA from satisfying these criteria, and if so, how such rules should be amended.

9. Finally, we seek comment as to what, if any, additional reforms the Commission should adopt with respect to the administration of the current access tariff and pool revenue distribution programs and whether, in connection with any such proposed reforms, interested parties, in addition to NECA, should be entitled to participate in a selection process to serve as the administrator of one or more of those programs. As noted above, NECA currently administers the CL and TS access tariff pools, the existing universal service fund, the Lifeline Assistance program, the LTS program, and the TRS fund. Consistent with the de-regulatory and pro-competitive spirit of the 1996 Act, we seek comment regarding whether additional amendments to the Commission's part 69 rules are needed with respect to the administration of these programs and whether the administration of one or more of the programs should be subject to a competitive bidding process. In light of the Commission's recent reappointment of NECA to an additional four-year term as administrator of the TRS fund and given that NECA's reappointment to that fund was unopposed, we do not seek comment at this time on NECA's role as TRS administrator. Accordingly, we seek comment on whether administration of the CL and TS access tariff pools, the Lifeline Assistance program, and the LTS program should remain the exclusive province of NECA or whether other interested parties should be entitled to participate in a selection process to serve as the administrator of those programs. We request from those commenters advocating other parties' participation in the selection process suggestions on how such participation could be effectuated and what changes to our rules would be necessary to effectuate these changes.

#### Procedural Matters

10. This is a non-restricted notice and comment rulemaking proceeding. Ex parte presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in the Commission's rules.

11. We invite comment on the proposals and tentative conclusions set forth above. Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's rules, interested parties may file NPRM comments on or before January 27, 1997 and NPRM reply comments on or before February 3, 1997. Interested parties may file NOI comments on or before March 3, 1997 and NOI reply comments on or before April 3, 1997. To file formally in this proceeding, you must file an original and six copies of all comments, reply comments, and supporting comments. If you want each Commissioner to receive a personal copy, you must file an original plus eleven copies. You should send comments and reply comments to Office of the Secretary, Federal Communications Commission, 1919 M Street, NW., Room 222, Washington, DC 20554. Five courtesy copies should also be sent to Tejal Mehta at 2100 M Street, NW., Room 8611, Washington, DC 20554. Parties should also file one copy of any document filed in this docket with the Commission's copy contractor, International Transcription Services, Inc. (ITS), 2100 M Street, NW., Suite 140, Washington, DC 20037. ITS's telephone number is 202-857-3800. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center, Room 239, 1919 M Street, NW., Washington, DC 20554. Comments and reply comments must include a short and concise summary of the substantive arguments raised in the pleading. For further information concerning this proceeding, contact Sheryl Todd, Accounting and Audits Division, Common Carrier Bureau at 202-530-6001.

#### Initial Regulatory Flexibility Analysis

12. Section 603 of the Regulatory Flexibility Act (RFA), as amended, requires an Initial Regulatory Flexibility Analysis in notice and comment rulemaking proceedings, unless the head of the agency certifies that "the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities." The NPRM portion of this proceeding applies only to NECA and concerns the proposal to amend the Commission's rules to modify the size and composition of NECA's current Board of Directors to make the Board more representative of the telecommunications industry as a whole.

13. For the purposes of this NPRM, the RFA defines a "small business" to be the same as a "small business

concern" under the Small Business Act, unless the Commission has developed one or more definitions that are appropriate to its activities. Under the Small Business Act, a "small business concern" includes a small organization, which is defined as a non-profit enterprise that is not independently owned and operated and is not dominant in its field. NECA is a non-profit, quasi-governmental association that was initially created to administer the Commission's interstate access tariff and revenue distribution processes. Therefore, NECA is not a small organization within the meaning of the RFA. Furthermore, these proposals do not apply to other "small business concerns" since they propose to modify the composition of NECA's Board of Directors. For this reason, we tentatively conclude that these proposals would not have a significant economic impact on a substantial number of small entities.

14. We therefore certify, pursuant to Section 605(b) of the RFA, that these proposals would not have a significant economic impact on a substantial number of small entities. We seek comment on this tentative conclusion. The Commission shall publish this certification in the Federal Register, and shall provide a copy of this NPRM, including this certification, to the Chief Counsel for Advocacy of the Small Business Administration.

#### Ordering Clauses

15. Accordingly, It is ordered that, pursuant to §§ 1, 4(i), 201-205, 218-220, 254 and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 201-05, 218-20, 254 and 403, notice is hereby given of proposed amendments to Part 69 of the Commission's rules, 47 CFR part 69, as described in this notice of proposed rulemaking.

16. Accordingly, it is ordered that, pursuant to sections 1, 4(i), 201-205, 218-220, 254 and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 201-05, 218-20, 254 and 403, notice is hereby given of proposals described in this notice of inquiry.

Federal Communications Commission.

William F. Caton,  
*Acting Secretary.*

[FR Doc. 97-1133 Filed 1-16-97; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 96-248, RM-8950]

#### Radio Broadcasting Services; Dickson, OK

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by Redwood Broadcasting, Inc., seeking the allotment of Channel 278C3 to Dickson, Oklahoma, as the community's first local aural transmission service. Channel 278C3 can be allotted to Dickson in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction, at coordinates 34-11-14 North Latitude and 96-59-03 West Longitude.

**DATES:** Comments must be filed on or before February 3, 1997, and reply comments on or before February 18, 1997.

**ADDRESSES:** Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Ronald G. London, Esq., Pepper & Corazzini, L.L.P., 1776 K Street, NW., Suite 200, Washington, D.C. 20006 (Counsel to petitioner).

**FOR FURTHER INFORMATION CONTACT:** Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 96-248, adopted December 6, 1996, and released December 13, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, D.C. 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 97-1094 Filed 1-16-97; 8:45 am]

BILLING CODE 6712-01-F

#### 47 CFR Part 73

[MM Docket No. 96-264, RM-8977]

#### Radio Broadcasting Services; Roxton, TX

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition by Northeast Texas Broadcasters requesting the allotment of Channel 257A to Roxton, Texas, as the community's first local FM service. Channel 257A can be allotted to Roxton in compliance with the Commission's minimum distance separation requirements with a site restriction of 12.2 kilometers (7.6 miles) north to avoid short-spacing conflicts with the licensed operation of Station KPLX(FM), Channel 258C, Fort Worth, Texas, and to a construction permit for a station operating on Channel 257C3 at Linden, Texas, at coordinates 33-39-17 NL; 95-44-54 WL.

**DATES:** Comments must be filed on or before March 3, 1997, and reply comments on or before March 18, 1997.

**ADDRESSES:** Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: William J. Pennington, III, Post Office Box 403, Westfield, Massachusetts 10186 (Counsel for petitioners).

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 96-264, adopted December 27, 1996, and released January 10, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may