

State of California
AIR RESOURCES BOARD

Notice of Public Availability of Modified Text

**PUBLIC HEARING TO CONSIDER ADOPTION OF THE 2008 AMENDMENTS
TO THE CALIFORNIA ZERO EMISSION VEHICLE REGULATION**

Public Hearing Date: March 27, 2008

Public Availability Date: July 25, 2008

Deadline for Public Comment: August 15, 2008

At its March 27, 2008 public hearing, Air Resources Board (ARB or the Board) approved staff's proposed amendments with modifications to title 13, California Code of Regulations (CCR), sections 1900, 1961, 1962, 1962.1 and associated test procedures. The Board also approved with modifications the adoption of the new title 13, CCR, section 1962.1 and its new associated test procedures. These regulations relate to the Board's Zero Emission Vehicle (ZEV) program which requires auto manufacturers to develop and commercialize ZEV technologies. The Board's directed modifications to staff's original proposal will bring between 25,000 to 66,000 ZEVs and enhanced advanced-technology partial ZEVs (Enhanced AT PZEV) to market during the 2012 to 2014 timeframe, while reducing criteria pollutants and climate change emissions.

The Board's Action:

At the hearing, the Board adopted Resolution 08-24, approving along with other modifications, the amended regulations originally proposed in the Staff Report released on February 8, 2008. The Board's modifications respond to comments received during the 45-day public comment period as well as comments and testimony received at the public hearing. The modifications include (1) increasing flexibility within the regulation by allowing auto manufacturers to meet their ZEV or gold requirement by producing their portion of a minimum number (7,500) of ZEVs and backfilling the rest of their requirement with Enhanced AT PZEVs (up to 58,000) during the 2012 to 2014 timeframe, (2) creating a higher credit earning ZEV type, and (3) directing full transparency within the ZEV credit bank, including trades between manufacturers beginning with 2010 model year (MY).

The Board also directed staff to consider additional items and make modifications as appropriate in the Executive Officer's discretion, including (1) granting additional credit to a plug-in hybrid electric vehicle (PHEV) that could drive the US06 cycle on electricity, (2) reviewing the comments submitted on March 26, 2008, by the Union of Concerned Scientists and the Natural Resources Defense Council as well as other non-governmental organizations (NGO), (3) applying a multiplier to ZEV credits earned during the 2009 to 2011 timeframe by

intermediate volume manufacturers (IVM) to meet non-gold obligations, and (4) allowing IVMs to accrue gold credits for use up to three years after the transition to large volume manufacturer (LVM) status.

In Resolution 08-24, the Board further directed the Executive Officer to incorporate the approved modifications into the regulatory text, with such other conforming modifications as may be appropriate, and to make the modified text available for a supplemental comment period.

Modified Text Being Made Available

Staff has prepared regulatory text that includes the Board's approved and directed modifications and other conforming modifications needed to clarify regulatory intent and harmonize the regulatory provisions as directed by the Board. Attachment A includes the technical modifications that staff suggested and made available at the public hearing. Attachment B presents staff's proposed revised regulatory text reflecting Attachment A's technical modifications, modifications directed by the Board, and staff's additional conforming modifications for clarity and harmonization with the Board's direction. Attachment C presents staff's assessment, as the Board directed, of each of the nine "loopholes," submitted on March 26, 2008 by Union of Concerned Scientists, Natural Resources Defense Council, and other NGOs. With this notice, the modified text in Attachment B is being made available for public comment prior to final action by the Board's Executive Officer to all who commented or testified on the original proposal or who requested notification. All of the documents are available online for public inspection at ARB's internet website for this rulemaking at: <http://www.arb.ca.gov/regact/2008/zev2008/zev2008.htm>. They are also available from the ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, CA 95814, (916) 322-2990.

Summary of Proposed Modifications

The following sections summarize the proposed substantive modifications and the rationale for making such modifications. The section numbers and paragraphs are referenced as numbered in the modified attached regulation text (Attachment B).

