

shown in Table 2 of the proposed rule, 68 FR at 32812, and were the basis for translating the 1-hour ozone values in Table 1 of section 181 of the CAA into 8-hour ozone values.) For further description, see p. 13 of docket document OAR-2003-0079-0281.

- Use a distribution of classifications that mirrors more closely the distribution of areas in the original 1991 classifications.

While each of these alternatives would result in more areas being placed in higher classifications, EPA believes that the second alternative would more likely result in classifications that better reflect an area's 8-hour ozone problem.

3. *Alternative approaches for comment.* Based on these comments, we are reopening the comment period for consideration of two alternative approaches for classifying areas. The first one, Alternative A, would translate the classification table to 8-hour values beginning with an 8-hour design value that, to the extent possible, would be equivalent to the 1-hour design value of 0.121 ppm. This could be the value suggested in the comment (0.091) or some other value determined upon further analysis to be equivalent. The EPA is in the process of conducting additional analysis and will be placing the results of that analysis in the docket within a week of publication of this notice, where it will be available to anyone interested in reviewing it. This approach could then be combined with the suggestion of translating the classification table for the remaining thresholds using one-half of the percentage above the standard which each of the classification thresholds represents. This alternative approach would address the two key concerns identified by many commenters: (1) Ensuring that areas classified under subpart 1 have a less significant ozone problem than areas classified under subpart 2; and (2) shifting areas subject to subpart 2 into higher classifications that better reflect their 8-hour problem and the time it will take them to attain.

The second alternative approach, Alternative B, would address the issues of equity between subpart 1 and subpart 2 areas with a structure that is closer to that of our June 2, 2003 proposal. In order to provide sufficient time for attainment, and similar to Alternative A above, we would reduce the range of design values that comprise a classification (e.g., the range of design values for marginal areas under Table 1

of section 181 is 0.121 up to 0.138, the range for moderate areas is 0.138 up to 0.160 and so on). Under this modified option 2 approach—

- Areas with 1-hour ozone design values of 0.121 ppm or greater would be covered under subpart 2 and would be classified with a revised classification table reflecting the 8-hour ozone NAAQS and starting at 0.085 ppm. The range for each classification would be determined by using 50 percent of the range in Table 1 of section 181.⁹

- Areas meeting both of the following criteria would also be covered under subpart 2:

- 1-hour design value less than 0.121 ppm and

- 8-hour design value representing a classification threshold of areas that have relatively high magnitude of an 8-hour ozone problem, for example 0.091 ppm or greater. (0.091 is the lower threshold for moderate areas.)

- All other areas with a 1-hour design value of less than 0.121 ppm would be covered under subpart 1.

This approach would significantly reduce the number of areas under subpart 1 that have an 8-hour design value greater than an area under subpart 2, but not to the extent of Alternative A above. In addition, it would place several areas in higher classifications, better reflecting the areas' air quality problems and the time the areas need to attain the 8-hour standard.

⁹ In the June 2, 2003 proposal, we calculated the range for each classification using the following formula: $((\text{the level of the 8-hour standard } 0.08) + (0.08 \times (\text{the percent the 1-hour threshold is above the 1-hour standard of } 0.12)/100))$. Rather than using this formula to see the bottom threshold for the marginal classification, we set the threshold at 0.085, which is the lowest design value of any area that would be designated nonattainment for the 8-hour standard. (See discussion at 68 FR 32812, middle column and footnote 1 to Table 2 on same page.) If we apply the same formula using 50 percent of the percentage that the 1-hour threshold is above the 1-hour standard, the range of the marginal classification would shrink to one value, viz., 0.085 ppm, with the lower threshold for the moderate classification being 0.086 ppm. We believe such a result is not consistent with Congressional intent since it would give the marginal classification little or no meaning. Thus, for purposes of this option, we believe it makes sense to use 0.085 ppm (the minimum exceeding value of the 8-hour standard), rather than 0.08 ppm (the level of the standard) for the calculation. Therefore, we used the following formula for establishing the classification ranges for this approach: $(0.085 + (0.085 \times (0.5 \times (\text{the percent the 1-hour threshold is above the 1-hour standard of } 0.12)/100)))$. As an indication of the difference this makes, there would only be 1 marginal area with the lower threshold for moderate areas being 0.086 ppm, compared to 10 marginal areas with the revised method we employed, where 0.091 would be the lower threshold for moderate areas; see Tables 1 and 2 below, which are described in the next section.

Effects of Alternatives A and B

Table 1 below illustrates how a classification table (that would apply in place of Table 1 in section 181 of the CAA) could be structured for Alternatives A and B. Columns A through E appeared in the June 2, 2003 proposed rule. Column F presents 50 percent of the percentages of column D. Columns G and H present the classification thresholds that could apply for Alternatives A and B.

The June 2, 2003 proposed rule used hypothetical nonattainment areas for evaluation of different classification approaches. These were documented in the report cited in the June 2, 2003 notice¹⁰ and relied on air quality data primarily from the 3-year period 1998 to 2000. To compare the effects of the differing alternatives, we have updated 8-hour design values based on air quality data from 2000 to 2002. We have developed a list of hypothetical areas using the 2000 to 2002 data following the same procedure for defining them as we did for the proposal.¹¹ The same cautionary statements that applied to the original list apply to this list.

Table 2 below provides a comparison between our proposed option 2 (without the incentive feature) (row A) and Alternatives A and B (rows B and C respectively); row D provides for reference the distribution of the original set of classifications of 1-hour nonattainment areas in 1991. It should be noted that under either alternative approach, compared with our June 2, 2003 preferred approach, fewer areas would be covered under subpart 1.

Other Possible Issues:

1-hour Threshold to Distinguish Between Subpart 1 and Subpart 2 Coverage

In our June 2, 2003, proposal, classification Option 2 relied on the lowest 1-hour design value in the Clean Air Act's classification table to

¹⁰ Background Information Document, Hypothetical Nonattainment Areas for Purposes of Understanding the EPA Proposed Rule for Implementing the 8-hour Ozone National Ambient Air Quality Standard. Illustrative Analysis Based on 1998–2000 Data. U.S. Environmental Protection Agency, Office of Air and Radiation, Office of Air Quality Planning and Standards, Draft, April 2003. Available at: <http://www.epa.gov/ttn/naaqs/ozone/o3imp8hr/>.

¹¹ REVISED: Background Information Document, Hypothetical Nonattainment Areas for Purposes of Understanding the EPA Proposed Rule for Implementing the 8-hour Ozone National Ambient Air Quality Standard in Relation to Re-Opened Comment Period. Illustrative Analysis Based on 2000–2002 Data. U.S. Environmental Protection Agency, Office of Air and Radiation, Office of Air Quality Planning and Standards, Draft, October 2003. Available at: <http://www.epa.gov/ttn/naaqs/ozone/o3imp8hr/>.

certain percentage above the standard to take relatively more time to attain the 8-hour standard than areas with 1-hour values the same percentage above the 1-hour standard would take to attain the 1-hour standard.