

(d) A manufacturer may indicate preferred assembly plants for the various engine families and evaporative/refueling families produced by the manufacturer for selection of vehicles in response to a test order. This shall be accomplished by submitting a list of engine families with the associated evaporative/refueling families, and the corresponding assembly plants from which the manufacturer desires to have vehicles selected, to the Administrator. In order that a manufacturer's preferred location for issuance of a test order for a configuration of a particular engine family and/or evaporative/refueling family be considered, the list must be submitted prior to issuance of the test order. Notwithstanding the fact that a manufacturer has submitted the above list, the Administrator may, upon making the determination that evidence exists indicating noncompliance at other than the manufacturer's preferred plant, order selection at such other plant where vehicles of the configuration specified in the test order are assembled.

(e) [Reserved]. For guidance see § 86.603–88.

(f) In the event evidence exists indicating an engine family is in noncompliance, the Administrator may, in addition to other powers provided by this section, issue a test order specifying the engine family the manufacturer is required to test.

[59 FR 16300, Apr. 6, 1994, as amended at 62 FR 31234, June 6, 1997]

**§ 86.604–84 Testing by the Administrator.**

(a) The Administrator may require by test order that vehicles of a specified configuration be selected in a manner consistent with the requirements of § 86.607 and submitted to him at such place as he may designate for the purpose of conducting emission tests. These tests shall be conducted in accordance with § 86.608 of these regulations to determine whether vehicles manufactured by the manufacturer conform with the regulations with respect to which the certificate of conformity was issued.

(b)(1) Whenever the Administrator conducts a test on a test vehicle or the Administrator and manufacturer each

conduct a test on the same test vehicle, the results of the Administrator's test shall comprise the official data for that vehicle.

(2) Whenever the manufacturer conducts all tests on a test vehicle, the manufacturer's test data will be accepted as the official data: *Provided*, That if the Administrator makes a determination based on testing under paragraph (a) of this section that there is a substantial lack of agreement between the manufacturer's test results and the Administrator's test results, no manufacturer's test data from the manufacturer's test facility will be accepted for purposes of this subpart.

(c) In the event that testing conducted under paragraph (a) of this section demonstrates a lack of agreement under paragraph (b)(2), of this section, the Administrator will:

(1) Notify the manufacturer in writing of his determination that the test facility is inappropriate for conducting the tests required by this subpart and the reasons therefor, and

(2) Reinstate any manufacturer's data upon a showing by the manufacturer that the data acquired under paragraph (a) of this section was erroneous and the manufacturer's data was correct.

(d) The manufacturer may request in writing that the Administrator reconsider his determination in paragraph (b)(2) of this section based on data or information which indicates that changes have been made to the test facility and such changes have resolved the reasons for disqualification.

[41 FR 31483, July 28, 1976, as amended at 49 FR 48481, Dec. 12, 1984. Redesignated at 54 FR 2123, Jan. 19, 1989]

**§ 86.605–88 Maintenance of records; submittal of information.**

(a) The manufacturer of any new motor vehicle subject to any of the standards or procedures prescribed in this part shall establish, maintain and retain the following adequately organized and indexed records:

(1) *General records.* (i) A description of all equipment used to test vehicles in accordance with § 86.608 pursuant to a test order issued under this subpart, including the following information:

(A) Dynamometer.

(1) Inertia loading.  
 (2) Road load power absorption at 50 m.p.h.

(3) Manufacturer, model and serial number.

(B) Constant Volume Sampler.

(1) Pressure of the mixture of exhaust and dilution air entering the positive displacement pump, pressure increase across the pump, and the temperature set point of the temperature control system.

(2) Number of revolutions of the positive displacement pump accumulated while test is in progress and exhaust samples are being collected.

(3) Humidity of dilution air.

(4) Manufacturer, model, type and serial number.

(C) Instrumentation.

(1) Manufacturer, model and serial number for each analyzer.

(2) Pertinent information such as tuning, gain, ranges and calibration data.

(3) Identification of zero, span, exhaust gas and dilution air sample traces.

(4) Temperature set point of heated sample line and heated hydrocarbon detector temperature control system (for diesel vehicles only).

(D) Test cell.

(1) Barometric pressure, ambient temperature and humidity.

(2) Data and time of day.

(ii) In lieu of recording test equipment information, reference to a vehicle test cell number may be used, with the advance approval of the Administrator: Provided, the test cell records show the pertinent information.

(2) *Individual records.* These records pertain to each audit conducted pursuant to this subpart.

(i) The location where audit testing was performed, and the date and time for each emissions test.

(ii) The number of miles on the test vehicle when the test began and ended.

(iii) The names of supervisory personnel responsible for the conduct of the audit.

(iv) A record and description of any repairs performed prior to and/or subsequent to approval by the Administrator, giving the date and time of the repair, the reason for it, the person authorizing it, and the names of super-

visory personnel responsible for the repair.

(v) The dates when the test vehicles were shipped from the assembly plant or the storage facility and when they were received at the testing facility.