1. Number of Vehicles Required for the Pure ZEV (Gold) Floor 2012-2014 Annual Requirement Percentage

Staff's original proposal increased flexibility in the regulation by giving LVMs the option, during the 2012 to 2014 timeframe, to meet their pure ZEV obligation by producing a minimum number of ZEVs (2,500 Type IV ZEVs) and backfilling the rest of the gold requirement with Enhanced AT PZEVs (75,000).

The Board increased the minimum number of ZEVs a manufacturer is required to produce to comply with the regulation. The minimum floor was increased from 2,500 to 7,500 Type IV ZEVs for the 2012 to 2014 timeframe. Though the number of Enhanced AT PZEVs required to backfill the pure ZEV requirement decreases due to this direction, the modification furthers ZEV technology development and encourages commercialization. The regulatory text in section 1962.1(b)(2)(D) and associated percentages in the table in section 1962.1(b)(2)(D)3. reflect these Board directed modifications.

2. New ZEV Type

The Board directed staff to create a new Type V ZEV. This is a vehicle with a 300 mile or greater range and 15-minute fast refueling capability. The new Type V earns 7 credits in 2009 through 2017 MYs. In 2018 MY and later, a Type V ZEV will earn 3 credits. The Board's direction recognized that a long driving range ZEV would better meet consumer needs. Criteria and appropriate credit level for a Type V ZEV has been added to tables in 1962.1(d)(5)(A) and (d)(5)(C), and to all sections of the regulation that reference ZEV Types.

3. Transition for IVMs

The Board did not approve staff's proposal to lengthen the IVM transition as the IVM becomes subject to LVM requirements. The modification to section 1962.1(b)(7)(A) reflects this decision. Other minor conforming modifications were also made in this section to clarify regulatory intent.

4. PHEV Multiplier During 2009 to 2011 Timeframe

At the March 27, hearing, the Board gave direction to staff on two issues relating to Enhanced AT PZEV credits. First, the Board directed staff to consider the nine loopholes presented by NGOs in their March 26 comment letter. The following loophole relates to Enhanced AT PZEV credits:

Loophole #2: "Extend carry forward provision to Enhanced AT-PZEVs to ensure that banked credits do not create long "blackout" periods when none of these vehicles are produced."

Staff does not agree that the carry forward provision should apply to Enhanced AT PZEV credits. Staff does not expect large numbers of Enhanced AT PZEV credits to be banked and carried forward during the 2009 to 2011 time frame. These vehicles have never been produced in large production volumes, and it is unlikely that a sudden ramp up of volumes would occur. Additionally, if a manufacturer were to be successful in their production of an Enhanced AT PZEV, it would be unlikely that they would stop production during the 2012 through 2014 timeframe. However, staff does believe that the 3.0 multiplier offered to PHEVs delivered for sale during the 2009 to 2011 timeframe could

create an artificial bank of credits that could be used to comply during the 2012 to 2014 timeframe. This multiplier would allow a manufacturer to earn 3 times the credit for each PHEV delivered for sale, which reduces the number of vehicles and increases the number of credits.

Second, the Board directed staff to consider applying a multiplier to battery electric vehicle credits earned during the 2009 to 2011 timeframe that are used to meet non-gold obligations for IVMs, in order to assure there is not a disincentive to produce gold vehicles. Staff concluded that adding an additional multiplier to allow ZEV credits to be used in place of AT PZEV credits for IVMs was not considered advisable as it would increase program complexities.

Staff chose to approach both issues in the context of credit multipliers and to address the overall credit discrepancy between PHEVs and pure ZEVs during the 2009 to 2011 timeframe.

Under the current regulation and under staff's proposed amendments presented at the Board hearing, a PHEV earns a 3.0 multiplier if produced and delivered for sale in California. Because of this multiplier, a PHEV could earn more than a ZEV during the 2009 to 2011 timeframe.

