

US EPA ARCHIVE DOCUMENT

(a) Identifying information or data that are needed in addition to those presented by other parties;

(b) Identifying inaccuracies or fallacies in submitted data or information; and

(c) Sponsoring relevant and material evidence which presents needed data or information, which critiques record evidence, or which supports proposals of the OOC or other participants not inconsistent with Commission precedents and judicial decisions reviewing Commission precedents. The preceding shall not preclude the OOC from offering testimony on a methodology which the Commission has previously considered but not adopted, if a fair reading of the Commission opinion(s) concerned shows that such methodology offers potential benefits and new data are available to remedy any defects cited by the Commission.

2. To argue for equity on behalf of the general public and principally those segments of the general public who are not otherwise represented in PRC proceedings. In so doing, the OOC shall consider both long and short term consequences.

3. During the course of proceedings the Officer of the Commission, in accordance with Commission rules, shall maintain complete independence from the members of the Commission and the agency's advisory staff.

(39 U.S.C. 3603, 3624)

By the Commission.

David F. Harris,  
Secretary.

#### EXHIBIT A

##### Notice of Pending Case

This is to advise you that the U.S. Postal Service has filed a case before the Postal Rate Commission requesting the following postal increases:

First Class Mail: A 33% increase raising letters to 20¢ and postcards to 13¢.

Second Class Mail (Periodicals): A 2% increase.

Third Class Mail (advertising mail): A 29% increase on regular 3rd class mail and a 12% increase for presorted 3rd class mail.

Fourth Class Mail: An 11% increase in parcel post rates and a 1% increase in the rates for books and records.

The Postal Rate Commission is required by law to have an official representing the interests of the general public. This official is known as the Officer of the Commission (OOC) and is located at the Postal Rate Commission. If you wish to file written comments regarding the pending case before the Commission, you should contact the Officer of the Commission, Postal Rate Commission, Washington, D.C. 20268 within the next 30 days. You may also call the OOC at (202) 254-3840.

Should you wish to appear before the Commission regarding the pending case, you

should also contact the OOC at the above address who will coordinate the appearances of those who wish to be heard. These are public hearings, and witnesses will give sworn testimony subject to cross-examination. Either you or your representative should contact the OOC within the next 30 days if you wish to make such an appearance before the Commission. We are not able to reimburse anyone for such expenses as may be incurred by such appearance.

David F. Harris.

Secretary.

[FR Doc. 82-15911 Filed 6-11-82; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 60

[A-3-FRL 2144-6]

### New Source Performance Standards; Delegation of Authority to Allegheny County, PA

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

**SUMMARY:** This document amends 40 CFR 60.4 to reflect delegation to Allegheny County, Pennsylvania, of authority to implement and enforce Standards of Performance for New Stationary Sources (NSPS) under the Clean Air Act. In addition, this document updates the address for Philadelphia's Air Management Services (AMS), which has changed since delegation of NSPS to AMS. These are administrative changes and will not affect air quality.

**EFFECTIVE DATE:** July 14, 1982.

**FOR FURTHER INFORMATION CONTACT:** Gregory Ham (3AW11), Environmental Protection Agency, Region III, Curtis Building, 6th & Walnut Streets, Philadelphia, PA 19106; Telephone: (215) 597-2745.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On March 22, 1982, Peter S. Duncan, Secretary of the Pennsylvania Department of Environmental Resources (DER), requested delegation of authority to implement and enforce existing and future regulations for New Source Performance Standards (NSPS) in Allegheny County, Pennsylvania.

The DER currently has the authority to implement and enforce NSPS in the State, except for Allegheny County and the City of Philadelphia. The Allegheny County Health Department's Bureau of Air Pollution Control (BAPC) has

requested that DER accept delegation of NSPS and then authorize the BAPC to carry out the program. In order to simplify the process, EPA is delegating the authority for NSPS directly to the BAPC. The end result is the same, as the BAPC will be the implementing and enforcing agency in both cases. (Philadelphia's Air Management Services also has received direct delegation of NSPS authority (See 42 FR 6812 and 42 FR 6886, February 4, 1977)).

