

(4) A statement of compliance with section 206(a)(3) of the Clean Air Act (42 U.S.C. 7525(a)(3)).

(5) A statement that, based on the manufacturer's engineering evaluation and/or emission testing, the light-duty vehicles and light-duty trucks comply with emission standards at high altitude unless exempt under § 86.094-8(h) or § 86.094-9(h).

(6) [Reserved]

(c)(11)(ii)(D)(7)-(c)(15) [Reserved]. For guidance see § 86.094-14.

[58 FR 4035, Jan. 12, 1993]

§ 86.095-23 Required data.

(a) The manufacturer shall perform the tests required by the applicable test procedures and submit to the Administrator the information described in paragraphs (b) through (l) of this section, provided, however, that if requested by the manufacturer, the Administrator may waive any requirement of this section for testing of vehicle (or engine) for which emission data are available or will be made available under the provisions of § 86.091-29.

(b) *Durability data.* (1)(i) The manufacturer shall submit exhaust emission durability data on such light-duty vehicles tested in accordance with applicable test procedures and in such numbers as specified, which will show the performance of the systems installed on or incorporated in the vehicle for extended mileage, as well as a record of all pertinent maintenance performed on the test vehicles.

(ii) The manufacturer shall submit exhaust emission deterioration factors for light-duty trucks and heavy-duty engines and all test data that are derived from the testing described under § 86.094-21(b)(5)(i)(A), as well as a record of all pertinent maintenance. Such testing shall be designed and conducted in accordance with good engineering practice to assure that the engines covered by a certificate issued under § 86.094-30 will meet each emission standard (or family emission limit, as appropriate) in § 86.094-9, § 86.091-10, or § 86.094-11 as appropriate, in actual use for the useful life applicable to that standard.

(2) For light-duty vehicles and light-duty trucks, the manufacturer shall submit evaporative emission deteriora-

tion factors for each evaporative emission family-evaporative emission control system combination and all test data that are derived from testing described under § 86.094-21(b)(4)(i) designed and conducted in accordance with good engineering practice to assure that the vehicles covered by a certificate issued under § 86.094-30 will meet the evaporative emission standards in § 86.094-8 or § 86.094-9, as appropriate, for the useful life of the vehicle.

(3) For heavy-duty vehicles equipped with gasoline-fueled or methanol-fueled engines, the manufacturer shall submit evaporative emission deterioration factors for each evaporative emission family-evaporative emission control system combination identified in accordance with § 86.094-21(b)(4)(ii). Furthermore, a statement that the test procedure(s) used to derive the deterioration factors includes, but need not be limited to, a consideration of the ambient effects of ozone and temperature fluctuations, and the service accumulation effects of vibration, time, and vapor saturation and purge cycling. The deterioration factor test procedure shall be designed and conducted in accordance with good engineering practice to assure that the vehicles covered by a certificate issued under § 86.094-30 will meet the evaporative emission standards in §§ 86.091-10 and § 86.094-11 in actual use for the useful life of the engine. Furthermore, a statement that a description of the test procedure, as well as all data, analyses, and evaluations, is available to the Administrator upon request.

(4)(i) For heavy-duty vehicles with a Gross Vehicle Weight Rating of up to 26,000 lbs and equipped with gasoline-fueled or methanol-fueled engines, the manufacturer shall submit a written statement to the Administrator certifying that the manufacturer's vehicles meet the standards of § 86.091-10 or § 86.094-11 (as applicable) as determined by the provisions of § 86.094-28. Furthermore, the manufacturer shall submit a written statement to the Administrator that all data, analyses, test procedures, evaluations, and other documents, on which the requested statement is based, are available to the Administrator upon request.

(ii) For heavy-duty vehicles with a Gross Vehicle Weight Rating of greater than 26,000 lbs and equipped with gasoline-fueled or methanol-fueled engines, the manufacturer shall submit a written statement to the Administrator certifying that the manufacturer's evaporative emission control systems are designed, using good engineering practice, to meet the standards of § 86.091–10 or § 86.094–11 (as applicable) as determined by the provisions of § 86.094–28. Furthermore, the manufacturer shall submit a written statement to the Administrator that all data, analyses, test procedures, evaluations, and other documents, on which the requested statement is based, are available to the Administrator upon request.

