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The Office intends to organize individual sessions of the hearings around particular or related classes of works proposed for exemption. If a request to testify involves more than one proposed exemption or related exemption, please specify, in order of preference, the proposed exemptions on which you would prefer to testify.

Following receipt of the requests to testify, the Copyright Office will prepare an agenda of the hearings which will be posted on the Copyright Office Web site at: <http://www.copyright.gov/1201/> and sent to all persons who have submitted requests to testify. To facilitate this process, it is essential that all of the required information listed above be included in a request to testify.

Dated: March 17, 2003.

Marybeth Peters,

Register of Copyrights.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[CA-282-0389; FRL-7470-5]

Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; 1-Hour Ozone Standard for San Diego, California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to redesignate the San Diego County area to attainment for the 1-hour ozone National Ambient Air Quality Standard (NAAQS). EPA is also proposing to approve a 1-hour ozone maintenance plan and motor vehicle emissions budgets as revisions to the San Diego portion of the California State Implementation Plan (SIP).

DATES: Comments on this proposed action must be received by April 21, 2003.

ADDRESSES: Please address your comments to: John J. Kelly, EPA Region 9, 75 Hawthorne Street, San Francisco, CA 94105-3901.

You can inspect copies of the docket for this action at EPA's Region 9 office during normal business hours. You can

also inspect copies of the submitted SIP revision at the following locations:

California Air Resources Board, 1001 I Street, Sacramento, CA 95814; San Diego County Air Pollution Control District, 9150 Chesapeake Drive, San Diego, CA 92123-1096.

FOR FURTHER INFORMATION CONTACT: John J. Kelly, EPA Region 9, (415) 947-4151, or kelly.johnj@epa.gov

SUPPLEMENTARY INFORMATION:

Throughout this document, "we," "us," and "our" refer to EPA.

I. Background

A. San Diego Designation, Classification, SIPs, and Attainment

When the Clean Air Act (CAA) was amended in 1990, each area of the country that was designated nonattainment for the 1-hour ozone NAAQS, including the San Diego area, was classified by operation of law as marginal, moderate, serious, severe, or extreme depending on the severity of the area's air quality problem. The San Diego County nonattainment area ("San Diego") was designated under CAA section 107 as nonattainment, and initially classified under CAA section 181 as severe for the 1-hour ozone NAAQS. See 40 CFR 81.305 and 56 FR 56694 (November 6, 1991). The area was reclassified as serious after we determined that the ozone design value used in the original classification was incorrect. 60 FR 3771 (January 19, 1995).

The San Diego County Air Pollution Control District (SDCAPCD) adopted a serious area plan, demonstrating attainment by the applicable deadline of November 15, 1999. The California Air Resources Board (CARB) timely submitted the plan in 1994, and we approved the plan on January 8, 1997 (62 FR 1150).

Although the San Diego area did not attain the standard by the November 15, 1999 deadline, the area did qualify to have that deadline extended, since the area had complied with all requirements and commitments in the SIP and recorded no more than 1 exceedance of the NAAQS in 1999. For areas meeting these provisions, CAA section 181(a)(5) allows us to grant up to two 1-year extensions. On October 11, 2000 (65 FR 65025), we granted the San Diego area a 1-year attainment date extension to November 15, 2000, and on August 6, 2001 (66 FR 40908), we granted the area a second 1-year extension to November 15, 2001, since the area again had no more than 1 exceedance in the previous year. On October 23, 2002 (67 FR 65043), we issued a finding under CAA section 181(b)(2)(A) that the San Diego

area had attained the 1-hour ozone NAAQS by the applicable attainment deadline of November 15, 2001.

On December 11, 2002, SDCAPCD adopted the "Ozone Redesignation Request and Maintenance Plan for San Diego County" ("San Diego Maintenance Plan"). On December 20, 2002, CARB submitted the San Diego Maintenance Plan, with a request that we approve the plan as meeting the CAA maintenance plan provisions and redesignate San Diego to attainment for the 1-hour ozone NAAQS (letter from Michael P. Kenny, CARB Executive Officer, to Wayne Nastri, Regional Administrator, EPA Region 9).

On December 20, 2002, CARB also transmitted for approval the State's latest update to the California-specific motor vehicle emissions model, known as EMFAC2002 (letter from Michael P. Kenny, CARB Executive Officer, to Jack Broadbent, Director, Air Division, EPA Region 9).¹ EMFAC2002 is used to prepare the onroad emissions inventories in the plan. In early 2003, we expect to issue our conclusions regarding whether or not the EMFAC2002 emission factor model is acceptable and would thus be required to be used in the future for purposes of SIP development and transportation conformity. CARB provided us with information about the EMFAC2002 revisions as they were being prepared and finalized, and we have preliminarily concluded for purposes of this proposed action that the emission factor element of EMFAC2002 is an improved and acceptable methodology for determining motor vehicle emissions. Assuming that we find in a separate action that the updated emission factor model is acceptable, we propose to approve fully the emissions inventory, maintenance demonstration, motor vehicle emissions budgets, and redesignation request, as discussed below. If we fail to find that the emission factor model is acceptable, we will not finalize these actions.

B. Clean Air Act Provisions for Maintenance Plans

CAA section 175A sets forth the elements of a maintenance plan for areas seeking redesignation from nonattainment to attainment. The maintenance plan must provide for

¹ The EMFAC model is the California equivalent to EPA's national motor vehicle emissions model, the most recent version of which is MOBILE6. EMFAC2002 reflects new vehicle test data and quantification techniques to update and enhance the information in the most recent prior versions. For example, EMFAC2002 accounts for heavy-duty vehicle emissions during extended idling and during off-cycle operation.