purpose of complying with Federal requirements for an approvable program to issue operating permits to all major stationary sources, and to certain other sources with the exception of Indian Lands.

DATES: This direct final rule is effective on March 13, 1955 unless adverse or critical comments are received by February 9, 1995.

ADDRESSES: Written comments on this action should be addressed to Ms. Jole C. Luehrs, Chief, New Source Review Section, at the EPA Region 6 Office listed. Copies of the City's submittal and other supporting information used in developing the final rule are available for inspection during normal business hours at the following locations. Interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before visiting day.

Environmental Protection Agency, Region 6, Air Programs Branch (6T– AN), 1445 Ross Avenue, suite 700, Dallas, Texas 75202–2733. City of Albuquerque/Bernalillo County, Environmental Health Department, One Civic Plaza, NW., room 3023, Albuquerque, New Mexico 87103.

FOR FURTHER INFORMATION CONTACT: Adele D. Cardenas, New Source Review Section, Environmental Protection Agency, Region 6, 1445 Ross Avenue, suite 700, Dallas, Texas 75202–2733, telephone 214–665–7210.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

A. Introduction

In title V of the 1990 Clean Air Act Amendments (sections 501-507 of the Clean Air Act ("the Act")), the EPA has promulgated rules which define the minimum elements of an approvable State/local operating permits program, and the corresponding standards and procedures by which the EPA will approve, oversee, and withdraw approval of a State/local operating permits program (see 57 FR 32250 (July 21, 1992)). These rules are codified at 40 Code of Federal Regulations (CFR) part 70. Title V requires States/local areas to develop, and submit to EPA, programs for issuing these operating permits to all major stationary sources and to certain other sources.

The Act requires that States/local areas develop and submit these programs to the EPA by November 15, 1993, and that the EPA act to approve or disapprove each program within one year after receiving the submittal. The EPA's program review occurs pursuant to section 502 of the Act and the part

70 regulations which together outline criteria for approval and disapproval. Where a program substantially, but not fully, meets the requirements of part 70, the EPA may grant the program interim approval for a period of up to two years. If the EPA has not fully approved a program by two years after the date of November 15, 1993, or by the end of an interim program, it must establish and implement a Federal program.

The EPA is publishing this action without prior proposal because the EPA views this as a noncontroversial action and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the EPA is proposing interim approval of the operating permits program submitted by the City of Albuquerque/Bernalillo County should adverse or critical comments be filed. Under the procedures established in the May 10, 1994, Federal Register, this action will be effective on March 13, 1995 unless, by February 9, 1995 adverse or critical comments are received.

II. Proposed Action and Implications

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective on March 13, 1995.

A. Analysis of City/County Submission

1. Support Materials

Pursuant to section 502(d) of the Act, the State/local area is required to develop and submit to the Administrator an operating permits program under State or local law or under an interstate compact meeting the requirements of title V of the Act. Bernalillo County and the City of Albuquerque within the County are granted the authority to administer a local air pollution control program by the New Mexico Air Quality Control Act. The Air Pollution Control Division (APCD) of the City of Albuquerque Environmental Health Department requested in the original submittal, under the signature of Governor Bruce King, approval with full authority to administer the City of Albuquerque/ **Bernalillo County Operating Permits** Program, prepared by APCD, in all areas

of Bernalillo County in the State of New Mexico with the exception of Indian lands.

Pursuant to NMSA 1978 section 74–2–1 et seq. (Repl. Pamph. 1993), Bernalillo County and the City of Albuquerque have created a joint local authority, the Albuquerque/Bernalillo County Air Quality Control Board, to adopt regulations, administer and enforce the State Air Quality Control Act, the City Joint Air Quality Control Ordinance and the Air Quality Control Board Regulations within Bernalillo County.

The City of Albuquerque/Bernalillo County submitted their final operating permits program to the EPA Regional Office on April 4, 1994. The title V program covering the City and County was signed by the Governor's designee Mr. Lawrence Rael, for the City of Albuquerque as Chief Administrative Officer and for Bernalillo County as the administrative head of the Albuquerque/Bernalillo County Operating Permits Program, for the purpose of complying with Federal requirements.

In the APCD operating permits program submittal, the City of Albuquerque/Bernalillo County does not assert jurisdiction over Indian lands or reservations. To date, no tribal government in New Mexico has authority to administer an independent air program in the County of Bernalillo. Upon promulgation of the Indian air regulations, Indian tribes will then be able to apply as States, and receive the authority from the EPA to implement an operating permits program under title V of the Act. The EPA will, where appropriate, conduct a Federal title V operating permits program in accordance with forthcoming EPA regulations, for those Indian tribes which do not apply for treatment as States under the Act.

The City of Albuquerque/Bernalillo County submittal provided an operating permits program plan which outlines items in the following sections: Item II-"Operating Permits Program Description," addresses 40 CFR 70.4(b)(1) by describing how APCD intends to carry out its responsibilities under the part 70 regulations. The program description addresses the following areas: (A) Organizational structure, (B) Regulations, guidelines, policies and procedures, and (C) Future regulatory actions (40 CFR 70.4(b)(3)(i) and (v)). The program description has been deemed to be appropriate for meeting the requirement of 40 CFR 70.4(b)(1).

Pursuant to 40 CFR 70.4(b)(3), the Governor or his designee is required to