

requirements as under the current NAAQS, which are provided by section 182(c)(2)(B), except that if the NAAQS is revised as proposed, areas should submit ROP controls covering only the period up to the time they submit new SIPs to attain the revised NAAQS and not up to their attainment date under the current NAAQS. In addition, if the NAAQS is revised as proposed, areas would not be required to submit attainment demonstrations (including the controls) geared towards the existing NAAQS and attainment dates; rather, they would be required at a future time to submit an attainment demonstration geared to the revised NAAQS.

The IIP further proposes to require States to submit, within 90 days after promulgation of the final ozone NAAQS, a preliminary estimate of the amount of emissions reductions needed for their ozone nonattainment area to attain the revised NAAQS. Finally, the IIP proposes making revisions to the July 1996 Findings consistent with its principles.

## II. Notice of Intent To Propose Rulemaking

In this notice, the Agency is announcing its plans to issue SIP calls, under section 110(k)(5) of the Act, as needed to ensure that the necessary regional reductions are achieved that will allow current nonattainment areas to prepare attainment demonstrations for the current NAAQS. This action will reflect the technical work done by OTAG, as well as any OTAG recommendations for adoption of additional NO<sub>x</sub> and/or VOC controls. The EPA wants to ensure that the necessary regional reductions would be implemented by the relevant States within a specified timeframe. It is EPA's intention to review the assessments, modeling work, and any recommendations made by OTAG, and to base the SIP call on this review as well as any other information available. In the March 1997 timeframe, EPA intends to publish a Notice of Proposed Rulemaking (NPR). The EPA anticipates that the NPR will propose overall amounts or ranges of NO<sub>x</sub> and/or VOC emission reductions that each State would need to achieve to reduce the boundary condition concentrations of ozone and its precursors within a specified timeframe and require the submission of SIP controls to achieve these reductions. The EPA may or may not identify or require specific control measures. The SIP revision must also contain a schedule for adoption and implementation of these measures, and EPA intends to set out this schedule in more detail in the proposed rulemaking.

The EPA intends to publish the final SIP call notice in summer 1997.

Under section 110(k)(5) of the Act, EPA has the authority to establish the date by which a State must respond to a SIP call. This date can be no later than 18 months after the SIP call is issued. The EPA believes that it is appropriate for attainment areas to meet the same schedule as nonattainment areas for making SIP submittals. The EPA could thus allow up to 18 months for these submittals. However, EPA is considering a more accelerated schedule for submittals under this SIP call to attain air quality benefits sooner and to facilitate area specific SIP planning. The EPA will be requesting comment on deadlines ranging from 6 months to 18 months following the date of publication of the notice of final rulemaking.

If EPA makes a finding under section 179(a) that the appropriate States have not made the required complete submittals by the date established in the SIP call, EPA plans to provide by rule that the offset sanction identified in section 179(b) will be applied in the affected areas, pursuant to section 179(a) and 40 CFR 52.31. If the States have still not made a complete submission 6 months after the offset sanction is imposed, then the highway funding sanction will apply in the affected nonattainment areas in accordance with 40 CFR 52.31. In addition, section 110(c) provides that EPA promulgate a Federal implementation plan (FIP) no later than 2 years after a finding under section 179(a).

The EPA believes that expedited implementation of regional control strategies to facilitate attainment of the current standard would also be beneficial if the Agency makes a final decision to revise the ozone NAAQS standard. In fact, it is likely that regional reductions in ozone and ozone precursors in upwind States will be even more critical to allow downwind States to attain a revised standard. Regional reductions could also minimize the number of areas designated nonattainment under a revised standard and/or lessen the severity of the nonattainment problem. In addition, as EPA goes through the process of developing an implementation program for the new standard, it will be able to take advantage of the information gathered by OTAG and account for emission reductions that result from the recommended strategy.

The EPA's authority under section 110(k)(5) to issue a SIP call will not be changed by promulgation of a revised NAAQS because the requirements of

section 110(a)(2)(D) will not be affected by the revised NAAQS. Under the revised NAAQS, upwind States must continue to demonstrate that their sources do not significantly contribute to nonattainment problems downwind.

Dated: January 6, 1997.

Mary D. Nichols,

*Assistant Administrator, Office of Air and Radiation.*

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 61

[CC Docket No. 93-55; FCC 96-108]

#### Metric Conversion of Tariff Publications and Supporting Information

**AGENCY:** Federal Communications Commission.

**ACTION:** Termination of proposed rulemaking proceeding.

**SUMMARY:** In a 1993 Notice of Proposed Rulemaking, the Commission sought comment on a proposal to amend Part 61 of its rules to mandate metric conversion of common carrier tariff publications and supporting information ("tariff materials"). The Commission made this proposal to facilitate use of these materials in light of the increased employment of metric units of measurement in this country and Congressional policy that the metric system of measurement be employed wherever possible. Based upon the comments received and its own analysis, the Commission concluded, in this Report and Order, that it would not be in the public interest to require common carriers to convert to the metric system those units of measure appearing in their tariff materials. Specifically, the Commission found that the benefits to carriers and their customers of such mandatory metric conversion—or of requiring that conversion tables be included in such materials—were not clear enough to justify the carrier burdens involved. Accordingly, the Commission declined to adopt any of the proposed conversion options and, instead, terminated this proceeding.

**DATES:** The proposed rulemaking proceeding is terminated February 10, 1997.

**FOR FURTHER INFORMATION CONTACT:** Allen A. Barna, Competitive Pricing Division, Common Carrier Bureau, (202) 418-1530.

