

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[FRL-6344-4]

Identification of Additional Ozone Areas Attaining the
1-Hour Standard and to Which the 1-Hour Standard is No
Longer Applicable

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On December 17, 1998, the EPA published a proposal to identify ten additional ozone areas where the 1-hour standard is no longer applicable. The 30-day comment period ended on January 19, 1999. A total of six comment letters were received in response to the proposal. This final rule summarizes the comments, includes responses, and finalizes the determination that the 1-hour standard no longer applies for ten additional areas identified in this final rule. Furthermore, today's final rule stops any sanctions or Federal implementation plan (FIP) clocks that may have been started in these ten areas and that related to the planning requirements of section 182. With finalization of this rule, the Code of Federal Regulations (CFR) is amended to reflect such changes. On July 18, 1997, EPA provided by

rule that the 1-hour ozone standard would no longer apply to an area based on an EPA determination that the area has attained that standard. Since the 1-hour standard no longer applies to these areas, designations for that standard also no longer apply. The 1-hour standard and designations for that standard will continue to apply to areas for which EPA has not made a determination through rulemaking. The EPA has promulgated final rules regarding the applicability of the 1-hour standard for other areas on June 5, 1998 and July 22, 1998. The ten additional areas identified in today's final rule where EPA has determined the 1-hour standard no longer applies, based on the most recent air quality data available from 1996-1998, are: Boston-Lawrence-Worcester (E.MA), Massachusetts-New Hampshire; Memphis, Tennessee; Muskegon, Michigan; Portland, Maine; Portsmouth-Dover-Rochester, New Hampshire; Providence (All RI), Rhode Island; Allegan County, Michigan; Oceana County, Michigan; Mason County, Michigan; Door County, Wisconsin.

EFFECTIVE DATE: This action will be effective [**insert date of publication**].

ADDRESSES: Copies of the public comments and EPA's

responses are available for inspection at the following address: Air and Radiation Docket and Information Center

(6101), Attention: Docket No. A-98-48, U.S. Environmental Protection Agency, 401 M Street SW, Room M-1500, Washington, DC 20460, telephone (202) 260-7548, between 8:00 a.m. and 5:30 p.m., Monday through Friday, excluding legal holidays. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Questions concerning this final rule should be addressed to Annie Nikbakht (policy) or Barry Gilbert (air quality data), Office of Air Quality Planning and Standards, Air Quality Strategies and Standards Division, Ozone Policy and Strategies Group, MD-15, Research Triangle Park, NC 27711, telephone (919) 541-5246/5238. In addition, the following Regional contacts may be called for individual information regarding monitoring data and policy matters specific for each Regional Office's geographic area:

Region I - Richard P. Burkhart, (617) 918-1664

Region IV - Kay Prince, (404) 562-9026

Region V - Todd Nettesheim, (312) 353-9153.

SUPPLEMENTARY INFORMATION: *Electronic Availability* - The official record for this final rule, as well as the public

version, has been established under docket number A-98-48 (including comments and data submitted electronically as described below). A public version of

this record, including printed, paper versions of electronic comments, which does not include any information claimed as confidential business information, is available for inspection from 8:00 a.m. to 5:30 p.m., Monday through Friday, excluding legal holidays. The official final rulemaking record is located at the address in ADDRESSES at the beginning of this document.

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I. Background

On July 16, 1997, the President issued a memorandum (62 FR 38421, July 18, 1997) to the Administrator of the EPA

which indicates that within 90 days of promulgation of the new 8-hour standard, the EPA will publish an action identifying ozone areas to which the 1-hour standard will cease to apply. The memorandum states that for areas where the air quality does not currently attain the 1-hour standard, the 1-hour standard will continue in effect. The provisions of subpart 2 of title I of the Clean Air Act (Act) would also apply to currently designated nonattainment areas until such time as each area has air quality meeting the 1-hour standard.

