

governments, or to the private sector, result from this action.

Under section 801(a)(1)(A) of the Administrative Procedures Act (APA) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a "major rule" as defined by section 804(2) of the APA as amended.

The Regional Administrator's decision to approve or disapprove the SIP revision pertaining to the Virginia 15% plan for the Washington, DC nonattainment area will be based on whether it meets the requirements of section 110(a)(2)(A)-(K) and part D of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51.

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental regulations, Reporting and recordkeeping, Ozone, Volatile organic compounds.

Dated: February 25, 1997.

Stanley L. Laskowski,

*Acting Regional Administrator.*

[FR Doc. 97-6082 Filed 3-11-97; 8:45 am]

BILLING CODE 6560-50-P

#### 40 CFR Parts 52 and 81

[VA068-5018b, VA066-5018b; FRL-5688-9]

#### Approval and Promulgation of Air Quality Implementation Plans; Designation of Areas for Air Quality Planning Purposes; Virginia; Redesignation to Attainment of the Hampton Roads Ozone Nonattainment Area, Approval of the Maintenance Plan and Mobile Emissions Budget

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA proposes to approve two State Implementation Plan (SIP) revisions submitted by the Commonwealth of Virginia for the purpose of establishing a maintenance plan and a motor vehicle emissions budget for the Hampton Roads ozone nonattainment area. EPA is also proposing to approve the request submitted by the Commonwealth of Virginia to redesignate the Hampton Roads marginal ozone nonattainment area to attainment of the National Ambient Air Quality Standard (NAAQS)

for ozone. In the final rules section of this Federal Register, EPA is approving the Commonwealth's SIP revisions and redesignation request as a direct final rule without prior proposal because the Agency views this as a noncontroversial SIP revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the Technical Support Document (TSD) that has been prepared by EPA on these rulemaking actions. The TSD is available for public inspection at the EPA Regional office listed in the ADDRESSES section of this document. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. **DATES:** Comments must be received in writing by April 11, 1997.

**ADDRESSES:** Written comments may be mailed to David L. Arnold, Chief, Ozone/Carbon Monoxide, and Mobile Sources Section, Mailcode 3AT21, U.S. Environmental Protection Agency—Region III, 841 Chestnut Building, Philadelphia, Pennsylvania, 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Persons interested in examining these documents should schedule an appointment with the contact person (listed below) at least 24 hours before the visiting day. Copies of the documents relevant to this action are also available at the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

#### FOR FURTHER INFORMATION CONTACT:

Kristeen Gaffney, Ozone/Carbon Monoxide and Mobile Sources Section (3AT21), USEPA—Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107, or by telephone at: (215) 566-2092. Questions may also be addressed via e-mail, at the following address:

Gaffney.Kristeen@epamail.epa.gov [Please note that only written comments can be accepted for inclusion in the docket.]

**SUPPLEMENTARY INFORMATION:** See the information provided in the direct final action of the same title which is located

in the Rules and Regulations section of this Federal Register.

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

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

Dated: February 5, 1997.

W. Michael McCabe,

*Regional Administrator, Region III.*

[FR Doc. 97-6077 Filed 3-11-97; 8:45 am]

BILLING CODE 6560-50-P

#### 40 CFR Part 80

[FRL-5708-9]

#### Regulations of Fuels and Fuel Additives: Extension of the Reformulated Gasoline Program to the Phoenix, Arizona Moderate Ozone Nonattainment Area

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of public hearing.

**SUMMARY:** This document announces the time and place for a public hearing regarding EPA's proposed rule to set an implementation date for the Phoenix ozone nonattainment area to be a covered area for all purposes in the federal reformulated gasoline (RFG) program. By letter dated January 17, 1997, the Governor of the State of Arizona applied to EPA to include the Phoenix moderate ozone nonattainment area in the federal reformulated gasoline program (RFG). Pursuant to the Governor's letter and the provisions of section 211(k)(6) of the Clean Air Act, on February 18, 1997 EPA published in the Federal Register a Notice of Proposed Rulemaking (NPRM) (62 FR 7197). In the NPRM, EPA proposed to apply the prohibitions of subsection 211(k)(5) to the Phoenix, Arizona nonattainment area.

