

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[PA138-4098a; FRL-7562-6]

**Approval and Promulgation of Air Quality Implementation Plans; Removal of Direct Final Rule; Federally Enforceable State Operating Permit Program; Allegheny County, PA****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Removal of final rule.

**SUMMARY:** Because EPA received adverse comments, we are removing our approval of the revision to the Allegheny County portion of the Commonwealth of Pennsylvania State Implementation Plan which consists of Allegheny County's state operating permit program. EPA is removing the language of the rule which was to approve the revision in accordance with the requirements of sections 110 and 112 of the Clean Air Act. The original action was published in the **Federal Register** on June 26, 2003 as a direct final rule. We will address the comments received in a future final action based on the proposed rule which was also published on June 26, 2003.

**DATES:** This rule is effective on November 25, 2003.**FOR FURTHER INFORMATION CONTACT:** Paul T. Wentworth, Permits and Technical Assessment Branch at (215) 814-2183 or by e-mail at [wentworth.paul@epa.gov](mailto:wentworth.paul@epa.gov).**SUPPLEMENTARY INFORMATION:** Please see the information provided in the direct final action published in the **Federal Register** on June 26, 2003 (68 FR 37973) and in the companion proposed rule which was also published on June 26, 2003 (68 FR 37993).**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements.

■ 40 CFR part 52 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.*

■ 2. Section 52.2020 is amended by removing paragraph (c)(209).

Dated: September 10, 2003.

**Donald S. Welsh,***Regional Administrator, Region III.*

[FR Doc. 03-24119 Filed 9-25-03; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 81**

[GA-57-200341; FRL-7563-4]

**Determination of Nonattainment as of November 15, 1999, and Reclassification of the Atlanta 1-Hour Ozone Nonattainment Area; State of Georgia****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

**SUMMARY:** EPA is taking final action to issue a determination that the Metropolitan Atlanta 1-hour serious ozone nonattainment area (hereinafter referred to as the Atlanta area) did not attain the 1-hour ozone national ambient air quality standard (NAAQS) by the November 15, 1999, Clean Air Act (CAA) deadline for serious ozone nonattainment areas. As a result, the Atlanta area is reclassified by operation of law as a severe ozone nonattainment area on the effective date of this rule. The Georgia Environmental Protection Division (GAEPD) must submit by July 1, 2004, a State Implementation Plan (SIP) revision for the Atlanta area that meets the severe area 1-hour ozone nonattainment area requirements of CAA section 182(d). The due date for the section 185 enforcement rule is July 1, 2005, due to the need for the State to acquire the necessary statutory authority to implement this rule. Finally, EPA is adjusting the dates by which the area must achieve a Rate of Progress plan (ROP) to cover an average of 3 percent per year reduction in ozone precursor emissions from 1999 to the attainment year and adjusting contingency measure requirements as this relates to the ROP milestone. In an Order entered on June 16, 2003, the United States Court of Appeals for the Eleventh Circuit granted EPA's motion for voluntary vacatur of the EPA's extension of the 1-hour ozone attainment date for the Atlanta area and EPA's approval of the 1-hour ozone attainment demonstration SIP submitted by the GAEPD on July 17, 2001, and remanded the matter to the agency for further proceedings consistent with the court's order. This final determination and this notice are in direct response to and comply with the court's order.

**DATES:** This final rule is effective January 1, 2004.**ADDRESSES:** Copies of documents relevant to this action are available for public inspection during normal business hours at the following addresses: U.S. EPA, Region 4 Air

Planning Branch, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960.

Air Protection Branch, Georgia Environmental Protection Division, Georgia Department of Natural Resources, 4244 International Parkway, Suite 120, Atlanta, Georgia 30354. Telephone (404) 363-7000.

**FOR FURTHER INFORMATION CONTACT:**

Scott M. Martin, EPA Region 4, (404) 562-9036 or email: [martin.scott@epa.gov](mailto:martin.scott@epa.gov).

**SUPPLEMENTARY INFORMATION:** The use of "we," "us," or "our" in this document refers to EPA.**Table of Contents**

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**I. Background**

In a **Federal Register** notice published on December 11, 2001, (66 FR 63972) EPA proposed to approve the 1-hour ozone attainment demonstration for the Atlanta 1-hour ozone nonattainment area which was submitted by the GAEPD on July 17, 2001, and extend the attainment date to November 15, 2004. Additionally, in the alternative, EPA proposed to find that the Atlanta area had failed to attain the 1-hour ozone NAAQS by November 15, 1999, the date set forth in the CAA for serious nonattainment areas. Subsequently, in a **Federal Register** notice published on May 7, 2002, (67 FR 30574) EPA granted final approval to the 1-hour ozone attainment demonstration for the Atlanta area as submitted on July 17, 2001, the Reasonably Available Control Measures (RACM) analysis, commitment to perform an early attainment assessment, contingency measures, the 2004 motor vehicle emissions budget (MVEB), and the Partnership for a Smog Free Georgia (PSG) program, and EPA extended the area's attainment date to November 15, 2004. At that time, EPA did not finalize the finding of failure to attain and the