On July 18, 1997 (62 FR 38856), EPA promulgated a regulation replacing the 1-hour ozone standard with an 8-hour standard at a level of 0.08 parts per million (ppm). The form of the 8-hour standard is based on the 3-year average of the annual fourth-highest daily maximum 8-hour average ozone concentrations measured at each monitor within an area. The new primary standard, which became effective on September 16, 1997, will provide increased protection to the public, especially children and other at-risk populations. On July 18, 1997, EPA also promulgated regulations providing that revocation of the 1-hour ozone national ambient air quality standard (NAAQS) would occur on an area-by-area basis when EPA determined that an area was meeting the 1-hour NAAQS. This was done in order to

facilitate continuity in public health protection during the transition to the new NAAQS.

Therefore, on January 16, 1998, in accordance with the President's memorandum and the regulations promulgated on July 18, 1997, the Agency issued a direct final rule (63 FR 2726) which identified ozone areas to which the 1-hour standard will cease to apply because they have not measured a current violation of the 1-hour standard. For all other areas, the 1-hour standard will continue to apply. However, due to the receipt of adverse comments, the direct final action was withdrawn on March 16, 1998 (63 FR 12652) and converted to a proposed rule that had previously been published on January 16, 1998 (63 FR 2804). The Agency summarized and addressed all relevant public comments in a subsequent final rule, published and effective on June 5, 1998 (63 FR 31014) According to the final rule, the Agency intended to publish, in early 1998, a subsequent document which takes similar action to revoke the 1-hour standard in additional areas that have air quality that does not violate the 1-hour standard and to take similar action each year thereafter.

Again, on July 22, 1998, the EPA published a final rule to approve the identification of six additional ozone areas attaining the 1-hour standard and to which the 1-hour

standard no longer applies (63 FR 39432).

On December 17, 1998, the EPA published a proposal to approve the identification of ten additional ozone areas attaining the 1-hour standard and to which the 1-hour standard is no longer applicable (63 FR 69598). Comments were received on the proposal during the comment period ending on January 19, 1999.

II. Summary of Today's Action

The purpose of this document is to respond to comments received on the December 17th proposed rule and finalize the identification of the ten additional areas that EPA has determined are not violating the 1-hour standard and, therefore, with respect to which the 1-hour standard no longer applies. The newly identified areas are: Boston-Lawrence-Worcester (E.MA), Massachusetts-New Hampshire; Memphis, Tennessee; Muskegon, Michigan; Portland, Maine; Portsmouth-Dover-Rochester, New Hampshire; Providence (All RI), Rhode Island; Allegan County, Michigan; Oceana County, Michigan; Mason County, Michigan; Door County, Wisconsin.

III. Public Comments and EPA Responses

The following discussion summarizes and responds to the comments received on the proposal published on December 17, 1998 (63 FR 69598).

Comment: The commenter raised concerns that upon finalization of the revocation of the 1-hour standard, the areas would no longer be subject to any sanctions or FIP clocks started pursuant to sections 110 or 179 of the Clean Air Act (CAA) and 40 CFR 52.31 with respect to planning requirements under section 182. Furthermore, the commenter states that finalization of such revocation actions for Massachusetts, New Hampshire, Maine, and Rhode Island pose questions as to the validity of the section 126 petitions that have been filed by these States. Accordingly, the commenter believes that the section 126 petitions should be denied and supports today's final rule to revoke the 1-hour standard in the listed States' areas where the data demonstrate the 1-hour standard has been attained.

Response: Today's final rule is simply a determination by EPA that the 1-hour standard no longer applies in these ten listed areas where attainment of the 1-hour standard has been demonstrated. Therefore, it does not address the issue of whether section 126 petitions filed on behalf of the above States should or should not be granted. Final decisions regarding the section 126 petitions, filed by States affected by today's action, were promulgated on April 30, 1999. The FIP and sanctions obligations under sections

110 and 179 of the CAA are triggered with respect to "required submissions." At the time that EPA revokes the 1-hour standard for an area, the area is no longer designated for that standard and the nonattainment planning requirements of section 182, which are exclusively linked to that standard are no longer "required" for the area. Thus, there is no longer a need for EPA to promulgate a FIP for the area or to impose sanctions for the purpose of encouraging the State to submit a section 182 State implementation plan (SIP). The EPA previously has taken this identical interpretation of the CAA in the redesignation context. See e.g., 62 FR 32204, 32206 (June 13, 1997).

