

adequately address the environmental justice issue raised by Petitioners as is required by state and federal environmental justice executive orders; and (6) the DEP did not adequately address issues raised by Petitioners during the public hearing. On November 30, 2006, the Administrator issued an order granting on the issue of Statement of Basis and denying on the other issues. The order explains EPA's reasons for granting on the Statement of Basis issue and for denying the remaining issues.

Dated: January 4, 2007.

**Alan J. Steinberg,**

*Regional Administrator, Region 2.*

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**ENVIRONMENTAL PROTECTION AGENCY**

[MI-88-1; FRL-8272-8]

**Adequacy Status of Motor Vehicle Emissions Budgets for Four Areas in Michigan for Transportation Conformity Purposes**

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

**ACTION:** Notice of adequacy.

**SUMMARY:** In this action, EPA is notifying the public that EPA has found that the motor vehicle emissions budgets (MVEBs) for four areas across the state of Michigan are adequate for conformity purposes. On March 2, 1999, the D.C. 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 Flint (consisting of Genesee and Lapeer Counties), Muskegon County, Berrien County, and Cass County areas can use the (MVEBs) for future conformity determinations. These budgets are effective February 7, 2007. The finding and the response to comments will be available at EPA's conformity Web site: <http://www.epa.gov/otaq/transp.htm>, (once there, click on the "Conformity" button, then look for "Adequacy Review of SIP Submissions for Conformity").

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**SUPPLEMENTARY INFORMATION:** Throughout this document, whenever "we", "us" or "our" is used, we mean EPA.

**Background**

Today's action is simply an announcement of a finding that we have already made. EPA Region 5 sent a letter to the Michigan Department of Environmental Quality on November 29, 2006, stating that the 2018 (MVEBs) in the Flint, Muskegon County, Berrien County, and Cass County areas are adequate. Michigan submitted the budgets as part of the 8-hour ozone redesignation requests and maintenance plans for these areas. This finding was announced on EPA's conformity Web site, and received no comments: <http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm>, (once there, click on "What SIP submissions are currently under EPA adequacy review?").

The 2018 (MVEBs), in tons per day, for volatile organic compounds and oxides of nitrogen for these areas are as follows:

Area	2018 VOC MVEB (tpd)	2018 NO <sub>x</sub> MVEB (tpd)
Flint .....	25.68	37.99
Muskegon County .....	6.67	11.00
Berrien County .....	9.16	15.19
Cass County .....	2.76	3.40

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. 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 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'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 this guidance in making our adequacy determination.

Dated: January 11, 2007.

**Mary A. Gade,**

*Regional Administrator, Region 5.*

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**ENVIRONMENTAL PROTECTION AGENCY**

[IL228-2; FRL-8272-7]

**Notice of Prevention of Significant Deterioration Final Determination for Indeck-Elwood, LLC**

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

**ACTION:** Notice of withdrawal action.

**SUMMARY:** This notice announces that EPA is withdrawing the Notice of Final Agency Action of November 22, 2006 (71 FR 67560), for the Indeck-Elwood, LLC Prevention of Significant Deterioration (PSD) permit, because the Environmental Appeals Board (EAB) remanded the permit in part. On September 27, 2006, the EAB of the EPA denied in part, and remanded in part, a petition for review of a federal PSD permit issued to Indeck-Elwood, LLC by the Illinois Environmental Protection Agency. According to 40 CFR part 124, a final permit decision shall be issued by the Regional Administrator when the EAB issues a decision on the merits of the appeal and the decision does not include a remand of the proceedings. Because the EAB's decision on this permit appeal included a partial remand, there is not yet a final agency action subject to review.