

notification. If the SIP submission is available via the internet (electronically), EPA would include a link to the State Web site. In the case where the SIP is not available via the internet or is only available in part, if someone requests a paper copy and EPA receives the request within the first 15 days, the 30-day public comment period would restart on the date that EPA mails the requested copy. EPA is not committing to make SIP submissions electronically available on our adequacy Web site. Our Web site will state when the public comment period begins and ends, and to whom to send comments. If someone requests a copy of the SIP, the Web site would be updated to reflect any extension of the public comment period.

EPA's adequacy determination: After a thorough review of all public comments received and evaluation of whether the adequacy criteria have been met, the appropriate EPA regional office would conclude that the submitted SIP's budgets are adequate or inadequate and send a letter indicating EPA's conclusions to the State or local air agency and other relevant agencies such as the MPO and State DOT. The EPA regional office would also mail or email a copy of the letter and response to comments to others who request it.

The EPA regional office would also subsequently announce the adequacy determination in the **Federal Register**. If EPA finds a budget adequate, it can be used for conformity on the effective date of the **Federal Register** notice, which would be 15 days after it is published. We would post EPA's adequacy letter, our response to any comments, and the **Federal Register** notice on the EPA adequacy Web site. Adequate budgets must be used in all future conformity determinations after the effective date of an adequacy finding; budgets cannot be used for conformity once EPA finds them inadequate.

2. Will EPA's Adequacy Finding Always Be Announced in the **Federal Register**?

Yes, EPA will always use the **Federal Register** to announce that budgets are adequate or inadequate. However, in cases where EPA is finding budgets adequate, we may use the proposed or final rulemaking notice for a control strategy or maintenance plan to announce our adequacy determination, instead of first sending a separate letter to the relevant agencies and following it with a **Federal Register** notice.

For example, if EPA is about to propose or finalize a rulemaking action on a control strategy or maintenance plan at the point when we are ready to announce our adequacy finding on this

SIP, EPA could announce its adequacy determination as part of the proposed or final rulemaking notice. In this case, EPA would not send a letter to the State or other agencies or publish a separate adequacy announcement in the **Federal Register**. Instead, EPA would announce our adequacy finding in the **Federal Register** through a proposed or final rulemaking for that same SIP. We would also update the adequacy Web site to reflect this finding.

EPA could also make an adequacy finding via a direct final approval of a SIP. When EPA promulgates a direct final approval of a SIP, a proposed approval and a direct final approval are published in the **Federal Register** on the same date. The public has at least 30 days to comment on EPA's action, and if EPA receives no adverse comments and no other information or analysis changes EPA's position in that time period, the approval becomes final 60 days after publication according to the date indicated in the **Federal Register** notice. However, if adverse comments are received or EPA's position changes as a result of further information or analysis, the direct final approval is withdrawn prior to its effective date. EPA would then consider the submitted comments and address them in a final action just as we would for any proposal.

In cases where EPA would use a direct final rulemaking to make an adequacy finding, the adequacy process would be substantively the same as that which we have outlined in section III.D.1. EPA would indicate that we are using the direct final rulemaking to announce our adequacy finding in the **Federal Register** notices, and would also announce the beginning of the public comment period on the adequacy Web site. The public would have 30 days to comment on adequacy as well as on the approvability of the SIP. If EPA received adverse comments, we would withdraw the direct final rule and would address these comments in a later final action on the SIP. We would also use the adequacy Web site to inform the public when we have found the budgets adequate or if we received comments that resulted in withdrawal of our direct final approval.

When EPA employs a direct final rule that receives no adverse comments, the budgets are found adequate and the SIP is approved on the date indicated in the direct final **Federal Register** notices. That is, the budgets in a SIP approved via a direct final approval can only be used on or after the effective date of the direct final rule. This is in contrast to the "typical" proposal and final rulemaking process, where approved

budgets can be used for conformity immediately upon publication of the final rule. Direct final rules typically include a 30-day comment period followed by an additional 30-day period for EPA to consider any comments received and withdraw the rule if necessary before it takes effect. Thus, budgets in a direct final rule can not be used upon publication of the final action but may be used only after the final rule becomes effective, because, in essence, EPA has not taken the final action to approve these budgets until the effective date.

3. Could EPA Parallel Process Its Adequacy Review?

Yes, EPA could parallel process the adequacy review if requested to do so by a State. Under parallel processing, a State would submit its proposed SIP to EPA, and the State and EPA would then request public comment on the proposed SIP and the adequacy of the budgets included in the SIP at the same time. If no significant adverse comments are received at either the State or Federal levels, EPA could then make an adequacy finding as soon as the State formally adopts the SIP and submits it to EPA, as long as no substantive changes to the SIP have occurred.

If there are any adverse comments sent either to the State or to EPA, EPA would consider them in our adequacy decision, as described in § 93.118(e)(5) of the rule, and today's proposed § 93.118(f). Section 93.118(e)(5) states that EPA will review the State's compilation of public comments and response to comments as part of its adequacy decision. Today's proposed § 93.118(f) includes a provision for the public to comment directly to EPA on the adequacy of a budget.

In cases where we parallel process the adequacy of a SIP, we would post a notice on the adequacy website that we are starting the adequacy review process and taking comment on the adequacy of a budget or budgets from a proposed SIP that a State is preparing to take to public hearing. The website would include information on how to obtain a copy of a SIP under adequacy review. Although the State would not have formally submitted the SIP for our approval, we would begin to evaluate the budgets in the proposed SIP for their adequacy. If the State adopts and formally submits that SIP to us for approval and there have been no changes that would affect the adequacy of the budgets, we could complete the adequacy process quickly because we would have already finished the public review portion of the process. However, if the formal submission has changed significantly from the proposed