Staff has proposed instead to decrease the value of the 3.0 multiplier to 1.25 for PHEVs in the 2009 through 2011 MYs. The decreased value reflects a value of a similar multiplier offered to ZEVs during the 2009 to 2011 timeframe. An additional modification requires that in order to qualify for the multiplier, the PHEV must be sold or leased for three years, with a lease option for two additional years. Reducing the 3.0 multiplier to 1.25 limits the potential for an excessive number of banked credits which could cause a blackout during the 2012 to 2014 timeframe. The modification provides additional credit, though less than the vehicle would have received in the original proposal, to PHEVs produced and delivered for sale during the 2009 to 2011 timeframe while ensuring that pure ZEVs would not be put at a comparative disadvantage.

Section 1962.1(c)(7)(B) has been modified to reflect these changes to the original proposal.

5. Plug-in Hybrid Allowances

The Board directed staff to consider giving additional overall credit for PHEVs that can achieve 10 miles in all-electric mode on the US06 Driving Cycle. Staff made several modifications that affect HEV allowances that include (1) making use of a corrected Utility Factor (UF) that will also be used in the next version of the SAE Hybrid Test Procedure, (2) revising the zero-emission vehicle miles traveled (VMT) allowance equation, and (3) adjusting advanced componentry allowances for Type F hybrids, and adding a new Type G HEV with an increased advanced componentry allowance.

Utility Factor. The Society of Automotive Engineers (SAE) committee working on revisions to the HEV test procedures (SAE J1711) discovered mathematical errors in the UF derivation described in the March 1999 version of SAE J1711. Subsequent to the staff's original proposal, staff developed a revised zero-emission range allowance determination method based on the newly revised UF that will soon be published in SAE J2841. The revised UF will affect the blended PHEVs by increasing the overall credit earned by this category of vehicles. Staff has incorporated by reference the draft SAE procedure but understands and anticipates that SAE will finalize the procedure without substantive changes before ARB submits the final rulemaking file to OAL. Therefore, ARB anticipates incorporating by reference the final SAE procedure in ARB's final rulemaking order as a non-substantive modification to the regulatory text. The draft procedure is referenced herein as SAE J2841 PropDft 2008 in the modified regulatory text.

Zero-Emission VMT Allowance Equation. The former constant of 14.6 has been revised downward to 11.028 to compensate for the change in the revised UF as well as yield a Type G 40-mile PHEV overall allowance of 2.5, an increase of 0.1 over that proposed in the ISOR. The credit allowance has also been made constant for PHEVs with actual charge depleting ranges greater than 40 miles. As modified, these higher range PHEVs will earn the same as a PHEV with exactly 40 miles capability. The equation in section 1962.1(c)(3)(A) has been modified to reflect the new constant and a new equation has been added to specify the allowance earned by a HEV with greater than 40-mile actual charge depleting range (R_{cda}).

Advanced Componentry. Staff has added an additional high-power Type G category for HEVs and has allocated an increased advanced componentry allowance of 0.95 to this new category. This new Type G requirement requires a drive and energy storage system that is sufficient to propel a vehicle on the more aggressive US06 driving cycle for 10 miles. The advanced componentry allowance for Type F HEVs has been decreased by 0.08 from what was presented at the Board Hearing to make overall credit levels consistent, as well as account for the modified UF and modified equation. The following table shows the advanced componentry allowance earned by Type F and Type G HEVs.

Proposed HEV Advanced Componentry Allowance Schedule

Year	Type C 10 kW	Type D 10 kW	Type E 50 kW	<u>Type F (NEW)</u> <u>>= 10 mile</u> <u>UDDS Capable</u>	<u>Type G (NEW)</u> <u>>= 10 mile US06</u> <u>Capable</u>
2005-2011	0.2	0.4	0.5	<u>0.72</u>	<u>0.95</u>
2012-2014	0.15	0.35	0.45	<u>0.67</u>	<u>0.90</u>
2015+	0.1	0.25	0.35	<u>0.57</u>	<u>0.80</u>

Regulatory language in section 1962.1(c)(4)(B)7. has been modified to reflect the increased advanced componentry allowance for Type F and Type G HEVs. These changes to HEV allowances result in the following changes in overall credit for AT PZEVs:

AT PZEV Types		Prior Proposal		15-Day Proposal	
		Credit '09-'11	Credit '12-'14	Credit '09-'11	Credit '12-'14
Other AT PZEV	CNG	0.70	0.70	0.70	0.70
	H2ICE	2.30	2.30	2.30	2.30
Type E	Non PHEV	0.70	0.65	0.70	0.65
	B12.5/0.8 BPHEV	1.24	1.19	1.35	1.30
	B20 /0.8 BPHEV	1.45	1.40	1.56	1.51
	B22 /0.8 BPHEV	1.50	1.45	1.60	1.55
	B40 /0.8 BPHEV	1.78	1.73	1.78	1.73
Type F (>=10 mile UDDS Capable)	P10 AER PHEV	1.62	1.57	1.62	1.57
	P20 AER PHEV	1.99	1.94	2.00	1.95
	P40 AER PHEV	2.40	2.35	2.27	2.22
Type G (>=10 mile US06 Capable)	P10 AER PHEV	1.62	1.57	1.85	1.80
	P20 AER PHEV	1.99	1.94	2.23	2.18
	P40 AER PHEV	2.40	2.35	2.50	2.45

6. High Pressure Storage System Requirements

One of the nine “loopholes” in the NGOs March 26 comment letter pointed out potential ways for manufacturers to flood the market with cheaply made hydrogen internal combustion engine (HICE) vehicles.

Loophole # 1: “Limit hydrogen internal combustion engine vehicles to AT-PZEV (non-Enhanced) and PZEV credits due to their limited benefit and potential for gaming.”

Staff did not feel it was necessary to limit HICEs to the AT PZEV category. These vehicles provide large emission benefits and promote tank and infrastructure development. However, to ensure that only the most advanced HICE vehicles are placed, staff has increased the requirements for the hydrogen storage system on HICE vehicles from 3600 to 5000 pounds per square inch. This will promote the use of advanced hydrogen storage systems and further development and commercialization of hydrogen tanks that could also be used on a fuel cell vehicle. Regulatory language in section 1962.1(c)(4)(A) was modified to reflect this change.

7. Travel Provision

The Board directed staff to include suggestions from the State of New York and other states that asked for a modification to the provision that gives credit in California to ZEVs placed in another state (the travel provision) that has adopted California's ZEV program regulations pursuant to section 177 of the federal Clean Air Act (section 177 states). Because California's vehicle market is much larger than any section 177 state and because a manufacturer's production volumes vary between section 177 states, credits generated by California ZEVs could overwhelm the other section 177 state's ZEV requirements, including the state's AT PZEV and PZEV requirements. Therefore, staff has modified the travel provision to provide for proportionality of California's credits to the section 177 state's credits. This is achieved by multiplying the required credits by the ratio of a LVM's total sales in the state receiving credit to the LVM's total sales in California. This still allows manufacturers to place a vehicle in a section 177 state and receive full ZEV credit in California. This change only affects the value of the credit earned in the section 177 state in which the vehicle is placed or the value of the ZEV credit which is being used to comply with a section 177 state's requirement. The language in section 1962.1(d)(5)(E) has been modified to reflect these changes.

8. Advanced Demonstration Credits

Staff modified the original proposal to include Enhanced AT PZEVs along with ZEVs as eligible for advanced demonstration credit. Since no manufacturer has released an Enhanced AT PZEV for commercial sale, staff thinks it appropriate to allow these vehicles to earn advanced demonstration credit. Also, as submitted and available at the March 27 hearing as Attachment B, and included in this notice as Attachment A, staff increased the cap on the allowable number of advanced demonstration credits from 6 to 25 vehicles, per state, per model, per year. This increase responds to a manufacturer comment that the 6-vehicles cap was too low to adequately demonstrate vehicle technology. All advanced demonstration credit continues to be subject to Executive Officer approval. Section 1962.1(g)(4) has been modified to reflect the additional vehicle category and the revised cap on vehicles earning credit.