(c) *Emission data*—(1) *Certification vehicles*. The manufacturer shall submit emission data, including, in the case of methanol fuel, methanol, formaldehyde, and total hydrocarbon equivalent, on such vehicles tested in accordance with applicable test procedures and in such numbers as specified. These data shall include zero-mile data, if generated, and emission data generated for certification as required under § 86.094–26(a)(3)(i) or (ii). In lieu of providing emission data the Administrator may, on request of the manufacturer, allow the manufacturer to demonstrate (on the basis of previous emission tests, development tests, or other information) that the engine will conform with certain applicable emission standards of § 86.094–8 or § 86.094–9. Standards eligible for such manufacturer requests are those for idle CO emissions, smoke emissions, or particulate emissions from methanol-fueled diesel-cycle certification vehicles, and those for particulate emissions from model year 1994 and later gasoline-fueled or methanol-fueled Otto-cycle certification vehicles that are not certified to the Tier 0 standards of § 86.094–9(a)(1)(i), (ii), or § 86.094–8(a)(1)(i). Also eligible for such requests are standards for total hydrocarbon emissions from model year 1994 and later certification vehicles that are not certified to the Tier 0 standards of § 86.094–9(a)(1)(i), (ii), or § 86.094–8(a)(1)(i). By separate request, including appropriate supporting test data, the manufacturer may re-

quest that the Administrator also waive the requirement to measure particulate emissions when conducting Selective Enforcement Audit testing of Otto-cycle vehicles.

(2) *Certification engines*. (i) The manufacturer shall submit emission data on such engines tested in accordance with applicable emission test procedures of this subpart and in such numbers as specified. These data shall include zero-hour data, if generated, and emission data generated for certification as required under § 86.094–26(c)(4). In lieu of providing emission data on idle CO emissions or particulate emissions from methanol-fueled diesel-cycle certification engines, or on CO emissions from petroleum-fueled or methanol-fueled diesel certification engines the Administrator may, on request of the manufacturer, allow the manufacturer to demonstrate (on the basis of previous emission tests, development tests, or other information) that the engine will conform with the applicable emission standards of § 86.094–11. In lieu of providing emission data on smoke emissions from methanol-fueled or petroleum-fueled diesel certification engines, the Administrator may, on the request of the manufacturer, allow the manufacturer to demonstrate (on the basis of previous emission tests, development tests, or other information) that the engine will conform with the applicable emissions standards of § 86.094–11, except for 1995 and 1996 model year engines with particulate matter certification levels exceeding 0.10 grams per brake horsepower-hour and 1997 or later model year engines with a particulate matter certification level exceeding 0.25 grams per brake horsepower-hour. In lieu of providing emissions data on smoke emissions from petroleum-fueled or methanol-fueled diesel engines when conducting Selective Enforcement Audit testing under 40 CFR part 86, subpart K, the Administrator may, on separate request of the manufacturer, allow the manufacturer to demonstrate (on the basis of previous emission tests, development tests, or other information) that the engine will conform with the applicable smoke emissions standards of § 86.094–11, except for 1995 and 1996 model year engines with particulate

matter certification levels exceeding 0.10 grams per brake horsepower-hour and 1997 or later model year engines with a particulate matter certification level exceeding 0.25 grams per brake horsepower-hour.

(ii) For heavy-duty diesel engines, a manufacturer may submit hot-start data only, in accordance with subpart N of this part, when making application for certification. However, for confirmatory, Selective Enforcement Audit, and recall testing by the Agency, both the cold-start and hot-start test data, as specified in subpart N of this part, will be included in the official results.

(d) The manufacturer shall submit a statement that the vehicles (or engines) for which certification is requested conform to the requirements in § 86.084-5(b), and that the descriptions of tests performed to ascertain compliance with the general standards in § 86.084-5(b), and that the data derived from such tests are available to the Administrator upon request.

(e)(1) The manufacturer shall submit a statement that the test vehicles (or test engines) for which data are submitted to demonstrate compliance with the applicable standards (or family emission limits, as appropriate) of this subpart are in all material respects as described in the manufacturer's application for certification, that they have been tested in accordance with the applicable test procedures utilizing the fuels and equipment described in the application for certification, and that on the basis of such tests the vehicles (or engines) conform to the requirements of this part. If such statements cannot be made with respect to any vehicle (or engine) tested, the vehicle (or engine) shall be identified, and all pertinent data relating thereto shall be supplied to the Administrator. If, on the basis of the data supplied and any additional data as required by the Administrator, the Administrator determines that the test vehicles (or test engine) was not as described in the application for certification or was not tested in accordance with the applicable test procedures utilizing the fuels and equipment as described in the application for certification, the Administrator may make

the determination that the vehicle (or engine) does not meet the applicable standards (or family emission limits, as appropriate). The provisions of § 86.094-30(b) shall then be followed.

