

(g) An authorized representative of your company must sign the request and include the statement: "All the information in this request is true and accurate, to the best of my knowledge."

(h) Send your request for this extension at least nine months before new standards apply. Do not send your request before the regulations in question apply to other manufacturers.

(i) We may include reasonable requirements on an approval granted under this section, including provisions to recover or otherwise address the lost environmental benefit. For example, we may require that you meet a less stringent emission standard or buy and use available emission credits.

(j) We will approve extensions of up to one year. We may review and revise an extension as reasonable under the circumstances.

(k) Add a permanent, legible label, written in block letters in English, to a readily visible part of each motorcycle exempted under this section. This label must include at least the following items:

(1) The label heading "EMISSION CONTROL INFORMATION".

(2) Your corporate name and trademark.

(3) Engine displacement (in liters) and model year of the motorcycle or whom to contact for further information.

(4) The statement "THIS MOTORCYCLE IS EXEMPT UNDER 40 CFR 86.446 FROM EMISSION STANDARDS AND RELATED REQUIREMENTS."

[69 FR 2437, Jan. 15, 2004]

§ 86.447-2006 What are the provisions for exempting motorcycles under 50 cc from the requirements of this part if they use engines certified under other programs?

(a) This section applies to you if you manufacture engines under 50 cc for installation in a highway motorcycle (that is, a motorcycle that is a motor vehicle). See § 86.448-2006 if you are not the engine manufacturer.

(b) The only requirements or prohibitions from this part that apply to a motorcycle that is exempt under this section are in this section and § 86.448-2006.

(c) If you meet all the following criteria regarding your new engine, it is exempt under this section:

(1) You must produce it under a valid certificate of conformity for one of the following types of engines or vehicles:

(i) Class II engines under 40 CFR part 90.

(ii) Recreational vehicles under 40 CFR part 1051.

(2) You must not make any changes to the certified engine that we could reasonably expect to increase its exhaust emissions. For example, if you make any of the following changes to one of these engines, you do not qualify for this exemption:

(i) Change any fuel system parameters from the certified configuration.

(ii) Change any other emission-related components.

(iii) Modify or design the engine cooling system so that temperatures or heat rejection rates are outside the original engine's specified ranges.

(3) You must make sure the engine has the emission label we require under 40 CFR part 90 or part 1051.

(4) You must make sure that fewer than 50 percent of the engine model's total sales, from all companies, are used in highway motorcycles.

(d) If you produce only the engine, give motorcycle manufacturers any necessary instructions regarding what they may or may not change under paragraph (c)(2) of this section. Upon request, send EPA a list of the motorcycle models you expect to be produced under this exemption in the model year (including motorcycles produced under § 86.448-2006), and the manufacturers of those motorcycles.

(e) If you produce both the engine and motorcycle under this exemption, you must do all of the following to keep the exemption valid:

(1) Make sure the original emission label is intact.

(2) Add a permanent supplemental label to the engine in a position where it will remain clearly visible after installation in the vehicle. In your engine's emission label, do the following:

(i) Include the heading: "Highway Motorcycle Emission Control Information".

(ii) Include your full corporate name and trademark.

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(iii) State: "THIS ENGINE WAS ADAPTED FOR HIGHWAY USE WITHOUT AFFECTING ITS EMISSION CONTROLS."

(iv) State the date you finished installation (month and year).

(3) Send the Designated Compliance Officer a signed letter by the end of each calendar year (or less often if we tell you) with all the following information:

(i) Identify your full corporate name, address, and telephone number.

(ii) List the motorcycle models you expect to produce under this exemption in the coming year.

(iii) State: "We produce each listed model as a highway motorcycle without making any changes that could increase its certified emission levels, as described in 40 CFR 86.447."

(f) If your vehicles do not meet the criteria listed in paragraph (c) of this section, they will be subject to the standards and prohibitions of this part. Producing these vehicles without a valid exemption or certificate of conformity would violate the prohibitions in Clean Air Act section 203 (42 U.S.C. 7522).

(g) Upon request, you must send to EPA emission test data on the duty cycle for Class I motorcycles. You may include the data in your application for certification or in your letter requesting the exemption.

(h) Vehicles exempted under this section are subject to all the requirements affecting engines and vehicles under 40 CFR part 90 or part 1051, as applicable. The requirements and restrictions of 40 CFR part 90 or 1051 apply to anyone manufacturing these engines, anyone manufacturing vehicles that use these engines, and all other persons in the same manner as if these engines were used in a nonroad application.

[69 FR 2438, Jan. 15, 2004]

§ 86.448–2006 What are the provisions for producing motorcycles under 50 cc with engines already certified under other programs?

(a) You may produce a highway motorcycle (that is, a motorcycle that is a motor vehicle) under 50 cc using a nonroad engine if you meet four criteria:

(1) The engine or vehicle is certified to 40 CFR part 90 or part 1051.

(2) The engine is not adjusted outside the engine manufacturer's specifications, as described in § 86.447–2006(c)(2) and (d).

(3) The engine or vehicle is not modified in any way that may affect its emission control.

(4) Fewer than 50 percent of the engine model's total sales, from all companies, are used in highway motorcycles.

(b) If you produce a motorcycle under this exemption, you must do all of the following to keep the exemption valid:

(1) Make sure the original emission label is intact.

(2) Add a permanent supplemental label to the motorcycle in a position where it will remain clearly visible.

(i) Include the heading: "Highway Motorcycle Emission Control Information".

(ii) Include your full corporate name and trademark.

(iii) State: "THIS MOTORCYCLE WAS PRODUCED WITH A NONROAD ENGINE FOR HIGHWAY USE WITHOUT AFFECTING THE ENGINE'S EMISSION CONTROLS."

(c) This section does not apply if you manufacture the engine yourself; see § 86.447–2006.

(d) Upon request, you must send to EPA emission test data on the duty cycle for Class I motorcycles.

(e) Vehicles exempted under this section are subject to all the requirements affecting engines and vehicles under 40 CFR part 90 or part 1051, as applicable. The requirements and restrictions of 40 CFR part 90 or 1051 apply to anyone manufacturing these engines, anyone manufacturing vehicles that use these engines, and all other persons in the same manner as if these engines were used in a nonroad application.

[69 FR 2438, Jan. 15, 2004]

§ 86.449 Averaging provisions.

(a) This section describes how and when averaging may be used to show compliance with applicable HC+NO_x emission standards. Emission credits may not be banked for use in later model years, except as specified in paragraph (j) of this section.