meetings, EPA extended the public comme organized public discussion of issues raised and resolved in this rulemaking. In addition to sharing their views in many public hearings and meetings, interested parties provided voluminous written comments on EPA's April 26 and September 22 proposals. These comments and other documents relevant to the development of this final rule are contained in the public docket for this rulemaking. The Agency has fully considered all of this information in developing today's final rule. EPA's responses to significant comments are contained in detailed response-tocomments documents that are contained in the public docket. Interested parties should consult those documents for EPA's response to the comments it received.

EPA has structured this final rule to follow the analytic framework that the Agency used in the NPRM and SNPRM. As explained above, rather than repeating the entire discussion in the SNPRM, EPA is adopting much of the rationale provided in the SNPRM as the statement of basis and purpose supporting today's final action. For this reason, this final rule notice summarizes and references much of the discussion in the SNPRM, and elaborates where needed to clarify or modify EPA's proposed rationale in light of the comments EPA received or to address issues left unresolved in the SNPRM. Although this notice and the SNPRM contain EPA's responses to some comments, the response-to-comments documents provide detailed responses to all other relevant, significant comments received. In addition to relying on this notice and the responseto-comments documents as the statement of basis and purpose for today's action, EPA is also relying for its statement of basis and purpose on the detailed explanations in the SNPRM, except where indicated otherwise in this final rule notice or the response-tocomments documents, or where statements in the SNPRM are inconsistent with statements in the final rule notice or response-to-comments documents.

## II. Description of Action

EPA today is making the factual finding that emissions reductions from new motor vehicles equivalent to the reductions that would be achieved by the OTC LEV program are needed throughout the OTR to bring certain OTR nonattainment areas into attainment (including maintenance) by their applicable attainment dates. Based on that finding, EPA today is issuing to each of the states in the OTR a finding

that its SIP is substantially inadequate to meet certain requirements insofar as the SIP would not currently achieve those emission reductions. There are two possible ways to achieve these emission reductions and thereby cure this SIP inadequacy—state adoption of the OTC LEV program or establishment of an acceptable LEV-equivalent federal motor vehicle program. By virtue of today's findings of SIP inadequacy, unless an acceptable LEV-equivalent program is in effect, EPA is today finding the OTC LEV program necessary to achieve timely attainment (including maintenance) in certain nonattainment areas and therefore is requiring each OTC state to cure the inadequacy within one year by adoption of the OTC LEV program and submission of it as a SIP revision. However, if EPA issues a rule determining that a LEV-equivalent new motor vehicle program is acceptable and issues a finding that all the automakers have opted into that program nationwide, then the states would be relieved of their obligation to adopt OTC

As an alternative to achieving emission reductions from new motor vehicles, states could submit adopted measures sufficient to fill the gap in emission reductions that EPA identifies in today's rule as required to prevent adverse transport impacts on downwind attainment. By filling the gap in emission reductions between the measures EPA has identified in this notice as potentially broadly practicable measures and the amount necessary to prevent adverse transport impacts downwind, the state would demonstrate that it was unnecessary to adopt new motor vehicle controls for transport

EPA is approving the OTC's LEV recommendation based on the determination under sections 184(c) and 110(a)(2)(D) of the Act that the recommended LEV program is necessary throughout the OTR to bring certain OTR nonattainment areas into attainment by the applicable attainment dates, unless an acceptable LEVequivalent program is in effect, and that the recommended LEV program is otherwise consistent with the Act. Approval of the OTC recommendation requires EPA to issue the finding of SIP inadequacy described above and to require states to respond within one year with SIP revisions requiring the OTC LEV program, unless an acceptable LEV-equivalent program is in effect. Independent of section 184, but based on the same factual finding of necessity, EPA also is requiring the actions described above under its SIP call

authority in section 110(k)(5)  $^7$  on the basis that the SIP for each state in the OTR is substantially inadequate to meet the requirements relating to pollution transport in section 110(a)(2)(D) and to mitigate adequately the interstate pollutant transport described in section 184.8

EPA's SIP call does not require states in the OTR to adopt California's Zero Emission Vehicle (ZEV) production mandate, but leaves this choice to each state's discretion. EPA has determined that section 177 of the Act allows states to adopt the California LEV program without adopting the ZEV mandate.

Finally, EPA is issuing regulations defining the term "model year" for purposes of section 177 and part A of title II of the Act, as that term applies to on-highway motor vehicles. The regulations provide that model year will apply on an engine family-by-engine family basis. This regulatory action codifies long-standing EPA guidance on this definition and should clarify the applicability of the two-year lead-time requirement in section 177.

## III. Statutory Framework for the SIP Call

As mentioned above, authority for today's SIP call is premised both on EPA's approval of the OTC recommendation under section 184(c) and on EPA's independent authority under sections 110(a)(2)(D) and 110(k)(5), which would support such an action even in the absence of an OTC recommendation.<sup>9</sup> For reasons described in the response-to-comments

<sup>&</sup>lt;sup>7</sup>Section 110(k)(5) authorizes the Administrator to require the state to revise the SIP as necessary to correct the deficiency whenever she finds that a SIP for an area is substantially inadequate to mitigate adequately the interstate pollutant transport described in sections 176A or 184 or to otherwise comply with any requirement of the Act.

<sup>\*</sup> Section 110(a)(2)(D) requires that SIPs contain adequate provisions to prevent emissions within the state that contribute significantly to nonattainment in, or interfere with maintenance by, any other state.

<sup>9</sup> In addition, EPA believes it has authority to approve the OTC's recommendations under section 176A, the general transport commission provision of the CAA. For the reasons described in the response-to-comments documents accompanying this final action, which include the fact that the OTC refers to section 176A in its own by-laws, EPA believes that the Northeast OTC is a section 176 transport commission as well as a section 184 transport commission. As a consequence, EPA believes that, notwithstanding the fact that the OTC's recommendations themselves do not explicitly refer to section 176A, it may treat the OTC's recommendations as section 176A requests with recommendations, as well as section 184 recommendations, and act on them accordingly. References in this notice to EPA's analysis of and conclusions on the OTC petition under section 184 are intended to reflect also EPA's analysis of and conclusions on the petition treated as a request with recommendations under section 176A.