9. Credit Transparency

The Board directed staff to make the ZEV credit bank fully transparent including trades beginning in 2010. In the original proposal staff had not specified that trades would be fully transparent. Section 1962.1(l)(2) has been modified to reflect this change, with specific language relating to the transparency of transactions within the ZEV credit bank.

10. Use of Transportation Systems Credits

Transportation systems credits provide vehicles extra ZEV credit if the vehicle is placed in a shared use application, and/or provide linkage to mass transit. Staff has modified the original proposal to exclude extra credits earned by ZEVs in transportation systems to be used in compliance with the portion of the obligation that must be met with ZEVs during the 2012 to 2014 timeframe. The modification preserves a limitation that has been in ZEV requirements for LVMs on the alternative path since the 2005 model year. During the hearing, the Board clearly indicated concern that the minimum gold floor be met with real vehicles rather than banked credits. This change also ensures the Board's directed 7,500 minimum ZEV floor will be met with vehicles rather than credits. This provision has been added to 1962.1(b)(2)(D) as subsection 4.

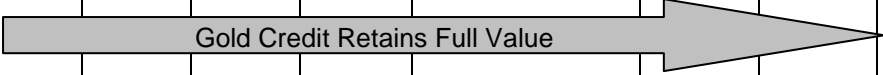
11. Inclusion of Enhanced AT PZEVs into ZEV Credits for Transportation Systems

Staff's modifications include Enhanced AT PZEVs in provisions relating to ZEV credits for transportation systems. Like AT PZEVs, Enhanced AT PZEVs will earn 4 credits, through 2011 MY, if the vehicle is in a project demonstrating shared use and the application of intelligent technologies. Also, Enhanced AT PZEVs will earn an additional 2 credits through 2011 MY, if the vehicle is used in a project that includes linkage to transit.

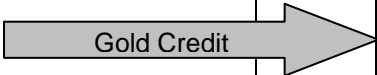
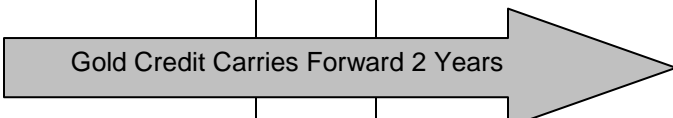

Enhanced AT PZEVs will continue to qualify for transportation system credits in 2012 and subsequent MYs, earning 1 credit for shared use and application of intelligent technologies, and 1 additional credit for linkage to transit. Section 1962.1(g)(5) has been modified to reflect these changes.

12. Banking of Gold Credits Until Subject to LVM Requirements

The Board directed staff to make necessary modifications to allow manufacturers who are not subject to LVM requirements to bank 2008 and subsequent model year gold credits without having the limited carry forward provision apply until the manufacturer becomes subject to LVM requirements. Staff modified section 1962(g)(6) and section 1962.1(g)(6) to include a provision that allows a manufacturer other than an LVM, who produces gold credits, to bank those gold credits until they are subject to LVM ZEV obligations. The limited carry forward provision in each respective regulation will then apply, beginning with the year the manufacturer becomes subject to the stepped up LVM requirements. Below is an example of how this provision would work for an IVM who produces a gold credit in 2010, but does not become subject to LVM requirements until 2014:

2010	2011	2012	2013	2014	2015	2016	2017 and Beyond
Gold Credit Produced				IVM Subject to LVM Requirements			2010 Earned Gold Credit only allowed in Enhanced or lesser credit earning categories
							

If a manufacturer other than an LVM chooses to trade their gold credits, then the limited carry forward provision applies to the credits traded and begins in the MY in which the credits were earned. Below is an example of a credit earned by an IVM (e.g., Manufacturer A) in 2009 that is traded to another manufacturer (e.g., Manufacturer B) in 2011:

	2009	2010	2011	2012	2013
Manufacturer A	Credit Earned		Credit Traded to Manufacturer B <ul style="list-style-type: none"> ○ Limited carry forward provision applies to the traded credit 		
					
