subpart K (National Emission Standards for Radionuclide Emissions from Elemental Phosphorus Plants), subpart Q (National Emission Standards for Radon Emissions from Department of Energy facilities), subpart R (National Emission Standards for Radon Emissions from Phosphogypsum Stacks), subpart T (National Emission Standards for Radon Emissions from the Disposal of Uranium Mill Tailings), and subpart W (National Emission Standards for Radon–222 Emissions from Licensed Uranium Mill Tailings).

Today's notice informs the public that the EPA is updating the delegation of full authority for the State to implement and enforce the NSPS and NESHAP promulgated by the EPA from November 15, 1992, through February 1, 1995. Authority for technical and administrative review is delegated for the new and amended standards after November 15, 1993. All of the information required pursuant to the Federal NSPS and NESHAP (40 CFR part 60 and 40 CFR part 61) should be submitted by sources located outside the boundaries of Bernalillo County and in areas outside of Indian lands, directly to the NMED, Harold Runnels Building, Room So. 2100, St. Francis Drive, Santa Fe, New Mexico 87502. Albuquerque/Bernalillo County is excluded from this action because this area is granted delegation authority under AQCR's 30 NSPS and 31 NESHAP to the City of Albuquerque's Environmental Health Department. Sources located on Indian lands in the State of New Mexico should submit required information to the EPA Region 6 office at the address given in this notice. All of the inquiries and requests concerning implementation and enforcement of the excluded standards under 40 CFR part 60, subpart AAA and 40 CFR part 61, subparts B, H, I, R, T, and W, in the State of New Mexico should be directed to the EPA Region 6 Office.

The Office of Management and Budget has exempted this information notice from requirements of section 6 of Executive Order 12866.

This delegation is issued under the authority of sections 111(c) and 112(l)(1) 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 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 of zinc.

40 CFR Part 61

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

Dated: September 21, 1995.

Russell Rhoades,

Acting Regional Administrator.

[FR Doc. 95–24876 Filed 10–5–95; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 70

[AD–FRL–5307–9]

Clean Air Act Final Interim Approval of Operating Permits Program; Monterey Bay Unified Air Pollution Control District, California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final interim approval.

SUMMARY: The EPA is promulgating interim approval of the Operating Permits Program submitted by the Monterey Bay Unified Air Pollution Control District (Monterey or District) for the purpose of complying with federal requirements for an approvable state program to issue operating permits to all major stationary sources, and to certain other sources.

EFFECTIVE DATE: November 6, 1995.

ADDRESSES: Copies of Monterey's submittal and other supporting information used in developing the final interim approval are available for inspection (docket number CA–MN–95–1–OPS) during normal business hours at the following location: U.S. Environmental Protection Agency, Region IX, Air and Toxics Division, 75 Hawthorne Street, San Francisco, CA 94105.

FOR FURTHER INFORMATION CONTACT: Regina Spindler (telephone 415–744–1251), Mail Code A–5–2, U.S. Environmental Protection Agency, Region IX, Air and Toxics Division, 75 Hawthorne Street, San Francisco, CA 94105.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

Title V of the 1990 Clean Air Act Amendments (sections 501–507 of the Clean Air Act (''the Act'')), and implementing regulations at 40 Code of Federal Regulations (CFR) part 70 require that states develop and submit operating permits programs to EPA by November 15, 1993, and that EPA act to approve or disapprove each program within 1 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 or disapproval. Where a program substantially, but not fully, meets the requirements of Part 70, EPA may grant the program interim approval for a period of up to 2 years. If EPA has not fully approved a program by 2 years after the November 15, 1993 date, or by the end of an interim program, it must establish and implement a federal program.

On May 16, 1995, EPA proposed interim approval of the operating permits program for the Monterey Bay Unified Air Pollution Control District. See 60 FR 26013. The EPA received public comment on the proposal and is responding to those comments in this document and in a separate ''Response to Comments'' document contained in the docket at the Regional Office. As a result of public comment, EPA has modified one of the interim approval issues set forth in the May 16, 1995 proposal. The EPA's proposed action on the operating permits program is therefore being revised to reflect the modification of the interim approval issue. This change is discussed below in II.B. along with the other issues raised during the public comment period. The May 16, 1995 Federal Register notice also proposed approval of Monterey's interim mechanism for implementing section 112(g) and proposed approval under section 112(l) of the District's program for accepting delegation of section 112 standards as promulgated. The EPA did not receive any public comment on these proposed actions. With the exception of the modification to the interim approval issue discussed above, the proposed actions discussed above have not been altered as a result of public comment. In this notice EPA is taking final action to promulgate interim approval of the operating permits program and approving the section 112(g) mechanism and section 112(l) program for delegation noted above for Monterey.