Comment: Several commenters voiced opposition to the determination that the 1-hour standard no longer applies to the ten areas since the areas did not follow the redesignation process under section 107(d)(3)(E) of the CAA, particularly, the requirements for permanent and enforceable reductions in emissions and maintenance plans. In addition, the commenters believe that EPA's action is arbitrary, capricious, an abuse of discretion, and contrary to required procedures. They are fearful that important programs such as reasonably available control technology and enhanced

inspection and maintenance may be opposed in certain Ozone Transport Region (OTR) States. Moreover, they are concerned that conformity determinations, as required under section 176, whereby highway and other transportation programs are evaluated based on the area's current and long-term air quality goals would no longer be performed due to the lack of maintenance plans with definite budgets. They advocate that areas should prepare maintenance plans to ensure continued improvement in air quality. The commenters also claim that EPA violated the procedural requirements of section 307 of the CAA and the Administrative Procedure Act. In addition, the commenters assert that this rule is contrary to EPA's proposed interim implementation policy on the new or revised ozone and particulate matter national ambient air quality standards (NAAQS), which was published at the same time as the proposed revision to the ozone NAAQS.

Response: The Agency has previously addressed these concerns in earlier final actions on the determination that the 1-hour standard no longer applies (i.e., 63 FR 31014, June 5, 1998 and 63 FR 39432, July 22, 1998). The EPA's final ozone rule, which was promulgated after the proposed interim policy, provided EPA's final position on the

revocation of the 1-hour standard. Therefore, procedurally, EPA is acting consistently with its rule establishing the procedure for revoking the 1-hour standard. In addition, the commenters are incorrect regarding the substance of the proposed interim policy. The commenters contend that the proposed interim policy identified a procedure whereby areas would need to meet the requirements of section 107(d)(3)(E) as a prerequisite to a change in an area's attainment

status. In that policy, EPA provided that "designations remain in effect after promulgation of the new NAAQS until new designations are undertaken after promulgation of the new NAAQS." 61 FR 65752, 65754 (Dec. 13, 1996). The EPA also discussed the ability of areas to seek redesignation while the 1-hour standard (and related designations) remain in effect, but did not state that the redesignation criteria of section 107(d)(3)(E) needed to be met for designations to be removed where the 1-hour standard is no longer applicable.

Comment: Several commenters voiced concerns that today's final rule would in effect result in reduction of Federal funds to Massachusetts via the Congestion Mitigation and Air Quality Improvement Program (CMAQ) since the

Massachusetts areas would no longer be in nonattainment and would not have a maintenance plan in place. They noted that the Federal Highway Administration's Interim CMAQ Guidance does not provide for continued funding for areas where the standard is revoked, and the Transportation Equity Act for the 21st Century (TEA-21) does not provide for CMAQ funding for areas under the new 8-hour standard. The commenters wish to explore ways to keep CMAQ funding under the current and proposed Federal regulations. They offered a suggestion for remedying the situation which included allowing the State of Massachusetts to voluntarily submit a maintenance plan. They believe that such a maintenance plan would ensure proper planning for mobile source emissions during the transition from the 1-hour standard to the 8-hour standard.

Response: The purpose of today's final rule is to determine where areas have attained the 1-hour standard. Today's final rule does not address eligibility for funding under CMAQ. The EPA acknowledges that current transportation policies, as well as the recent TEA-21 legislation, do not adequately address the issue of continued funding under CMAQ. However, EPA does not believe the suggestion for voluntary submittal of maintenance plans

would resolve the issue. The TEA-21 provides CMAQ monies only for nonattainment and maintenance areas. Maintenance areas are defined as areas which have been redesignated from nonattainment to attainment under 107(d) of the CAA.

Having made the determination that these Massachusetts areas have air quality that attains the 1-hour standard and that the 1-hour standard therefore no longer applies to those

areas, EPA believes it no longer has the authority to make any designations, either of attainment or nonattainment, with respect to that standard for those areas. Since redesignation is necessary for a former nonattainment area to become an attainment area and subject to requirements for maintenance plans, the voluntary submittal of a maintenance plan in the absence of a redesignation to attainment would not create a maintenance area under TEA-21. The Agency understands the commenters' concerns with respect to loss of CMAQ funding in these areas and we will be working with the Federal Highway Administration to explore options for future funding.

