

(d) *Alternative Durability Program.* For 1992 and later model year light-duty vehicles and light-duty trucks, a manufacturer may elect to participate in the Alternative Durability Program. This optional program provides an alternative method of determining exhaust emission control system durability.

The general procedures and a description of the programs are contained in § 86.085-13 and specific provisions on test vehicles and compliance procedures are contained in § 86.092-24 and § 86.091-28 respectively.

(e) *Small volume manufacturers.* Special certification procedures are available for any manufacturer whose projected combined U.S. sales of light-duty vehicles, light-duty trucks, heavy-duty vehicles, and heavy-duty engines in its product line (including all vehicles and engines imported under the provisions of 40 CFR 85.1505 and 40 CFR 85.1509) are fewer than 10,000 units for the model year in which the manufacturer seeks certification. To certify its product line under these optional procedures, the small-volume manufacturer must first obtain the Administrator's approval. The manufacturer must meet the eligibility criteria specified in § 86.092-14(b) before the Administrator's approval will be granted. The small-volume manufacturer's certification procedures are described in § 86.092-14.

(f) *Optional procedures for determining exhaust opacity.* (1) The provisions of subpart I apply to tests which are performed by the Administrator, and optionally, by the manufacturer.

(2) Measurement procedures, other than that described in subpart I, may be used by the manufacturer provided the manufacturer satisfies the requirements of § 86.091-23(f).

(3) When a manufacturer chooses to use an alternative measurement procedure it has the responsibility to determine whether the results obtained by the procedure will correlate with the results which would be obtained from the measurement procedure in subpart I. Consequently, the Administrator will not routinely approve or disapprove any alternative opacity measurement procedure or any associated correlation data which the manufacturer elects to

use to satisfy the data requirements for subpart I.

(4) If a confirmatory test(s) is performed and the results indicate there is a systematic problem suggesting that the data generated under an optional alternative measurement procedure do not adequately correlate with subpart I data, EPA may require that all certificates of conformity not already issued be based on data from subpart I procedures.

[55 FR 7187, Feb. 28, 1990, as amended at 59 FR 48494, Sept. 21, 1994]

§ 86.092-2 Definitions.

The definitions of § 86.091-2 remain effective. The definitions listed in this section apply beginning with the 1992 model year.

(a) *Proven emission control systems* are emission control components or systems (and fuel metering systems) that have completed full durability testing evaluation over a vehicle's useful life in some other certified engine family, or have completed bench or road testing demonstrated to be equal or more severe than certification mileage accumulation requirements. Alternatively, proven components or systems are those that are determined by EPA to be of comparable functional quality and manufactured using comparable materials and production techniques as components or systems which have been durability demonstrated in some other certified engine family. In addition, the components or systems must be employed in an operating environment (e.g., temperature, exhaust flow, etc.) similar to that experienced by the original or comparable components or systems in the original certified engine family.

(b) *Unproven emission control systems* are emission control components or systems (and fuel metering systems) that do not qualify as proven emission control systems.

(c) *Similar systems* are engine, fuel metering and emission control system combinations which use the same fuel (e.g., gasoline, diesel, etc.), combustion cycle (i.e., two or four stroke), general type of fuel system (i.e., carburetor or fuel injection), catalyst system (e.g., none, oxidization, three-way plus oxidization, three-way only, etc.), fuel

control system (i.e., feedback or non-feedback), secondary air system (i.e., equipped or not equipped) and EGR (i.e., equipped or not equipped).

(d) *Conveniently available* service facility and spare parts for small-volume manufacturers means that the vehicle manufacturer has a qualified service facility at or near the authorized point of sale or delivery of its vehicles and maintains an inventory of all emission-related spare parts or has made arrangements for the part manufacturers to supply the parts by expedited shipment (e.g., utilizing overnight express delivery service, UPS, etc.).

[55 FR 7187, Feb. 28, 1990]

§ 86.092-14 Small-volume manufacturers certification procedures.

(a) The small-volume manufacturers certification procedures described in paragraphs (b) and (c) of this section are optional. Small-volume manufacturers may use these optional procedures to demonstrate compliance with the general standards and specific emission requirements contained in this subpart.

(b)(1) The optional small-volume manufacturers certification procedures apply to light-duty vehicles, light-duty trucks, heavy-duty vehicles, and heavy-duty engines produced by manufacturers with U.S. sales, including all vehicles and engines imported under the provisions of 40 CFR 85.1505 and 40 CFR 85.1509 (for the model year in which certification is sought) of fewer than 10,000 units (Light-Duty Vehicles, Light-Duty Trucks, Heavy-Duty Vehicles and Heavy-Duty Engines combined).

(2) For the purpose of determining the applicability of paragraph (b)(1) of this section, the sales the Administrator shall use shall be the aggregate of the projected or actual sales of those vehicles and/or engines in any of the groupings identified below in this subparagraph.

(i) Vehicles and/or engines produced by two or more firms, one of which is 10 percent or greater part owned by another;

(ii) Vehicles and/or engines produced by any two or more firms if a third party has equity ownership of 10 percent or more in each of the firms;

(iii) Vehicles and/or engines produced by two or more firms having a common corporate officer(s) who is(are) responsible for the overall direction of the companies;

(iv) Vehicles and/or engines imported or distributed by all firms where the vehicles and/or engines are manufactured by the same entity and the importer or distributor is an authorized agent of the entity.

(3) If the aggregated sales, as determined in paragraph (b)(2) of this section are less than 301 units, the manufacturers in the aggregated relationship may certify under the provisions in this section that apply to manufacturers with sales of less than 301 units.

(4) If the aggregated sales, as determined in paragraph (b)(2) of this section are greater than 300 but fewer than 10,000 units, the manufacturers in the aggregated relationship may certify under the provisions in this section that apply to manufacturers with sales from and including 301 through 9,999 motor vehicles and motor vehicles engines per year.

(5) If the aggregated sales, as determined in paragraph (b)(2) of this section are equal to or greater than 10,000 units, then the manufacturers involved in the aggregated relationship will be allowed to certify a number of units under the small-volume engine family certification procedures (40 CFR 86.092-24(e)) in accordance with the criteria identified below in this subparagraph.

(i) If a manufacturer purchases less than 50 percent of another manufacturer, each manufacturer retains its right to certify 9,999 units using the small-volume engine family certification procedures.

(ii) If a manufacturer purchases 50 percent or more of another manufacturer, the manufacturer with the over 50 percent interest must share, with the manufacturer it purchased, its 9,999 units under the small-volume engine family certification procedures.

(iii) In a joint venture arrangement (50/50 ownership) between two manufacturers, each manufacturer retains its eligibility for 9,999 units under the small-volume engine family certification procedures, but the joint venture must draw its maximum 9,999