progress of the program and to determine how to develop a viable market for ATVs in the OTR. This includes participating in the projection of annual sales estimates and evaluating progress toward meetings estimates.

fl States agree to work with auto manufacturers to determine what actions may be needed to adjust the program if sales estimates are not met. This will include consideration of actions such as participating in public education efforts and joint marketing; addressing problems in fleet purchases, vehicle procurement processes or program funding in specific states; and providing information on fleet vehicle customer satisfaction and issues. States agree to implement the actions identified and agreed upon.

fl States agree to seek support of public service commissions in becoming involved in the ATV program, and emphasizing the importance of fueling infrastructure construction. States agree to initiate and support legislation to the greatest extent possible.

Others

- fl Administration will direct Federal procurement practices favoring purchase of ATV's.
- fl EPA will work with DOE to assure harmonization and consistency between CAA of 1990 and EPAct.
- fl Fuel and energy providers will purchase vehicles according to EPAct requirements, establish refueling infrastructure, and contribute to the development of state incentive programs.

List of Subjects

40 CFR Part 51

Environmental protection, Air pollution control.

40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Ozone, Volatile organic compounds.

40 CFR Part 82

Environmental protection, Air pollution control, Motor vehicle pollution, Penalties.

Dated: December 19, 1994.

Carol M. Browner,

Administrator

For the reasons set out in the preamble, title 40, chapter 1, is amended as follows:

PART 51—[AMENDED]

1. The authority citation for part 51 shall continue to read as follows:

Authority: 42 U.S.C. 7401-7671q.

2. Subpart G is amended by adding a new § 51.120, to read as follows:

§ 51.120 Requirements for state implementation plan revisions relating to new motor vehicles.

(a) The EPA Administrator finds that the State Implementation Plans (SIPs) for the States of Connecticut, Delaware. Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, the portion of Virginia included (as of November 15, 1990) within the Consolidated Metropolitan Statistical Area that includes the District of Columbia, are substantially inadequate to comply with the requirements of section 110(a)(2)(D) of the Clean Air Act, 42 U.S.C. 7410(a)(2)(D), and to mitigate adequately the interstate pollutant transport described in section 184 of the Clean Air Act, 42 U.S.C. 7511C, to the extent that they do not provide for emission reductions from new motor vehicles in the amount that would be achieved by the Ozone Transport Commission low emission vehicle (OTC LEV) program described in paragraph (c) of this section. This inadequacy will be deemed cured for each of the aforementioned states (including the District of Columbia) in the event that EPA determines through rulemaking that a national LEV-equivalent new motor vehicle emission control program is an acceptable alternative for OTC LEV and finds that such program is in effect. In the event no such finding is made, each of those states must adopt and submit to EPA by February 15, 1996 a SIP revision meeting the requirements of paragraph (b) of this section in order to cure the SIP inadequacy.

(b) If a SIP revision is required under paragraph (a) of this section, it must contain the OTC LEV program described in paragraph (c) of this section unless the State adopts and submits to EPA, as a SIP revision, other emission-reduction measures sufficient to meet the requirements of paragraph (d) of this section. If a State adopts and submits to EPA, as a SIP revision, other emissionreduction measures pursuant to paragraph (d) of this section, then for purposes of determining whether such a SIP revision is complete within the meaning of section 110(k)(1) (and hence is eligible at least for consideration to be approved as satisfying paragraph (d) of this section), such a SIP revision must contain other adopted emissionreduction measures that, together with the identified potentially broadly practicable measures, achieve at least the minimum level of emission

reductions that could potentially satisfy the requirements of paragraph (d) of this section. All such measures must be fully adopted and enforceable.

(c) The OTC LEV program is a program adopted pursuant to section 177 of the Clean Air Act.

(1) The OTC LEV program shall contain the following elements:

- (i) It shall apply to all new 1999 and later model year passenger cars and light-duty trucks (0–5750 pounds loaded vehicle weight), as defined in Title 13, California Code of Regulations, section 1900(b)(11) and (b)(8), respectively, that are sold, imported, delivered, purchased, leased, rented, acquired, received, or registered in any area of the state that is in the Northeast Ozone Transport Region as of December 19, 1994.
- (ii) All vehicles to which the OTC LEV program is applicable shall be required to have a certificate from the California Air Resources Board (CARB) affirming compliance with California standards.
- (iii) All vehicles to which this LEV program is applicable shall be required to meet the mass emission standards for Non-Methane Organic Gases (NMOG), Carbon Monoxide (CO), Oxides of Nitrogen (NO_X), Formaldehyde (HCHO), and particulate matter (PM) as specified in Title 13, California Code of Regulations, section 1960.1(f)(2) (and formaldehyde standards under section 1960.1(e)(2), as applicable) or as specified by California for certification as a TLEV (Transitional Low-Emission Vehicle), LEV (Low-Emission Vehicle), ULEV (Ultra-Low-Emission Vehicle), or ZEV (Zero-Emission Vehicle) under section 1960.1(g)(1) (and section 1960.1(e)(3), for formaldehyde standards, as applicable).

(iv) All manufacturers of vehicles subject to the OTC LEV program shall be required to meet the fleet average NMOG exhaust emission values for production and delivery for sale of their passenger cars, light-duty trucks 0-3750 pounds loaded vehicle weight, and light-duty trucks 3751-5750 pounds loaded vehicle weight specified in Title 13, California Code of Regulations, section 1960.1(g)(2) for each model year beginning in 1999. A state may determine not to implement the NMOG fleet average in the first model year of the program if the state begins implementation of the program late in a calendar year. However, all states must implement the NMOG fleet average in any full model years of the LEV

(v) All manufacturers shall be allowed to average, bank and trade credits in the same manner as allowed under the