

Sources,” “Dockets,” and “EPA Dockets.” Once in the system, select “search,” and then key in Docket ID No. 2003–0090. The system is an “anonymous access” system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

ii. E-mail. Comments may be sent by electronic mail (e-mail) to *A-and-R-Docket@epa.gov*, Attention Docket ID No. 2003–0090. In addition, in order to expedite this process, please also sent your comments to both *silvasi.john@epa.gov* and *gerth.denise@epa.gov*. In contrast to EPA’s electronic public docket, EPA’s e-mail system is not an “anonymous access” system. If you send an e-mail comment directly to the Docket without going through EPA’s electronic public docket, EPA’s e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA’s e-mail system are included as part of the comment that is placed in the official public docket, and made available in EPA’s electronic public docket.

iii. Disk or CD ROM. You may submit comments on a disk or CD ROM that you mail to the mailing address identified in Unit I.B.2 below. These electronic submissions will be accepted in WordPerfect or ASCII file format. Avoid the use of special characters and any form of encryption.

2. By Mail. Send your comments to: Air and Radiation Docket, U.S. Environmental Protection Agency, Mail Code: 6102T, 1200 Pennsylvania Ave., NW., Washington, DC, 20460, Attention Docket ID No. OAR 2003–0079.

3. By Hand Delivery or Courier. Deliver your comments to: Air and Radiation Docket, U.S. Environmental Protection Agency, 1301 Constitution Avenue, NW., Room: B102, Washington, DC 20004, Attention Docket ID No. OAR 2003–0079. Such deliveries are only accepted during the Docket’s normal hours of operation as identified in Unit I.A.1.

4. By Facsimile. Fax your comments to: 202–566–1741, Attention Docket ID No. OAR 2003–0079.

C. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.

3. Provide any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at your estimate.

5. Provide specific examples to illustrate your concerns.

6. Offer alternatives.

7. Make sure to submit your comments by the comment period deadline identified.

8. To ensure proper receipt by EPA, identify the appropriate docket identification number in the subject line on the first page of your response. It would also be helpful if you provided the name, date, and **Federal Register** citation related to your comments.

II. Background

On June 2, 2003 (68 FR 32802), we proposed options for implementing the 8-hour ozone NAAQS, including two different classification options. Classifications establish which requirements apply to individual nonattainment areas and the maximum timeframe for areas to attain. Option 1 would place all 8-hour ozone nonattainment areas into subpart 2 and would classify areas in accordance with table 1 in section 181 of the CAA as modified by EPA to reflect the 8-hour NAAQS. Option 2 would place areas that are designated nonattainment for the 8-hour ozone standard under subpart 1 or subpart 2 (of part D, title I) based on the area’s 1-hour ozone design value. Areas placed under subpart 2 would be classified in accordance with table 1 in section 181 of the Clean Air Act (CAA) as modified by EPA to reflect the 8-hour NAAQS. (In general, subpart 1 contains less prescriptive requirements for air quality planning than does subpart 2.) We indicated a preference for classification option 2 because it would provide more flexibility to States and Tribes as they address their unique air quality problems.

We received many comments concerning the classification options we proposed. A number of commenters favored option 2, indicating that they believed it provided needed flexibility in implementing the standard. Other commenters favored option 1, indicating that they believed that the Supreme Court ruling established a preference for subpart 2 and, therefore, it was not appropriate to classify areas under subpart 1. Northeast States and some other States, as well as environmental organization commenters,¹ objected to

allowing some areas to be subject to subpart 1, stating that the mandatory measures under subpart 2 helped reduce ozone concentrations and were a forcing function for more expeditious control. A number of other States outside the Northeast preferred that some areas be covered under subpart 1, because of the flexibility it provided to local areas to adopt controls that are appropriate for their area.

Several other commenters suggested new options or variants of option 2. There were two key concerns that seemed to be the basis for most of these comments. First, many commenters were concerned that under EPA’s option 2, some areas classified under subpart 1 could have worse 8-hour air quality than areas classified under subpart 2.² Many of these commenters noted that it seemed inequitable to have areas with more significant air quality problems subject to less stringent planning obligations and more flexible attainment periods. Second, a number of commenters raised a concern that the distribution scheme under a modified Table 1 resulted in too many areas in the lower classifications. These commenters believed that the classification for many areas under this approach would not reflect the significance of the 8-hour ozone problem for these areas and therefore would not provide the appropriate amount of time needed for those areas to attain the standard.³

In considering the comments on this issue, we identified several suggestions that we believe deserve further consideration as they may address some of the above-noted concerns.⁴ We are therefore re-opening the comment period for the limited purpose of accepting comment on the alternatives suggested in some of the comments. While we recognize that this action will delay by a brief period the issuance of the final rule to implement the 8-hour NAAQS, we believe that the comments

docket document OAR–2003–0079–0264, –0265, –0266; Massachusetts Department of Environmental Protection, docket document OAR–2003–0079–0267.

² See e.g., Hunton and Williams LLP representing the Utility Air Regulatory Group (UARG), docket document OAR–2003–0079–0362; Northeast States for Coordinated Air Use Management, OAR–2003–0079–0315; Kansas City Power and Light (KCPL), docket document OAR–2003–0079–0185; FirstEnergy Corporation, docket document OAR–2003–0079–0218.

³ See e.g., South Coast Air Quality Management District, docket document OAR–2003–0079–0327; E.I. duPont de Nemours, Inc., docket document OAR–2003–0079–0246.

⁴ We do not discuss all possible alternatives raised in the comments but rather the alternatives that we believe are most likely to improve the implementation framework.

¹ E.g., Clean Air Task Force, docket document OAR–2003–0079–0154; Environmental Defense,