EPA has reviewed this request for delegation, and on May 6, 1982 a letter was sent to Dr. N. Mark Richards, Director, Allegheny County Health Department, stating that delegation of authority for NSPS in Allegheny County is appropriate subject to the conditions set forth in that letter as follows:

United States Environmental Protection Agency, Region III, 6th and Walnut Sts., Philadelphia, Pennsylvania 19106

*Certified Mail; Return Receipt Requested*

N. Mark Richards, M.D., Director, Allegheny County Health Department, Bureau of Air Pollution Control, 3333 Forbes Avenue, Pittsburgh, PA 15213

Re: Delegation of authority for New Source Performance Standards pursuant to Section 111(c) of the Clean Air Act, as amended.

Dear Dr. Richards: This is in response to a letter of March 22, 1982 from Peter S. Duncan, Secretary of the Pennsylvania Department of Environmental Resources, to Peter N. Bibko, Regional Administrator, requesting delegation of authority for implementation and enforcement of the New Source Performance Standards (NSPS) in Allegheny County.

We have reviewed the pertinent laws and regulations governing the control of air pollution in Allegheny County, Pennsylvania and have determined that they provide an adequate and effective procedure for implementation and enforcement of the NSPS regulations by the Bureau of Air Pollution Control (the Bureau). Although Secretary Duncan requested delegation to the Commonwealth of Pennsylvania of the authority for NSPS in Allegheny County, we have determined delegation directly to the Bureau is appropriate in this situation.

Therefore, we hereby delegate authority to the Bureau, as follows:

The Bureau is delegated and shall have authority for all sources located in Allegheny County, Pennsylvania subject to the Standards of Performance for New Stationary Sources presently promulgated, or subject to any standards promulgated in the future, in 40 CFR Part 60.

This delegation is based upon the following conditions:

1. Quarterly reports will be submitted to EPA by the Bureau and should include the following:

- (i) Sources determined to be applicable during that quarter;
- (ii) Applicable sources which started operation during that quarter or which

started operation prior to that quarter which have not been previously reported;

(iii) The compliance status of the above; including the summary sheet from compliance test(s); and

(iv) Any legal actions which pertain to these sources.

2. Enforcement of NSPS regulations in Allegheny County will be the primary responsibility of the Bureau. Where the Bureau determines that such enforcement is not feasible and so notifies EPA, or where the Bureau acts in a manner inconsistent with the terms of this delegation, EPA will exercise its concurrent enforcement authority pursuant to Section 113 of the Clean Air Act, as amended, with respect to sources within the County subject to NSPS regulations.

3. The Bureau will not grant a variance from compliance with the applicable NSPS regulations if such variance delays compliance with the Federal Standards (Part 60). Should the Bureau grant such a variance, EPA will consider the source receiving the variance to be in violation of the applicable Federal regulations and may initiate enforcement action against the source pursuant to Section 113 of the Clean Air Act. The granting of such variances by the Bureau shall also constitute grounds for revocation of delegation by EPA.

4. The Bureau and EPA will develop a system of communication sufficient to guarantee that each office is always fully informed regarding the interpretation of applicable regulations. In instances where there is a conflict between a Bureau interpretation and a Federal interpretation of applicable regulations, the Federal interpretation must be applied if it is more stringent than that of the Bureau.

5. If at any time there is a conflict between a Department regulation and Federal regulation, 40 CFR Part 60, the Federal regulation must be applied if it is more stringent than that of the Bureau. If the Bureau does not have the authority to enforce the more stringent Federal regulation, this portion of the delegation may be revoked.

6. The Bureau will utilize the methods specified in 40 CFR Part 60 in performing source tests pursuant to these regulations.

7. If the Director of the Air and Waste Management Division determines that a Bureau program for enforcing or implementing the NSPS regulations 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 Bureau.

