

requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

*Respondents/Affected Entities:*

Nonmetallic Mineral Processing Plants.

*Estimated Number of Respondents:*

3,825.

*Frequency of Response:* Initial.

*Estimated Total Annual Hour Burden:* 31,026 hours.

*Estimated Total Capital and Operations & Maintenance (O & M) Annual Costs:* 0.

*Changes in the Estimates:* There is a decrease of 720 hours in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens. This decrease is due to correction of a mathematical error regarding the total number of respondents in the most recently approved ICR, in spite of a small increase in sources.

Dated: May 13, 2003.

**Oscar Morales,**

*Director, Collection Strategies Division.*

[FR Doc. 03-13716 Filed 5-30-03; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7506-4]

### Proposed Settlement, Clean Air Act Citizen Suit

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of proposed consent decree; request for public comment.

**SUMMARY:** In accordance with section 113(g) of the Clean Air Act, as amended ("CAA" or "Act"), 42 U.S.C. 7413(g), notice is hereby given of a proposed consent decree that the United States Environmental Protection Agency ("EPA") lodged with the United States District Court for the Northern District of California on May 14, 2003 to address a lawsuit filed by Medical Advocates for Healthy Air, Sierra Club and Latino Issues Forum. *Medical Advocates for Healthy Air et. al. v. Whitman*, Case No. C-02-5102 CRB(N.D. Cal.). This lawsuit was filed pursuant to section 304(a) of the Act, 42 U.S.C. 7604(a).

**DATES:** Written comments on the proposed consent decree must be received by July 2, 2003.

**ADDRESSES:** Written comments should be sent to Jan Taradash, Office of Regional Counsel, U.S. Environmental Protection Agency Region 9, 75

Hawthorne Street, San Francisco, CA 94105. Copies of the proposed consent decree are available from Jan Taber, (415) 972-3900.

**SUPPLEMENTARY INFORMATION:** This lawsuit concerns EPA's alleged failure to perform certain nondiscretionary duties under the CAA. The consent decree provides that: (1) the Administrator of EPA or her delegatee shall sign no later than March 31, 2004, a notice for publication in the **Federal Register** proposing a federal implementation plan ("FIP") to implement the requirements of section 189(b)(1)(B) of the Act, 42 U.S.C. 7513a(b)(1)(B), for the San Joaquin Valley PM-10 nonattainment area; and (2) the Administrator or her delegatee shall sign no later than July 31, 2004, a notice for publication in the **Federal Register** taking final action to adopt a FIP to implement the requirements of that section for the San Joaquin Valley. Section 189(b)(1)(B) provides that plans for serious PM-10 nonattainment areas must include provisions to assure the implementation of best available control measures. The consent decree also provides that EPA's obligation to promulgate the FIP shall be relieved as to any portions of the plan for which the Administrator or her delegatee signs a notice of final rulemaking by July 31, 2004 approving state implementation plan ("SIP") revisions for the San Joaquin Valley pursuant to Clean Air Act sections 110(k)(3) and 189(b)(1)(B), 42 U.S.C. 7410(k)(3), 7313a(b)(1)(B).

For a period of thirty (30) days following the date of publication of this notice, EPA will receive written comments relating to the proposed consent decree from persons who were not named as parties to the litigation in question. EPA or the Department of Justice may withhold or withdraw consent to the proposed consent decree if the comments disclose facts or circumstances that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Unless EPA or the Department of Justice determines, following the comment period, that consent is inappropriate, the final consent decree will then be executed by the parties.

Dated: May 22, 2003.

**Lisa K. Friedman,**

*Associate General Counsel, Air and Radiation Law Office.*

[FR Doc. 03-13717 Filed 5-30-03; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[LA-68-1-7599; FRL-7506-3]

### Adequacy Status of Submitted State Implementation Plans (SIP) for Transportation Conformity Purposes: MOBILE6 Motor Vehicle Emissions Budgets for the Baton Rouge 1-Hour Ozone Nonattainment Area

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

**ACTION:** Notice of adequacy.

**SUMMARY:** In this notice, EPA is notifying the public that we have found the on-road motor vehicle emissions budget contained in the revision to the Baton Rouge serious ozone nonattainment area attainment demonstration SIP adequate for transportation conformity purposes. As a result of our finding, the budgets from the submitted attainment demonstration SIP revision must be used for future conformity determinations in the Baton Rouge area.

**DATES:** These budgets are effective June 17, 2003.

**FOR FURTHER INFORMATION CONTACT:** The essential information in this notice will be available at EPA's conformity Web site: <http://www.epa.gov/oms/transp/conform/adequacy.htm>. You may also contact Ms. Peggy Wade, Air Planning Section (6PD-L), U.S. EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, telephone (214) 665-7247, Email address: [Wade.Peggy@epa.gov](mailto:Wade.Peggy@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document "we," "us," and "our" refers to EPA. The word "budget(s)" refers to the mobile source emissions budget for volatile organic compounds (VOCs) and the mobile source emissions budget for nitrogen oxides (NO<sub>x</sub>). The word "SIP" in this document refers to the State Implementation Plan revision submitted to satisfy the commitment of the State of Louisiana to revise its mobile source budgets for the Baton Rouge ozone nonattainment area with MOBILE6. (MOBILE6 is the most recent emissions factor model, released by EPA on January 29, 2001.)

