

SUPPLEMENTARY INFORMATION: On February 1, 1996, the state of Missouri submitted revisions to Missouri rules 10 CSR 10-2.260 and 10 CSR 10-5.220, "Control of Petroleum Liquid, Storage, Loading, and Transfer." These revisions were adopted after proper notice and public hearing. The hearing was held on July 27, 1995. Revisions to 10 CSR 10-2.260 are being submitted to help Kansas City maintain the ozone standard. Revisions to 10 CSR 10-2.250 are being submitted as part of the state's plan to attain the ozone standard in St. Louis.

The amendment to Missouri rule 10 CSR 10-2.260 (specific to the Kansas City metropolitan area) changes the periods for testing tank trucks that have rubber hoods from April 1 through July 1 to January 1 through May 30 of each year. The purpose of requiring tank trucks with rubber hoods to be tested during the aforementioned schedule is to give the state an opportunity to identify problems or possible leaks in the gasoline transfer process before the ozone season. The testing period for aluminum hoods will take place in the period of January 1 through December 31 of each year. Requiring tank trucks with aluminum hoods to be tested during the previously mentioned schedule provides the state the opportunity to test trucks before the ozone season, but also provides the flexibility to continue testing throughout the year. In addition, the revisions add two forms for reporting. One form is a leak test application which is to be completed by the owner or operator of the facility and provided to the director. The second form is a request for exemption form which is to be completed by facility personnel to request an exemption.

The amendment to Missouri rule 10 CSR 10-5.220 (specific to the St. Louis nonattainment area) requires bulk plants to use two new forms. One form requires bulk plants to report the throughput when they apply for an exemption. This form provides documentation for eligible facilities to seek an exemption. The second revision requires sources to submit an application form to obtain a sticker that certifies passage of required tests by gasoline tank trucks.

I. Proposed Action

The EPA is proposing to approve amendments to rules 10 CSR 10-2.260 and 10 CSR 10-5.220 as a revision to the Missouri SIP.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each

request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors, and in relation to relevant statutory and regulatory requirements.

II. Administrative Requirements

A. Executive Order 12866

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225), as revised by a July 10, 1995, memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget has exempted this regulatory action from E.O. 12866 review.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., the EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities (5 U.S.C. 603 and 604). Alternatively, the EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, Part D of the Clean Air Act (CAA) do not create any new requirement, but simply approve requirements that the state is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, the Administrator certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids the EPA to base its actions concerning SIPs on such grounds (*Union Electric Co. v. U.S. E.P.A.*, 427 U.S. 246, 256-66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2)).

C. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, the EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to state, local, or tribal governments in the aggregate; or to

private sector, of \$100 million or more. Under section 205, the EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires the EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The EPA has determined that the approval action proposed does not include a Federal mandate that may result in estimated costs of \$100 million or more to either state, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves preexisting requirements under state or local law, and imposes no new requirements. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, result from this action.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: November 26, 1996.

Dennis Grams,

Regional Administrator.

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FEDERAL MARITIME COMMISSION

46 CFR Part 586

[Docket No. 96-20]

Port Restrictions and Requirements in the United States/Japan Trade

AGENCY: Federal Maritime Commission.

ACTION: Notice of proposed rule; extension of comment period.

SUMMARY: This extends the comment deadline in regard to the Commission's proposed imposition of fees on liner vessels operated by Japanese carriers calling at United States ports in an effort to adjust or meet apparent unfavorable conditions caused by Japanese port restrictions and requirements.

DATES: Comments due on or before January 20, 1997.

ADDRESSES: Send comments (original and fifteen copies) to: Joseph C. Polking, Secretary, Federal Maritime Commission, 800 North Capitol Street, NW., Washington, DC 20573, (202) 523-5725.

FOR FURTHER INFORMATION CONTACT:

Robert D. Bourgoïn, General Counsel, Federal Maritime Commission, 800 North Capitol Street, NW., Washington, DC 20573, (202) 523-5740.

SUPPLEMENTARY INFORMATION: The Commission's Notice of proposed rulemaking in this proceeding, published November 13, 1996 (61 FR 58160), proposed countervailing burdens on Japanese ocean carriers designed to adjust or meet apparent unfavorable conditions caused by Japanese port restrictions and requirements. Sixty days were allowed for filing comments. The current deadline is January 13, 1997.

Counsel for the Japanese Lines now has filed a request for a 45-day enlargement of the comment period to February 27, 1997. Counsel cite as justification for their request intergovernmental meetings regarding this matter scheduled for January 6-7, 1997, a week before comments are due, and the intervening holiday schedule. Counsel for Sea-Land Service, Inc. and American President Lines, Ltd. have responded in general opposition to the request, but state that they have no objection to a one-week extension of the filing deadline.

