

this action must be filed in the United States Court of Appeals for the appropriate circuit by October 6, 2003. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements.

Dated: July 25, 2003.

Bharat Mathur,

Acting Regional Administrator, Region 5.

■ For the reasons stated in the preamble, part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

■ 1. The authority citation for part 52 continues to read as follows:

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

Subpart KK—Ohio

■ 2. Section 52.1870 is amended by adding paragraph (c)(128) to read as follows:

§ 52.1870 Identification of plan.

* * * * *

(c) * * *

(128) On July 11, 2002, the Ohio Environmental Protection Agency submitted revisions to Chapter 3745–14–(1 through 11) of the Ohio Administrative Code (OAC), an oxides of nitrogen (NO_x) budget trading program in Ohio, with a request that the Ohio State Implementation Plan be revised to include these NO_x rules.

(i) Incorporation by reference.

(A) Ohio NO_x rules: 3745–14–01, 3745–14–02, 3745–14–03, 3745–14–04, 3745–14–05, 3745–14–06, 3745–14–07, 3745–14–08, 3745–14–09, 3745–14–10, 3745–14–11 in the OAC all with an effective date of July 18, 2002.

(ii) On June 25, 2003, the Ohio Environmental Protection Agency submitted a letter committing to change the flow control date, in rule 3745–14–06(E)(6) from 2006 to 2005, within approximately 6 months of the effective date of the submittal date.

[FR Doc. 03–19925 Filed 8–4–03; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA206–4212a; FRL–7524–9]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revision to Pittsburgh-Beaver Valley Area Ozone Maintenance Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve revisions to the Pennsylvania State Implementation Plan. The revisions consist of an amendment to the contingency measures portion of the maintenance plan for the Pittsburgh-Beaver Valley ozone maintenance area. EPA is approving these revisions to Pennsylvania SIP in accordance with the requirements of the Clean Air Act. **DATES:** This rule is effective on October 6, 2003, without further notice, unless EPA receives adverse written comment by September 4, 2003. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Comments may be submitted either by mail or electronically. Written comments should be mailed to Makeba Morris, Chief, Air Quality Planning Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Electronic comments should be sent either to morris.makeba@epa.gov or to <http://www.regulations.gov>, which is an alternative method for submitting electronic comments to EPA. To submit comments, please follow the detailed instructions described in Part III of the Supplementary Information section. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 1301 Constitution Avenue NW., Room B108, Washington, DC 20460; Pennsylvania Department of Environmental Protection, Bureau of Air Quality, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Kathleen Anderson, (215) 814–2173, or

by e-mail at Anderson.Kathleen@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On October 19, 2001, the Pittsburgh-Beaver Valley ozone nonattainment area was redesignated to attainment of the ozone National Ambient Air Quality Standard (NAAQS) [66 FR 53094]. Subsequent to the re-classification of the Pittsburgh area to attainment, the Sierra Club and the Group Against Smog and Pollution (GASP) filed suit against EPA's action in the U.S. Court of Appeals for the Third Circuit. On January 22, 2003, the U.S. Department of Justice signed an agreement with the litigants, represented by EarthJustice, which called for additions to the contingency measures portion of the Pittsburgh-Beaver Valley Ozone Maintenance Plan.

To address the conditions of the agreement, the Commonwealth amended the maintenance plan for the Pittsburgh area. Per the terms of the January 22, 2003 agreement, the Commonwealth of Pennsylvania submitted a formal revision to its State Implementation Plan (SIP) on April 11, 2003, which identifies additional measures the Commonwealth would take in the event of exceedances of the one-hour ozone NAAQS.

II. Summary of SIP Revision

The revised Pittsburgh area maintenance plan identifies additional measures the Commonwealth would take in the event of exceedances of the one-hour ozone NAAQS. These additional measures include incorporating transportation control measures into the SIP if such measures offer a quantifiable ozone reduction benefit; increasing rule effectiveness of Stage II controls at gasoline stations; the convening of a stakeholder group to recommend additional measures; and proposing additional control measures to attain and maintain the ozone NAAQS in the area. The revised plan also includes a detailed schedule for identification and adoption of additional measures if warranted by ozone exceedances or violations.

III. Final Action

EPA is approving the revised Pittsburgh area maintenance plan submitted on April 11, 2003. EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comment as this revision is a result of an agreement reached among involved parties of the legal action. However, in the "Proposed