

and the address and telephone number of an office at which interested persons may obtain further information concerning the hearing.

After receiving the record of the hearing, the Regional Administrator will issue an order affirming or rescinding his determination. If the determination is affirmed, it shall become effective as of the date of this order.

If no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on his own motion, this determination shall become effective thirty (30) days after issuance of this initial notice.

Please bring this notice to the attention of any persons known by you to have an interest in this determination.

Dated: March 23, 1977.

JOHN C. WHITE,
Regional Administrator, Region
VI, Environmental Protection
Agency.

[FR Doc. 77-9401 Filed 3-29-77; 8:45 am]

[FRL 706-1]

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES AND NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Delegation of Authority to the State of Wisconsin

Pursuant to section 111 of the Clean Air Act, as amended, the Administrator of the U.S. Environmental Protection Agency (EPA) promulgated regulations establishing standards of performance for twenty-four categories of new stationary sources (NSPS). In addition, pursuant to section 112 of the Clean Air Act, as amended, the Administrator promulgated national emission standards for four hazardous air pollutants (NESHAPS). Section 111(c) and 112(d) directs the Administrator to delegate his authority to implement and enforce NSPS and NESHAPS to any State which has submitted adequate procedures. Nevertheless, the Administrator retains concurrent authority to implement and enforce the standards following delegation of authority to the State.

On July 23, 1973, the Regional Administrator, Region V, EPA forwarded to the State of Wisconsin information setting forth the requirements for an adequate procedure for implementing and enforcing the standards for NSPS and NESHAPS. After preliminary negotiation, on June 20, 1975, the Governor of Wisconsin submitted a request to the EPA, Region V office for delegation of authority to the State of Wisconsin for 12 NSPS categories and 3 NESHAPS pollutants. Included in the request was a description of the procedures to be utilized by the State in exercising the delegated authority. Also included were copies of the State law and regulations which provide the State with the requisite authority to implement and enforce NSPS and NESHAPS. After a thorough review of that request, the Regional Administra-

tor has determined that delegation is appropriate for the 12 NSPS source categories and 3 NESHAPS pollutants as set forth in the following official letter to the Governor of Wisconsin subject to the terms set forth in conditions 1 through 13 of that letter:

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

SEPTEMBER 28, 1976.

Honorable PATRICK J. LUCEY,
Governor of Wisconsin,
Madison, Wisconsin 53702

DEAR GOVERNOR LUCEY: This is in response to your letter of June 20, 1975, requesting delegation of authority for implementation and enforcement of the Standards of Performance for New Stationary Sources (NSPS) and the National Emission Standards for Hazardous Air Pollutants (NESHAPS) to the State of Wisconsin.

We have reviewed the pertinent laws of the State of Wisconsin and have determined that they provide an adequate and effective procedure for implementation and enforcement of the NSPS and NESHAPS with certain exceptions detailed below. Therefore, delegation of authority to implement and enforce the NSPS and NESHAPS to the State of Wisconsin is granted as follows:

A. Authority for all sources located in the State of Wisconsin subject to the standards of performance for the new stationary sources promulgated in 40 CFR Part 60 as amended, Subparts D through O. (All references to 40 CFR Part 60 in this delegation refer to the Code of Federal Regulations revised as of July 1, 1975, as amended by 40 FR 46250 October 6, 1975, and 40 FR 58416, December 16, 1975). The 12 categories of new sources covered by this delegation are fossil fuel-fired steam generator units greater than 250 million BTU's per hour; incinerators greater than 50 tons per day; portland cement plants; nitric acid plants; sulfuric acid plants; asphalt concrete plants; petroleum refineries; storage vessels for petroleum liquids; secondary lead smelters; secondary brass and bronze ingot production plants; iron and steel plants, and sewage treatment plants.

B. Authority for all sources located in the State of Wisconsin subject to the national emission standards for hazardous air pollutants promulgated in 40 CFR Part 61, as amended, Subparts B through E. (Reference to 40 CFR Part 61 as amended includes the Code of Federal Regulations revised as of July 1, 1975, as amended by 40 FR 48292, October 14, 1975.) The three hazardous air pollutants covered by the delegation are: asbestos, beryllium, and mercury.

These delegations are made pursuant to the following conditions and limitations:

1. Acceptance of this delegation of presently promulgated NSPS and NESHAPS does not commit the State of Wisconsin to request or accept delegation of future standards and requirements. A new request for delegation will be required for any standards not included in the State's request of June 20, 1975.

2. Upon approval of the Regional Administrator of Region V, the Governor of Wisconsin, or a person whom he may designate to act in his stead in matters of NESHAPS and NSPS enforcement and implementation, and in requesting delegated authorities, may sub-delegate his authority to implement and enforce the NSPS and NESHAPS to other air pollution control authorities in the State when such authorities have demonstrated that they have equivalent or more stringent programs in force.

3. Since the two year period in which USEPA may grant waivers from compliance

with NESHAPS has expired, EPA Region V cannot delegate waiver granting authority. Therefore, the State of Wisconsin will at no time grant a waiver of compliance with NESHAPS.

