

EPA will be publishing a Federal Register notice that explains in detail the HSWA and its effect on authorized States. That notice should be referred to for further information.

Region III and Maryland are currently reviewing the Memorandum of Agreement (MOA) to revise it to address the requirements of the HSWA. The current MOA provides that Maryland shall administer the RCRA program in lieu of EPA and that EPA shall not issue permits in the State. Thus, it is inconsistent with the HSWA and will be revised to reflect EPA's and Maryland's respective responsibilities under the new Federal/State regulatory scheme. (Because of the strict statutory time clock for processing final authorization applications, the State and EPA did not have ample time to revise the MOA before EPA's final approval of the State's application.)

Compliance With Executive Order 12291

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

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Maryland's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

Hazardous materials, Indian lands, Reporting and record keeping requirements, Waste treatment and disposal, Intergovernmental relations, Penalties, Confidential business information.

Authority: This notice is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6912(a), 6926, and 6974(b).

Dated: January 9, 1985.

Stanley L. Laskowski,

Acting Regional Administrator.

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 3100

(Circular No. 2550)

Oil and Gas Leasing; Amendment Changing the Collection Process for Mineral Leases

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: This final rulemaking will amend the existing regulations covering the procedures for collection of rental payments in connection with certain oil and gas leases issued by the Bureau of Land Management. The final rulemaking will extend the time when improperly submitted remittances will be forwarded to the appropriate office from March 31, 1985, to December 31, 1985.

EFFECTIVE DATE: February 25, 1985.

ADDRESS: Any suggestions or inquiries should be sent to: Director (820), Bureau of Land Management, 1800 C Street, N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Donna M. Webb, (202) 653-2190.

SUPPLEMENTARY INFORMATION: This final rulemaking will extend the time period when remittances for second-year and subsequent rentals improperly submitted to the Bureau of Land Management will be forwarded to the designated Minerals Management Service office from March 31, 1985, to December 31, 1985.

The changes authorized by the provisions of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701-1757) and a Memorandum of Understanding between the Bureau of Land Management and the Minerals Management Service concerning remittances for mineral leases, as implemented through a series of changes in the Code of Federal Regulations, have resulted in some public confusion as to the proper agency office where onshore lease rental payments must be timely submitted. In order to assure the public sufficient time to acquaint themselves with the changed remittance procedure, this final rulemaking will extend the time period during which payments made to the wrong agency office will be forwarded to the proper office from March 31, 1985, to December 31, 1985. This change is needed because of a change in the remittance requirement for six special categories of lands that was made in the Federal Register of October 5, 1984 (49 FR 39329). As a result of that change all second and subsequent year

rental and bonus payments for onshore leases are to be made to the appropriate office of the Minerals Management Service, with none being made to the Bureau of Land Management. The change made by this final rulemaking will permit a Bureau of Land Management office that receives a missent remittance anytime up until December 31, 1985, to forward it to the proper Minerals Management Service office, and, all other things being proper, the lease will continue in effect.

This change is being issued as a final rulemaking because it is an administrative change that imposes no additional burden on the public. All lessees will continue to have to pay an annual rental, the only thing that is changing is that a missent rental will be forwarded to the proper office until December 31, 1985, instead of only March 31, 1985. In fact, this change will lessen the chance that a lease will be cancelled only because the rental payment was sent to the wrong agency.

The principal author of this final rulemaking is Donna M. Webb, Division of Fluid Mineral Leasing, assisted by the staff of the Office of Legislation and Regulatory Management, all of the Bureau of Land Management.

It is hereby determined that this rulemaking does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

The change made by this final rulemaking will effect equally all entities, large or small. The impact will be slightly beneficial because it will allow the Bureau of Land Management to send missent remittances to the appropriate office of the Minerals Management Service, without their having to be returned to the lessee.

This final rulemaking contains no information collection requirements requiring approval by the Office of Management and Budget under 44 U.S.C. 3501 et seq.

List of Subjects in 43 CFR Part 3100

Administrative practice and procedure, Environmental protection, Mineral royalties, Public lands—classification, Public lands—mineral resources, Surety bonds.

Under the authority of the Mineral Leasing Act of 1920, as amended and supplemented (30 U.S.C. 181 et seq.), the Mineral Leasing Act for Acquired Lands, as amended (30 U.S.C. 351-358), the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.), the Geothermal Steam Act of 1970 (30 U.S.C. 1001-1025), the Federal Coal Leasing Amendments Act of 1976, as amended (90 Stat. 1083-1082), and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), Part 3100, Group 3100, Subchapter C, Chapter II of the Code of Federal Regulations is amended as set forth below.

Dated: January 18, 1985.

J. Steven Griles,

Deputy Assistant Secretary of the Interior.

