

Commission, the Federal Power Act requires the Commission to investigate and determine if the interests of interstate or foreign commerce would be affected by the project. The Commission also determines whether or not the project: (1) would be located on a navigable waterway; (2) would occupy or affect public lands or reservations of the United States; (3) would utilize surplus water or water power from a government dam; or (4) if applicable, has involved or would involve any construction subsequent to 1935 that may have increased or would increase the project's head or generating capacity, or have otherwise significantly modified the project's pre-1935 design or operation.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room located at 888 First Street, N.E., Room 2A, Washington, D.C. 20426, or by calling (202) 208-1371. This filing may be viewed on <http://www.ferc.fed.us/online/rims.htm> (call (202) 208-2222 for assistance). A copy is also available for inspection and reproduction at the address in item h. above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

*Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, 214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

*Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", OR "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. A copy of any motion to

intervene must also be served upon each representative of the Applicant specified in the particular application.

*Agency Comments*—Federal, State, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If any agency does file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,  
Secretary.

[FR Doc. 00-1274 Filed 1-19-00; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice of an Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

January 13, 2000.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

- a. *Application Type:* Amendment of License.
- b. *Project No.:* 2853-058.
- c. *Date Filed:* November 16, 1999.
- d. *Applicant:* State of Montana—Department of Natural Resources and Conservation.
- e. *Name of Project:* Broadwater Power Project.
- f. *Location:* On the Missouri River, In Broadwater County, Montana.
- g. *Filed Pursuant to:* 18 CFR 4.200.
- h. *Applicant Contact:* Mr. Walt Anderson, 48 North Last Chance Gulch, P.O. Box 201601, Helena, MT 59620-1601, Telephone: (406) 444-6646.
- i. *FERC Contact:* Any questions on this notice should be addressed to Jake Tung at [hong.tung@ferc.fed.us](mailto:hong.tung@ferc.fed.us) or 202-219-2663.
- j. *Deadline for filing comments and/or motions:* February 15, 2000.

All documents (original and eight copies) should be filed by February 15, 2000, with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington D.C. 20426.

Please include the project number (2853-058) on any comments or motions filed.

k. *Description of Filing:* State of Montana—Department of Natural Resources and Conservation, Licensee for the Broadwater Power project,

proposes to construct a structural wall in the upstream reservoir between the turbine intake and the canal intake. The wall will begin at the upstream face of the dam and extend approximately 150 feet, with the centerline located about 50 feet from the right shoreline. The wall will be about 150 feet long, five-foot wide at top, and approximately 18 inches above the upstream normal reservoir operating level. The purpose of the wall structure is to separate the canal intake from the hydraulic influences of the turbine intake.

l. *Locations of the application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, N.E., Room 2A, Washington, D.C. 20426, or by calling (202) 208-1371. The application may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm>, (call (202) 208-2222 for assistance). A copy is also available for inspection and reproduction at the address in item "h" above.

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*Agency Comments*—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,  
Secretary.

[FR Doc. 00-1275 Filed 1-19-00; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6526-9]

### Adequacy Status of Submitted State Implementation Plans for Transportation Conformity Purposes; Pennsylvania; SIP for Rate of Progress and for Attainment of the NAAQS for Ozone of the Philadelphia-Wilmington-Trenton Ozone Nonattainment Area

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of Adequacy Status.

**SUMMARY:** EPA is announcing that the attainment motor vehicle emissions budgets (hereafter referred to as "budgets") contained in the State Implementation Plan (SIP) for the Attainment of the NAAQS for Ozone Meeting the Requirements of the Alternative Ozone Attainment Demonstration Policy—Phase II for the Pennsylvania Portion of the Philadelphia-Wilmington-Trenton Ozone Nonattainment Area, submitted on April 30, 1998, are not adequate for transportation conformity purposes. We are concurrently announcing that the Rate of Progress (ROP) motor vehicle emission budgets contained in this same SIP submittal are adequate for transportation conformity purposes. On November 16, 1999, EPA announced the same decision in a **Federal Register** publication entitled "Adequacy Status of Submitted State Implementation Plans for Transportation Conformity Purposes: State Implementation Plan for Attainment and Maintenance of the NAAQS for Ozone—Southeastern Pennsylvania." We are, therefore, also announcing that in a letter to the Commonwealth of Pennsylvania dated December 22, 1999, we withdrew our findings regarding the adequacy of these budgets originally made in an October 26, 1999 letter and announced in the **Federal Register** on November 16, 1999.

