

Maryland Air Management Administration,
Maryland State Department of Health &
Mental Hygiene, 201 West Preston
Street, Baltimore, MD 21201

Dear Mr. Ferreri: This is in response to your letter of October 29, 1984, requesting delegation of authority for the Maryland Air Management Administration to enforce New Source Performance Standards for Bulk Gasoline Terminals, Beverage Can Surface Coating Industry, Pressure Sensitive Tape, and Label Surface Coating Industry, Volatile Organic Compounds in the Synthetic Organic Chemical Manufacturing Plants.

We have reviewed the pertinent laws, rules and regulations of the State of Maryland and have determined that they continue to provide an adequate and effective procedure for implementing and enforcing the NSPS. Therefore, we hereby delegate the authority for the implementation and enforcement of the NSPS regulations to the State of Maryland as follows:

Authority for all sources located or to be located in the State of Maryland subject to the Standards of Performance for New Stationary Sources for Bulk Gasoline Terminals (XX), Beverage Can Surface Coating Industry (WW), Pressure Sensitive Tape and Label Surface Coating Industry (RR), Volatile Organic Compounds in the Synthetic Organic Chemicals Manufacturing Industry (VV) and Lime Manufacturing Plants (HH).

This delegation is based upon the conditions given in our September 30, 1983 letter to you which delegated 13 additional NSPS source categories to the State of Maryland.

If you need any further information, feel free to contact me.

Sincerely,

W. Ray Cunningham,

Director, Air Management Division.

Effective immediately, all applications, reports, and other correspondence required under the NSPS for Bulk Gasoline Terminals (Subpart XX), Pressure Sensitive Tape and Label Surface Coating Industry (Subpart WW), Volatile Organic Compounds in the Synthetic Organic Chemical Industry (Subpart VV) and Lime Manufacturing Plants (Subpart HH), should be sent to the Maryland Air Management Administration (address above) in addition to the EPA Region III Office in Philadelphia.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Authority: Sec. 111(c), Clean Air Act (42 U.S.C. 7411(c)).

Dated: February 14, 1985.

Stanley L. Laskowski,
Acting Regional Administrator.

[FR Doc. 85-4901 Filed 2-28-85; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 4

Hearings and Appeals Procedures

AGENCY: Office of Hearings and Appeals, Department of the Interior.

ACTION: Final rule.

SUMMARY: The Office of Hearings and Appeals is amending regulation § 4.100(c)(1) in 43 CFR Part 4, Subpart C, Title 43 of the Code of Federal Regulations, to reflect the change of telephone number for the Interior Board of Contract Appeals.

EFFECTIVE DATE: March 1, 1985.

FOR FURTHER INFORMATION CONTACT: Frances A. Patton, 703-235-3810.

SUPPLEMENTARY INFORMATION: Since this is an action reflecting agency management and a change of telephone number which has previously been effected, the proposed rulemaking process is determined to be unnecessary and impractical.

List of Subjects in 43 CFR Part 4

Administrative practice and procedure, Government contracts.

PART 4—[AMENDED]

For the reasons set out above and under authority of the Secretary of the Interior contained in 5 U.S.C. 301, subparagraph (1) of paragraph (c) in § 4.100, Subpart C, Part 4, Title 43 of the Code of Federal Regulations, is amended to show the present telephone number for the Interior Board of Contract Appeals of the Office of Hearings and Appeals, U.S. Department of the Interior, as follows:

§ 4.100 General rules and guidelines.

* * * * *

(c) Location and organization of the Board.

(1) * * * Its telephone number is (703) 235-3813.

* * * * *

Dated: February 21, 1985.

Richard R. Hite,
Principal Deputy Assistant Secretary of the Interior.

[FR Doc. 85-4936 Filed 2-28-85; 8:45 am]

BILLING CODE 4310-10-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[RM-3968]

Editorial Amendment; Mexican Border Area; Limits

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Section 73.512 is amended by deleting the provision which limits the rule's applicability in the Mexican border area. As a result, it will become possible for the Commission to implement the special procedures for Class D noncommercial educational FM stations throughout the lower 48 United States.

EFFECTIVE DATE: March 29, 1985.

FOR FURTHER INFORMATION CONTACT: Jonathan David, Mass Media Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Order

In the matter of editorial amendment of § 73.512 of the Commission's Rules; RM-3968.

Adopted: February 13, 1985.

Released: February 20, 1985.

By the Chief, Mass Media Bureau.

1. Under provisions of rules adopted June 7, 1978, published in the *Federal Register* September 6, 1978, (43 FR 39704), Class D noncommercial educational FM stations (those authorized with a transmitter power output of 10 watts or less) were required to comply with certain channel change procedures. If possible, these stations were required to change channel by moving to a frequency in the commercial portion of the FM band. Alternatively, these Class D stations were given an opportunity to file an application to increase power to at least 100 watt effective radiated power in order to be able to continue operating on a reserved noncommercial FM channel.