Comment: One commenter supported the Agency's assessment that Door County, Wisconsin, is attaining the 1-hour ozone standard based on data for the period of 1996-1998.

Response: The Agency acknowledges receipt of this letter of support for today's final rule.

Comment: One commenter states that designations must be based on the status of the area with regard to all applicable standards "for the pollutant." The commenter

believes that an area is designated nonattainment if either of its multiple NAAQS for a particular pollutant is violated.

Response: EPA has historically designated areas based on the existing health-based standard or standards for a pollutant. Thus, for purposes of PM-10, EPA has typically had one designation though there are two health-based standards - an annual and a 24-hour standard. For ozone, there has historically been one health-based standard and only one designation for the health-based ozone standard. At the time that EPA promulgated a revised health-based standard for ozone -- the new 8-hour standard -- EPA determined to retain the 1-hour standard to facilitate the transition to the revised standard; however, EPA did not retain the 1-hour standard as a health-based standard. At that time, EPA indicated that it would follow the initial designation process for designating areas for the 8-hour

standard, 62 FR 38421, 38424-25 (July 18, 1997) and provided the process for revoking the 1-hour standard and removing the designations for that standard. 62 FR 38856, 38873 (July 18, 1997).

The approach EPA chose in 1997 is supported by the language of the CAA. Section 107(d)(1) of the CAA requires EPA to designate areas "after promulgation of a new or revised national ambient air quality standard for any pollutant." For newly promulgated or revised standards, this provision contemplates new designations rather than redesignations (see 107(d)(3)) or the continuation of an existing designation (see 107(d)(4)). In addition, the provisions in section 107 and elsewhere in the CAA refer to designations for the "national ambient air quality standard for any pollutant." See e.g., CAA section 107(d)(1)(A). The phrase quoted by the commenters, "for the pollutant," modifies the clause requiring designations for NAAQS. Thus it is appropriate for EPA to have designations for the revised health-based NAAQS separate from those for the 1-hour NAAQS, which was retained to facilitate the transition to the 8-hour standard but not as a standard necessary to

protect the public health or the environment.

IV. Final Rulemaking Action

The ozone tables codified in today's final rule are significantly different from the tables now included in 40 CFR part 81 for these ten areas. The current 40 CFR part 81 designation listings (revised November 6, 1991; June 5, 1998; and July 22, 1998) include, by State and NAAQS pollutant, a brief description of areas within the State and their respective designations. Today's final rule includes completely new entries for the ten ozone areas covered by today's rule.

V. Other Regulatory Requirements

A. Executive Order 12866: Regulatory Impact Analysis

Under Executive Order (E.O.) 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is "significant" and, therefore, subject to Office of Management and Budget (OMB) review and the requirements of the E.O. The OMB has exempted this regulatory action from E.O. 12866 review.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small

entities (5 U.S.C. 603 and 604), unless EPA certifies that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000. This final rule will not have a significant impact on a substantial number of small entities because the determination that the 1-hour standard ceases to apply does not subject any entities to any additional requirements.

C. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act (UMRA) of 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to private sector, of \$100 million or more. Under section 205, EPA must select the most cost-effective and least-burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

Today's final rule will not include a Federal mandate

that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate or to the private sector. This Federal action imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

D. Executive Order 13045: Protection of Children from Environmental Health Risks and Safety Risks

Executive Order 13045 entitled "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997) applies to any rule that: (1) is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

The EPA interprets E.O. 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5-501 of the

Order has the potential to influence the regulation. This final rule is not subject to E.O. 13045 because this is not an economically significant regulatory action as defined by E.O. 12866, and it implements a previously promulgated health or safety-based Federal standard.

E. Executive Order 12875: Enhancing the Intergovernmental Partnership

Under E.O. 12875, EPA may not issue a regulation that is not required by statute, and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, E.O. 12875 requires EPA to provide to OMB a description of the extent of EPA's prior consultation with representatives of the affected State, local and tribal governments; the nature of their concerns; copies of any written communications from the governments; and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments "to provide meaningful and timely input in the development of regulatory proposals

containing significant unfunded mandates.”