II. Final Action and Implications

A. Analysis of District Submission

Monterey's original title V program was submitted by the California Air Resources Board (CARB) on December 6, 1993. Additional material was submitted on February 2, 1994 and April 7, 1994. The submittal was found to be complete on February 4, 1994. The EPA determined in its evaluation of Monterey's program that Rule 218, the

District's permitting regulation, contained several deficiencies that were cause for disapproval of the program. The EPA described these deficiencies and the corrections necessary to make the program eligible for interim approval in a letter from Felicia Marcus, EPA Region IX Administrator, to Abra Bennett, Monterey Air Pollution Control Officer (APCO), dated July 22, 1994. In response, Monterey adopted a revised regulation which was submitted by CARB on the District's behalf on October 13, 1994. On May 16, 1995, EPA proposed interim approval of Monterey's title V operating permits program in accordance with § 70.4(d), on the basis that the program ''substantially meets'' part 70 requirements. The analysis in the proposed document remains unchanged and will not be repeated in this final document. With the exception of the modification to the interim approval issue regarding affected state review discussed below in II.B.5., the program deficiencies identified in the proposed document, and outlined below in II.C., remain unchanged and must be corrected for the District to have a fully approvable program.

At the time of proposal, EPA believed that an implementation agreement would be completed prior to final interim approval. The EPA and Monterey have not yet finalized the implementation agreement, but are working to do so as soon as practicable.

B. Public Comments and Responses

The EPA received comments on the proposed interim approval of the Monterey program from one public commenter, the Monterey Bay Unified Air Pollution Control District. These comments are discussed below.

1. Insignificant Activities

Monterey commented that it would like to propose, for full title V program approval, emission levels for insignificant activities of 2 tons per year for criteria pollutants and the lesser of 1000 pounds per year, section 112(g) de minimis levels, or other title I significant modification levels for hazardous air pollutants and other toxics. The District commented that it believes these levels to be sufficiently below the applicability thresholds for all applicable requirements and will ensure that no unit potentially subject to an applicable requirement is left off of a title V permit application.

In the May 16, 1995 proposed interim approval of Monterey's program, EPA stated that it had proposed to accept, as sufficient for full approval of other state and district programs, the emission levels for insignificant activities as described above in Monterey's comment. The EPA stated that it believes these levels to be sufficiently below the applicability thresholds of many applicable requirements to assure that no unit potentially subject to an applicable requirement is left off a title V application. Monterey has commented that it believes these levels to be appropriate for determining insignificant activities in the District. If Monterey establishes these emission levels for defining insignificant activities in its program and submits this as a title V program revision to EPA, EPA will find that aspect of the insignificant activity definition fully approvable. As discussed below in II.C.7., to receive full approval of its insignificant activity provisions, Monterey must also revise Rule 218 to require that insignificant activities that are exempted because of size or production rate be listed in the permit application and to require that an application may not omit information needed to determine the applicability of, or to impose, any applicable requirement, or to evaluate the fee amount required.

2. ''Title I Modification''

Monterey commented that ''title I modifications'' should not be interpreted to include minor new source review and endorsed the recommendations and legal arguments made by CARB in its September 27, 1994 letter from Michael Scheible to the EPA Air Docket.

At the time of the May 16, 1995 proposed interim approval, EPA was in the process of determining the proper definition of title I modification, and therefore did not identify Monterey's treatment of title I modification as necessary grounds for either interim approval or disapproval. In an August 29, 1994 rulemaking proposal, EPA explained its view that the better reading of ''title I modifications'' includes minor NSR. However, the Agency solicited public comment on whether the phrase should be interpreted to mean literally any change at a source that would trigger permitting authority review under regulations approved or promulgated under title I of the Act. (59 FR 44572, 44573). This would include state preconstruction review programs approved by EPA as part of the State Implementation Plan under section 110(a)(2)(C) of the Clean Air Act.