2. Class D stations within 199 miles of the border with Mexico or within 250 miles of the border with Canada were exempted from the above requirement pending arrangements which would permit 10 watt operation on commercial FM frequencies in these areas.

3. By *Order*, published in the *Federal Register* August 17, 1979, 44 FR 48225, the Commission made an editorial revision of § 73.512 to delete this restriction insofar as it dealt with the

area near the border with Canada. Although the necessary arrangements with Canada had been made, it was not then possible to take the same step with regard to the Mexican border area. In the above-captioned petition for rule making, National Public Radio has asked the Commission to conduct any needed negotiations with Mexico so that the exemption in the rule for the Mexican border area can be deleted.

4. The Commission has been involved in continuing negotiations with Mexico in connection with various matters of common concern, including those affecting the existing bilateral FM Agreement and its interpretations. It has now become possible to implement the provisions of § 73.512 of the Commission's rules in the Mexican border area consistent with FM Agreements with Mexico. As a result, the current restriction in this rule can be removed by making the same editorial change as was made when the reference to the Canadian border area was deleted.¹ With this change, it will become possible to make the provisions relating to Class D stations effective throughout the conterminous 48 United States, as was contemplated when the rule was originally adopted.

PART 73—[AMENDED]

5. Therefore, it is ordered, That pursuant to sections 4(i), 5(a)(1), 303(r), and 307(b) of the Communications Act of 1934, as amended, and § 0.283 of the Commission's rules, § 73.512(a)(1) of the Commission's rules is revised, effective March 29, 1985, to read as follows:

§ 73.512 Special procedures applicable to Class D noncommercial educational stations.

(a) * * *

(1) To the extent possible, each applicant shall select a commercial FM channel on which it proposes to operate in lieu of the station's present channel. The station may select any commercial channel provided no objectionable interference, as set forth in § 73.509(b), would be caused. The application shall include the same engineering information as is required to change the frequency of an existing station and any other information necessary to establish the fact that objectionable interference would not result. If no commercial channel is available where the station could operate without causing such interference, the application shall set

¹ Because it is possible to make this change in the rule through an editorial revision, the NPR petition can be dismissed as moot.

forth the basis upon which this conclusion was reached.

6. It is further ordered, That the subject petition for rule making filed by National Public Radio is dismissed.

7. For further information concerning this Order, contact Jonathan David, Mass Media Bureau, (202) 632-7792.

Federal Communications Commission.
James C. McKinney,
Chief, Mass Media Bureau.
[FR Doc. 85-4873 Filed 2-28-85; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 84-442; RM 4724]

FM Broadcast Stations, San Clemente, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein at the request of Sunbelt Television, Inc., assigns Channel 285A to San Clemente, California, as that community's second FM broadcast service.

EFFECTIVE DATE: April 3, 1985.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order (Proceeding Terminated)

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (San Clemente, California); MM Docket No. 84-442, RM-4724.

Adopted: February 15, 1985.

Released: February 25, 1985.

By the Chief, Policy and Rules Division.

1. Before the Commission for consideration is the *Notice of Proposed Rule Making*, 49 FR 20311, published May 14, 1984, proposing the assignment of Channel 285A to San Clemente, California, as that community's second FM service. The *Notice* was adopted in response to a petition filed by Sunbelt Television, Inc. ("petitioner"). Supporting comments were submitted by the petitioner reaffirming its intention to apply for the channel, if assigned. Oppositions were filed by the Audio House, Inc. ("Audio"), licensee of Station KCBQ-FM (Channel 287), San Diego, California, and Mount Wilson FM

Broadcasters, Inc. ("Mt. Wilson"), licensee of Station KKGO-FM (Channel 286), Los Angeles, to which the petitioner responded.

2. Both oppositions are based on the ground that in 1966 the Commission dismissed a proposal to assign Channel 285A to San Clemente because the only sites which could meet the minimum required spacings were located within the confines of Camp Pendleton, which was not available for civilian use.¹ The opponents argue that sites are still unavailable on the Camp Pendleton Base. Mt. Wilson states that it believes the officials at Camp Pendleton would not grant permission to locate an antenna and transmitter anywhere within the confines of Camp Pendleton.

3. Petitioner submitted an affidavit and a letter from Colonel A.A. Bernotas, Marine Corps, which indicate there is the possibility of an FM broadcast facility being constructed on the military property of Camp Pendleton. The Marine Corps states that it does in certain cases permit civilian use of military property. However, the proposal to construct an FM Broadcast facility on the federal land would require close evaluation by the Marine Corps.

4. Channel 285A can be assigned to San Clemente in compliance with the minimum distance separation requirements of § 73.207 of the Commission's Rules, with a site restriction of approximately 8.9 kilometers (5.5 miles) southeast of the community.² The site restriction meets the spacing requirements to FM Stations KDES (Channel 284) Palm Springs, California, and KCBQ (Channel 287), San Diego, California. Although the only site which could meet the minimum required spacings would have to be located within the confines of Camp Pendleton, the Marine Corps indicated its willingness to evaluate the proposal.

