

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 2-91)

AGENCY

REGULAR

AGENCY FILE NUMBER (if any)

AIR RESOURCES BOARD

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER
	295-101709	96-0528-025		

For use by Office of Administrative Law (OAL) only

<p>RECEIVED FOR FILING</p> <p>OCT 17 '95</p> <p>Office of Administrative Law</p> <p>NOTICE</p>	<p>96 MAY 28 PM 4:48</p> <p>OFFICE OF ADMINISTRATIVE LAW</p> <p>REGULATIONS</p>
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A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. TOPIC OF NOTICE National Security Exemption for Military Tactical Vehicles	TITLE(S) 13	FIRST SECTION AFFECTED 1905	2. REQUESTED PUBLICATION DATE October 27, 1995
NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON Michael L. Terris	TELEPHONE NUMBER (916) 322-2884	
OAL USE ONLY <input checked="" type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER 95, 432	PUBLICATION DATE 10/27/95	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)	
TITLE(S)	ADOPT 1905
SECTIONS AFFECTED	AMEND 2400, 2420
	REPEAL

2. TYPE OF FILING

Regular Rulemaking (Gov. Code, § 11346) Resubmittal Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) Emergency (Gov. Code, § 11346.1(b))

Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

Print Only Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

N/A

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

Effective 30th day after filing with Secretary of State Effective on filing with Secretary of State Effective other (Specify)

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

Department of Finance (Form STD. 399) Fair Political Practices Commission State Fire Marshal

Other (Specify)

6. CONTACT PERSON Michael L. Terris, Senior Staff Counsel	TELEPHONE NUMBER (916) 322-2884
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7. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 4/9/96
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TYPED NAME AND TITLE OF SIGNATORY
Tom Cackette, Chief Deputy Executive Officer

FINAL REGULATION ORDER

[The regulatory amendments proposed in this rulemaking are shown in underline to indicate additions to the text.]

SECTION 1905, TITLE 13, CCR

Adopt section 1905 to Title 13, California Code of Regulations, to read as follows:

1905. Exclusion and Exemption of Military Tactical Vehicles and Equipment.

(a) For purposes of this chapter, military tactical vehicle means a motor vehicle owned by the U.S Department of Defense and/or the U.S. military services and used in combat, combat support, combat service support, tactical or relief operations, or training for such operations.

(b) This chapter shall not apply to vehicles defined as military tactical vehicles or to engines used in military tactical vehicles. This includes all vehicles and engines:

(1) Excluded from regulation under 40 CFR Part 85, subpart R, section 85.1703, and

(2) Exempted from regulations under the federal national security exemption, 40 CFR, subpart R, sections 85.1702(a)(2), 85.1704(b), 85.1708, and 85.1710. It shall also not apply to those motor vehicles or motor vehicle engines covered by the definition of military tactical vehicle, including commercially available vehicles, for which a federal certificate of conformity has been issued under 40 CFR Part 86.

(c) On January 1, 1997, the U.S. Department of Defense shall submit to the ARB a list of all vehicle types that are excluded and or exempted under the above provisions and which are located in the State of California. If any additional vehicle types are added to the list during the previous 12 months, the U.S. Department of Defense shall update the list and submit it to the ARB by January 1 of the following year.

NOTE: Authority cited: Sections 39600 and 39601, Health and Safety Code. Reference: Sections 43013 and 43018, Health and Safety Code.

SECTION 2400, TITLE 13, CCR

Amend section 2400, Title 13, California Code of Regulations, to read as follows:

2400. Applicability.

(a) through (b) [No Change]

(c)(1) For purposes of this article, military tactical vehicles or equipment means vehicles or equipment owned by the U.S. Department of Defense and/or the U.S. military services and used in combat, combat support, combat service support, tactical or relief operations, or training for such operations.

(2) This article shall not apply to engines used in off-road military tactical vehicles or equipment which have been exempted from regulations under the federal national security exemption, 40 CFR, subpart J, section 90.908. It shall also not apply to those vehicles and equipment covered by the definition of military tactical vehicle that are commercially available and for which a federal certificate of conformity has been issued under 40 CFR Part 90, subpart B.

(3) On January 1, 1997, the U.S. Department of Defense shall submit to the ARB a list of all vehicle and equipment types that are exempted under the above provisions and which are located in the State of California. If any additional vehicle and equipment types are added to the list during the previous 12 months, the U.S. Department of Defense shall update the list and submit it to the ARB by January 1 of the following year.

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43101, 43102 and 43104, Health and Safety Code. Reference: Sections 43013, 43017, 43018, 43101, 43102, 43104, 43105, 43150-43154, 43205.5 and 43210-43212, Health and Safety Code.

SECTION 2420, TITLE 13, CCR

Amend section 2420, Title 13, California Code of Regulations, to read as follows:

2420. Applicability.

(a) through (c) [No Change]

(d)(1) For purposes of this article, military tactical vehicles or equipment means vehicles or equipment owned by the U.S. Department of Defense and/or the U.S. military services and used in combat, combat support, combat service support, tactical or relief operations, or training for such operations.

(2) This article shall not apply to engines used in off-road military tactical vehicles or equipment which have been exempted from regulations under the federal national security exemption, 40 CFR, subpart J, section 89.908. It shall also not apply to those vehicles and equipment covered by the definition of military tactical vehicle that are commercially available and for which a federal certificate of conformity has been issued under 40 CFR Part 89, subpart B.

(3) On January 1, 1997, the U.S. Department of Defense shall submit to the ARB a list of all vehicle and equipment types that are exempted under the above provisions and which are located in the State of California. If any additional vehicle and equipment types are added to the list during the previous 12 months, the U.S. Department of Defense shall update the list and submit it to the ARB by January 1 of the following year.

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43101, 43102 and 43104, Health and Safety Code. Reference: Sections 43013, 43017, 43018, 43101, 43102, 43104, 43105, 43150-43154, 43205.5 and 43210-43212, Health and Safety Code.