an exemption is granted on a contingent basis, i.e., the exemption would only be valid as long as attainment of the ozone NAAQS continues. If prior to final action to redesignate the area to attainment the USEPA determines that a violation of the NAAQS occurred, the section 182(f) exemption would no longer apply, as of the date of such a determination. See December 1993 guidance document Guideline for Determining the Applicability of NO_X Requirements under Section 182(f), and the May 27, 1994 memorandum from John Seitz, Section 182(f) NO_X Exemptions—Revised Process and Criteria. In addition, the May 27, 1994 Seitz memorandum, page 3, n. 7, states that while NO_X reductions in areas that request and are granted a section 182(f) exemption may not contribute to attainment, they may contribute to maintenance and must be addressed in the maintenance plan required for redesignation. The Detroit-Ann Arbor area submitted a section 182(f) NO_X exemption on November 12, 1994 based on 3 consecutive years of monitoring data demonstrating attainment of the ozone NAAQS. The Detroit-Ann Arbor area submitted the appropriate NO_X documentation in their redesignation maintenance plan. By doing so, the State has demonstrated a commitment to control NO_X if it is deemed necessary to maintain the ozone standard. The USEPA approved the section 182(f) NO_X exemption petition for the Detroit-Ann Arbor area in a final USEPA action published elsewhere in this Federal Register.

With respect to the aspects of the comments relating to the effects of NO_X controls or the lack of NO_X controls on ambient air in Canada, the USEPA refers the reader to the responses to the comments set forth below.

In addition, the redesignation request establishes VOC and $\mathrm{NO_X}$ emission budgets, establishing emission levels adequate to attain the ozone NAAQS. The State has also demonstrated through emission projections that the area's emissions will remain below the attainment year inventory through the year 2005. Consequently, the State has demonstrated that $\mathrm{NO_X}$ levels will not exceed current levels through the maintenance period.

In response to the commentors note that there is too little information about the interaction between VOC and NO_X to justify granting an exemption from NO_X controls, the USEPA refers the commentor to the NO_X/VOC Study released by the USEPA on July 31, 1993. Congress provided that USEPA decisions on personal petitions for NO_X exemptions under section 182(f)(3) be

triggered by publication of this 185B report. Consequently, the USEPA believes that this provides evidence that Congress appears to have believed the results of the 185B study would supply sufficient information for the Agency to grant section 182(f) exemptions. The USEPA refers the commentor to the final rulemaking approving the section 182(f) NO $_{\rm X}$ exemption petition for the Detroit-Ann Arbor area published elsewhere in this Federal Register.

Nonetheless, as demonstrated by the emission projections for the 10-year maintenance plan submitted by Michigan, continuing reductions in NO_X emissions are expected (primarily from mobile sources as a result of FMVCP). Also, additional NO_X emission reductions are expected from implementation of the NO_X controls required by title IV of the Act. Designation status of an area is irrelevant in the applicability of title IV requirements; consequently, subject sources in the Detroit-Ann Arbor area will be required to comply with these requirements.

Comment

One commentor notes that the action of proposed redesignation is a product of undue haste and that the final decision on redesignation should await data from Canada's study of ozone levels at its receptors which are downwind of Southeast Michigan. A number of other commentors suggested that the USEPA respond to concerns expressed by Ontario and Canada prior to making any decision. Another commentor suggests that the USEPA obtain and assess ambient ozone levels prior to proceeding with the redesignation.

USEPA Response

The USEPA has received comments and information from a number of Canadian interests. All comments from commentors in Canada have been considered as the USEPA made a final decision on this action, and are addressed within this final rulemaking. As explained below, the USEPA does not believe that these comments warrant a deferral of final action on this redesignation.

Comment

One commentor states that between 60 percent-80 percent of toxic air pollutants in Windsor's ambient air are transported from the City of Detroit and other U.S. areas northwest of Windsor. Another commentor suggests that the technology needed to reduce ozone closely parallels the technology needed to abate toxic air pollutants in the region. By designating the area as

attainment, the region will no longer be required to include ozone reduction technology in the State of Michigan's SIP under the Act. This could eliminate further technological improvements that would not only reduce ozone levels but also contribute to the abatement of toxic air pollution. Since the Governments of the United States and Canada, in their Reference to the International Joint Commission (IJC), have emphasized that the IJC address the impacts of toxic air pollution problems in the region, the IJC cannot support any move that would result in less stringent controls which have direct impact on minimization of ozone levels and reduction of toxic chemical emissions. Consequently, the commentor strongly disagrees with the proposed USEPA redesignation and recommends against it. The commentor believes that the control requirements of the Act for this area should be implemented.

USEPA Response

This redesignation is for ozone. Toxic air pollutants are not relevant to the issue of whether an area should be redesignated due to its attainment of the ozone NAAQS. Separate from this redesignation, the State is required to meet other requirements of the Act specifically to control air toxics emissions. The ozone redesignation would not exempt the area from implementing section 112 of the Act, which is intended to address the control of hazardous air pollutants. Rules promulgated pursuant to section 112 are applicable to sources regardless of an area's attainment status.

In addition, sources of ozone precursors in the Detroit-Ann Arbor area must continue to implement all control equipment and/or measures in accordance with applicable rules, regulations and permits. Consequently, the redesignation would not result in less stringent controls than are currently being implemented in the Detroit-Ann Arbor area.

Comment

One commentor notes that Canada and Ontario are assembling data from Canadian monitoring stations which are directly relevant to the decision as to whether the Detroit-Ann Arbor area is currently meeting the prescribed Act requirements with respect to ozone. The commentor states that this information and other points will be provided to the Department of State on October 17, 1994. (On October 17, 1994 a document entitled Canada/Ontario Technical Component of the Canadian Comment on the Michigan/Ann Arbor Ozone Redesignation Request was submitted.