

withdrawn. Because the Agency will not institute a second comment period on this notice of a draft NO_x compliance plan, any parties interested in commenting should do so during this comment period.

For further information and a detailed description of the NO_x compliance plan, see the information provided in the notice of a final NO_x compliance plan elsewhere in today's **Federal Register**.

Dated: October 22, 1999.

Brian J. McLean,

Director, Clean Air Markets Division, Office of Atmospheric Programs, Office of Air and Radiation.

[FR Doc. 99-29897 Filed 11-15-99; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-6476-3]

Acid Rain Program: Acid Rain Compliance Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of a final nitrogen oxides compliance plan.

SUMMARY: The U.S. Environmental Protection Agency is issuing, as a direct final action, a nitrogen oxides (NO_x) compliance plan in accordance with the Acid Rain Program regulations (40 CFR parts 72 and 76). Because the Agency does not anticipate receiving adverse comments, the compliance plan is being issued as a direct final action.

DATES: The NO_x compliance plan issued in this direct final action will be final on December 27, 1999 unless significant, adverse comments are received by December 16, 1999. If significant, adverse comments are timely received on the NO_x compliance plan in this direct final action, the NO_x compliance plan will be withdrawn through a notice in the **Federal Register**.

ADDRESSES: Administrative Records. The administrative record for the NO_x compliance plan, except information protected as confidential, may be viewed during normal operating hours at U.S. EPA Region 9, 75 Hawthorne St., San Francisco, CA 94105.

FOR FURTHER INFORMATION CONTACT: Steve Branoff, U.S. EPA Region 9, (415) 744-1290.

SUPPLEMENTARY INFORMATION: Significant, adverse public comments received on the NO_x compliance plan in this direct final action that are timely received will be addressed in a subsequent approval or denial of a NO_x compliance plan. Such approval or

denial will be based on the draft NO_x compliance plan in the notice of a draft NO_x compliance plan that is published elsewhere in today's **Federal Register** and that is identical to this direct final action.

U.S. EPA is issuing, under 40 CFR 76.11, a NO_x averaging plan with which units 1, 2, 3, 4, and 5 at the Four Corners utility plant in New Mexico will comply for years 2000-2004. For each year under the plan, the actual annual average rate for NO_x shall not exceed the alternative contemporaneous annual emission limitation of 0.79 lb/mmBtu for unit 1, and 0.57 lb/mmBtu each for units 2, 3, 4 and 5. The actual annual heat input for units 1, 2, and 3 shall not be greater than 17,000,000 mmBtu, 17,000,000 mmBtu, and 21,000,000 mmBtu respectively, and not less than, for units 4 and 5, 45,000,000 mmBtu each. Under the plan, the actual Btu-weighted annual average NO_x emission rate for units 1-5 shall be less than or equal to the Btu-weighted annual average NO_x emission rate for units 1-5 had they each been operated, during the same period of time, in compliance with the applicable emission limitations under 40 CFR 76.5, 76.6, or 76.7. The Designated Representative is John R. Denman.

Dated: October 22, 1999.

Brian J. McLean,

Director, Clean Air Markets Division, Office of Atmospheric Programs, Office of Air and Radiation

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ENVIRONMENTAL PROTECTION AGENCY

[Region II Docket No. NY 36-201; FRL-6474-4]

Adequacy Status of the Submitted 2002 and 2005 Rate of Progress Plans and 2007 Attainment Demonstration for the Ozone National Ambient Air Quality Standards for Transportation Conformity Purposes for the New York State Portion of the New York-New Jersey-Connecticut Severe Ozone Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of adequacy and inadequacy.

SUMMARY: In this notice, EPA is notifying the public that we have found that the motor vehicle emissions budgets for volatile organic compounds and nitrogen oxides in the submitted 2002 and 2005 rate of progress plans for the New York State portion of the New York-New Jersey-Connecticut severe

nonattainment area for ozone to be adequate for conformity purposes. We are also notifying the public that we have found the motor vehicle emissions budgets for volatile organic compounds and nitrogen oxides in the submitted 2007 attainment demonstration for the New York State portion of the New York-New Jersey-Connecticut severe nonattainment area for ozone to be inadequate for conformity purposes. On March 2, 1999, the DC Circuit Court ruled that submitted state implementation plans (SIPs) cannot be used for conformity determinations until EPA has affirmatively found them adequate. As a result of our finding, the New York State portion of the New York-New Jersey-Connecticut severe nonattainment area for ozone can use the motor vehicle emissions budgets for volatile organic compounds and nitrogen oxides from the submitted 2002 and 2005 rate of progress plans for ozone for future conformity determinations. These budgets are effective December 1, 1999. As a result of our finding on the submitted 2007 attainment demonstration budgets for volatile organic compounds and nitrogen oxides, this area cannot use these motor vehicle emissions budgets for future conformity determinations.

FOR FURTHER INFORMATION CONTACT:

Rudolph K. Kapichak, Mobile Source Team Leader, Air Programs Branch, Environmental Protection Agency, 290 Broadway, 25th Floor, New York, New York 10007-1866, (212) 637-3804, e-mail address:

Kapichak.Rudolph@epa.gov.

The finding and the response to comments will be available at EPA's conformity website: <http://www.epa.gov/oms/traq>, (once there, click on the "Conformity" button, then look for "Adequacy Review of SIP Submissions for Conformity").

SUPPLEMENTARY INFORMATION:

Background

Today's document is simply an announcement of a finding that we have already made. EPA Region 2 sent a letter to the New York State Department of Environmental Conservation on November 1, 1999 stating that the motor vehicle emissions budgets in the submitted 2002 and 2005 rate of progress plans for the New York State portion of the New York-New Jersey-Connecticut severe nonattainment area for ozone are adequate for conformity purposes and that the motor vehicle emissions budgets for volatile organic compounds and nitrogen oxides in the submitted 2007 attainment