5. Since San Clemente is located within 320 kilometers (199 miles) of the U.S.-Mexican border, the concurrence by the Mexican government has been obtained.

6. We have carefully considered the proposal and found no valid argument against it. On that basis, the Commission believes the public interest would be served by the assignment of

¹ *Report and Order* in Docket No. 16212, 2 FCC 2d 647 (1966).

² The petition was filed before the effectiveness of the new spacing requirements adopted in the *Report and Order*, BC Docket No. 80-90, 94 FCC 2d 152 (1983), *recons.*, *Memorandum Opinion and Order*, 49 FR 10290, published March 20, 1984. Therefore, the earlier rules for minimum distance separation requirements are applied.

Channel 285A to San Clemente, in order to provide for a second FM service.

7. Accordingly, pursuant to the authority contained in sections 4(i), 5(c)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, That effective April 3, 1985, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended for the following community:

| City | Channel No. |
|------------------|-------------|
| San Clemente, CA | 285A, 300 |

8. It is further ordered, that this proceeding is terminated.

9. For further information concerning this proceeding, contact Patricia Rawlings, Mass Media Bureau, (202) 634-6530.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 85-5023 Filed 2-28-85; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 84-498; RM-4677]

FM Broadcast Stations, Caldwell, ID

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein substitutes Channel 277 for Channel 276A at Caldwell, Idaho, and modifies the license of Station KLCI to specify operation on the new channel, in response to a petition filed by Carlson Communications International. (Hayes Broadcasting Co. was the original petitioner and the call sign was changed from KQZQ to KLCI on March 13, 1984.)

EFFECTIVE DATE: April 3, 1985.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order (Proceeding Terminated)

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations

(Caldwell, Idaho); MM Docket No. 84-498, RM-4677.

Adopted: February 15 1985.

Released: February 25, 1985.

By the Chief, Policy and Rules Division.

1. The Commission herein considers its *Notice of Proposed Rule Making*, 49 FR 23896, published June 8, 1984, issued in response to a request filed by Carlson Communications International¹ ("petitioner"), licensee of Station KLCI,² Channel 276A, Caldwell, Idaho, proposing the substitution of Class C FM Channel 277 for Channel 276A and modification of the license accordingly. Petitioner filed supporting comments in which it reaffirmed its intention to file for the channel, if assigned. No other comments were received.

2. We believe the public interest would be served by the substitution of Class C Channel 277 for Channel 276A at Caldwell, Idaho, since it could provide Caldwell with its second wide area coverage FM service. The substitution can be made in compliance with the minimum distance separation requirements of Section 73.207 of the Commission's Rules.

3. We have authorized in paragraph 4 a modification of petitioner's license for Station KLCI, Caldwell, Idaho, to specify operation on Channel 277, since there has been no other expression of interest in the Class C Channel. See *Cheyenne, Wyoming*, 62 FCC 2d 63 (1976).

4. Accordingly, pursuant to the authority found in sections 4(i), 5(c)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, that effective April 3, 1985, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended to include the community listed below, as follows:

| City | Channel No. |
|--------------|---------------------|
| Caldwell, ID | 231, 277, and 295A. |

5. It is further ordered, pursuant to the authority contained in § 316 of the Communications Act of 1934, as amended, that the license of Station KLCI, Caldwell, Idaho, is modified to specify operation on Channel 277, subject to the following conditions:

(a) The licensee shall file with the Commission a minor change application

¹Effective March 2, 1984, Hayes Broadcasting Company (original petitioner) assigned its license to operate on Channel 276A to Boise Area Radio Stations, which in turn transferred the license to Carlson Communications International.

²Effective March 13, 1984, the call sign was changed from KQZQ to KLCI.

for construction permit (Form 301), specifying the new facility.

(b) Upon grant of the construction permit, program tests may be conducted in accordance with § 73.1620.

(c) Nothing contained herein shall be construed to authorize a major change in transmitter location or to avoid the necessity of filing an environmental impact statement pursuant to § 1.1301 of the Commission's Rules.

6. It is further ordered, that this proceeding is terminated.

7. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 85-5020 Filed 2-28-85; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 84-463; RM 4650]

FM Broadcast Stations, Deer Lodge, MT

AGENCY: Federal Communication Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns FM Channel 244A to Deer Lodge, Montana, as that community's first FM assignment in response to a petition filed by Deer Lodge Broadcasting, Inc.

EFFECTIVE DATE: April 3, 1985.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: D. David Weston, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order (Proceeding Terminated)

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Deer Lodge, Montana); MM Docket No. 84-463, RM-4650.

Adopted: February 15, 1985.

Released: February 25, 1985.

By the Chief, Policy and Rules Division.

1. The Commission has before it for consideration the *Notice of Proposed Rule Making*, 49 FR 21967, published May 24, 1984, proposing the assignment of FM Channel 244A to Deer Lodge,