The EPA has not yet taken final action on the August 29, 1994 proposal. However, in response to public comment on that proposal, the Agency has decided that the definition of ''title I modifications'' is best interpreted as not including changes reviewed under minor NSR programs. This decision was announced in a June 20, 1995 letter from Mary D. Nichols, EPA Assistant Administrator for Air and Radiation, to Congressman John D. Dingell, and will be included in a supplemental rulemaking proposal that will be published in September, 1995. Thus, EPA expects to confirm that Monterey's definition of ''title I modification'' is fully consistent with part 70.

The August 29, 1994 action proposed to, among other things, allow state programs with a more narrow definition of ''title I modifications'' to receive interim approval (59 FR 44572). The Agency stated that if, after considering the public comments, it continued to believe that the phrase ''title I modifications'' should be interpreted as including minor NSR changes, it would revise the interim approval criteria as needed to allow states with a narrower definition to be eligible for interim approval. If EPA does conclude, during this rulemaking, that Title I modifications should be read to include minor NSR, it will implement the interim approval option spelled out in the August 29, 1994 proposal.

3. Implementation Agreement

In the May 16, 1995 proposed interim approval, EPA stated that an implementation agreement is currently being developed by EPA and Monterey. Monterey commented that they disagree with EPA over the structure and the basis for an implementation agreement and take exception to the implementation agreement language contained in the notice and therefore suggest that it be removed prior to publication of the final notice. Since Monterey submitted this comment, EPA and the District have engaged in numerous conversations regarding the implementation agreement and Monterey has indicated that it does intend to develop an agreement with EPA. EPA and the District are currently negotiating the appropriate format and content of that agreement.

4. District Rule 201 Correction

Monterey commented that EPA had incorrectly stated in the May 16, 1995 proposal that Rule 201 ''was adopted or revised to implement title V.'' The District pointed out that Rule 201 was adopted prior to promulgation of part 70 and was not revised to implement title V. The EPA therefore revises the statement made in the May 16, 1995 proposal to state that Rule 201 was submitted as a supporting regulation of

the Monterey title V program. This change does not affect EPA's May 16, 1995 proposed action.

5. Affected State Review

In the May 16, 1995 proposed interim approval, EPA proposed that in order to receive full approval Monterey must revise Rule 218 to define and provide for giving notice to affected states per §§ 70.2 and 70.8(b). The EPA reasoned that although emissions from Monterey may not currently affect any neighboring states, Native American tribes may in the future apply for treatment as states for air program purposes and if granted such status would be entitled to affected state review under title V. (See EPA's proposed Tribal Air Rule at 59 FR 43956, August 25, 1994.) Monterey commented that it would be appropriate to revise Rule 218 to provide for giving notice to affected states at such time as a Native American tribe or tribes apply for treatment as a state. The EPA is concerned about the timing issues involved with delaying the adoption of affected state notice provisions in Monterey's program until tribes apply for state status. Although the federal rule that will enable tribes to apply for treatment as states has not yet been finalized, and there are no tribes currently eligible for treatment as a state under the Act, EPA believes that the likelihood of Native American tribes qualifying as affected states under part 70 is great and that Monterey will ultimately need to revise its rule to address this outcome. Nonetheless, EPA is willing to accept as an alternative to adopting affected state notice provisions up front, a commitment to: (1) Initiate rule revisions upon being notified by EPA of an application by an affected tribe for state status, and (2) provide affected state notice to tribes upon their filing for state status (i.e., prior to Monterey revising Rule 218 to incorporate affected state notice procedures).

C. Final Action

1. Monterey's Title V Operating Permits Program

The EPA is promulgating interim approval of the operating permits program submitted by the Monterey Bay Unified Air Pollution Control District. The District must make the following changes, or changes that have the same effect, to receive full approval:

(1) Revise section 1.3 to require that, regardless of the source's actual or potential emissions, acid rain sources and solid waste incineration units required to obtain a permit pursuant to section 129(e) of the Act may not be exempted from the requirement to obtain a permit pursuant to Rule 218. Section 70.3(b) requires that major sources, affected sources (acid rain sources), and solid waste incinerators may not be exempted from the program. Monterey's deferral for certain major sources other than acid rain sources and solid waste incinerators is allowable under EPA's ''Interim Approval Guidance,'' issued by John Seitz on August 2, 1993.