4. The delegation to the State of Wisconsin does not include the authority to implement and enforce NSPS and NESHAPS for sources owned or operated by the United States which are located in the State. This condition in no way relieves any Federal facility from meeting the requirements of 40 CFR Parts 60 and 61, as amended.

5. The Federal NSPS regulations 40 CFR Part 60, as amended do not have provisions for granting a variance, hence this delegation does not convey to the State of Wisconsin in authority to grant variances from the Federal NSPS regulations.

6. The State of Wisconsin and EPA will develop a system of communication sufficient to guarantee that each office is always fully informed about (a) the current compliance status of subject sources in the State of Wisconsin, (b) the interpretation of applicable regulations, and (c) the description of sources and source inventory data.

7. Section 116 of the Clean Air Act, as amended, prohibits the State of Wisconsin from adopting and enforcing a State emission standard or limitation less stringent than the Federal NSPS and NESHAPS (40 CFR Parts 60 and 61 as amended). It has been determined that the Wisconsin regulations are less stringent than the Federal regulations in the following areas and therefore this delegation is not applicable in those areas:

(a) 40 CFR 60.62 (b) (2) and (c), the 10 percent opacity limitations for clinker cooler gases and other discharges to the atmosphere other than kiln and clinker cooler gases for portland cement plants, and

(b) 40 CFR 60.83, the mass emission limitation and opacity limitations for sulfuric acid mists for sulfuric acid plants.

However, the State is encouraged to assure compliance in these areas to the extent their procedures and discretionary powers will allow. Noncompliance in these areas should be reported to EPA.

8. Where the lack of definition in the State regulations of the following terms prevents compliance with the Federal regulation, the term shall be defined as in 40 CFR Parts 60 and 61 as amended: Nitrogen oxide, proportional sampling, isokinetic sampling, startup, asbestos, asbestos materials, particulate asbestos materials.

9. If at any time the State of Wisconsin determines that a violation of a delegated NSPS or NESHAPS exists, the Governor of Wisconsin or his designee shall immediately notify EPA, Region V, of the nature of the violation together with a brief description of State efforts or strategy to secure compliance. EPA may exercise its concurrent enforcement authority pursuant to Section 113 of the Clean Air Act, as amended, with regard to any violations of NSPS or NESHAPS.

10. The State of Wisconsin will utilize the methods specified in 40 CFR Parts 60 and 61, as amended, in performing source tests and visible emission observations pursuant to the regulations. The State shall also require continuous emission monitoring for NSPS sources in accordance with 40 CFR 60.45, 60.73, 60.84, 60.105, 60.113 and 60.153 as amended by 40 FR 46250, October 6, 1975.

11. Since the State of Wisconsin regulations related to NESHAPS and NSPS became effective later than the Federal NESHAPS or NSPS, authority is not delegated for the following regulations for the following sources and pollutants for the indicated time period:

(a) All NSPS for Fossil-Fuel Fired Sources, Incinerators, Portland Cement Plants, Nitric Acid Plants and Sulfuric Acid Plants prior to April 1, 1972;

(b) All NSPS for Asphalt Concrete Plants, Secondary Lead Smelters, Secondary Brass and Bronze Ingot Pollution Plants, Iron and Steel Plants, and Sewage Treatment Plants Prior to February 1, 1976;

(c) All NSPS for storage vessels for petroleum liquids prior to July 1, 1975;

(d) The NSPS for particulate for Petroleum Refineries prior to February 1, 1975;

(e) The NSPS for Carbon Monoxide and Sulfur Dioxide for Petroleum Refineries prior to July 1, 1975;

(f) The NESHAPS for mercury prior to April 1, 1972; and

(g) The NESHAPS for asbestos and beryllium prior to July 1, 1975.

12. If the Regional Administrator determines that the State of Wisconsin or local agency procedure for implementing and enforcing the NSPS or NESHAPS is inadequate, or is not being effectively carried out, this delegation may be revoked in whole or in part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the Governor of Wisconsin or his designee in NSPS or NESHAPS matters.

13. In order to satisfy section 114 of the Clean Air Act, as amended, 40 CFR 60.9, and 40 CFR 61.15, in any instance where the State of Wisconsin is unable under its own authority to release emission data to the public, the State shall notify EPA, Region V, so that EPA may take the action necessary to release such data.

A Notice announcing this delegation will be published in the FEDERAL REGISTER in the near future. This Notice will state, among other things, that, effective immediately, all reports required pursuant to the Federal NSPS and NESHAPS from sources located in the State of Wisconsin should be submitted to the Bureau of Air Pollution Control and Solid Waste Management of the Department of Natural Resources, Box 450, Madison, Wisconsin 53701. Any such reports which have been or may be received by EPA, Region V, will be promptly transmitted to the Bureau of Air Pollution Control and Solid Waste Management.

Although this delegation is effective immediately and although there is no requirement that the State notify EPA of its acceptance, we would appreciate written notice of acceptance or objection to this delegation within 15 days of the date of receipt of this letter. Should no notice be received, we will proceed with public notice of the delegation in the FEDERAL REGISTER.

