

action will be effective 60 days from the date of this Federal Register notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 20, 1990. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

Regulatory Process

Under the Regulatory Flexibility Act (5 U.S.C. 605(b)), EPA must assess the impact of proposed rules on small entities. These rules are equivalent to the federally approved State regulations and maintain the status quo. Sources have not been adversely affected by the State regulations; therefore the conclusion can be drawn that small sources in Nashville-Davidson County will not be adversely affected by this decision.

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and 3 SIP revisions (54 FR 2222) from the requirements of Section 3 of Executive Order 12291 for a period of two years.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

List of Subjects in 40 CFR Part 52

Air Pollution control, Incorporation by reference, Intergovernmental relations.

Note: Incorporation by reference of the State Implementation Plan for the State of Tennessee was approved by the Director of the Federal Register on July 1, 1982.

Dated: October 5, 1989.

Joe R. Franzmathes,
Acting Regional Administrator.

Part 52 of chapter I, title 40, Code of Federal Regulations, is amended as follows:

Subpart RR—Tennessee

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7642.

2. Section 52.2220 is amended by adding paragraph (c)(98) to read as follows:

§ 52.2220 Identification of plan.

(c) * * *
(98) Nashville/Davidson County stack height provisions (Board Order 28-86) submitted as revisions to the Tennessee SIP on October 7, 1986.

(i) Incorporation by reference.

(A) Tennessee Air Pollution Control Board Order 28-86 and Nashville/Davidson County Regulation No. 3, Sections 3-1 and 3-2 introductory paragraph which was approved September 17, 1986.

(ii) Other material.

(A) Letter of October 7, 1986, from the Tennessee Department of Health and Environment.

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40 CFR Parts 60 and 61

[FRL-3698-7]

Delegation of Authority to Bernalillo County (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 authority to Albuquerque-Bernalillo County Air Quality Control Board ("the Board") and the Albuquerque Environmental Health Department (AEHD) to implement and enforce the New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) in Bernalillo County (New Mexico), including the City of Albuquerque. The provisions of full authority apply to all of the NSPS and NESHAP promulgated by the EPA through December 12, 1988, and partial authority covers all new and amended

standards promulgated after that date. However, the delegation of authority, under this notice, does not apply to the sources located on Indian lands within the boundaries of Bernalillo County as specified in the delegation agreement and in this notice. Also, this delegation of authority is not applicable to the NESHAP radionuclide standards specified under 40 CFR part 61.

EFFECTIVE DATE: December 8, 1989.

ADDRESSES: The AEHD's request and delegation agreement may be obtained 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, Telephone: (214) 655-7214;
Manager, Air Pollution Control Division,
Albuquerque Environmental Health
Department, The City of Albuquerque,
P.O. Box 1293, Albuquerque, New
Mexico 87103, Telephone: (505) 766-
2600.

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 notification required under Subpart A of the regulations) for the affected facilities, within the boundaries of Bernalillo County and in areas outside of Indian lands, should be sent directly to the AEHD at the above address. Sources located on Indian lands, in the State of New Mexico including Bernalillo County, should submit the information specified above to the EPA Region 6 Office at the address given in this notice. The sources located in the State of New Mexico, other than those areas specified above, should submit the information cited above to Chief, Air Quality Bureau, New Mexico Environmental Improvement Division, 1190 St. Francis Drive, Santa Fe, New Mexico 87503. All of the inquiries and requests concerning implementation and enforcement of the radionuclide standards under 40 CFR part 61, in the State of New Mexico, should be directed to the EPA Region 6 Office.

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, Telephone number
(214) 655-7214.

SUPPLEMENTARY INFORMATION: Sections 111(c) and 112(d) of the Clean Air Act allow the Administrator of the EPA to delegate EPA's authority to any State or local agency which can submit adequate

regulatory procedures for implementation and enforcement of the NSPS and NESHAP programs.

The New Mexico Air Quality Control Act (NMAQCA) allows, by ordinance, "A" class counties and any municipality within an "A" class county to create a municipal, county or joint air quality board to administer and enforce the provisions of the NMAQCA. The City of Albuquerque and Bernalillo County have jointly established the "Albuquerque-Bernalillo County Air Quality Control Board" (herein called "the Board") for administration and enforcement of NMAQCA because Bernalillo County is an "A" class county. Under the NMAQCA, the Albuquerque Environmental Health Department (AEHD) is the administrative and enforcement agency of the Board. The AEHD has established a program for the local administration and enforcement of the NMAQCA, in Bernalillo County, in lieu of the New Mexico Environmental Improvement Division (the State agency). Authority for the NSPS and NESHAP programs were delegated to the State of New Mexico (except for sources located in Bernalillo County and Indian lands) on March 15, 1985.