Today’s final rule does not create a mandate on State, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

F. Executive Order 13084: Consultation and Coordination with Indian Tribal Governments

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, E.O. 13084 requires EPA to provide to OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA’s prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, E.O. 13084 requires EPA to develop an effective process permitting elected officials

and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's final rule does not significantly or uniquely affect the communities of Indian tribal governments. The identified areas are not located in tribal lands, and this final rule does not involve or impose any requirements that affect Indian tribes. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

G. Paperwork Reduction Act

This final rule does not contain any information collection requirements which requires OMB approval under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

H. Executive Order 12898: Environmental Justice

Under E.O. 12898 each Federal agency must make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minorities and low-income populations. Today's final rule (identifying additional ozone areas where the 1-hour standard is no longer applicable) does not

adversely affect minorities and low-income populations because the new, more stringent 8-hour ozone standard is in effect and provides increased protection to the public, especially children and other at-risk populations.

I. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing new regulations. To comply with NTTAA, EPA must consider and use "voluntary consensus standards" (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this proposed action. Today's final rule does not require the public to perform activities conducive to the use of VCS.

J. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required

information to the U.S. Senate, the U.S. House of

Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control,
National parks, Wilderness areas.

Issued in Washington, D.C. on May 12, 1999.

Carol M. Browner,
Administrator.

For the reasons set out in the preamble, title 40, chapter I of the Code of Federal Regulations is amended as follows:

PART 81-[AMENDED]

1. The authority citation for part 81 continues to read as follows:

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

2. In § 81.320, the table entitled "MAINE-OZONE (1-HOUR STANDARD)" is amended by revising the entry for "Portland Area" and revising footnote 2 to read as follows:

§ 81.320 Maine.

* * * * *

MAINE-OZONE (1-HOUR STANDARD)

Designated Area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
* * * * *				
Portland Area:				
Cumberland County.....	[insert date of publication]	1 hr.std.N.A. ²		
Sagadahoc County.....	[insert date of publication]	1 hr.std.N.A. ²		
York County.....	[insert date of publication]	1 hr.std.N.A. ²		
* * * * *				

¹This date is June 5, 1998, unless otherwise noted.

²1 hour standard Not Applicable.

³1 hour standard Not Applicable.

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3. In § 81.322, the table entitled "Massachusetts-Ozone (1-HOUR STANDARD)" is amended by revising the entry for "Boston-Lawrence-Worcester (E.Mass) Area" and adding footnote 2 to read as follows:

§ 81.322 Massachusetts.

* * * * *

MASSACHUSETTS-OZONE (1-HOUR STANDARD)

Designated Area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
Boston-Lawrence-Worcester (E.Mass) Area:				
Barnstable County.....	[insert date of publication]	1 hr.std.N.A. ²		
Bristol County.....	[insert date of publication]	1 hr.std.N.A. ²		
Dukes County.....	[insert date of publication]	1 hr.std.N.A. ²		
Essex County.....	[insert date of publication]	1 hr.std.N.A. ²		
Middlesex County.....	[insert date of publication]	1 hr.std.N.A. ²		
Nantucket County.....	[insert date of publication]	1 hr.std.N.A. ²		
Norfolk County.....	[insert date of publication]	1 hr.std.N.A. ²		
Plymouth County.....	[insert date of publication]	1 hr.std.N.A. ²		
Suffolk County.....	[insert date of publication]	1 hr.std.N.A. ²		
Worcester County.....	[insert date of publication]	1 hr.std.N.A. ²		
* * * * *	[insert date of publication]			

¹This date is June 5, 1998, unless otherwise noted.

²1 hour standard Not Applicable.

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4. In § 81.323, the table entitled "MICHIGAN-OZONE (1-HOUR STANDARD)" is amended by revising the entries for "Allegan County Area", "Mason County Area", "Muskegon Area", and "Oceana County Area" to read as follows:

§ 81.323 Michigan.

* * * * *

MICHIGAN-OZONE (1-HOUR STANDARD)

Designated Area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
Allegan County Area: Allegan County..... * * * * *	[insert date of publication]	1 hr.std.N.A. ²		
Mason County Area: Mason County..... * * * * *	[insert date of publication]	1 hr.std.N.A. ²		
Muskegon Area: Muskegon County.....	[insert date of publication]	1 hr.std.N.A. ²		
Oceana County Area: Oceana County..... * * * * *	[insert date of publication]	1 hr.std.N.A. ²		

¹This date is June 5, 1998, unless otherwise noted.

