(5) States without Existing ZEV Mandates shall accompany the regulatory language with the following language:

For the duration of STATE’s participation in National LEV, STATE \[intends to / will\] forbear from adopting and implementing a ZEV mandate effective prior to model year 2006. Notwithstanding the previous sentence, if, no later than December 15, 2000, the US EPA does not adopt standards at least as stringent as the National LEV standards provided in 40 CFR part 86 subpart R that apply to new motor vehicles in model year 2004, 2005 or 2006, STATE \[intends to / will\] forbear from adopting and implementing a ZEV mandate effective prior to model year 2004.


§ 86.1706–99 National LEV program in effect.

(a) No later than March 2, 1998, EPA shall issue a finding as to whether National LEV is in effect. EPA shall base this finding on opt-in notifications from OTC States submitted pursuant to \$86.1705(e) and received by EPA January 30, 1998, and on opt-in notifications from manufacturers submitted pursuant to \$86.1705(c) and received by EPA February 17, 1998.

(b) EPA shall find that the National LEV program is in effect and shall subsequently publish this determination if the following conditions have been met:

(1) All manufacturers listed in paragraph (c) of this section have lawfully opted in pursuant to \$86.1705(c) and any conditions placed on the opt-ins allowed under \$86.1705(c)(2) have been met (apart from a condition that EPA find the National LEV program in effect);

(2) Each OTC State that opts in has lawfully opted in pursuant to \$86.1705(e) and any conditions placed on opt-ins by OTC States that are allowed under \$86.1705(e)(3)(viii) have been met (apart from a condition that EPA find the National LEV program in effect);

(3) No valid opt-out has become effective pursuant to \$86.1707.

(c) List of manufacturers of light-duty vehicles and light-duty trucks:

American Honda Motor Company, Inc.
American Suzuki Motor Corporation
BMW of North America, Inc.
Chrysler Corporation
Fiat Auto U.S.A., Inc.
Ford Motor Company
General Motors Corporation
Hyundai Motor America
Isuzu Motors America, Inc.
Jaguar Motors Ltd.
Kia Motors America, Inc.
Land Rover North America, Inc.
Mazda (North America) Inc.
Mercedes-Benz of North America
Mitsubishi Motor Sales of America, Inc.
Nissan North America, Inc.
Porsche Cars of North America, Inc.
Rolls-Royce Motor Cars Inc.
Saab Cars USA, Inc.
Subaru of America, Inc.
Toyota Motor Sales, U.S.A., Inc.
Volkswagen of America, Inc.
Volvo North America Corporation

[63 FR 969, Jan. 7, 1998]