In the same December 22, letter, we made new findings regarding the adequacy of these budgets. Therefore, this announcement regarding the findings made on December 22, 1999 supersedes and renders moot the announcement published on November 16, 1999 regarding the findings made on October 26, 1999.

**DATES:** These findings regarding the adequacy of the budgets, made in a letter dated December 22, 1999 to the Commonwealth of Pennsylvania, are effective on February 4, 2000.

**FOR FURTHER INFORMATION CONTACT:** Larry Budney, U.S. EPA, Region III, 1650 Arch Street, Philadelphia, PA 19103 at (215) 814-2184 or by e-mail at: budney.larry@epa.gov.

**SUPPLEMENTARY INFORMATION:**

Throughout this document the terms "we," "us," or "our" refer to EPA. The word "budgets" refers to the motor vehicle emission budgets for volatile organic compounds (VOCs) and nitrogen oxides (NO<sub>x</sub>). The word "SIP" in this document refers to the Phase II State Implementation Plan submitted by the Commonwealth of Pennsylvania on April 30, 1998. This plan was submitted to demonstrate ROP in the Pennsylvania portion of the Philadelphia-Wilmington-Trenton ozone nonattainment area and to demonstrate attainment of the one-hour National Ambient Air Quality Standard (NAAQS) for ozone throughout the nonattainment area.

On March 2, 1999, the D.C. Circuit Court ruled that the budgets contained in submitted SIPs cannot be used for transportation conformity determinations until EPA has affirmatively found them adequate. As a result of our finding, the attainment budgets contained in the submitted Phase II Ozone Attainment Plan may not be used for future conformity determinations, but the ROP motor vehicle emission budgets contained in the same submittal may be used for future conformity determinations in the Pennsylvania portion of the Philadelphia-Wilmington-Trenton ozone nonattainment area.

On April 30, 1998, the Pennsylvania Department of Environmental Protection (PADEP) submitted its State Implementation Plan for the Attainment and Maintenance of the NAAQS for Ozone Meeting the Requirements of the Alternative Ozone Attainment Demonstration Policy—Phase II. The SIP contained mobile source vehicle emissions budgets both for ROP and for attainment. On August 2, 1999, the availability of the SIP and the motor vehicle emission budgets was posted on EPA's conformity WEB site for the

purpose of soliciting public comment. The comment period closed on August 31, 1999, and no comments were received.

On October 26, 1999, we sent a letter to the Commonwealth of Pennsylvania which constituted final Agency actions on the adequacy of the budgets contained in the Phase II SIP submitted by Pennsylvania on April 30, 1998. Those actions were EPA's findings that the attainment budgets were not adequate and that the ROP budgets were adequate. On November 16, 1999, we published our findings that the attainment budgets were not adequate and that the ROP budgets were adequate in a **Federal Register** announcement entitled "Adequacy Status of Submitted State Implementation Plans for Transportation Conformity Purposes: State Implementation Plan for Attainment and Maintenance of the NAAQS for Ozone—Southeastern Pennsylvania" (64 FR 62198). As indicated in that notice, the effective date of the Agency's October 26, 1999 findings was December 1, 1999.

In a Notice of Proposed Rulemaking (NPR) published on December 16, 1999 (64 FR 70428), we proposed that additional measures are needed to support the attainment test for the Philadelphia-Wilmington-Trenton ozone nonattainment area. Pennsylvania has raised concerns that the text found in the NPR at section II.B.3, entitled Motor Vehicle Emissions Budget, may be interpreted to conclude that EPA took final Agency action in its October 26, 1999 letter to determine that additional measures to reduce emissions are required in the Philadelphia-Wilmington-Trenton area to support the attainment test. This is not the case. The action published by EPA on December 16, 1999 regarding the attainment demonstration contained in the Phase II SIP submitted by the Commonwealth on April 30, 1998 and supplemented on August 21, 1998, is a *proposed* action. EPA has invited comment on all matters raised in the NPR, including the need for additional measures.

We wished to clarify its intent and to address the Commonwealth's concerns. Therefore, in a letter to the Commonwealth dated December 22, 1999, we withdrew the October 26, 1999 final actions as to the adequacy of the motor vehicle emission budgets submitted by the Commonwealth in its April 30, 1998 Phase II SIP for the Philadelphia-Wilmington-Trenton nonattainment area. In the same December 22, 1999 letter, we took Agency actions on the adequacy of the budgets in Pennsylvania's Phase II SIP by finding that the attainment budgets