(2) For evaporative emission durability, or light-duty truck or heavy-duty engine exhaust emission durability, the manufacturer shall submit a statement of compliance with paragraph (b)(1)(ii), (b)(2), or (b)(3) of this section, as applicable.

(f) Additionally, manufacturers participating in the particulate averaging program for diesel light-duty vehicles and diesel light-duty trucks shall submit:

(1) In the application for certification, a statement that the vehicles for which certification is requested will not, to the best of the manufacturer's belief, when included in the manufacturer's production-weighted average emission level, cause the applicable particulate standard(s) to be exceeded, and

(2) No longer than 90 days after the end of a given model year of production of engine families included in one of the diesel particulate averaging programs, the number of vehicles produced in each engine family at each certified particulate FEL, along with the resulting production-weighted average particulate emission level.

(g) Additionally, manufacturers participating in the NO_x averaging program for light-duty trucks shall submit:

(1) In the application for certification, a statement that the vehicles for which certification is required will not, to the best of the manufacturer's belief, when included in the manufacturer's production-weighted average emission level, cause the applicable NO_x standard(s) to be exceeded, and

(2) No longer than 90 days after the end of a given model year of production of engine families included in the NO_x averaging program, the number of vehicles produced in each engine family at each certified NO_x emission level.

(h) Additionally, manufacturers participating in any of the NO_x and/or particulate averaging, trading, or banking programs for heavy-duty engines shall submit for each participating family

the items listed in paragraphs (h)(1) through (3) of this section.

(1) Application for certification. (i) The application for certification will include a statement that the engines for which certification is requested will not, to the best of the manufacturer's belief, when included in any of the averaging, trading, or banking programs cause the applicable NO_x or particulate standard(s) to be exceeded.

(ii) The application for certification will also include the type (NO_x or particulate) and the projected number of credits generated/needed for this family, the applicable averaging set, the projected U.S. (49-state) production volumes, by quarter, NCPs in use on a similar family and the values required to calculate credits as given in § 86.094–15. Manufacturers shall also submit how and where credit surpluses are to be dispersed and how and through what means credit deficits are to be met, as explained in § 86.094–15. The application must project that each engine family will be in compliance with the applicable NO_x and/or particulate emission standards based on the engine mass emissions, and credits from averaging, trading and banking.

(2) [Reserved]

(3) End-of-year report. The manufacturer shall submit end-of-year reports for each engine family participating in any of the averaging, trading, or banking programs, as described in paragraphs (h)(3)(i) through (iv) of this section.

(i) These reports shall be submitted within 90 days of the end of the model year to: Director, Manufacturers Operations Division (6405J), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

(ii) These reports shall indicate the engine family, the averaging set, the actual U.S. (49-state) production volume, the values required to calculate credits as given in § 86.094–15, the resulting type (NO_x or particulate) and number of credits generated/required, and the NCPs in use on a similar NCP family. Manufacturers shall also submit how and where credit surpluses were dispersed (or are to be banked) and how and through what means credit deficits were met. Copies of con-

tracts related to credit trading must also be included or supplied by the broker if applicable. The report shall also include a calculation of credit balances to show that net mass emissions balances are within those allowed by the emission standards (equal to or greater than a zero credit balance). The credit discount factor described in § 86.094–15 must be included as required.

(iii) The 49-state production counts for end-of-year reports shall be based on the location of the first point of retail sale (e.g., customer, dealer, secondary manufacturer) by the manufacturer.

(iv) Errors discovered by EPA or the manufacturer in the end-of-year report, including changes in the 49 state production counts, may be corrected up to 180 days subsequent to submission of the end-of-year report. Errors discovered by EPA after 180 days shall be corrected if credits are reduced. Errors in the manufacturer's favor will not be corrected if discovered after the 180 day correction period allowed.

