

Environmental Protection Agency

§ 86.449

(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.