**SUPPLEMENTARY INFORMATION:** The Commission opened this docket with the release of a Notice of Proposed Rulemaking: Amendment to Part 61 of the Commission's Rules Requiring Metric Conversion of Tariff Materials and Supporting Information, CC Docket No. 93-55, 10 FCC Rcd 6483 (1993) (1993 NPRM), 58 FR 26087, April 30, 1993. The 1993 NPRM was one of several actions that the Commission took in response to the Metric Conversion Act of 1975, Public Law 94-168, 89 Stat. 1007 (1975), as amended by Public Law 100-418, 102 Stat. 1107 (1988) (codified at 17 U.S.C. § 205 *et seq.*) (Metric Conversion Act). This is a summary of the Commission's later Report and Order in this docket adopted March 12, 1996, and released March 29, 1996, 11 FCC Rcd 3617 (1996) (Report and Order). The full text of this Report and Order is available for inspection and copying during normal business hours in the FCC Public Reference Room (Room 239), 1919 M St., NW., Washington, DC. The complete text of this Report and Order may also be purchased from the Commission's copy contractor, International Transcription Service, Suite 140, 2100 M Street, NW., Washington, DC 20037.

#### Regulatory Flexibility Analysis

Because the Commission did not impose any of the proposed metric conversion options on common carriers and, instead, simply terminated this proceeding, the Commission has determined that Section 605(b) of the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), does not apply to the adoption of this Report and Order because termination of this proceeding does not have any significant economic impact on small entities.

#### Summary of Report and Order

In the 1993 NPRM, the Commission expressed its belief that distance-sensitive units in tariff filings under Part 61 of its rules should be expressed in metric units. Accordingly, that NPRM proposed three options for conversion of common carrier tariff materials to the metric system. Under Option 1, the Conversion Table Option, carriers would be required to include, in the general rules section of their tariff materials, a table for converting non-metric units of measurement to metric units. Under Option 2, carriers would be required to include—in the applicable rate sections of their tariff materials—the metric unit and corresponding rate in parenthesis beside the non-metric unit and related rate (e.g., \$4.00 per mile (\$2.50 per kilometer)). Under Option 3, carriers would be required to include

only the metric unit and related rate in the applicable rate sections of their tariff materials. To aid tariff users not familiar with the metric system, Option 3 would also require carriers to include appropriate conversion tables in their tariff materials.

Most commenting parties urged the Commission not to adopt any rule requiring metric conversion of common carrier tariff materials. Some parties noted that the Metric Conversion Act does not obligate the Commission to require metric conversion of such materials. A number of parties argued that the anticipated costs for carriers to convert these materials and the related administrative burdens on each carrier to revise tariff materials far outweigh any benefits to those who use these materials.

The National Institute of Standards and Technology at the U.S. Department of Commerce (NIST) recommended that these tariff materials include either (a) the metric unit and corresponding rate followed in parenthesis by the non-metric unit and rate, or (b) the non-metric unit and corresponding rate followed by the metric unit and rate. Thus, NIST would allow carriers to choose which measurement system would be dominant in their tariff materials and which would be included in parenthesis. Should the Commission not adopt that approach, NIST urged that common carriers be required to comply with Option 2 in the 1993 NPRM because, in the view of NIST, that option most closely met the goals of the Metric Conversion Act. In addition, the Chairman of the Standards and Metric Practices Subcommittee of the Interagency Council on Metric Policy urged the Commission to allow carriers to use only metric units in their tariff materials because use of any other option would require carriers to continue to use two sets of units in these materials.

The Commission found that the carrier burdens associated with both Option 2 and Option 3 clearly outweigh the benefits to the public that each offers. Although Option 1, the Conversion Table Option, would be less burdensome than either of the other two options, the Commission found that it, too, would impose additional burdens on carriers. While the Commission recognized that inclusion of such conversion tables in tariff materials would promote its metric conversion program and would potentially benefit some tariff users, the Commission, nevertheless, found that the benefits associated with such a requirement

would be outweighed by the estimated burdens on carriers.

Thus, in light of the record established in response to the 1993 NPRM, the Commission no longer found that the benefits of having metric units or metric conversion tables in tariff materials exceeded the related burdens on those carriers that filed these materials. Instead, the Commission found that the benefits to carriers and their customers of converting tariff materials to the metric system—or of including conversion tables in such materials—were not sufficiently clear to justify the burdens involved. Accordingly, the Commission declined to adopt any of the conversion options proposed in the 1993 NPRM and terminated this proceeding.

#### Ordering Clause

Accordingly, *It is ordered*, that the proceeding initiated in CC Docket No. 93-55 *is terminated*.

#### List of Subjects in 47 CFR Part 61

Communications common carriers, Metric system, Telecommunications.

Federal Communications Commission.

LaVera F. Marshall,

*Acting Secretary*.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[I.D. 122396B]

#### New England Fishery Management Council; Meeting

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

**ACTION:** Public meeting.

**SUMMARY:** The New England Fishery Management Council (Council) will hold a 1-day public meeting to consider actions affecting New England fisheries in the exclusive economic zone.

**DATES:** The meeting will be held on Tuesday, January 16, 1997, at 9 a.m.

**ADDRESSES:** The meeting will be held at the Tara Ferncroft Conference and Resort, 50 Ferncroft Road, Danvers, MA 01923; telephone (508) 777-2500. Requests for special accommodations should be addressed to the New England Fishery Management Council, 5 Broadway, Saugus, MA 01906-1097; telephone (617) 231-0422.