On January 21, 2003, we received the MOBILE6 SIP revision for the Baton Rouge 5-Parish ozone nonattainment area. There are two motor vehicle emissions budgets found in this plan for 2005. The emissions budget for VOCs is 18.82 tons/day; the NO<sub>x</sub> emissions budget is 30.00 tons/day. On January 31, 2003, the availability of these budgets was posted on EPA's Web site for the purpose of soliciting public comments.

The comment period closed on March 3, 2003, and we received no comments.

Today's notice is simply an announcement of a finding that we have already made. EPA Region 6 delivered a letter to the Louisiana Department of Environmental Quality on March 27, 2003, finding that the motor vehicle emissions budgets in the Baton Rouge 5-Parish ozone nonattainment area are adequate and must be used for transportation conformity determinations.

Transportation conformity is required by section 176(c) of the Clean Air Act. EPA's conformity rule, 40 CFR part 93, 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 motor vehicle emission budgets are adequate for conformity purposes are outlined in 40 CFR 93.118(e)(4). Please note that such an adequacy review is separate from EPA's completeness review, and it should not be used to prejudge EPA's ultimate approval of the SIP. Even if we find a budget adequate, the SIP could later be disapproved.

On March 2, 1999, the DC Circuit Court of Appeals ruled that budgets contained in submitted SIPs cannot be used for conformity determinations unless EPA has affirmatively found the conformity budget adequate. We have described our process for determining the adequacy of submitted SIP budgets in the policy guidance dated May 14, 1999, and titled *Conformity Guidance on Implementation of March 2, 1999, Conformity Court Decision*. We followed this guidance in making our adequacy determination. You may obtain a copy of this guidance from EPA's conformity website or by contacting us at the address above.

**Authority:** 42 U.S.C. 7401 *et seq.*

Dated: May 16, 2003.

**Lawrence E. Starfield,**

*Deputy Regional Administrator, Region 6.*

[FR Doc. 03-13718 Filed 5-30-03; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[Region 2 Docket No. NJ60-258; FRL-7506-2]

### Adequacy Status of the Submitted 2005 and 2007 Revised Attainment Demonstration Budgets for the 1-Hour Ozone National Ambient Air Quality Standard for Transportation Conformity Purposes for the New Jersey Severe Ozone Nonattainment Areas

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

**ACTION:** Notice of adequacy.

**SUMMARY:** In this notice, EPA is notifying the public that we have found the revised attainment year motor vehicle emissions budgets ("budgets") for volatile organic compounds (VOC) and nitrogen oxides (NO<sub>x</sub>) in the submitted revision to the 1-hour ozone attainment demonstration state implementation plan (SIP) for New Jersey's severe nonattainment areas to be adequate for conformity purposes. These attainment year budgets were recalculated using EPA's latest motor vehicle emissions factor model, MOBILE6. On March 2, 1999, the DC Circuit Court ruled that submitted state implementation plan budgets cannot be used for conformity determinations until EPA has affirmatively found them adequate. As a result of our finding, the New Jersey portion of the New York-Northern New Jersey-Long Island severe ozone nonattainment area can use the revised 2007 attainment year budgets of VOC and NO<sub>x</sub> from the submitted revision to the 1-hour ozone attainment demonstration SIP for future conformity determinations. These 2007 budgets also apply to the New Jersey portion (Warren County) of the Allentown-Bethlehem-Easton marginal ozone nonattainment area. The New Jersey portion of the Philadelphia-Wilmington-Trenton severe ozone nonattainment area can use the revised 2005 attainment year budgets of VOC and NO<sub>x</sub> from the submitted revision to the 1-hour ozone attainment demonstration SIP for future conformity determinations. These 2005 budgets also apply to the Atlantic City moderate ozone nonattainment area.

**DATES:** This finding is effective June 17, 2003.

#### FOR FURTHER INFORMATION CONTACT:

Kenneth M. Champagne, Air Programs Branch, Environmental Protection Agency—Region 2, 290 Broadway, 25th Floor, New York, New York 10007-1866, (212) 637-4249, [champagne.kenneth@epa.gov](mailto:champagne.kenneth@epa.gov).

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

#### SUPPLEMENTARY INFORMATION:

##### Background

Today's notice is simply an announcement of a finding that we have already made. EPA Region 2 sent a letter to the New Jersey Department of Environmental Protection on May 19, 2003, stating that the revised attainment year budgets in the submitted 1-hour ozone attainment demonstration SIP revision (dated April 8, 2003) for the New Jersey portions of the New York-Northern New Jersey-Long Island and Philadelphia-Wilmington-Trenton severe ozone nonattainment areas are adequate for conformity purposes. The purpose of New Jersey's April 8, 2003, submittal was to address its enforceable commitment to revise the attainment year budgets using MOBILE6 within one year of the release of the model. This enforceable commitment was approved by EPA on February 4, 2002 (67 FR 5152). EPA's adequacy finding will also be announced on EPA's conformity Web site: <http://www.epa.gov/otaq/traq>, (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 SIPs and establishes the criteria and procedures for determining whether or not they conform. 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 SIP could later be disapproved.

We have 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 this guidance, which can also be found on EPA's Web site at: <http://www.epa.gov/otaq/traq>.