PART 3100—[AMENDED]

§ 3103.2-2 [Amended]

1. Section 3103.2-2 is amended by removing from the last sentence of the introductory paragraph the date "March 31, 1985" and replacing it with the date "December 31, 1985".

[FR Doc. 85-2008 Filed 1-24-85; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 84-231; FCC 84-640]

Implementation of BC Docket No. 80-90 To Increase the Availability of FM Broadcast Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action amends the FM Table of Assignments, § 73.202(b) of the Commission's Rules, by adding new FM channels to 689 communities throughout the country. These channels can provide a first or additional FM service to the communities.

EFFECTIVE DATE: February 20, 1985.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

First Report and Order

In the matter of Implementation of BC Docket No. 80-90 to increase the availability

of FM broadcast assignments; MM Docket No. 84-231.

Adopted: December 19, 1984.

Released: January 14, 1985.

By the Commission.

Introduction

1. The Commission has before it for consideration the *Notice of Proposed Rule Making*, 49 FR 11214, published March 28, 1984, listing 684 communities as proposed locations for new FM channel allotments. In addition, 224 counterproposals for 189 communities were accepted for consideration by *Public Notice* of July 23, 1984.¹ The *Notice* generated a response of over 2,500 comments pertaining to a variety of matters.² Most pleadings were filed for the purpose of expressing an interest in applying for a channel at one or more of the listed communities. In this *First Report and Order* we direct our attention to the list of 689 communities (Appendix A) receiving new FM allotments and explain the process and policy determinations used to select among the communities in conflict. We shall, in the very near future, decide the other matters raised in this proceeding: (1) Special treatment for daytime-only AM licensees which apply for FM channels in the same community; (2) the time periods established for filing applications for these newly allotted channels; and (3) lifting the restrictions on filing petitions for new FM allotments.

Background

2. This omnibus proceeding was the first step toward implementing the Commission's action in BC Docket 80-90, *Modification of FM Broadcast Station Rules to Increase the Availability of Commercial FM Broadcast Assignments*, 94 FCC 2d 152 (1983), recons. 49 FR 10260, published March 20, 1984, wherein, at para. 80 of the *Report and Order*, the Commission determined that a large scale rule making was contemplated in order to respond to requests for new FM allotments and to expedite service in the most prompt fashion. In effectuating the large scale proceeding, the Commission developed a list of 684 communities

¹The *Public Notice* established a reply comment period listing the original communities and the counterproposals accepted for consideration. Of the original communities, 82 were removed from the list since we failed to receive a comment expressing an interest in applying for a channel at these communities.

²A substantial number of late comments were also filed. These untimely submissions have not been accepted for consideration.

determined to be in need of service by focusing attention on four factors:³

- (1) First local service;
- (2) First fulltime local service;
- (3) Provision of minority service; and
- (4) Provision of public radio service.

The allotment of channels for these communities was to be undertaken with the aid of a specially designed computer program which could resolve multiple conflicts by weighting selective criteria. Since it is inevitable that not every community could be allotted a channel, the program was designed to search for channels for the optimum number of communities. For example, wherever a choice could be made between granting new allotments to two cities instead of one, the larger number was to be chosen. In addition, the selection between conflicting proposals on a one-to-one basis was to be made by placing a greater priority on certain factors:⁴

- (1) First or second aural service;
- (2) First local service;
- (3) First fulltime local service;
- (4) Minority service; and
- (5) Public radio service.

Acceptance of Counterproposals

3. The *Notice* proposed to accept counterproposals based on certain technical and policy considerations. The counterproposal had to meet the distance separation requirements to add existing stations and vacant channels but also conflict with one or more of the original 684 proposals. In addition the counterproposal must state that service would be provided pursuant to one or more of the stated factors. In this regard, the Commission believed that no other type of proposal would succeed in a comparative analysis with proposals already meeting the listed criteria. The Commission was also interested in conducting the proceeding in an expeditious fashion. We affirm here the decision to limit the number of counterproposals that could be filed by the technical and policy methods used.

4. The Commission has received forty-four (44) objections styled as petitions for reconsideration pertaining to our

³The status of some communities has changed since the compilation of this list by the addition of an AM or FM station. However, rather than disqualify the community and deny a new service for which interest has been expressed, we have not dropped these communities from consideration. In each case we did change the category to the appropriate priority.

⁴As we stated in the *Notice*, these criteria were recently adopted by the Commission to evaluate conflicting proposals. See *Revision of FM Assignment Policies and Procedures* (BC Docket 80-130), 90 FCC 2d 88 (1982), recons. Memo No. 34673, FCC 84-282 released June 28, 1984, the companion proceeding to Docket 80-80.