

§§ 52.770(c)(69) and 52.773(i). No major stationary source, or major modification of a stationary source, of volatile organic compounds may be constructed in Lake and Porter Counties, unless the construction permit application is complete on or before December 19, 1988. The disapproval does not affect USEPA's approval (or conditional approval) of individual parts of Indiana's ozone plan, and they remain approved.

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#### 40 CFR Parts 60 and 61

[FRL-3478-5]

### Delegation of Authority to the State of New Mexico for New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP)

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

**ACTION:** Notice of delegation of authority.

**SUMMARY:** The Environmental Protection Agency (EPA) announces the delegation of full authority to the State of New Mexico to implement and enforce additional source categories of the New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) including the subsequent revisions and amendments to the standards for which full authority had been delegated to the State by the previous delegation agreement of March 15, 1985. The last coverage update of the delegation agreement was approved on February 2, 1988, and a notice of it was published in the Federal Register (53 FR 3891). Based on the State's request of July 15, 1988, the EPA has now granted full authority to the State for the NSPS and NESHAP through January 28, 1988, applicable only in certain areas of the State.

This delegation of authority does not apply to the sources located in Bernalillo County, New Mexico, or to the sources located on Indian lands as specified in the delegation agreement and in this notice. This delegation of authority is not applicable to the NESHAP radionuclide standards specified under 40 CFR Part 61.

**EFFECTIVE DATE:** November 10, 1988.

**ADDRESSES:** The State's request and delegation agreement may be requested by writing to one of the following addresses:

Chief, SIP New Source Section (6T-AN),  
Air Programs Branch, U.S.  
Environmental Protection Agency,  
1445 Ross Avenue, Dallas, Texas  
75202-2733, Telephone: (214) 655-7214.  
Chief, Air Quality Bureau, New Mexico  
Environmental Improvement Division,  
P.O. Box 968, Santa Fe, New Mexico  
87504-0968, Telephone: (505) 827-0020.

All other requests, reports, applications and such other communications which are required to be submitted under 40 CFR Part 60 and 40 CFR Part 61 (including the notifications required under Subpart A of the regulations) for the affected facilities, in areas outside of Indian lands or Bernalillo County, should be sent directly to the State of New Mexico at the above address. Sources located on Indian lands or in Bernalillo County, should submit the information specified above to the EPA Region 6 Office at the address given in this notice.

**FOR FURTHER INFORMATION CONTACT:** Mr. J. Behnam, P.E., SIP New Source Section, Air Programs Branch, United States Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, telephone number (214) 655-7214.

**SUPPLEMENTARY INFORMATION:** Sections 111(c) and 112(d) of the Clean Air Act allows the Administrator of the EPA to delegate EPA's authority to any State which can submit adequate regulatory procedures for implementation and enforcement of the NSPS and NESHAP programs.

On October 19, 1984, New Mexico requested full delegation of authority for the implementation and enforcement of NSPS through March 14, 1984, and NESHAP through December 9, 1983. The State also requested partial delegation of authority for the technical and administrative review of new or amended NSPS and NESHAP in the October 19, 1984 letter. The delegation request was granted to the State subject to the conditions and limitations specified in the delegation agreement which was approved on March 15, 1985. The March 15, 1985, delegation agreement provided full authority for the State to implement and enforce the NSPS and NESHAP through March 14, 1984, and December 9, 1983, respectively. Also, the State received partial authority for implementation of NSPS and NESHAP subparts effective after the specified dates in the State regulations and for amendments of fully delegated NSPS and NESHAP subparts after the dates specified above. The State's authority was approved only for the areas outside of Indian lands and Bernalillo County. The last coverage

update of the delegation agreement was approved on February 2, 1988, and a notice of it was published in the Federal Register (53 FR 3891).

On July 15, 1988, the NMEID requested the EPA to grant full authority for additional source categories and amendments to the fully delegated NSPS and NESHAP subparts by extending the coverage date through January 28, 1988, for the NSPS and NESHAP. Based on review of State's Air Quality Control Regulations (AQCR) 750 (for NSPS) and 751 (for NESHAP), the EPA delegated full authority to the State as requested in the letter of July 15, 1988. AQCRs 750 and 751 incorporate the Federal NSPS and NESHAP by reference through the date specified above. The provisions and conditions specified in the March 15, 1985, delegation agreement shall remain unchanged and effective except the revision of the appropriate dates as cited above. The revised authorized dates have been listed in Table 1 for NSPS and Table 2 or NESHAP. These tables noting the revised effective dates have been approved by the Regional Administrator, and are hereby incorporated as part of the March 15, 1985, delegation agreement. This delegation of authority is not applicable to the NESHAP radionuclide standards specified under 40 CFR Part 61.

Today's notice informs the public that the EPA has expanded the State's full authority to implement and enforce the NSPS and NESHAP through January 28, 1988. All reports required pursuant to the Federal NSPS and NESHAP (40 CFR Part 60 and 40 CFR Part 61) by sources located in the State of New Mexico, in areas outside of Indian lands or Bernalillo County, should be submitted directly to the New Mexico Health and Environment Department, Environmental Improvement Division, Air Quality Bureau, P.O. Box 968, Santa Fe, New Mexico, 87504-0968. Sources located on Indian lands or in Bernalillo County, should apply to the EPA Region 6 Office at the address given in this notice.

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

This delegation is issued under the authority of sections 111(c) and 112(d) of the Clean Air Act, as amended (42 U.S.C. 7411(c) and 7412(d)).