A notice announcing this delegation will be published in the Federal Register in the near future. The notice will state, among other things, that effective immediately, all reports required pursuant to the above-referenced NSPS regulations by sources located in Allegheny County should be submitted to the Bureau in addition to EPA Region III. Any original reports which have been or may be received by EPA Region III will be promptly transmitted to the Bureau.

Since this delegation is effective immediately, there is no requirement that the Bureau notify EPA of its acceptance. Unless EPA receives from the Bureau written notice

of objections within ten (10) days of receipt of this letter, the Allegheny County Health Department, Bureau of Air Pollution Control will be deemed to have accepted all of the terms of the delegation.

Sincerely,

Robert J. Mitkus,  
for Stephen R. Wassersug, Deputy Director,  
Air & Waste Management Division.

Therefore, pursuant to the authority delegated by the Administrator, the Air & Waste Management Division Director notified Dr. N. Mark Richards, Director, Allegheny County Health Department on May 6, 1982 that the authority to implement and enforce the standards of performance for new stationary sources was delegated to the Allegheny County Health Department.

## II. Regulations Affected by This Action

EPA is today amending 40 CFR 60.4, Address, to reflect the delegation discussed above. The amended § 60.4, which states the address of the Allegheny County Bureau of Air Pollution Control, (to which all reports, requests, applications, and communications to the Administrator regarding this subpart must be addressed) is set forth below.

Another change made by today's action is the update of the address listed for Philadelphia's Air Management Services (AMS). The offices of AMS have been moved to a new location since delegation of NSPS to AMS.

The Administrator finds good cause to make this rulemaking effective immediately without prior public notice since it is an administrative change and not one of substantive content. No additional substantive burdens are imposed on the parties affected. The delegation which is reflected by this administrative amendment was effective on May 6, 1982.

This rulemaking is effective immediately, and is issued under the authority of Section III of the Clean Air Act, as amended.

The Office of Management and Budget has exempted this action from Executive Order 12291.

## III. List of Subjects in 40 CFR Part 60

Air pollution control, Aluminum, Ammonium sulfate plants, Cement industry, Coal, Copper, Electric power plants, Glass and glass products, Grains, Intergovernmental relations, Iron, Lead, Metals, Motor vehicles, Nitric acid plants, Paper and paper products industry, Petroleum, Phosphate, Sewage disposal, Steel, Sulfuric acid plants, Waste treatment and disposal, Zinc.  
(42 U.S.C. 7401-7642)

Dated: June 2, 1982.

Robert J. Mitkus,  
Deputy Director, Air and Waste Management  
Division.

## PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Part 60 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 60.4, paragraph (b) is amended by revising subparagraph (NN) to read as follows:

### § 60.4 Address.

(b) \* \* \*

(NN) (a) City of Philadelphia: Philadelphia Department of Public Health, Air Management Services, 500 S. Broad Street, Philadelphia, PA 19146.

(b) Commonwealth of Pennsylvania: Department of Environmental Resources, Post Office Box 2063, Harrisburg, Pennsylvania 17120.

(c) Allegheny County: Allegheny County Health Department, Bureau of Air Pollution Control, 301 Thirty-ninth Street, Pittsburgh, Pennsylvania 15201.

[FR Doc. 82-15938 Filed 6-11-82; 8:45 am]  
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## VETERANS ADMINISTRATION

[41 CFR Parts 8-4 and 8-75]

### Consulting and Related Services; Delegations of Authority

AGENCY: Veterans Administration.

ACTION: Final Rule and Request for Comments.

**SUMMARY:** This final rule revises Veterans Administration Procurement Regulations to conform to FPR 1-4.8. The VA has been asked to participate in the development and implementation of a model control system for consulting and related services. Although the model does not significantly depart from controls presently in place in VA Procurement Regulations, additional management control components required by the model are incorporated in this revision. Implementation of the model includes an evaluation phase to begin on the date of this application. As part of the test phase, the VA requests comments on the model system.

**EFFECTIVE DATE:** This rule is effective June 8, 1982. Comments on the model system itself to be sent to the address below by no later than August 31, 1982.