(i) Failure by a manufacturer participating in the averaging, trading, or banking programs to submit any quarterly or end-of-year report (as applicable) in the specified time for all vehicles and engines that are part of an averaging set is a violation of section 203(a)(1) of the Clean Air Act (42 U.S.C. 7522(a)(1)) for each such vehicle and engine.

(j) Failure by a manufacturer generating credits for deposit only in either the HDE NO_x or particulate banking programs to submit their end-of-year reports in the applicable specified time period (i.e., 90 days after the end of the model year) shall result in the credits not being available for use until such reports are received and reviewed by EPA. Use of projected credits pending EPA review will not be permitted in these circumstances.

(k) Engine families certified using NCPs are not required to meet the requirements outlined above.

(l) Additionally, manufacturers certifying vehicles shall submit for each model year 1994 through 1997 light-duty vehicle and light light-duty truck engine family and each model year 1996 through 1998 heavy light-duty truck engine family the information listed in

Environmental Protection Agency

§ 86.095–24

paragraphs (1) (1) and (2) of this section.

(1) Application for certification. In the application for certification, the manufacturer shall submit the projected sales volume of engine families certifying to the respective standards, and the in-use standards that each engine family will meet. Volume projected to be produced for U.S. sale may be used in lieu of projected U.S. sales.

(2) End-of-year reports for each engine family.

(i) These end-of-year reports shall be submitted within 90 days of the end of the model year to: Director, Manufacturers Operations Division (6405J), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

(ii) These reports shall indicate the model year, engine family, and the actual U.S. sales volume. The manufacturer may petition the Administrator to allow volume produced for U.S. sale to be used in lieu of U.S. sales. Such petition shall be submitted within 30 days of the end of the model year to the Manufacturers Operations Division. For the petition to be granted, the manufacturer must establish to the satisfaction of the Administrator that production volume is functionally equivalent to sales volume.

(iii) The U.S. sales volume for end-of-year reports shall be based on the location of the point of sale to a dealer, distributor, fleet operator, broker, or any other entity which comprises the point of first sale.

(iv) Failure by a manufacturer to submit the end-of-year report within the specified time may result in certificate(s) for the engine family(ies) certified to Tier 0 certification standards being voided ab initio plus any applicable civil penalties for failure to submit the required information to the Agency.

(v) These reports shall include the information required under § 86.094–7(h)(1). The information shall be organized in such a way as to allow the Administrator to determine compliance with the Tier 1 standards implementation schedules of §§ 86.094–8 and 86.094–9, and the Tier 1 and Tier 1₁ implementa-

tion schedules of §§ 86.708–94 and 86.709–94.

[58 FR 66294, Dec. 20, 1993, as amended at 59 FR 14110, Mar. 25, 1994]

§ 86.095–24 Test vehicles and engines.

Section 86.095–24 includes text that specifies requirements that differ from § 86.094–24. Where a paragraph in § 86.094–24 is identical and applicable to § 86.095–24, this may be indicated by specifying the corresponding paragraph and the statement “[Reserved]. For guidance see § 86.094–24.” Where a corresponding paragraph of § 86.094–24 is not applicable, this is indicated by the statement “[Reserved].”

(a)–(b)(1)(v) introductory text [Reserved]. For guidance see § 86.094–24.

(b)(1)(v)(A) The manufacturer will select for testing under high-altitude conditions the vehicle expected to exhibit the highest emissions from the nonexempt vehicles selected in accordance with § 86.094–24(b)(1) (ii), (iii), and (iv); or

(B) In lieu of testing vehicles according to paragraph (b)(1)(v)(A) of this section, a manufacturer may provide a statement in its application for certification that, based on the manufacturer’s engineering evaluation of such high-altitude emission testing as the manufacturer deems appropriate that all light-duty vehicles and light-duty trucks not exempt under § 86.090–8(h) or § 86.094–9(h) comply with the emission standards at high altitude.

(vi) If 90 percent or more of the engine family sales will be in California, a manufacturer may substitute emission data vehicles selected by the California Air Resources Board criteria for the selections specified in § 86.094–24(b)(1) (i), (ii), and (iv).

(vii)(A) Vehicles of each evaporative emission family will be divided into evaporative emission control systems.

(B) The Administrator will select the vehicle expected to exhibit the highest evaporative emissions, from within each evaporative family to be certified, from among the vehicles represented by the exhaust emission data selections for the engine family, unless evaporative testing has already been completed on the vehicle expected to