Sincerely yours,

GEORGE R. ALEXANDER, Jr.,
Regional Administrator.

Therefore, pursuant to the authority delegated to him by the Administrator, the Regional Administrator notified the Governor of Wisconsin on September 28, 1976, that authority to implement and enforce the 12 NSPS categories and the 3 NESHAPS pollutants was delegated to the State of Wisconsin.

Copies of the request for delegation of authority are available for public inspection at the U.S. Environmental Protection Agency, Region V Office, 230 South Dearborn, Chicago, Illinois 60604.

All required reports or notices which must be sent to the State pursuant to this delegation must be submitted to EPA, Region V and must also be submitted to the State Agency at the following address: Wisconsin Department of Natural Resources, P.O. Box 7921, Madison, Wisconsin 53707. However, reports required pursuant to 40 CFR 60.7(c) (excess emissions and malfunctions) should be sent to the State only.

This notice is issued under the authority of sections 111 and 112 of the Clean Air Act, as amended. 42 U.S.C. 1857c -6 and 7.

Dated: March 21, 1977.

GEORGE R. ALEXANDER, Jr.,
Regional Administrator.

[FR Doc.77-9403 Filed 3-29-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 21155-21157; File Nos. 3465-CM-P-73 etc.]

A. MICHAEL LIPPER ET AL.

Designating Applications for Consolidated Hearing on Stated Issues; Memorandum Opinion and Order

Adopted: March 7, 1977.

Released: March 25, 1977.

In re applications of A. Michael Lipper, Docket No. 21155, File No. 3465-CM-P-73; and Electro-Media Multipoint Service, Inc., Docket No. 21156, File No. 5030-CM-P-73; and International Television Corporation, Docket No. 21157, File No. 5391-CM-P-73; for construction permits in the Multipoint Distribution Service for a new station at Reno, Nevada.

1. The Commission has before it the above-referenced applications of A. Michael Lipper (Lipper), filed on November 9, 1972; Electro-Media Multipoint Service, Inc. (EMS), filed on December 27, 1972; and International Television Corporation (ITC), filed on January 17, 1973. All three applications propose Channel 1 operation in the Reno, Nevada area, and thus are mutually exclusive and require comparative consideration. All three applications have been amended as a result of informal requests of the Commission staff for additional information, and no petitions to deny or other objections to any of the applications have been received.

2. Lipper has MDS construction permit applications pending before the Commission for four other cities, including Monterey, California, and has been granted permits in Long Island, New York and So. Lake Tahoe, California. ITC has applications pending in six cities, including Santa Barbara and Bakersfield, California and has been granted permits in Oxnard, California and Lincoln, Nebraska. EMS, wholly owned by Electro-Media, has only this MDS application before the Commission.

3. Upon review of the captioned applications, we find that the three applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

4. Accordingly, it is hereby ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, and § 0.291 of the Commission's rules, the above-captioned applications are designated for hearing, a consolidated proceeding, at a time and

place to be specified in a subsequent order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered:¹

(a) The relative merits of each proposal with respect to service area and efficient frequency use;

(b) The nature of the services and facilities proposed, and whether they will satisfy service requirements known to exist or likely to exist in the Reno, Nevada area;

(c) The anticipated quality and reliability of the service proposed, including selection of equipment, installation, subscriber security and maintenance;

(d) The charges, regulations and conditions of the service to be rendered, and their relation to the nature, quality and costs of service; and

(e) The managerial and entrepreneurial qualifications of the applicants.

5. It is further ordered, That A. Michael Lipper, Electro-Media Multipoint Service, Inc., International Television Corporation, and the Chief, Common Carrier Bureau, are made parties to this proceeding.

6. It is further ordered, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's rules.

WALTER R. HINCHMAN,
Chief, Common Carrier Bureau.

[Docket Nos. 21163-21164; File Nos. 4166-CM-P-72 and 6373-CM-P-73]

EASTERN SHORE COMMUNICATIONS CORP. AND MULTI-COMMUNICATION SERVICES, INC.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

Adopted: March 7, 1977.

Released: March 25, 1977.

In re applications of Eastern Shore Communications Corporation, Docket No. 21163, File No. 4166-CM-P-72; and Multi-Communication Services, Inc., Docket No. 21164, File No. 6373-CM-P-72; for construction permits in the Multipoint Distribution Service for a new station at Lansing, Michigan.

1. The Commission has before it the above-referenced applications of Eastern Shore Communications Corporation (Eastern Shore), filed on January 3, 1972 and Multi-Communication Services, Inc. (Multi-Com) filed on March 13, 1972. Both applications propose Channel 1 operation in the Lansing, Michigan area, and thus are mutually exclusive and require comparative consideration. Both applications have been amended as a result of informal requests

¹ Consideration of these factors shall be made in light of the Commission's discussion in Peabody Telephone Answering Service, et al., 55 F.C.C. 2d 620 (1975).

[FR Doc.77-9499 Filed 3-29-77;8:45 am]