(5) The Commonwealth must perform and submit the final modeling demonstration that its program will meet the relevant enhanced performance standard, within twelve months of EPA's final interim rulemaking.

(b) In addition to the above conditions for approval, the Commonwealth must correct several minor, or *de minimus* deficiencies related to CAA requirements for enhanced I/M. Although satisfaction of these deficiencies does not affect the conditional approval status of the Commonwealth's rulemaking granted under the authority of section 110 of the Clean Air Act, these deficiencies must be corrected in the final I/M SIP revision prior to the end of the 18-month interim period granted under the National Highway Safety Designation Act of 1995:

(1) The final I/M SIP submittal must detail the number of personnel and equipment dedicated to the quality assurance program, data collection, data analysis, program administration, enforcement, public education and assistance, on-road testing and other necessary functions as per 40 CFR 51.354;

(2) The definition of light duty truck in the definitions section of the final Pennsylvania I/M regulation must provide for coverage up to 9,000 pounds GVWR;

(3) The final Pennsylvania I/M regulation must require implementation of the final full stringency emission standards at the beginning of the second test cycle so that the state can obtain the full emission reduction program credit prior to the first program evaluation date;

(4) The final Pennsylvania I/M regulation must require a real-time data link between the state or contractor and each emission inspection station as per 40 CFR 51.358(b)(2);

(5) The final I/M SIP submittal must provide quality control requirements for one-mode ASM (or two-mode ASM if the Commonwealth opts for it);

(6) The Pennsylvania I/M regulation must *only* allow the Commonwealth or a single contractor to issue waivers as per 40 CFR 51.360(c)(1);

(7) The final I/M SIP submittal must include the RFP, or other legally binding document, which adequately addresses how the private vendor selected to perform motorist compliance enforcement responsibilities for the Commonwealth's program will comply with the requirements as per 40 CFR 51.362;

(8) The final I/M SIP submittal must include the RFP that adequately addresses how the private vendor will comply with 40 CFR 51.363, a procedures manual which adequately addresses the quality assurance program and a requirement that annual auditing of the quality assurance auditors will occur as per 40 CFR 51.363(d)(2);

(9) The final I/M SIP submittal must include provisions to maintain records of all warnings, civil fines, suspensions, revocations, violations and penalties against inspectors and stations, per the requirements of 40 CFR 51.364;

(10) The final I/M SIP submittal must include a RFP, or other legally binding document, which adequately addresses how the private vendor selected by the Commonwealth to perform data collection and data analysis and reporting will comply with all the requirements of 40 CFR 51.365 and 51.366;

(11) The final Pennsylvania I/M regulation must require that emissions inspectors complete a refresher training course or pass a comprehensive skill examination prior to being recertified and the final SIP revisions must include a commitment that the Commonwealth will monitor and evaluate the inspector training program delivery, per the requirements of 40 CFR 51.367;

(12) The final I/M SIP submittal must include a RFP, or other legally binding document, which adequately addresses how the Commonwealth's selected contractor will comply with the public information requirements of 40 CFR 51.368;

(13) The Pennsylvania I/M regulation must include provisions that meet the requirements of 40 CFR 51.368(a)and 51.369(b) for a repair facility performance monitoring program plan and for providing the motorist with diagnostic information based on the particular portions of the test that were failed; and

(14) The final I/M SIP submittal must contain sufficient information to adequately address the on-road test program resource allocations, methods of analyzing and reporting the results of the on-road testing and information on staffing requirements for both the Commonwealth and the private vendor for the on-road testing program.

[FR Doc. 97–1846 Filed 1–27–97; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 20, 22, 24, 80, and 90

[GEN Docket No. 93–252, FCC 96–473]

Implementation of Sections 3(n) and 332 of the Communications Act Regarding Regulatory Treatment of Mobile Services

AGENCY: Federal Communications Commission.

ACTION: Final rule, petitions for reconsideration.

SUMMARY: This *Order* on partial reconsideration of the *Second Report and Order* implementing Sections 3(n) and 332 of the Communications Act of 1934 denies two petitions for reconsideration concerning the right of cellular resellers to interconnect their switching facilities with those of facilities-based cellular carriers, the Commission's authority to defer decision on these matters to a separate proceeding, and interim relief with respect to the reseller switch issue. The action is taken to resolve these petitions.

EFFECTIVE DATE: January 28, 1997.

FOR FURTHER INFORMATION CONTACT: Jane Phillips, (202) 418–1310, Policy Division, Wireless Telecommunications Bureau.

SUPPLEMENTARY INFORMATION: This is a synopsis of the *Memorandum Opinion and Order on Partial Reconsideration of Second Report and Order* in GN Docket No. 93–252, FCC 96–473, adopted December 11, 1996, and released December 20, 1996. The complete text of this Memorandum Opinion and Order 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, at (202) 857–3800, 2100 M Street, N.W., Suite 140, Washington, D.C. 20037.

Synopsis of the Memorandum Opinion and Order

1. In the *CMRS Second Report and Order* (59 FR 18493, April 19, 1994), the Commission determined that it did not have a sufficient record to consider adequately the circumstances in which CMRS providers may be required to provide interconnection to other carriers, including resellers. Recognizing the conflicting claims of affected parties, the complexity of the issues relating to interconnection, and the need to develop a more thorough record on those issues, the Commission

deferred consideration of such issues and committed to begin a new rulemaking proceeding to examine them in depth.

