

reductions by November 15, 1999, then the plan cannot be approved.

*Response 9:* We incorporate by reference our responses to the comments on these issues found in response 9 of section II.X of our final rule published January 3, 2001, *see* 66 FR at 625–626.

*Comment 10:* We received comments claiming that one EPA analysis indicates some reductions from the AIM rule could be deferred to as late as 2002. The comments cite a Memorandum dated May 30, 2000 from Paul T. Wentworth, EPA, to Administrative Record on the Adequacy findings for the Motor Vehicle Emissions Budgets in the Revised Phase II Ozone Attainment Plans for the Metropolitan Washington D.C. Ozone Nonattainment Area.

*Response 10:* We incorporate by reference our responses to the comments on this issue found in response 15 of section II.X of our final rule published January 3, 2001, *see* 66 FR at 628, supplemented as follows: For the reasons discussed in responses to other comments, EPA believes the AIM reductions have already occurred. EPA believes that these reductions were achieved as expeditiously as practicable and that no other reasonable emissions control strategy would have allowed the States or EPA to achieve these reductions sooner.

*Comment 11:* We have received comments saying that the transportation model does not incorporate adequate assumptions about the effects of land development and new road projections on the growth of vehicle travel. In support, the comments cite an EPA letter from Judith Katz, Director, Air Protection Division, EPA Region III to James Cheatham, Divisional Administrator, Federal Highway Administration dated August 27, 1998, in which the commenters assert that EPA stated that the plans did not include any information on the rate of land development in the Washington Region and the effect of this development will have on the transportation system. The comments concern the land use assumptions in the transportation model and allege that the Metropolitan Planning Organization (the Metropolitan Washington Council of Governments, MWCOC) (hereafter, “the MPO”) has not included the effects of land use in the model and that EPA has known about this issue since 1998.

*Response 11:* We incorporate by reference our responses to the comments on this issue found in response 16 of section II.X of our final rule published January 3, 2001, *see* 66 FR at 628.

*Comment 12:* We received comments asserting that EPA cannot credit the 1996–1999 ROP plan submitted by Virginia and Maryland with reductions from measures credited in the 15 percent plan and cannot count emission reductions to both the 15 percent and 9 percent reduction requirements. That is, according to the comments, reductions from some measures are allegedly being counted towards both the 15 percent and 9 percent reduction requirements.

*Response 12:* We incorporate by reference our responses to the comments on this issue found in response 17 of section II.X of our final rule published January 3, 2001, *see* 66 FR at 628–629, supplemented as follows:

The same reasoning that allows reductions from measures in the 15 percent plan to count towards achieving the 1999 target level for the 1999 milestone applies to counting such reductions towards achievement of the 2002 target level of emissions.

The last sentence of section 182(c)(2)(B) specifically allows reductions that exceed those needed to achieve the 15 percent amount for the 15 percent plan to count towards the post-1996 ROP requirements.

*Comment 13:* We received comments asserting that EPA must document its reasons for accepting Maryland’s and Virginia’s emission reduction claims. The comments cite the example of the reductions from Maryland’s and Virginia’s open burning program and the 45 percent reduction claimed by Maryland for the Maryland rules applicable to autobody refinishing. The comments state that the States assume an 80 percent compliance with the open burning regulations without documenting the basis for this assertion. The comments claim that the 80 percent compliance assertion is void in the absence of plans or commitments needed for local enforcement.

*Response 13:* We incorporate by reference our responses to the comments on these issues found in response 18 of section II.X of our final rule published January 3, 2001, *see* 66 FR at 629.

*Comment 14:* We received comments claiming that open burning emissions were not in the 1990 base year emissions inventory for Maryland and Virginia. The comments assert that EPA cannot credit reductions from emissions that were not included in the 1990 base year emissions inventory.

*Response 14:* We incorporate by reference our responses to the comments on these issues found in response 19 of section II.X of our final

rule published January 3, 2001, *see* 66 FR at 629.

#### IV. Applicability of Revised Motor Vehicle Emissions Budgets

This final action to conditionally approve the severe ozone nonattainment SIP for the Washington area includes conditional approval of SIP revisions submitted on February 9, 14 and 16, 2000 by Virginia, Maryland and the District, establishing the 2005 motor vehicle emissions budgets. These conditionally approved motor vehicle emissions budgets will apply for conformity purposes only until the revised motor vehicle emissions budgets required by this final action have been submitted and we have found the budgets to be adequate for conformity purposes.

Because the attainment demonstration includes the effects of the Tier 2/sulfur program, EPA is requiring the States to revise and resubmit their motor vehicle emissions budgets after EPA releases the MOBILE6 model. EPA is conditioning approval upon the States revising the Washington area severe attainment demonstration to reflect revised MOBILE6-based motor vehicle emissions budgets, including revisions to the attainment modeling/weight of evidence demonstration, as necessary, to show that the SIP continues to demonstrate attainment by November 15, 2005.

As we proposed on February 4, 2003, the final conditional approval action we are taking today on the 2005 attainment budgets will be effective for conformity purposes only until revised motor vehicle emissions budgets are submitted and we have found them adequate. In other words, the budgets we are approving today as part of the attainment demonstration will apply for conformity purposes only until there are new, adequate budgets consistent with the States’ commitments to revise the budgets. The revised budgets will apply for conformity purposes as soon as we find them adequate.

We are limiting the duration of our approval in this manner because we are only conditionally approving the attainment demonstrations and their budgets because the States have committed to revise them. Therefore, once we have confirmed that the revised budgets are adequate, they will be more appropriate than the budgets we are approving for conformity purposes now.

#### V. Final Action

EPA is conditionally approving the SIP revisions and amendments identified in Tables 1 and 2 as the severe ozone nonattainment area SIP for