(2) Revise section 2.1.4 of the definition of ''Administrative Permit Amendments'' as follows:

''*requires more frequent* monitoring or reporting for the stationary source; or''

Increasing monitoring requirements could be a significant change to these requirements. Significant changes in monitoring must be processed as significant permit modifications. (§ 70.7(d)(1)(iii), § 70.7(e)(4))

(3) Revise the definition of ''Federally Enforceable Requirement'' in section 2.12 to include any standard or other requirement provided for in the State Implementation Plan approved or promulgated by EPA. This revision is necessary to make the section 2.12 definition consistent with the part 70 definition of ''Applicable requirement'' and with the Rule 218, section 4.2.4 requirement that each permit require compliance with any standard or requirement set forth in the applicable implementation plan.

(4) Revise section 2.18.4 of the definition of ''Minor Permit Modification'' to require that a minor permit modification may not *establish* or change a permit condition used to avoid a federally enforceable requirement to which the source would otherwise be subject. (§ 70.7(e)(2)(i)(A)(*4*))

(5) Revise section 3.1.6.12 to require that the compliance certification within the permit application include a statement indicating the source's compliance status with any applicable enhanced monitoring and compliance certification requirements of the Act. (§ 70.5(c)(9)(iv))

(6) Revise section 3.1.6.13 as follows to be consistent with § 70.5(c)(8)(iii)(C):

* * * a schedule of compliance approved by the District hearing board that identifies remedial measures, *including an enforceable sequence of actions,* with specific increments of progress, a final compliance date, testing and monitoring methods, recordkeeping requirements, and a schedule for submission of certified progress reports to the USEPA and the APCO at least every 6 months. *This schedule of compliance shall resemble and be at least as stringent as that contained in any judicial consent decree or administrative order to which the source is subject;* and * * *''

(7) Provide a demonstration that activities that are exempt from permitting under Rule 218 (pursuant to Rule 201, the District's permit exemption list) are truly insignificant and are not likely to be subject to an applicable requirement. Alternatively, Rule 218 may restrict the exemptions to activities that are not likely to be subject to an applicable requirement and emit less than District-established emission levels. The District should establish separate emission levels for HAP and for other regulated pollutants and demonstrate that these emission levels are insignificant compared to the level of emissions from and type of units that are required to be permitted or subject to applicable requirements. Revise Rule 218 to require that insignificant activities that are exempted because of size or production rate be listed in the permit application. Revise Rule 218 to require that an application may not omit information needed to determine the applicability of, or to impose, any applicable requirement, or to evaluate the fee amount required. (§ 70.5(c), § 70.4(b)(2))

(8) Revise section 3.5.3 to provide that the APCO shall also give public notice ''by other means if necessary to assure adequate notice to the affected public.'' (§ 70.7(h)(1))

(9) Revise Rule 218 to include the contents of the public notice as specified by § 70.7(h)(2).

(10) Revise Rule 218 to provide that the District shall keep a record of the commenters and of the issues raised during the public participation process so that the Administrator may fulfill her obligation to determine whether a citizen petition may be granted. (§ 70.7(h)(5))

(11) The EPA must be provided with 45 days to review the version of the permit that incorporates any public comments and that the District proposes to issue. Rule 218 indicates that the District intends to provide for concurrent public and EPA review of the draft permit. Therefore, the District must revise the rule to provide that EPA will have an additional 45 days to review the proposed permit if it is revised as a result of comments received from the public. (§ 70.8(a)(1))

(12) Revise Rule 218 to define and provide for giving notice to affected states per §§ 70.2 and 70.8(b). Alternatively, Monterey may make a commitment to: (1) Initiate rule revisions upon being notified by EPA of an application by an affected tribe for state status, and (2) provide affected

state notice to tribes upon their filing for state status (i.e., prior to Monterey's adopting affected state notice rules).

(13) Revise section 3.7.1 to require that the permit *shall* be reopened under the circumstances listed in sections 3.7.1.1 to 3.7.1.3. (§ 70.7(f)(1))

(14) Revise section 3.8.2 to provide, consistent with § 70.7(e)(2)(iv), that the District shall take action on a minor permit modification application within 90 days of receipt of the application or 15 days after the end of the 45-day EPA review period, whichever is later. Currently, the District rule provides that the permit be issued within 90 days after the application is deemed complete (section 3.3.2 provides 30 days from receipt for a completeness determination) or 60 days after written notice and concurrence from EPA, whichever is later. The EPA will not necessarily provide written notice and concurrence on minor permit modifications and the District rule does not address what action is taken should EPA not provide written notice. (§ 70.7(e)(2)(iv))

(15) Revise section 3.8.2 to provide that the action taken on a minor permit modification application in the timeframes discussed above in (14) shall be one of the following:

(a) Issue the permit modification as proposed;

(b) Deny the permit modification application;

(c) Determine that the requested modification does not meet the minor permit modification criteria and should be reviewed under the significant modification procedures; or

(d) Revise the draft permit modification and transmit to the Administrator the new proposed permit modification.

