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Agency Secretary

Air Resources Board

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Gray Davis
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MEMORANDUM

TO: David Potter
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FROM: W. Thomas Jennings
Senior Staff Counsel

DATE: February 20, 2004

SUBJECT: REGULATORY ACTION NO. 04-0109-02S;
ADOPTION OF THE 2003 AMENDMENTS TO THE CALIFORNIA ZERO
EMISSION VEHICLE REGULATION

In connection with the above rulemaking, I enclose the following documents:

- (1) An original and 5 copies of a Supplement to the Final Regulation Order, showing additional nonsubstantial amendments to title 13, California Code of Regulations, sections 1900(b)(18) and (19), 1960.1(k), and 1961(a)(8)(B) and (d). It also shows corrections to the "California Exhaust Emission Standards and Test Procedures for 2001 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," as amended September 5, 2003, which is incorporated by reference in section 1962(d).

The underlying amendments in this rulemaking delay the start of the requirements for ZEVs from the 2003 model year to the 2005 model year in section 1962, title 13, California Code of Regulations. All of the additional amendments in this Supplement correct instances in other sections and the incorporated document that make reference to the ZEV requirements for the 2003 and subsequent model years in section 1962. The additional amendments refer instead to the ZEV requirements for the 2005 and subsequent model years.

- (2) A Supplement to the Final Statement of Reasons (FSOR), which is being added to the rulemaking file as a new Tab 22. One of the persons who submitted

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Website: <http://www.arb.ca.gov>.

California Environmental Protection Agency

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written and oral comments at the March 27-28, 2003 hearing was Alec N. Brooks, who has worked in the area of zero emission vehicles for 16 years and has followed the ZEV mandate since it was originally adopted in a 1990-1991 rulemaking. At the hearing, Mr. Brooks submitted a document entitled "Comments relating to ZEV mandate for CARB Board meeting March 27, 2003." Attached to this March 27, 2003 document was another document titled "Perspectives on Fuel Cell and Battery Electric Vehicles, [by] Alec N. Brooks, Presented at the CARB ZEV Workshop December 5, 2002." After the FSOR was issued on January 9, 2004 and posted on the ARB's website, Mr. Brooks expressed his concern to the ARB that the FSOR did not address the issues raised in his December 2002 workshop comments.

The ARB concluded that although Mr. Brooks's December 2002 workshop comments were originally presented before the "45-day" hearing notice was published January 10, 2003, those comments should have been addressed in the FSOR because Mr. Brooks resubmitted them as part of his March 27, 2003 presentation. Accordingly, the Supplement to the FSOR summarizes and responds to the December 2002 workshop comments of Mr. Brooks. A copy of the Supplement is being provided to Mr. Brooks.

The Supplement to the FSOR also contains an augmented response to Comment 278.

- (3) A revised Table of Contents, showing the addition of Tab 22.
- (4) A new certification of the rulemaking record, reflecting addition of the new material.

Thank you for your assistance in this matter. If you have further questions, please call me at 323-9608 or 322-2884.

Attachments