

**Subpart B—Alabama**

- 2. Section 52.50(c) is amended by:
- a. Adding in numerical order a new entry in Chapter No. 335–3–1 General

Provisions for “Section 335–3–1.15”; and

- b. Revising entries for “Section 335–3–3–.01”, “Section 335–3–8–.10”, and “Section 335–3–17–.01”.

The revisions and addition read as follows:

**§ 52.50 Identification of plan.**

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(c) \* \* \*

**EPA APPROVED ALABAMA REGULATIONS**

State citation	Title/subject	State effective date	EPA approval date	Explanation
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Section 335–3–1–.15 .....	Emissions Inventory Reporting Requirements.	04/03/03	04/24/03 [Insert citation of publication].	*
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Section 335–3–3–.01 .....	Open Burning .....	04/03/03	04/24/03 [Insert citation of publication].	*
* * *	* * *	* * *	* * *	* * *
Section 335–3–8–.10 .....	NO <sub>x</sub> Allowance Tracking System	04/03/03	04/24/03 [Insert citation of publication].	*
* * *	* * *	* * *	* * *	* * *
Section 335–3–17–.01 .....	Transportation Conformity .....	04/03/03	04/24/03 [Insert citation of publication].	*
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**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 181**

[LA–58–1–7522; FRL–7487–4]

**Notice of Withdrawal of October 2, 2002, Attainment Date Extension, Determination of Nonattainment as of November 15, 1999, and Reclassification of the Baton Rouge Ozone Nonattainment Area**

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

**ACTION:** Final rule.

**SUMMARY:** This rule finalizes EPA’s finding that the Baton Rouge 1-hour ozone nonattainment area (hereinafter referred to as the Baton Rouge area) did not attain the 1-hour ozone national ambient air quality standard (NAAQS or standard) by November 15, 1999, the attainment date for serious nonattainment areas set forth in the Federal Clean Air Act (CAA or Act). As a result of this finding, the Baton Rouge area will be reclassified from a serious to a severe one-hour ozone nonattainment area by operation of law on the effective date of this rule. In addition, EPA is establishing a schedule for Louisiana to submit State Implementation Plan (SIP) revisions addressing the CAA’s pollution control requirements for severe ozone nonattainment areas within 12 months of the effective date of this rule and

establishing November 15, 2005, as the date by which the Baton Rouge area must attain the ozone NAAQS. Finally, EPA is adjusting the dates by which the area must achieve a 9% reduction in ozone precursor emissions to meet the 2002 rate-of-progress requirement and is adjusting the contingency measure requirements as they relate to the 2002 ROP milestone. On December 11, 2002, the U.S. Court of Appeals for the Fifth Circuit issued its decision on EPA’s extension policy used to extend the 1-hour ozone attainment deadline for the Beaumont-Port Arthur, Texas, area, without reclassifying the area. The Court rejected EPA’s extension of Beaumont-Port Arthur’s attainment date because it determined that the CAA precludes such an extension as a matter of law. We are issuing this rule in response to the rejection by the Fifth Circuit Court of Appeals of EPA’s use of the extension policy.

**DATES:** This final rule is effective on June 23, 2003.

**ADDRESSES:** Copies of documents relevant to this action are available for public inspection during normal business hours at the Environmental Protection Agency, Region 6, Air Planning Section (6PD–L), 1445 Ross Avenue, Dallas, Texas 75202–2733; and the Louisiana Department of Environmental Quality (LDEQ), 7920 Bluebonnet Boulevard, Baton Rouge, Louisiana 70884. Please contact the appropriate office at least 24 hours in advance.

**FOR FURTHER INFORMATION CONTACT:** Ms. Maria L. Martinez, Air Planning Section (6PD–L), EPA Region 6, 1445 Ross

Avenue, Dallas, Texas 75202–2733, telephone (214) 665–2230.

**SUPPLEMENTARY INFORMATION:**

Throughout this document whenever “we, us, or our” is used, we mean EPA. This section provides additional information by addressing the following questions:

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**I. What Is the Background for This Rule?**

On May 9, 2001, EPA proposed its finding that the Baton Rouge serious ozone nonattainment area did not attain the 1-hour ozone NAAQS by November 15, 1999, the applicable attainment date (66 FR 23646). The proposed finding was based upon ambient air quality data from the years 1997, 1998, 1999. These data showed that the 1-hour ozone NAAQS of 0.12 parts per million (ppm) had been exceeded on an average of more than one day per year over this three-year period and that the area did not qualify for an attainment date extension under section 181(a)(5). EPA