2. Petitioners challenge this decision. One argues that Section 6002(d)(3)(C) of the Budget Act requires the Commission to promulgate regulations governing CMRS-to-CMRS interconnection no later than August 10, 1994. Both request that questions concerning the right of cellular resellers to interconnect their own switches to the facilities of licensed cellular carriers and their right to obtain such interconnection under reasonable terms and conditions be resolved on reconsideration, rather than deferred for resolution in other proceedings. They argue that resellers' interconnection rights must be determined under Section 201 of the Act, and that cellular resellers satisfy criteria established under Section 201 to justify an order for interconnection, i.e., that the request be from a common carrier, and that the request be ''necessary or desirable to serve the public interest.''

3. The *Order* rejects the contention that the Budget Act requires the Commission to adopt rules mandating CMRS-to-CMRS interconnection by August 10, 1994. It states further that the express language of the statute undercuts the Petitioners' claim that CMRS providers have an unqualified right to interconnect with CMRS providers. Section 332(c)(1)(B) provides that the Commission act ''upon reasonable request'' and states further that nothing in that section ''shall be construed as a limitation or expansion of the Commission's authority to order interconnection pursuant to [Section 201 of] the Act.'' Under Section 201, the Commission is authorized to grant requests for interconnection where, ''after opportunity for hearing, [it finds] such action necessary or desirable in the public interest.'' The Order points out that nothing in this language gives anyone an absolute right to interconnection. It concludes therefrom that, even if the Commission were required to adopt rules to implement Section 332(c)(1)(B) with respect to CMRS-to-CMRS interconnection, those rules would not have to mandate such interconnection in all cases.

4. The *Order* also states that the Commission's decision in the *CMRS Second Report and Order* to review the public interest aspects of CMRS-to-CMRS interconnection in a separate proceeding is not only consistent with the language of Sections 332 and 201, but also is wholly in accord with its responsibility and authority to structure and conduct proceedings efficiently. The *Order* notes that the Commission initiated a comprehensive examination of interconnection less than four months after releasing the *CMRS Second Report and Order*, and that it later issued a *Second Notice of Proposed Rulemaking* (59 FR 37734, July 25, 1994) in the same docket, examining a broad range of issues concerning CMRS interconnection and CMRS resale, including the reseller switch issue. The *Order* denies the request for interim relief implementing the reseller switch proposal. The *Order* notes that, during the period in which the Commission is developing broad interconnection policies in these proceedings, it has explicitly provided resellers (and others) the opportunity to file fact-specific complaints concerning CMRS-to-CMRS interconnection disputes, should such disputes arise.

Ordering Clauses

5. Accordingly, it is ordered, that the Petition for Reconsideration of the *Second Report and Order*, Implementation of Sections 3(n) and 332 of the Communications Act, Regulatory Treatment of Mobile Services, GN Docket No. 93–252, filed jointly by Cellular Service, Inc., and ComTech, Inc., and that portion of the Petition for Reconsideration filed by the National Wireless Resellers Association that relates to the right of cellular resellers to interconnect with facilities-based cellular carriers, are denied. This action is taken pursuant to Sections 4(i), 4(j), 7(a), 201, 303(c), 303(f), 303(g), 303(r), 332(c) and 332(d) of the Communications Act of 1934, 47 U.S.C. §§ 154(i), 154(j), 157(a), 201, 303(c), 303(f), 303(g), 303(r), 332(c), 332(d).

List of Subjects

47 CFR Part 20

Commercial mobile radio services, Radio.

47 CFR Part 22

Public mobile services, Radio.

47 CFR Part 24

Personal communications services, Radio.

47 CFR Part 80

Maritime services, Radio.

47 CFR Part 90

Private land mobile services, Radio.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 97–2008 Filed 1–27–97; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 961114317–7008–02; I.D. 102596B]

RIN 0648–XX70

Atlantic Surf Clam and Ocean Quahog Fisheries; 1997 Fishing Quotas

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

ACTION: Final 1997 fishing quotas for surf clams and ocean quahogs.

SUMMARY: NMFS issues final quotas for the Atlantic surf clam and ocean quahog fisheries for 1997. These quotas are selected from a range defined as optimum yield (OY) for each fishery. The intent of this action is to establish allowable harvests of surf clams and ocean quahogs from the exclusive economic zone in 1997.

EFFECTIVE DATE: January 1, 1997, through December 31, 1997.

ADDRESSES: Copies of the Mid-Atlantic Fishery Management Council's analysis and recommendations and environmental assessment are available from David R. Keifer, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19901–6790.

FOR FURTHER INFORMATION CONTACT: Myles Raizin, Fishery Policy Analyst, 508–281–9104.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the Atlantic Surf Clam and Ocean Quahog Fisheries (FMP) directs NMFS, acting on behalf of the Secretary of Commerce (Secretary) and in consultation with the Mid-Atlantic Fishery Management Council (Council), to specify quotas for surf clams and ocean quahogs on an annual basis from a range defined by the FMP as the OY for each fishery. For surf clams, the quota must fall within the OY range of 1.85 million bushels (mil. bu.) (652,000 hectoliters (hL)) to 3.4 mil. bu. (1.2 mil. hL). For ocean quahogs, the quota must fall within the OY range of 4 mil. bu. (1.4 mil. hL) to 6 mil. bu. (2.1 mil. hL). Further, the Council follows the policy that the quotas selected should allow fishing to continue at that level for at least 10 years for surf clams and 30 years for ocean quahogs. While staying within these constraints, the quotas are also to be set at a level that