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.

o. 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 NE., Mail Stop PJ–12.1, Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. 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. 01–16750 Filed 7–3–01; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7007–3]

Adequacy Status of Submitted State Implementation Plan for Transportation Conformity Purposes; Houston-Galveston Area (HGA) Ozone Attainment Demonstration

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of inadequacy determination.

SUMMARY: The EPA is notifying the public that we have found the motor vehicle emissions budgets (the budgets), in the HGA Ozone Attainment Demonstration State Implementation Plan (SIP) submitted on November 12, 1999, inadequate for transportation conformity purposes. The EPA's determination of inadequacy is based on the fact that it is clear that the budgets in the November 12, 1999, SIP submission can no longer be considered adequate and consistent with attainment requirements. As explained in detail in the Office of Transportation and Air Quality (OTAQ) guidance memorandum entitled ''Application of 40 CFR 93.104(e) to Houston Attainment SIP'', dated May 9, 2001, the 1999 Rate-Of-Progress budgets are considered the applicable budgets until replaced by subsequent budgets in accordance with 40 CFR 93.118. In addition, this determination that the budgets are not adequate does not have any adverse implications on the conformity process or the current conforming transportation Plan or program.

DATES: This inadequacy determination is effective on May 9, 2001.

FOR FURTHER INFORMATION CONTACT: Mr. J. Behnam, P.E., The U.S. Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202; telephone (214) 665–7247.

SUPPLEMENTARY INFORMATION:

Background

Today's notice is simply an announcement of a finding that EPA has already made. The EPA sent a letter to the Texas Natural Resource Conservation Commission (TNRCC) on May 9, 2001, finding that the budgets submitted on November 12, 1999, are not adequate.

Transportation conformity is required by section 176(c) of the Clean Air Act (CAA). The EPA's conformity rule requires that transportation plans, programs, and projects conform to SIPs and establishes criteria and procedures for making conformity determinations. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards.

The EPA described the process for determining adequacy of the submitted SIP budgets in a guidance memorandum entitled Conformity Guidance on Implementation of March 2, 1999, Conformity Court Decision, dated May 14, 1999. This guidance is used in making the adequacy determination on the budgets contained in the control strategy SIPs. The criteria by which EPA determines whether a SIP's budgets are adequate for conformity purpose are specified in 40 CFR 93.118(e)(4). An adequacy review is a separate process from EPA's SIP completeness review, and also it should not be used to prejudge EPA's ultimate action to approve or disapprove the SIP.

The Governor of Texas submitted the HGA Ozone Attainment Demonstration SIP on November 12, 1999. The HGA Ozone Attainment Demonstration SIP contained the year 2007 budgets of 79.00 tons/day for Volatile Organic Compounds (VOC) and 195.00 tons/day for Nitrogen Oxides (NO_X) for the ozone nonattainment area. On May 31, 2000, the EPA sent a letter to the TNRCC stating that the budgets for VOC and NO_X in the November 12, 1999, HGA Ozone Attainment Demonstration SIP were adequate for transportation conformity purposes. The EPA published a notice in the **Federal Register** on June 14, 2000, (65 FR 37368) announcing that we had made an adequacy determination for the budgets submitted in HGA Ozone Attainment Demonstration SIP. This finding was also announced on EPA's conformity web site, http://www.epa.gov/oms/traq.

On December 20, 2000, the Governor of Texas submitted another revision to the HGA Attainment Demonstration SIP which contained a set of revised year 2007 budgets for the on-road mobile sources. These budgets were 79.51 tons/day and 151.6 tons/day for VOC and NO_X, respectively. Subsequently, the EPA posted these budgets on its web site for public review. However, the EPA has not made any adequacy determination on these budgets. On May 30, 2001, the TNRCC proposed additional revisions to the HGA Attainment Demonstration SIP that will further change the budgets for the on-road mobile sources.

The EPA has now determined that the budgets contained in the HGA Ozone Attainment Demonstration SIP submitted on November 12, 1999, are inadequate for transportation conformity purposes. We cannot support adequacy of these budgets because they do not accurately reflect the HGA on-road mobile source emissions and are not consistent with HGA reaching attainment of the ozone air quality standard. One of the criteria for budget adequacy is that the budgets, when considered together with all other emissions sources, are consistent with applicable requirements for the given implementation plan submission, in this case attainment of the ozone standard by the applicable CAA attainment date. We have determined, by following our rule and guidance, that the HGA Ozone Attainment Demonstration SIP budgets submitted on November 12, 1999, are not consistent with attainment of the ozone standard and therefore are not adequate.

As explained in detail in the OTAQ's memorandum referenced earlier, the 1999 Rate-Of-Progress budgets are

considered the applicable budgets until replaced by subsequent budgets in accordance with 40 CFR 93.118. In addition, this determination that the budgets are not adequate does not have any adverse implications on the conformity process or the current conforming transportation Plan or program.