(vi) The drive wheel tire pressure and the inertia weight class for each test vehicle, and the actual curb weight for each test vehicle required to be weighed pursuant to a test order.

(vii) A complete record of all emission tests performed pursuant to this subpart (except tests performed by EPA directly) including all individual worksheets and/or other documentation relating to each test, or exact copies thereof.

(viii) A brief description of all significant audit events, commencing with the test vehicle selection process, but not described by any other subparagraph under paragraph (a)(2) of this section, including such extraordinary events as vehicle accident.

(ix) A paper copy of the driver's trace for each test.

(3) Additional required records for diesel vehicles.

(4) The manufacturer shall record test equipment description, pursuant to paragraph (a)(1) of this section, for each test cell that is used to perform emission testing under this subpart.

(b) All records required to be maintained under this subpart shall be retained by the manufacturer for a period of one (1) year after completion of all testing in response to a test order. Records may be retained as hard copy or reduced to microfilm, punch cards, etc., depending upon the record retention procedures of the manufacturer: *Provided*, That in every case all the information contained in the hard copy shall be retained.

(c) The manufacturer shall, pursuant to a request made by the Administrator, submit to the Administrator the following information with regard to vehicle production:

(1) Number of vehicles, by configuration and assembly plant, scheduled for production for the time period designated in the request.

(2) Number of vehicles, by configuration and assembly plant, produced during the time period designated in the

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request which are complete for introduction into commerce.

(d) Nothing in this section shall limit the Administrator's discretion to require the manufacturer to retain additional records or submit information not specifically required by this section.

(e) All reports, submissions, notifications and requests for approvals made under this subpart shall be addressed to:

Director, Manufacturers Operations Division  
EN-340, U.S. Environmental Protection Agency,  
1200 Pennsylvania Ave., NW.,  
Washington, DC 20460.

[41 FR 31483, July 28, 1976, as amended at 44 FR 61962, Oct. 29, 1979; 49 FR 48481, Dec. 12, 1984. Redesignated at 54 FR 2123, Jan. 19, 1989]

**§ 86.605-98 Maintenance of records; submittal of information.**

Section 86.605-98 includes text that specifies requirements that differ from § 86.605-88. Where a paragraph in § 86.605-88 is identical and applicable to § 86.605-98, this may be indicated by specifying the corresponding paragraph and the statement "[Reserved]. For guidance see § 86.605-88." Where a corresponding paragraph of § 86.605-88 is not applicable, this is indicated by the statement "[Reserved]."

(a) through (a)(1)(i)(D) [Reserved]. For guidance see § 86.605-88.

(E) Refueling Enclosure (Refueling SHED).

(1) Total internal volume.

(2) Capacity of mixing blower.

(3) Location of refueling access ports.

(4) Enclosure barometric pressure and ambient temperature.

(5) Soak area temperature records.

(F) Fuel Dispenser for Refueling.

(1) Fuel dispensing rate.

(2) Manufacturer and model of fuel nozzle.

(3) Dispensed fuel temperature.

(4) Dispensed fuel volume.

(a)(1)(ii) through (e) [Reserved]. For guidance see § 86.605-88.

(2) [Reserved]

[59 FR 16301, Apr. 6, 1994]

**§ 86.606-84 Entry and access.**

(a) In order to allow the Administrator to determine whether a manufacturer is complying with the provi-

sions of this subpart and a test order issued thereunder, EPA Enforcement Officers may enter during normal operating hours upon presentation of credentials any of the following:

(1) Any facility where any vehicle to be introduced into commerce or any emission-related component is or has been manufactured, assembled, or stored;

(2) Any facility where any tests conducted pursuant to a test order or any procedures or activities connected with such tests are or were performed;

(3) Any facility where any vehicle which is being, was, or is to be tested is present; and

(4) Any facility where any record or other document relating to any of the above is located.

(b) Upon admission to any facility referred to in paragraph (a) of this section, EPA Enforcement Officers may:

(1) Inspect and monitor any part or aspect of vehicle manufacturer, assembly, storage, testing and other procedures, and the facilities in which these procedures are conducted;

(2) Inspect and monitor any part or aspect of vehicle test procedures or activities, including, but not limited to, vehicle selection, preparation, mileage accumulation, preconditioning, emission tests, and maintenance; and verify calibration of test equipment;

(3) Inspect and make copies of any records or documents related to the assembly, storage, selection and testing of a vehicle in compliance with a test order; and

(4) Inspect and photograph any part or aspect of any vehicle and any component used in its assembly that is reasonably related to the purpose of the entry.

(c) EPA Enforcement Officers may obtain reasonable assistance without cost from those in charge of a facility to help them perform any function listed in this subpart and may request the recipient of a test order to arrange with those in charge of a facility operated for its benefit to furnish reasonable assistance without cost to EPA whether or not the recipient controls the facility.

(d) EPA Enforcement Officers may seek a warrant or court order authorizing the EPA Enforcement Officers to