

Environmental Protection Agency

§ 86.1705–99

and all possible operational modes and conditions.

ZEV Mandate means any state regulation or other law that imposes (or purports to impose) obligations on auto manufacturers to produce, deliver for sale, or sell a certain number or percentage of ZEVs.

[62 FR 31242, June 6, 1997. Redesignated and amended at 63 FR 966, Jan. 7, 1998]

§ 86.1703–99 Abbreviations.

(a) The abbreviations in subpart A of this part apply to this subpart.

(b) In addition, the following abbreviations shall apply to this subpart:

ASTR—All States Trading Region
HEV—hybrid electric vehicle.
LEV—low emission vehicle.
NMOG—non-methane organic gases.
NTR—Northeast Trading Region.
OTC—Ozone Transport Commission
TLEV—transitional low emission vehicle.
ULEV—ultra low emission vehicle.
ZEV—zero emission vehicle.

[62 FR 31242, June 6, 1997. Redesignated and amended at 63 FR 967, Jan. 7, 1998]

§ 86.1704–99 Section numbering; construction.

(a) The model year of initial applicability is indicated by the last two digits of the six-digit group of the section number. A section remains in effect for subsequent model years until it is superseded.

(b) A section reference without a model year suffix shall be interpreted to be a reference to the section applicable to the appropriate model year.

[62 FR 31242, June 6, 1997. Redesignated at 63 FR 967, Jan. 7, 1998]

§ 86.1705–99 General provisions; opt-in.

(a) *Covered manufacturers.* Covered manufacturers must comply with the provisions in this subpart, and in addition, must comply with the requirements of 40 CFR parts 85 and 86. A manufacturer shall be a covered manufacturer if:

(1) The manufacturer (or, in the case of joint ventures or similar cooperative arrangements between two or more manufacturers, the participating manufacturer) has opted into the program pursuant to paragraph (c) of this section;

(2) Where a manufacturer has included a condition on opt-in provided for in paragraph (c)(2) of this section, that condition has been satisfied; and

(3) The manufacturer has not opted out, pursuant to § 86.1707, or the manufacturer has opted out but that opt-out has not become effective under § 86.1707.

(b) Covered manufacturers must comply with the standards and requirements specified in this subpart beginning in model year 1999. A manufacturer not listed in § 86.1706(c) that opts into the program after EPA issues a finding pursuant to § 86.1706(b) that the program is in effect must comply with the standards and requirements of this subpart beginning in the model year named for the calendar year after the calendar year in which EPA receives the manufacturer's opt-in. Light-duty vehicles and light light-duty trucks sold by covered manufacturers must comply with the provisions of this subpart.

(c) *Manufacturer opt-ins.* (1) To opt into the National LEV program, a motor vehicle manufacturer must submit a written opt-in notification to the Administrator signed by a person or entity within the corporation or business with authority to bind the corporation or business to its election and holding the position of vice president for environmental affairs or a position of comparable or greater authority. The manufacturer shall send a copy of this notification to : Director, Vehicles Programs and Compliance Division; U.S. Environmental Protection Agency; 2565 Plymouth Road; Ann Arbor, Michigan, 48105. The notification must unambiguously and unconditionally (apart from the permissible conditions specified in paragraph (c)(2) of this section) indicate the manufacturer's agreement to opt into the program and be subject to the provisions in this subpart, and include the following language:

XX COMPANY, its subsidiaries, successors and assigns hereby opts into the voluntary National LEV program, as set forth in 40 CFR part 86, subpart R, and agrees to be legally bound by all of the standards, requirements and other provisions of the National LEV program. XX COMPANY commits not to challenge EPA's authority to establish or