**DATES:** EPA will conduct a public hearing on the proposed rule from 8:00 a.m. until noon on March 18, 1997, in Phoenix, Arizona. Written comments on this proposed rule will be accepted for 30 days following the hearing, until April 17, 1997.

**ADDRESSES:** The public hearing will be held from 8:00 a.m. until noon at the Arizona Department of Environmental Quality Public Hearing Room, 3033 North Central Avenue, Phoenix, Arizona 85012. If additional time is needed to hear testimony, the hearing will continue from 1:00 until 5:00 p.m. in

the Arizona Department of Environmental Quality Public Meeting Room, 3033 North Central Avenue, Phoenix, Arizona 85012. Materials relevant to this document have been placed in Docket A-97-02. The docket is located at the Air Docket Section, Mail Code 6102, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, in room M-1500 Waterside Mall. Documents may be inspected from 8:00 a.m. to 5:30 p.m. A reasonable fee may be charged for copying docket material. An identical docket is also located in EPA's Region IX office in Docket A-AZ-97. The docket is located at 75 Hawthorne Street, AIR-2, 17th Floor, San Francisco, California 94105. Documents may be inspected from 9:00 a.m. to noon and from 1:00-4:00 p.m. A reasonable fee may be charged for copying docket material.

Written comments should be submitted (in duplicate, if possible) to Air Docket Section, Mail Code 6102, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. A copy should also be sent to Janice Raburn at U.S. Environmental Protection Agency, Office of Air and Radiation, 401 M Street, SW (6406J), Washington, DC 20460. A copy should also be sent to EPA Region IX, 75 Hawthorne Street, AIR-2, 17th Floor, San Francisco, CA 94105.

**FOR FURTHER INFORMATION CONTACT:** Janice Raburn at U.S. Environmental Protection Agency Office of Air and Radiation, 401 M Street, SW (6406J), Washington, DC 20460, (202) 233-9000.

**SUPPLEMENTARY INFORMATION:** A copy of this notice is available on the OAQPS Technology Transfer Network Bulletin Board System (TTNBBS) and on the Office of Mobile Sources' World Wide Web site, <http://www.epa.gov/OMSWWW>. The TTNBBS can be accessed with a dial-in phone line and a high-speed modem (PH# 919-541-5742). The parity of your modem should be set to none, the data bits to 8, and the stop bits to 1. Either a 1200, 2400, or 9600 baud modem should be used. When first signing on, the user will be required to answer some basic informational questions for registration purposes. After completing the registration process, proceed through the following series of menus:

- (M) OMS
- (K) Rulemaking and Reporting
- (3) Fuels
- (9) Reformulated gasoline

A list of ZIP files will be shown, all of which are related to the reformulated gasoline rulemaking process. Today's action will be in the form of a ZIP file

and can be identified by the following title: OPTOUT.ZIP. To download this file, type the instructions below and transfer according to the appropriate software on your computer:

```
<D>ownload, <P>rotocol, <E>xamine,
<N>ew, <L>ist, or <H>elp
Selection or <CR> to exit: D
filename.zip
```

You will be given a list of transfer protocols from which you must choose one that matches with the terminal software on your own computer. The software should then be opened and directed to receive the file using the same protocol. Programs and instructions for de-archiving compressed files can be found via <S>ystems Utilities from the top menu, under <A>rchivers/de-archivers. Please note that due to differences between the software used to develop the document and the software into which the document may be downloaded, changes in format, page length, etc. may occur.