The current District rule states that the minor permit modification shall be completed within the timeframes discussed above in (14), but does not specify that the District must take one of the actions listed above. (§ 70.7(e)(2)(iv))

2. California Enabling Legislation—Legislative Source Category Limited Interim Approval Issue

Because California State law currently exempts agricultural production sources from permit requirements, the California Air Resources Board had requested source category-limited interim approval for all California districts. The May 16, 1995 proposed interim approval included a proposal to grant source category-limited interim approval to Monterey. The EPA is finalizing this source category-limited interim approval. In order for this program to receive full approval (and to avoid a disapproval upon the expiration of this interim approval), the California Legislature must revise the Health and Safety Code to eliminate the exemption of agricultural production sources from the requirement to obtain a permit.

The above described program and legislative deficiencies must be corrected before Monterey can receive full program approval.

The scope of Monterey's part 70 program approved in this notice applies to all part 70 sources (as defined in the approved program) within the District, except any sources of air pollution over which an Indian Tribe has jurisdiction. *See, e.g.,* 59 FR 55813, 55815–18 (Nov. 9, 1994). The term ''Indian Tribe'' is defined under the Act as ''any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village, which is federally recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.'' *See* section 302(r) of the CAA; *see also* 59 FR 43956, 43962 (Aug. 25, 1994); 58 FR 54364 (Oct. 21, 1993).

This interim approval, which may not be renewed, extends until November 6, 1997. During this interim approval period, Monterey is protected from sanctions, and EPA is not obligated to promulgate, administer and enforce a federal operating permits program in the District. Permits issued under a program with interim approval have full standing with respect to part 70, and the 1-year time period for submittal of permit applications by subject sources begins upon the effective date of this interim approval, as does the 3-year time period for processing the initial permit applications.

If Monterey fails to submit a complete corrective program for full approval by May 6, 1997, EPA will start an 18-month clock for mandatory sanctions. If Monterey then fails to submit a corrective program that EPA finds complete before the expiration of that 18-month period, EPA will be required to apply one of the sanctions in section 179(b) of the Act, which will remain in effect until EPA determines that the District has corrected the deficiency by submitting a complete corrective program. Moreover, if the Administrator finds a lack of good faith on the part of Monterey, both sanctions under section 179(b) will apply after the expiration of the 18-month period until the Administrator determined that the District had come into compliance. In any case, if, six months after application of the first sanction, the District still has not submitted a corrective program that EPA has found complete, a second sanction will be required.

If EPA disapproves Monterey's complete corrective program, EPA will be required to apply one of the section 179(b) sanctions on the date 18 months after the effective date of the disapproval, unless prior to that date the District has submitted a revised program and EPA has determined that it corrected the deficiencies that prompted the disapproval. Moreover, if the Administrator finds a lack of good faith on the part of the District, both sanctions under section 179(b) shall apply after the expiration of the 18-month period until the Administrator determines that Monterey has come into compliance. In all cases, if, six months after EPA applies the first sanction, Monterey has not submitted a revised program that EPA has determined corrects the deficiencies, a second sanction is required.

In addition, discretionary sanctions may be applied where warranted any time after the expiration of an interim approval period if Monterey has not timely submitted a complete corrective program or EPA has disapproved its submitted corrective program. Moreover, if EPA has not granted full approval to the District program by the expiration of this interim approval and that expiration occurs after November 15, 1995, EPA must promulgate, administer and enforce a federal permits program for Monterey upon interim approval expiration.

3. District Preconstruction Permit Program Implementing Section 112(g)

The EPA is approving the use of Monterey's preconstruction review program as a mechanism to implement section 112(g) during the transition period between promulgation of EPA's section 112(g) rule and adoption by Monterey of rules specifically designed to implement section 112(g). The EPA is limiting the duration of this approval to 12 months following promulgation by EPA of the section 112(g) rule.