The effective date of this determination is May 9, 2001, the date of the EPA's letter that notified the TNRCC of our inadequacy determination. Even though adequacy determinations are not considered rulemaking subject to procedural requirements of the Administrative Procedures Act, the EPA's policy is to provide a notice and comment period on adequacy determinations through its conformity web site. However, we are not providing opportunity for comment on this inadequacy determination because adequacy determinations are not considered rulemaking subject to the procedural requirements of the Administrative Procedures Act. In addition, the EPA does not believe that it was necessary to provide an opportunity for advance notice or comment on this inadequacy determination because we believe it is clear that the budgets can no longer be considered adequate and consistent with attainment. There was also good cause to act expeditiously in order to protect the public interest, given the potential May 12, 2001, conformity lapse date under 40 CFR 93.104(e)(2) and its associated restrictions. Making this action effective on May 9, 2001, would relieve these restrictions. The substance of the revised attainment budgets will be further reviewed by EPA as part of its final decision to approve or disapprove the HGA Ozone Attainment Demonstration SIP for the Houston nonattainment area. The EPA will consider all of these submissions as well as all public comments in our evaluation whether to approve or disapprove the HGA Ozone Attainment Demonstration SIP.

The EPA will also announce this inadequacy determination on its conformity web site at http://www.epa.gov/oms/traq.

Dated: June 19, 2001.

Lynda F. Carroll,

Acting Regional Administrator, Region 6.

[FR Doc. 01–16810 Filed 7–3–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7006–8]

Adequacy Status of Motor Vehicle Budgets in Submitted State Implementation Plans for Transportation Conformity Purposes; Maryland; Revisions to the Phase II Plan for the Baltimore Ozone Nonattainment Area: Revised To Reflect the Benefits of the Tier 2/Sulfur-in-Fuel Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of adequacy status.

SUMMARY: EPA is announcing that the revised motor vehicle emissions budgets (budgets) contained in the revised Phase II Plan for the Baltimore Ozone Nonattainment Area (the Baltimore area) submitted by the Maryland Department of the Environment (MDE) as a State Implementation Plan (SIP) revision are adequate for transportation conformity purposes. The revised Phase II Plan was submitted to EPA on December 28, 2001. These amendments to Maryland's Phase II Plan for the Baltimore area include revisions to its budgets to reflect the emission reduction benefits associated with the Tier 2 Vehicle Standards/Sulfur-in Fuel rule. EPA has found the budgets in Maryland's revised Phase II Plan for the Baltimore area adequate for transportation conformity purposes.

DATES: The findings that the budgets are adequate were made in a letter dated June 19, 2001, from EPA Region III to the Maryland Department of the Environment. These adequacy findings are effective on July 20, 2001.

FOR FURTHER INFORMATION CONTACT: Paul T. Wentworth, P.E., U.S. EPA, Region III, 1650 Arch Street, Philadelphia, PA 19103 at (215) 814–2183 or by e-mail at: wentworth.paul@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document ''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_X). The word ''SIP'' in this document refers to the revised Phase II Plan for the Baltimore area submitted by MDE to EPA on December 28, 2000. The revised Phase II Plan includes the 2005 attainment demonstration motor vehicle emissions budgets for the Baltimore nonattainment area.

On March 2, 1999, the D.C. Circuit Court ruled that budgets contained in submitted SIPs cannot be used for conformity determinations until EPA has affirmatively found them adequate. By a transmittal letter dated December 28, 2000, the MDE formally submitted revisions to the Phase II Plan for the Baltimore area. On January 17, 2001, we posted the availability of the revised Phase II Plan and the budgets on our conformity website for the purpose of soliciting public comment on the adequacy of the budgets. The comment period closed on February 16, 2001.

On June 19, 2001, EPA Region III sent a letter to the Maryland Department of the Environment which constitutes final Agency action on the adequacy of the budgets contained in the revised Phase II SIP. Those actions were EPA's findings that the budgets of the revised Phase II plan submitted by MDE for the Baltimore area are adequate for transportation conformity purposes. As a result of our June 19, 2001 findings, the attainment budgets for 2005 contained in Maryland's December 28, 2000 revised Phase II SIP for the Baltimore nonattainment area may be used for future conformity determinations.

This is an announcement of adequacy findings that we have already made on June 19, 2001. The effective date of these findings is July 20, 2001. These findings will also be announced on EPA's website: http://www.epa.gov/oms/traq (once there, click on the ''Conformity'' button, then look for ''Adequacy Review of Submissions for Conformity''). The website will also contain a detailed analysis of our adequacy findings and our responses to the comments submitted during our January 17, 2001–February 16, 2001 public comment period.

Transportation conformity is required by section 176 of the Clean Air Act. EPA's conformity rule requires that transportation plans, programs, and projects conform to SIPs and establishes the criteria and procedures for determining whether or not they do so. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the National Ambient Air Quality Standards. The criteria by which EPA determines whether a SIP's budgets are adequate for conformity purposes are found 40 CFR 93.118(e)(4).

Please note that an adequacy finding for budgets contained in a SIP is separate from EPA's completeness determination of the SIP submission, and separate from EPA's action to approve or describe our process for determining the adequacy of submitted SIP budgets in guidance memorandum dated May 14, 1999 and titled