²1 hour standard Not Applicable.

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5. In § 81.330, the table entitled "NEW HAMPSHIRE-OZONE(1-HOUR STANDARD)" is amended by revising the entry for "Boston-Lawrence-Worcester Area" and "Portsmouth-Dover-Rochester Area" to read as follows:

§ 81.330 New Hampshire.

* * * * *

NEW HAMPSHIRE-OZONE (1-HOUR STANDARD)

Designated Area	Designation		Classification	
	Date ¹	Type	Date ¹	Type

<p>*****</p> <p>Boston-Lawrence-Worcester Area:</p> <p>Hillsborough County (part).....</p> <p>Pelham Town, Amherst Town, Brookline Town, Hollis Town, Hudson Town, Litchfield Town, Merrimack Town, Milford Town, Mont Vernon Town, Nashua City, Wilton Town.</p> <p>Rockingham County (part).....</p> <p>Atkinson Town, Brentwood Town, Danville Town, Derry Town, E Kingston Town, Hampstead Town, Hampton Falls Town, Kensington Town, Kingston Town, Londonderry Town, Newton Town, Plaistow Town, Salem Town, Sandown Town, Seabrook Town, South Hampton Town, Windham Town.</p> <p>*****</p> <p>Portsmouth-Dover-Rochester Area:</p> <p>Rockingham County (part).....</p> <p>Exeter Town, Greenland Town, Hampton Town, New Castle Town, Newfields Town, Newington Town, Newmarket Town, North Hampton Town, Portsmouth City, Rye Town, Stratham Town.</p> <p>Strafford County.....</p> <p>*****</p>	<p>[insert date of publication]</p> <p>[insert date of publication]</p> <p>[insert date of publication]</p> <p>[insert date of publication]</p>	<p>1 hr.std.N.A.²</p> <p>1 hr.std.N.A.²</p> <p>1 hr.std.N.A.²</p> <p>1 hr.std.N.A.²</p>	
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¹This date is June 5, 1998, unless otherwise noted.

²1 hour standard Not Applicable.

6. In § 81.340, the table entitled "RHODE ISLAND-OZONE(1-HOUR

STANDARD" is amended by revising the entry for "Providence (all of RI) Area" and adding footnote 2 to read as follows:

§ 81.340 Rhode Island.

* * * * *

RHODE ISLAND-OZONE (1-HOUR STANDARD)

Designated Area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
Providence (all of RI) Area:				
Bristol County.....	[insert date of publication]	1 hr.std.N.A. ²		
Kent County.....	[insert date of publication]	1 hr.std.N.A. ²		
Newport County.....	[insert date of publication]	1 hr.std.N.A. ²		
Providence County....	[insert date of publication]	1 hr.std.N.A. ²		
Washington County....	[insert date of publication]	1 hr.std.N.A. ²		

¹This date is June 5, 1998, unless otherwise noted.

²1 hour standard Not Applicable.

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7. In § 81.343, the table entitled "Tennessee-Ozone (1-HOUR STANDARD)" is amended by revising the entry for "Memphis Area" to read as follows:

§ 81.343 Tennessee.

* * * * *

TENNESSEE-OZONE (1-HOUR STANDARD)

Designated Area	Designation		Classification	
	Date ¹	Type	Date ¹	Type

<p>***** Memphis Area: Shelby County..... *****</p>	<p>[insert date of publicat ion]</p>	<p>1 hr.std.N.A.²</p>		
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¹This date is June 5, 1998, unless otherwise noted.

²1 hour standard Not Applicable.

8. In § 81.350, the table entitled "WISCONSIN-OZONE(1-HOUR STANDARD)" is amended by revising the entry for "Door County Area" to read as follows:

§ 81.350 Wisconsin.

* * * * *

WISCONSIN-OZONE (1-HOUR STANDARD)

Designated Area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
<p>Door County Area: Door County..... *****</p>	<p>[insert date of publicat ion]</p>	<p>1 hr.std.N.A.²</p>		

¹This date is June 5, 1998, unless otherwise noted.

²1 hour standard Not Applicable.

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