4. Program for Delegation of Section 112 Standards as Promulgated

Requirements for approval, specified in 40 CFR 70.4(b), encompass section 112(l)(5) requirements for approval of a program for delegation of section 112 standards as promulgated by EPA as they apply to Part 70 sources. Section 112(l)(5) requires that the state's program contain adequate authorities, adequate resources for implementation, and an expeditious compliance schedule, which are also requirements under part 70. Therefore, EPA is also promulgating approval under section

112(l)(5) and 40 CFR 63.91 of the state's program for receiving delegation of section 112 standards that are unchanged from federal standards as promulgated. This program for delegations only applies to sources covered by the Part 70 program.

III. Administrative Requirements

A. Docket

Copies of the District's submittal and other information relied upon for the final interim approval, including one public comment letter received and reviewed by EPA on the proposal, are contained in docket number CA–MN–95–1–OPS maintained at the EPA Regional Office. The docket is an organized and complete file of all the information submitted to, or otherwise considered by, EPA in the development of this final interim approval. The docket is available for public inspection at the location listed under the **ADDRESSES** section of this document.

B. Executive Order 12866

The Office of Management and Budget has exempted this action from Executive Order 12866 review.

C. Regulatory Flexibility Act

The EPA's actions under section 502 of the Act do not create any new requirements, but simply address operating permits programs submitted to satisfy the requirements of 40 CFR part 70. Because this action does not impose any new requirements, it does not have a significant impact on a substantial number of small entities.

D. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a federal mandate that may result in estimated costs to state, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The EPA has determined that the approval action promulgated today does not include a federal mandate that may result in estimated costs of $100 million or more to either state, local, or tribal governments in the aggregate, or to the private sector. This federal action approves pre-existing requirements under state or local law, and imposes no new federal requirements. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, result from this action.

List of Subjects in 40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Dated: September 21, 1995.

John Wise,

Acting Regional Administrator.

Part 70, title 40 of the Code of Federal Regulations is amended as follows:

PART 70—[AMENDED]

1. The authority citation for part 70 continues to read as follows:

Authority: 42 U.S.C. 7401, et seq.

2. Appendix A to part 70 is amended by adding paragraph (r) to the entry for California to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

* * * * *

The following district program was submitted by the California Air Resources Board on behalf of:

(r) *Monterey Bay Unified Air Pollution Control District:* submitted on December 6, 1993, supplemented on February 2, 1994 and April 7, 1994, and revised by the submittal made on October 13, 1994; interim approval effective on November 6, 1995; interim approval expires November 6, 1997.

* * * * *

[FR Doc. 95–24453 Filed 10–5–95; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 81

[NM–25–1–7119; FRL–5312–4]

Designation of Area for Air Quality Planning Purposes; New Mexico; Designation of Sunland Park Ozone Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Correction of final rule.

SUMMARY: The EPA published a final Federal Register (FR) action on June 12, 1995 (60 FR 30789–30791) which redesignated a portion of Dona Ana County, New Mexico (i.e. the Sunland Park area) from unclassifiable/attainment to nonattainment for the ozone National Ambient Air Quality Standards (NAAQS) with a marginal classification. The redesignation, based upon violations of the ozone NAAQS which were monitored from 1992–1994, became effective on July 12, 1995.

In the June 12, 1995, FR action, on page 30791 in the table entitled ''New Mexico—Ozone,'' the Classification Type should have read ''Marginal'' instead of ''Nonattainment.'' This FR action provides the correction.

EFFECTIVE DATE: October 6, 1995.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the addresses listed below. The interested persons wanting to examine these documents should make an appointment at least 24 hours before the visiting day:

U.S. Environmental Protection Agency, Region 6, Air Planning Section (6PD–L), 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733.

New Mexico Environment Department, Air Monitoring & Control Strategy Bureau, 1190 St. Francis Drive, Room So. 2100, Santa Fe, New Mexico 87503.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth W. Boyce, Air Planning Section (6PD–L), U.S. EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, telephone (214) 665–7214.

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: September 21, 1995.

William G. Laxton,

Acting Regional Administrator.

40 CFR part 81 is amended as follows:

PART 81—[AMENDED]

1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

2. In section 81.332, the ozone table is amended by revising the entry ''AQCR 153 El Paso-Las Cruces-Alamogordo'' to read as follows:

§ 81.332 New Mexico.

* * * * *