**Regulated entities.** Entities potentially regulated by EPA's proposal are those which produce, supply or distribute motor gasoline. Regulated categories and entities include:

Category	Examples of regulated entities
Industry ....	Petroleum refiners, motor gasoline distributors and retailers.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that EPA is now aware could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your business would be regulated under the proposed rule, you should carefully examine the list of areas covered by the reformulated gasoline program in § 80.70 of title 40 of the Code of Federal Regulations. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

#### I. Background and Discussion of Proposal

Under section 211(k)(6) of the Clean Air Act, as amended (Act), the Administrator of EPA shall require the sale of reformulated gasoline in an ozone nonattainment area classified as Marginal, Moderate, Serious, or Severe upon the application of the governor of the state in which the nonattainment area is located. The application of the prohibition of section 211(k)(5) to the Phoenix ozone nonattainment area

could take effect no later than January 17, 1998 under section 211(k)(6)(A), which stipulates that the effective program date must be no "later than January 1, 1995 or 1 year after [the Governor's] application is received, whichever is later." For the Phoenix nonattainment area, EPA could establish an effective date for the start of the RFG program anytime up to this date. EPA considers that January 17, 1998 would be the latest possible effective date, since EPA expects there to be sufficient domestic capacity to produce RFG and therefore has no current reason to extend the effective date beyond one year after January 17, 1998. EPA stated in the proposal that it believes there is adequate domestic capability to support the current demand for RFG nationwide as well as the addition of the Phoenix area.

Although § 211(k)(6) provides the Administrator discretion to establish the effective date as she deems appropriate and allows EPA to consider whether there is sufficient domestic capacity to produce RFG in establishing the effective date, EPA does not have discretion to deny a Governor's request. Therefore, the scope of EPA's proposal is limited to setting an effective date for Phoenix's opt-in to the RFG program and not to decide whether Phoenix should in fact opt in. For this reason, EPA is only soliciting comments addressing the appropriate implementation date and whether there is sufficient capacity to produce RFG, and is not soliciting comments that support or oppose Phoenix participating in the program. EPA also notes that comments regarding Arizona's request for an RVP waiver under section 211(c)(4), EPA opt-out procedures, or federal enforcement issues would not be relevant to the limited scope of this rulemaking.

The Governor's request seeks an implementation date of June 1 for the RFG program in the Phoenix area. However, pursuant to its discretion to set an effective date under § 211(k)(6), EPA proposed two implementation dates. EPA proposed to apply the prohibitions of subsection 211(k)(5) to the Phoenix, Arizona ozone nonattainment area as of the effective date of the rule, or June 1, 1997 whichever is later, for all persons other than retailers and wholesale purchaser-consumers. This date applies to the refinery level and all other points in the distribution system other than the retail level (*i.e.*, refiners, importers, and distributors). For retailers and wholesale purchaser-consumers, EPA proposed to apply the prohibitions of subsection 211(k)(5) to the Phoenix, Arizona ozone

nonattainment area 30 days after the effective date for the rule, or July 1, 1997, whichever is later. As of the implementation date for the various parties, this area will be treated as a covered area for all purposes of the federal RFG program for the relevant parties. EPA asks for comment on whether retailers and wholesale purchaser-consumers believe they could comply with federal RFG in less than 30 days from the effective date set for persons other than retailers and wholesale purchaser-consumers.

On February 18, 1997, EPA also published a Direct Final Rule (62 FR 7164) setting an effective date for the Phoenix ozone nonattainment area to be a covered area in the federal RFG program. Subsequent to publication, EPA received several requests for a hearing from interested parties. Thus, EPA will soon publish in the Federal Register a notice to indicate the withdrawal of the Direct Final Rule.

## II. Procedures for Public Participation

### A. Comments and the Public Docket

The scope of EPA's proposal is limited to setting an effective date for Phoenix's opt-in to the RFG program and not to decide whether Phoenix should in fact opt in. For this reason, EPA is only soliciting comments addressing the appropriate implementation date and whether there is sufficient capacity to produce RFG, and is not soliciting comments that support or oppose Phoenix participating in the program. EPA also asks for comment on whether retailers and wholesale purchaser-consumers believe they could comply with federal RFG in less than 30 days from the effective date set for persons other than retailers and wholesale purchaser-consumers. EPA also notes that comments regarding Arizona's request for an RVP waiver under section 211(c)(4), EPA opt-out procedures, or federal enforcement issues would not be relevant to the limited scope of this rulemaking.

