

EPA under section 209(b) of the Clean Air Act (Act), 42 U.S.C. 7543(b), including a waiver of Federal preemption for California's heavy-duty diesel powered engines and vehicles, which EPA approved on March 4, 1988.

DATES: EPA has tentatively scheduled a public hearing for January 30, 2004, beginning at 10 a.m. EPA will hold a hearing only if a party notifies EPA by January 15, 2004, expressing its interest in presenting oral testimony regarding CARB's requests or other issues noted in this notice. By January 20, 2004, any person who plans to attend the hearing should call David Dickinson of EPA's Certification and Compliance Division at (202) 343-9256 to learn if we will hold a hearing. Any party may submit written comments by January 30, 2004.

ADDRESSES: EPA will make available for public inspection at the Air and Radiation Docket written comments received from interested parties, in addition to any testimony given at the public hearing. The official public docket is the collection of materials that is available for public viewing at the Air and Radiation Docket in the EPA Docket Center, (EPA/DC) EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Air and Radiation Docket is (202) 566-1743. The reference numbers for these dockets are A-2000-45 and A-2002-16. Parties wishing to present oral testimony at the public hearing(s) should provide written notice to David Dickinson at the address noted below; parties should also submit any written comments to David Dickinson. If EPA receives a request for a public hearing, EPA will hold the public hearing at 1310 L St., NW., Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: David Dickinson, Certification and Compliance Division (6405J), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Telephone: (202) 343-9256, Fax: (202) 342-2804, e-mail address: Dickinson.David@EPA.GOV.

EPA makes available an electronic copy of this notice on the Office of Transportation and Air Quality's (OTAQ's) homepage (<http://www.epa.gov/otaq/>). Users can find this document by accessing the OTAQ homepage and looking at the path entitled "Regulations." This service is free of charge, except any cost you already incur for Internet connectivity.

Users can also get the official **Federal Register** version of the notice on the day of publication on the primary Web site: (<http://www.epa.gov/docs/fedrgstr/EPA-AIR/>).

Please note that due to differences between the software used to develop the documents and the software into which the documents may be downloaded, changes in format, page length, etc., may occur. Parties wishing to present oral testimony at the public hearing should provide written notice to David Dickinson at: U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., (6405J), Washington, DC 20460. Telephone: (202) 343-9256. If EPA receives request for a public hearing, the public hearing will be held

SUPPLEMENTARY INFORMATION:

I. Background

Section 209(a) of the Clean Air Act, as amended ("Act"), 42 U.S.C. 7543(a), provides:

No State or any political subdivision thereof shall adopt or attempt to enforce any standard relating to the control of emissions from new motor vehicles or new motor vehicle engines subject to this part. No State shall require certification, inspection or any other approval relating to the control of emissions from any new motor vehicle or new motor vehicle engine as condition precedent to the initial retail sale, titling (if any), or registration of such motor vehicle, motor vehicle engine, or equipment.

Section 209(b)(1) of the Act requires the Administrator, after notice and opportunity for public hearing, to waive application of the prohibitions of section 209(a) for any State that has adopted standards (other than crankcase emission standards) for the control of emissions from new motor vehicles or new motor vehicle engines prior to March 30, 1966, if the State determines that the State standards will be, in the aggregate, at least as protective of public health and welfare as applicable Federal standards. The Administrator must grant a waiver unless he finds that (A) the determination of the State is arbitrary and capricious, (B) the State does not need the State standards to meet compelling and extraordinary conditions, or (C) the State standards and accompanying enforcement procedures are not consistent with section 202(a) of the Act.

CARB submitted a February 27, 1997 letter to the Administrator notifying EPA that it had adopted amendments to its heavy-duty diesel powered vehicles and engines program. These amendments provide for: (1) A mandatory 4.0g/bhp-hr NO_x standard for heavy-duty engines and vehicles for the 1998 and subsequent model years

which parallels EPA's adoption of this standard; (2) optional, lower NO_x emission standards beginning with the 1995 model year; (3) changing the "useful life" definition for heavy-duty engines and vehicles under Title 13, California Code of Regulations, section 2112, by extending the period of "useful life" from eight to ten years while maintaining the applicable, alternative mileage provisions that range from 110,000 miles to 290,000 miles (whichever occurs first); and (4) implementing new requirements for the California Motor Vehicle Emission Control Label Specifications in order to identify those engines which are certified to the optional, lower emission standards.

CARB asserts, and requests that the Administrator determine, that its NO_x emission standards and useful life definition fall within-the-scope of EPA's previously granted waiver, and thereby may be deemed to meet the requirements of section 209(b) of the Act set forth above.

CARB also submitted a December 26, 1995 letter to the Administrator notifying EPA that it had adopted amendments to its standards for heavy-duty diesel powered vehicles and engines defined as urban buses. These amendments provide for: (1) An alignment of California's PM standards (0.07 g/bhp-hr) with Federal standards for such engines in the 1994 and 1995 model years and with the Federal PM standard (0.05 g/bhp-hr with a 0.07 g/bhp-hr in-use standard) used in 1996 and later model years; (2) a NO_x standard (4.0g/bhp-hr) starting in the 1996 model year for urban buses; (3) adoption of the Federal urban bus definition; (4) an exemption from the 4.0 g/bhp-hr NO_x standard for up to 10 percent of urban bus sales for model years 1996 and 1997; (5) an allowance to use California diesel fuel for certifying 1996 and 1997 model year urban buses and in 1998 and thereafter the applicable Federal test fuel; (6) an optional, lower NO_x emission standards beginning with the 1994 model year; (7) changing the "useful life" definition for 1994 and later urban buses from eight to ten years while maintaining the alternative mileage provision at 290,000 miles (whichever occurs first); and (8) implementing new requirements for the California Motor Vehicle Emission Control Label Specifications in order to identify those engines which are certified to the optional emission standards.

CARB asserts, and requests that the Administrator determine, that its NO_x and PM emission standards and useful life definition fall within-the-scope of