Manufacturer B	Credit Earned by Manufacturer A		Traded Credit Received <ul style="list-style-type: none"> ○ May be used to meet Gold Obligation 	Traded credit may only be applied to Enhanced AT PZEV or lesser credit earning categories	
					

13. Use of Neighborhood Electric Vehicle (NEV) Credits

Historically, NEV production generated credits that created long blackout periods in the ZEV program. This was commented on by NGOs in their March 26 comment letter:

Loophole #8: "Prevent product blackouts caused by NEV credits for the pure ZEV minimum requirement and early introduction of enhanced AT-PZEVs. This can be accomplished by limiting the use of NEV credits

earned before 2008 to the (non-enhanced) AT-PZEV or PZEV categories after 2011 and restricting NEV credits earned after 2008 from the pure ZEV floor.”

Staff considered the comment and modified the regulation to clarify the limits and allowed use of NEV credits in complying with the ZEV program. The following tables have been added to section 1962.1(g)(6) as a new subsection (A):

(2001 through 2005 Banked NEV Credits)

<u>Years</u>	<u>ZEV Obligation that:</u>	<u>Percentage limit for NEVs allowed to meet each Obligation:</u>
<u>2009 – 2011</u>	<u>Must be met with ZEVs</u>	<u>50%</u>
<u>2009</u>	<u>May be met with AT PZEVs but not PZEVs</u>	<u>75%</u>
<u>2010 – 2011</u>		<u>50%</u>
<u>2009 – 2011</u>	<u>May be met with PZEVs</u>	<u>No Limit</u>
<u>2012 – 2014</u>	<u>Must be met with ZEVs</u>	<u>0%</u>
	<u>May be met with Enhanced AT PZEVs and AT PZEVs</u>	<u>50%</u>
	<u>May be met with PZEVs</u>	<u>No Limit</u>

(2006 and subsequent MY NEVs)

<u>Years</u>	<u>ZEV Obligation that:</u>	<u>Percentage Limit for NEVs allowed to meet each Obligation:</u>
<u>2009 - 2011</u>	<u>May be met through compliance with Primary Requirements</u>	<u>No Limit</u>
	<u>May be met through compliance with Alternative Requirements, and must be met with ZEVs</u>	<u>0%</u>
	<u>May be met through compliance Alternative Requirements, and may be met with AT PZEVs or PZEVs</u>	<u>No Limit</u>
<u>2012 – 2014</u>	<u>Must be met with ZEVs</u>	<u>0%</u>
	<u>May be met with Enhanced AT PZEVs, AT PZEVs, or PZEVs</u>	<u>No Limit</u>

With these modifications, 2001-through-2005-MY-NEV credits are not available to meet the portion of the obligation that must be met with ZEVs in 2012 through 2014. Also, the 2001-through-2005-MY-NEV banked credits are capped at 50% usage within the obligation that may be fulfilled with Enhanced AT PZEVs or AT PZEVs for the 2012 to 2014 timeframe. These modifications limit the use of 2006 and beyond NEV credits within the minimum ZEV floor during the 2012 to 2014 timeframe while still allowing them to be fully used to meet requirements that may be met with Enhanced AT PZEVs, AT PZEVs, and PZEVs.

14. Additional NEV Requirements

In conjunction with the modifications on the use of 2001-through-2005-MY-NEV credits and 2006-and-subsequent-MY-NEV credits, staff added more stringent requirements for 2010 and subsequent MY NEVs. This was also in response to the NGOs previously mentioned “Loophole #8.” The requirements include minimum technical specifications including acceleration, top speed, and constant speed range requirements. Staff based these requirements on the U.S. Department of Energy’s “NEV America Technical Specifications” (Version 2) document, released on December 1, 2004, found at the following link: http://www1.eere.energy.gov/vehiclesandfuels/avta/pdfs/nev/nev_tech_spec.pdf. Staff slightly altered the NEV America requirements to better fit with the intent of the ZEV program. Additionally, staff added language which points to test procedures developed by the U.S. Department of Energy. These can be found at the following links:

- Acceleration: ETA-NTP002 (revision 3) “Implementation of SAE Standard J1666 May93: Electric Vehicle Acceleration, Gradeability, and Deceleration Test Procedure” found at: <http://www1.eere.energy.gov/vehiclesandfuels/avta/pdfs/nev/ntp002.pdf>
- Constant Speed Range: ETA-NTP004 (revision 2) “Electric Vehicle Constant Speed Range Tests” found at: <http://www1.eere.energy.gov/vehiclesandfuels/avta/pdfs/nev/ntp004.pdf>

Also, 2010 and subsequent MY NEVs are required to be equipped with sealed, maintenance-free batteries, and meet minimum warranty requirements. Staff added sections 1962.1(d)(5)(F)(1),(2), (3) and 1962.1(h)(2) to reflect these modifications.

15. Other Technical and Minor Modifications

Other post-hearing conforming modifications were made to the regulation for clarification and simplification:

1962(c)(5)(A): The provision relating to the fast refueling requirements in the table have been modified to reflect the number of miles needed to be replaced rather than the percentage maximum rate energy capacity for Type III ZEVs.

1962(c)(5)(B): For clarification, language in this section has been modified to specify the calendar year rather than the MY in which the vehicle was placed. The table heading in the same section was also modified.

1962.1(b)(1)(B): The marketing manufacturer provision states that a passenger vehicle or light-duty vehicle produced by a manufacturer but marketed by another manufacturer under the other manufacturer name place will count towards the marketing manufacturer's production for purposes of determining any manufacturer's obligation. This provision was modified to apply to all manufacturers, rather than to only small volume manufacturers.

1962.1(b)(1)(B): The regulation has been modified to specify the MYs (2003 through 2005) that a manufacturer will use to determine its ZEV obligation during the 2009 to 2011 timeframe.

1962.1(b)(1)(B)1.b.: The percentage ZEV requirement has been corrected for the Alternative Path during the 2009 to 2011 timeframe. As released in staff's notice errata, the percentage has been adjusted from .80 to .82.

1962.1(c)(6)(B)1. The MY affected by the 3.0 cap on the value of an AT PZEV allowance has been changed from 2012 MY to 2009 MY. The modification in the applicable MY makes the cap for 2009 through 2011 MY vehicles consistent with the cap for 2012 and subsequent MY vehicles.

1962.1(d)(5)(A) and (B): Fast refueling requirements for Type IV ZEVs has been modified to correct the refueling time to 15 minutes instead of 10 minutes.

1962.1(f): Staff has added extended service multiplier language found in section 1962(f) into section 1962.1 as subsection (f) because the provision still applies through 2011 MY.

1962(j) and 1962.1(j): The abbreviations sections have been updated to accurately reflect the abbreviations applicable to each regulation.

Other minor conforming and harmonizing modifications have been incorporated.

Comments and Subsequent Action

In accordance with section 11346.8 of the Government Code, the Board directed the Executive Officer to adopt section 1900, 1961, 1962, and 1962.1 and associated test procedures, and the new title 13, CCR, section 1962.1 and its associated test procedures, along with other modifications, after making them

available to the public for comment for a period of at least 15 days. The Board further provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make such modifications that may be appropriate in light of comments received, and shall present the regulations to the Board for further consideration if warranted.

Written comments on the modifications approved by the Board may be submitted by postal mail, electronic mail, or facsimile as follows:

Postal mail: Clerk of the Board, Air Resources Board
1001 I Street, Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Facsimile submittal: (916) 322-3928

Please note that under the California Public Records Act (Government Code section 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request. Additionally, this information may become available via internet search engines.

In order to be considered by the Executive Officer, comments must be directed to ARB in one of the three forms described above and received by ARB by 5:00 p.m. on the deadline date for public comment listed at the beginning of this notice. Only comments relating to the above-describe modifications to the text of the regulations shall be considered by the Executive Officer.