On July 18, 1989, the AEHD requested the U.S. Environmental Protection Agency (EPA) to delegate its authority to the AEHD for the New Source Performance Standards (NSPS) and the National Emissions Standards for Hazardous Air Pollutants (NESHAP) programs through December 12, 1988. The AEHD also requested partial delegation of authority for the technical and administrative review of new or amended NSPS and NESHAP promulgated by the EPA after December 12, 1988. The AEHD's request included (1) Air Quality Control Regulations 30 (NSPS) and 31 (NESHAP), (2) legal authority provided in Joint Air Quality Control Board Ordinances Article XVI and No. 88-45, and (3) the commitments for implementation and enforcement of the programs as documented in the AEHD Director's letter dated July 18, 1989. AQCRs 30 and 31 incorporate the Federal NSPS and NESHAP by reference through December 12, 1988.

The EPA reviewed the AEHD Director's request, Air Quality Control Regulations 30 and 31, and all other information submitted by the AEHD, including its request for implementation of the partial delegation of these programs. The EPA has determined that the Board and the AEHD have adequate authority and effective procedures for

implementing and enforcing the NSPS and NESHAP programs in Bernalillo County. Therefore, EPA delegated full authority to the Board and the AEHD through December 12, 1988, and partial authority for the technical and administrative review of new or amended NSPS and NESHAP promulgated by the EPA after December 12, 1988, subject to conditions and limitations of the delegation agreement dated December 8, 1989. No authority was delegated to the Board or AEHD for the radionuclide standards under 40 CFR Part 61 and sources located on Indian lands within the boundaries of Bernalillo County.

Today's notice informs the public that the EPA has delegated full authority to the AEHD for implementation and enforcement of the NSPS and NESHAP promulgated by the EPA through December 12, 1988, and partial authority is delegated for the new and amended standards after that date. All of the required information pursuant to the Federal NSPS and NESHAP (40 CFR part 60 and 40 CFR part 61) by sources located within the boundaries of Bernalillo County and in areas outside of Indian lands, should be submitted directly to the Albuquerque Environmental Health Department, the City of Albuquerque, P.O. Box 1293, Albuquerque, New Mexico 87103. Sources located on Indian lands in the State of New Mexico including Bernalillo County, should apply to the EPA Region 8 office at the address given in this notice. The sources located in the State of New Mexico, other than those areas specified above, should submit all of the required information to Chief, Air Quality Bureau, New Mexico Environmental Improvement Division, 1190 St. Francis Drive, Santa Fe, New Mexico 87503. All of the inquiries and requests concerning implementation and enforcement of the radionuclide standards under 40 CFR part 61, in the State of New Mexico, should be directed to the EPA Region 8 Office.

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 section 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 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.

Dated: December 8, 1989.

Joe D. Winkle,

Acting Regional Administrator.

Title 40, Parts 60 and 61 of the Code of Federal Regulations are amended as follows:

PART 60—[AMENDED]

1. The authority citation for Part 60 continues to read as follows:

Authority: 42 U.S.C. 7401, 7411, 7414, 7601.

2. Section 60.4 is amended by adding paragraph (b)(GG)(i) to read as follows:

§ 60.4 Address.

* * * * *

(b) * * *

(GG) * * *

(i) The City of Albuquerque and Bernalillo County: Director, The Albuquerque Environmental Health Department, The City of Albuquerque, P.O. Box 1293, Albuquerque, New Mexico 87103.

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PART 61—[Amended]

1. The authority citation for Part 61 continues to read as follows:

Authority: 42 U.S.C. 7401, 7411, 7414, 7601.

2. Section 61.04 is amended by adding paragraph (b)(GG)(i) to read as follows:

§ 61.04 Address.

* * * * *

(b) * * *

(GG) * * *

(i) The City of Albuquerque and Bernalillo County: Director, The Albuquerque Environmental Health Department, The City of Albuquerque, P.O. Box 1293, Albuquerque, New Mexico 87103.

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