The Commission has determined that an extension limited to one week should be granted. This would move the filing deadline to January 20, 1997, which would provide roughly two weeks after completion of the intergovernmental meetings for parties to finalize and submit comments. This should be sufficient in the circumstances.

By the Commission
Ronald D. Murphy,
Assistant Secretary.
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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 73 and 76

[Gen Docket No. 83-484; RM 3739; DA No. 96-2159]

Personal Attack and Political Editorial Rules

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; notice of invitation to file updated comments.

SUMMARY: This Public Notice invites interested parties to file updated comments in General Docket No. 83-484 concerning the Commission's proposal to repeal or modify the personal attack and political editorial

rules. Comments were filed in that proceeding in 1983, but no Report and Order has been issued. The Commission has received petitions from the Radio-Television News Directors Association ("RTNDA") and other parties urging the Commission to repeal the personal attack and political editorial rules. In addition, on September 17, 1996, RTNDA filed in the United States Court of Appeals for the D.C. Circuit a Petition for a Writ of Mandamus, asking the Court to direct the Commission to act on a 1987 RTNDA petition seeking repeal of the rules. In view of the length of time that has passed since conclusion of the pleading cycle in General Docket No. 83-484, and in light of the Commission's subsequent decision to end enforcement of the fairness doctrine as described in the 1987 RTNDA petition, we believe it is appropriate to update the record in this proceeding by affording interested parties an opportunity to file additional comments in General Docket No. 83-484 concerning the Commission's proposal to repeal the rules.

DATES: Comments are due February 10, 1997, and reply comments are due March 12, 1997.

ADDRESSES: Federal Communications Commission, 2000 M Street, Room 543, Washington, DC, 20554.

FOR FURTHER INFORMATION CONTACT: Kim Matthews, Mass Media Bureau, (202) 418-2130.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Public Notice, released December 19, 1996, inviting updated comments regarding the personal attack and political editorial rules. The complete text of the Public Notice is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C., and also may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, N.W., Suite 140, Washington, D.C. 20037.

Synopsis of Public Notice

The Commission has received petitions from the Radio-Television News Directors Association ("RTNDA") and other parties urging the Commission to repeal the personal attack and political editorial rules, 47 CFR §§ 73.1920, 73.1930. In addition, on September 17, 1996, RTNDA filed in the United States Court of Appeals for the D.C. Circuit a Petition for a Writ of Mandamus, asking the Court to direct the Commission to act on a 1987 RTNDA petition seeking repeal of the

rules. By this Public Notice, interested parties are invited to file updated comments in the Commission's pending rulemaking proceeding concerning the above-referenced rules.

By way of background, in 1983 the Commission proposed to repeal or modify the personal attack and political editorial rules. See *Notice of Proposed Rulemaking*, Gen. Docket 83-484, RM-3739, 48 FR 28295 (June 21, 1983). The Commission also sought comment on possible repeal of the rules insofar as they apply to cable systems. Comments were filed in the proceeding in 1983, but no Report and Order has been issued. On August 25, 1987, RTNDA and others filed a "Joint Petition for Expedited Rulemaking Action and for Clarification of Memorandum Opinion and Order Ending Enforcement of the Fairness Doctrine" ("Joint Petition"), urging the Commission to: (1) Issue a Report and Order in General Docket 83-484 repealing the personal attack and political editorial rules; and/or (2) clarify that in light of the decision to end enforcement of the fairness doctrine, in *In re Complaint of Syracuse Peace Council Against Television Station WTVH, Syracuse, New York*, 2 FCC Rcd. 5043 (1987), *recon. denied*, 3 FCC 2d 2035 (1988), *aff'd sub nom. Syracuse Peace Council v. FCC*, 867 F.2d 654 (D.C. Cir. 1989), *cert. denied*, 493 U.S. 1019 (1990) ("Syracuse Peace Council"), the personal attack and political editorial rules will no longer be applied to broadcast licensees. On January 22, 1990, RTNDA and four other parties filed another petition, renewing the request that the Commission repeal the personal attack and political editorial rules.

In view of the length of time that has passed since conclusion of the pleading cycle in General Docket No. 83-484, and in light of the Commission's subsequent decision to end enforcement of the fairness doctrine as described in the 1987 RTNDA petition, we believe it is appropriate to update the record in this proceeding by affording interested parties an opportunity to file additional comments in General Docket No. 83-484 concerning the Commission's proposal to repeal the rules. Comments must be filed on or before February 10, 1997, and reply comments must be filed by March 12, 1997. To file formally in this proceeding, participants must file an original and four copies of all comments, reply comments, and supporting comments. All comments should reference General Docket No. 83-484 and should be addressed to: Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554. The full text of