#### List of Subjects

##### 40 CFR Part 60

Air pollution control, Aluminum, Ammonium sulfate plants, Cement industry, Coal, Copper, Electric power

plants, Fossil-fuel fired steam generators, Glass and glass products, Grain, Iron, Lead, Metals, Motor vehicles, Nitric acid plants, Paper and paper products industry, Petroleum, Phosphate, Fertilizer, Sewage disposal, Steel, Sulfuric acid plants, Waste treatment and disposal, Zinc.

#### 40 CFR Part 61

Air pollution control, Asbestos, Benzene, Beryllium, Hazardous materials, Mercury, Vinyl chloride.

Date: November 10, 1988.

Robert E. Layton Jr.,

Regional Administrator.

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 15 and 76

[Gen Docket No. 85-301; FCC 88-331]

#### Standards for Cable System Terminal Devices

**AGENCY:** Federal Communications Commission (FCC).

**ACTION:** Final rule.

**SUMMARY:** The Commission revises its recently adopted regulations in GEN Docket 85-301, concerning standards for cable system terminal devices. This action is taken in response to petitions for reconsideration filed by the General Instrument Corporation, the National Cable Television Association, Oak Communications, Inc. and Scientific-Atlanta, Inc. The objective is to diminish the economic impact that the new regulations might have had on some businesses, and to modify the technical specifications recently adopted for cable system terminal devices to account for the design variations currently found in the marketplace for such products.

**EFFECTIVE DATE:** December 16, 1988.

**ADDRESS:** Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Liliane Volcy, Technical Standards Branch, Office of Engineering Technology, tel: (202) 653-7316 or 653-6288.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Memorandum, Opinion, and Order, Gen Docket 85-301, FCC 88-331, adopted October 13, 1988, released November 9, 1988.

The full texts of the Commission decisions are available for inspection and copying during normal business

hours in the FCC Dockets Branch (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, (202) 857-3800, 2100 M Street, NW., Washington, DC 20037.

#### Summary of Memorandum, Opinion, and Order

1. By this Memorandum, Opinion, and Order, the Commission revises its standards recently adopted for cable system terminal devices ("CSTDs") under Parts 15 and 76 of its Rules. This action is taken in response to petitions for reconsideration filed by the General Instrument Corporation, the National Cable Television Association, Oak Communications, Inc., and Scientific-Atlanta, Inc. The petitioners have requested that the Commission reconsider its new regulations adopted in the *Report and Order*, 52 FR 22459 (June 12, 1987), in particular with respect to radiated emission limits, output signal limits, authorization procedures, and the rights of cable system operators. The Commission concludes that reconsideration of its decision in the *Report and Order* is warranted in part, and, therefore, amends its rules.

2. The Commission finds that most of the requests made by the petitioners stem from the need for additional clarification of the Commission's actions in the *Report and Order*, or for a more gradual implementation of the regulations. In response to the petitions for reconsideration filed, changes are being made to the new rules as follows: (1) CSTDs are placed under notification instead of certification; (2) the technical standards for CSTDs are to be applied in a more gradual phase-in period with some relaxation of the conducted output limits, in particular for heterodyne CSTDs; (3) the rights of cable system operators to disconnect interfering CSTDs are more clearly defined; and (4) other terminal devices with similar operating characteristics as CSTDs are to be subject to the same technical requirements. Part 15, Subpart H is rewritten in its entirety to avoid any possible confusion regarding the applicability of the regulations to cable system terminal devices or other types of TV interface devices. In addition, changes recently made in Part 15, Subpart H, in Gen Docket 87-107, are incorporated in this *Memorandum, Opinion, and Order*. These changes concern the use of cable input selector switches.

3. Moreover, the Commission notes that the problem outlined by the petitioners are not restricted to CSTDs

used with cable systems, but apply to TV interface devices used with a Master Antenna. These devices have similar operating characteristics as CSTDs, and will be treated in a similar fashion as CSTDs.

#### Procedural Matters

4. Pursuant to the Regulatory Flexibility Act of 1980, the Commission's revised final analysis is as follows:

##### I. Need For and Purpose of the Rules

The Commission's rules inconsistently apply different standards to cable system terminal equipment based on their ownership and design considerations. These differences range anywhere from the technical standards themselves, to the operating conditions, and authorization requirements. The purpose of the rules adopted herein is to overcome these discrepancies.

##### II. Summary of Issues Raised by Petitioners in Response to the Final Regulatory Flexibility Analysis, Commission Assessment and Changes Made as a Result.

##### A. Issues Raised

No petitioning or commenting parties specifically addresses the final regulatory flexibility analysis. However, most petitioning parties did address the probable economic burden that they would incur as a result of the new regulatory plan. The necessary design modifications on cable system terminal equipment would not only have an impact on the manufacturing industry, but on the subscriber as well. The petitioners estimated that the additional circuitry needed to bring equipment into compliance with the new regulations would increase the retail cost of a unit anywhere from 12% to 40%. Such an impact would be considerable when up to 75% of the equipment would need to be modified. The revised regulatory plan is expected to resolve these concerns.

##### B. Assessment

The revised regulatory plan will reduce the burden of compliance significantly since it will be implemented more gradually and will not require manufacturing companies to redesign their products immediately, if redesign is necessary. Although the revised regulatory plan will still impose certain burdens on manufacturing companies, these burdens are the minimum necessary to ensure that terminal devices are more readily available and that such devices do not cause interference.