Persons with comments containing proprietary information must distinguish such information from other comments to the greatest extent and label it as "Confidential Business Information." If a person making comments wants EPA to base the final rule in part on a submission labeled as confidential business information, then a non-confidential version of the document which summarizes the key data or information should be placed in the public docket. Information covered by a claim of confidentiality will be disclosed by EPA only to the extent allowed by the procedures set forth in

40 CFR part 2. If no claim of confidentiality accompanies the submission when it is received by EPA, it may be made available to the public without further notice to the person making comments.

### B. Public Participation

Any person desiring to present testimony regarding this proposed rule at the public hearing (see **DATES**) should notify the contact person listed above of such intent as soon as possible. A sign-up sheet will be available at the registration table the morning of the hearing for scheduling testimony for those who have not notified the contact person. This testimony will be scheduled on a first come, first serve basis to follow the previously scheduled testimony.

EPA suggests that approximately 50 copies of the statement or material to be presented be brought to the hearing for distribution to the audience. In addition, EPA would find it helpful to receive an advance copy of any statement or material to be presented at the hearing in order to give EPA staff adequate time to review such material before the hearing. Such advance copies should be submitted to the contact person listed previously.

The official records of the hearing will be kept open for 30 days following the hearing to allow submission of rebuttal and supplementary testimony. All such submittals should be directed to the Air Docket, Docket No. A-97-02 (see **ADDRESSES**).

Ms. Lori Stewart, Fuels Implementation Group Leader, Fuels and Energy Division, Office of Mobile Sources, is hereby designated Presiding Officer of the hearing. The hearing will be conducted informally and technical rules of evidence will not apply. Because a public hearing is designed to give interested parties an opportunity to participate in the proceeding, there are no adversary parties as such. Statements by participants will not be subject to cross examination by other participants. A written transcript of the hearing will be placed in the above docket for review. Anyone desiring to purchase a copy of the transcript should make individual arrangements with the court reporter recording the proceeding. The Presiding Officer is authorized to strike from the record statements which she deems irrelevant or repetitious and to impose reasonable limits on the duration of the statement of any witness. EPA asks that persons who testify attempt to limit their testimony to ten minutes, if possible. The Administrator will base her decision with regard to Arizona's request on the

record of the public hearing and on any other relevant written submissions and other pertinent information. This information will be available for public inspection at the EPA Air Docket, Docket No. A-97-02 (see **ADDRESSES**).

Dated: March 5, 1997.

Mary D. Nichols,

Assistant Administrator for Air and Radiation.

[FR Doc. 97-6216 Filed 3-11-97; 8:45 am]

BILLING CODE 6560-50-P

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 22 and 101

[WT Docket No. 97-81, FCC 97-58]

#### Multiple Address Systems

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This *Notice of Proposed Rule Making (NPRM)* proposes to amend the Commission's rules in order to streamline licensing procedures and provide additional flexibility for Multiple Address Systems (MAS) licensees. These proposals were adopted as part of the Commission's continuing effort to establish a flexible regulatory framework for spectrum allocations. The effects of these proposals would be to maximize the use of radio frequency spectrum allocated to MAS.

**DATES:** Comments are due on or before April 21, 1997. Reply comments are due on or before May 6, 1997.

**ADDRESSES:** You must send comments and reply comments to the Office of the Secretary, Federal Communications Commission, Washington, DC 20554. You may also file informal comments by electronic mail. You should address informal comments to [bjames@fcc.gov](mailto:bjames@fcc.gov). You must put the docket number of this proceeding on the subject line ("WT Docket No. 97-81"). You must also include your full name and Postal Service mailing address in the text of the message. Comments on the information collections contained herein should be submitted to Dorothy Conway, Federal Communications Commission, Room 234, 1919 M Street, NW., Washington, DC 20554, or via the internet to [dconway@fcc.gov](mailto:dconway@fcc.gov), and to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725-17th Street, NW., Washington, DC 20503 or via the internet to [fain\\_t@al.eop.gov](mailto:fain_t@al.eop.gov).

**FOR FURTHER INFORMATION CONTACT:** Bob James of the Commission's Wireless Telecommunications Bureau at (202)