

Washington counties in southern Utah. Because the purpose of this process is to determine the applicability of the EPAMP PMI to the P-DP, these issues are outside the scope of this public process. These issues may be addressed in a future public process regarding resource pool marketing criteria.

Western received comments to reopen the comment period. Some commenters wanted to respond to comments submitted during the first comment period. Western accepted comments after the official comment period ended, which gave commenters an opportunity to respond. However, Western received no new or additional information beyond that submitted during the comment period. We believe a new comment period is unnecessary. Western has enough information to make a decision.

Some commenters asked Western to recognize the agency relationship between a generation and transmission cooperative and a distribution cooperative. Another asked Western to prevent windfalls for utilities providing service to tribal customers that establish their own utility or change utility services providers. The commenter said the original provider's allocation should be reduced proportionately. These requests are outside the scope of this decision, and Western will resolve questions regarding cooperatives' and providing utilities' relationships and allocations as they arise.

Western was also asked to replace generation lost through water transfers caused by water use and operational needs. Western does not have control of water transfer decisions. The Bureau of Reclamation decides when to make water transfers, so this comment is outside the scope of this decision.

I. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601, *et seq.*) requires Federal agencies to do a regulatory flexibility analysis if a rule is likely to have a significant economic impact on a substantial number of small entities and there is a legal requirement to issue a general notice of proposed rulemaking. Western has determined that this action does not require a regulatory flexibility analysis since it is a rulemaking of particular applicability involving rates or services applicable to public property.

II. Small Business Regulatory Enforcement Fairness Act

Western determined this rule is exempt from congressional notification requirements under 5 U.S.C. 801

because the action is a rulemaking of particular applicability relating to rates or services and involving matters of procedure.

III. Determination Under Executive Order 12866

Western has an exemption from centralized regulatory review under Executive Order 12866; accordingly, we require no clearance of this notice by the Office of Management and Budget.

IV. Environmental Compliance

Western completed an environmental impact statement (EIS) on EPAMP under the National Environmental Policy Act of 1969 (NEPA). Western published the Record of Decision in the **Federal Register** (60 FR 53181, October 12, 1995). Western's NEPA review assured all environmental effects related to these actions have been analyzed.

Dated: April 17, 2003.

Michael S. HacsKaylo,
Administrator.

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ENVIRONMENTAL PROTECTION AGENCY

[W115-01-7345; FRL-7493-7]

Adequacy Status of the MOBILE6 Transportation Conformity Motor Vehicle Emissions Budgets for Wisconsin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of adequacy.

SUMMARY: In this notice, EPA is notifying the public that EPA has found that the Motor Vehicle Emissions Budgets (MVEB) in the January 31, 2003, Wisconsin State Implementation Plans (SIP) revision are adequate for conformity purposes. The submittal included MOBILE6 MVEB updates for the Milwaukee severe ozone area and the Sheboygan ozone maintenance area, and new maintenance plan MVEBs for the Manitowoc moderate ozone area and the Door marginal ozone area. On March 2, 1999, the DC Circuit Court ruled that submitted SIPs cannot be used for conformity determinations until EPA has affirmatively found them adequate. As a result of our finding, Milwaukee, Sheboygan, Manitowoc, and Door areas can use the MVEBs from the submitted plan for future conformity determinations. These budgets are effective May 20, 2003.

FOR FURTHER INFORMATION CONTACT: The finding and the response to comments

will be available at EPA's conformity Web site: <http://www.epa.gov/otaq/transp/>, (once there, click on the "Conformity" button, then look for "Adequacy Review of SIP Submissions for Conformity").

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SUPPLEMENTARY INFORMATION:

Background

Today's notice is simply an announcement of a finding that we have already made. EPA Region 5 sent a letter to the Wisconsin Department of Natural Resources on March 25, 2003, stating that the Milwaukee, Sheboygan, Manitowoc, and Door MVEBs in the submitted are adequate. This finding will also be announced on EPA's conformity Web site: <http://www.epa.gov/otaq/transp/>, (once there, click on the "Conformity" button, then look for "Adequacy Review of SIP Submissions for Conformity").

Transportation conformity is required by section 176(c) of the Clean Air Act. EPA's conformity rule requires that transportation plans, programs, and projects conform to state air quality implementation plans and establishes the criteria and procedures for determining whether or not they do. Transportation 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 we determine whether a SIP's motor vehicle emission budgets are adequate for conformity purposes are outlined in 40 CFR 93.118(e)(4). Please note that an adequacy review is separate from EPA's completeness review, and it also should not be used to prejudge EPA's ultimate approval of the SIP. Even if we find a budget adequate, the EPA, may later disapprove the SIP.

We've described our process for determining the adequacy of submitted SIP budgets in guidance (May 14, 1999, memo titled "Conformity Guidance on Implementation of March 2, 1999, Conformity Court Decision"). We followed the guidance in making our adequacy determination.

Authority: 42 U.S.C. 7401-7671q.