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Persons interested in examining these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

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Throughout this document "we," "us," and "our" means EPA.

#### **1. What Actions Are We Taking in This Document?**

On May 7, 2002 we proposed to rescind the section 182(f) and 182(b)(1) NO<sub>x</sub> exemptions for the BR ozone nonattainment area (67 FR 30638). The BR area consists of the 5 ozone nonattainment parishes of Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge. Photochemical grid modeling recently conducted for the BR area SIP indicates that control of NO<sub>x</sub> emissions will help the area attain the NAAQS for ozone. The State of Louisiana requested that EPA rescind the NO<sub>x</sub> exemption based on this new air modeling. In this action we are rescinding the section 182(f) and 182(b)(1) NO<sub>x</sub> exemptions based on the State's demonstration that control of

NO<sub>x</sub> emissions will contribute to the attainment of the ozone NAAQS in the BR area. Since the reason for the exemptions (per section 182(f) and 182(b)(1)) was that control of NO<sub>x</sub> exemptions would not contribute to attainment, it follows that the exemptions must be rescinded. Our responses to the written comments received on our May 7, 2002, proposal are in section 4 of this document.

On July 17, 2002 (67 FR 46970) we notified the public that the NO<sub>x</sub> emissions budgets contained in the BR area's attainment demonstration SIP are adequate for transportation conformity purposes. These budgets are to be used for future conformity determinations in the BR area, and are effective as of August 1, 2002.

On September 26, 2002 (67 FR 60594) we approved Louisiana's I/M program for the BR ozone nonattainment area. See Louisiana Administrative Code (LAC), Title 33, Chapter 14 (LAC 33:III, Chapter 14). Louisiana's I/M program is now in effect for the BR area.

On September 27, 2002 (67 FR 60877) we approved Louisiana's NO<sub>x</sub> RACT for the BR ozone nonattainment area. See LAC 33:III, Chapter 22. The NO<sub>x</sub> RACT rules are now in effect for the BR area.

On September 27, 2002 (67 FR 60871) we approved Louisiana's emissions reduction credits banking program for the BR area. See LAC 33:III, Chapter 6. These rules are now in effect for the BR area.

On September 30, 2002 (67 FR 61260) we approved Louisiana's NNSR procedures for the BR area. See LAC 33:III, Chapter 5. These rules are now in effect for the BR area.

On October 2, 2002 (67 FR 61786) we approved Louisiana's attainment demonstration plan and SIP for 1-hour ozone standard within the BR area. This attainment demonstration plan and SIP are now in effect.

As stated in section V of our proposal (67 FR 30639) the section 182(f) NO<sub>x</sub> waiver exempted Federal projects from general conformity determinations with respect to NO<sub>x</sub>. When the exemption is rescinded, Federal agencies making future general conformity determinations for Federal projects in the BR area will be subject to the NO<sub>x</sub> requirements outlined in the State's general conformity rules. The State will not need to revise its general conformity rules if the section 182(f) NO<sub>x</sub> waiver is rescinded. See LAC 33:III, Chapter 14, Subchapter A, and 40 CFR part 51, subpart W for more information. Existing federal projects will not be affected by the rescission of the sections 182(f) and 182(b)(1) NO<sub>x</sub> exemptions and will continue to be valid to the

same extent as generally allowed under the rules; however, new federal projects will have to observe the NO<sub>x</sub> requirements outlined in the State's general conformity rules.

Pursuant to the above-listed rulemaking actions concerning Louisiana's SIP and this final action, the State will need to implement the Act's NO<sub>x</sub> requirements for general conformity, transportation conformity, vehicle I/M, RACT, banking, and NNSR purposes.

#### **2. When Did the Public Comment Period for Our Proposal Expire?**

The public comment period for our proposal (67 FR 30638) expired on June 7, 2002.

#### **3. Who Submitted Comments to Us?**

We received written comments on our May 2, 2002, proposal (67 FR 30638) from Parish of Ascension (PA), Parish of West Baton Rouge (PWBR), Parish of Iberville (PI), Parish of Livingston (PL), Parish of East Baton Rouge and City of Baton Rouge (PEB), Mc Daniel and Associates (MDA) on behalf of the Baton Rouge Ozone Task Force, and the Tulane Environmental Law Clinic (TELC) on behalf of the Louisiana Environmental Action Network (LEAN).

#### **4. How Do We Respond to the Submitted Written Comments?**

Our responses to the written comments concerning the May 7, 2002 (67 FR 30638) proposal are as follows:

*Comment #1:* The PA, PWBR, PI, PL, PEB, and MDA all commented favorably and stated that they support our proposed rescission of the section 182(f) and 182(b)(1) NO<sub>x</sub> exemptions.

*Response to comment #1:* We appreciate the commenters' support concerning our proposed action and have considered these comments in our final determination.

*Comment #2:* LEAN expressed conditional support for the rescission of the section 182(f) and 182(b)(1) NO<sub>x</sub> exemptions in our proposal.

*Response to comment #2:* We appreciate the commenters' support and will respond to the commenters' concerns in the following responses to comments.

*Comment #3:* LEAN commented that the rescission should not be used to increase emissions of Volatile Organic Compounds (VOCs) above legally allowable levels.

*Response to Comment #3:* The EPA agrees that the rescission of the NO<sub>x</sub> exemptions should not be used to increase VOC emissions above legally allowable levels. We addressed similar concerns in our approval of the