

**§ 86.610-96 Compliance with acceptable quality level and passing and failing criteria for Selective Enforcement Audits.**

(a) The prescribed acceptable quality level is 40 percent.

(b) A failed vehicle is one whose final deteriorated test results pursuant to § 86.609-96(c), for one or more of the applicable pollutants, including fuel spitback, exceed the applicable emission standard. For the CST as described in subpart O of this part, a vehicle fail determination is made if the final deteriorated test results for HC and/or CO emissions from any CST exceed the applicable emission standard.

(c) *Pass/fail criteria—(1) FTP criteria.* The manufacturer must test vehicles comprising the test sample until a pass decision is reached for all pollutants, or a fail decision is reached for one pollutant. A pass decision is reached when the cumulative number of failed vehicles, as defined in paragraph (b) of this section, for each pollutant is less than or equal to the fail decision number appropriate to the cumulative number of vehicles tested. A fail decision is reached when the cumulative number of failed vehicles for one pollutant is greater than or equal to the fail decision number appropriate to the cumulative number of vehicles tested. The pass and fail decision numbers associated with the cumulative number of vehicles tested are determined by use of the tables in appendix XI to this part appropriate for the annual projected sales as made by the manufacturer in its report submitted under § 600.207-80(a)(2) of this chapter (Automobile Fuel Economy Regulations). In the tables in appendix XI to this part, sampling plan “stage” refers to the cumulative number of vehicles tested. Once a pass decision has been made for a particular pollutant, the number of vehicles whose final deteriorated test results exceed the emission standard for that pollutant may not be considered any further for purposes of the audit.

(2) *CST criteria.* A pass/fail decision is based on the CST in its entirety rather than on a per pollutant basis. The manufacturer must test vehicles comprising the test sample until a pass or fail decision is reached based on CST testing. A pass decision is reached

when the cumulative number of failed vehicles, as defined in paragraph (b) of this section, based on CST testing is less than or equal to the pass decision number appropriate to the cumulative number of vehicles tested. A fail decision is reached when the cumulative number of failed vehicles based on CST testing is greater than or equal to the fail decision number appropriate to the cumulative number of vehicles tested. The pass and fail decision numbers associated with the cumulative number of vehicles tested are determined by use of the tables in appendix XI to this part appropriate for the annual projected sales as made by the manufacturer in its report submitted under § 600.207-80(a)(2) of this chapter (Automobile Fuel Economy Regulations). In the tables in appendix XI to this part, sampling plan “stage” refers to the cumulative number of vehicles tested. Once a pass decision has been made based on CST testing, the number of vehicles whose final deteriorated test results exceed any of the emission standards for any CST may not be considered any further for purposes of the audit.

(d) Passing or failing of an SEA occurs when the decision is made on the last vehicle required to make a decision under paragraph (c) of this section.

(e) The Administrator may terminate testing earlier than required in paragraph (c) of this section.

[58 FR 58424, Nov. 1, 1993]

**§ 86.610-98 Compliance with acceptable quality level and passing and failing criteria for Selective Enforcement Audits.**

(a) The prescribed acceptable quality level is 40 percent.

(b) A failed vehicle is one whose final deteriorated test results pursuant to § 86.609-98(c) exceed at least one of the applicable emission standards associated with the test procedures pursuant to § 86.608-98(a).

(c)(1) *Pass/fail criteria.* The manufacturer shall test vehicles comprising the test sample until a pass decision is reached for all of the pollutants associated with all of the test procedures

pursuant to § 86.608-98(a) or a fail decision is reached for one of these pollutants. A pass decision is reached when the cumulative number of failed vehicles, as defined in paragraph (b) of this section, for each pollutant is less than or equal to the fail decision number appropriate to the cumulative number of vehicles tested. A fail decision is reached when the cumulative number of failed vehicles for one pollutant is greater than or equal to the fail decision number appropriate to the cumulative number of vehicles tested. The pass and fail decision numbers associated with the cumulative number of vehicles tested are determined by use of the tables in appendix XI of this part appropriate for the annual projected sales as made by the manufacturer in its report submitted under § 600.207-80(a)(2) of this chapter (Automobile Fuel Economy Regulations). In the tables in appendix XI of this part, sampling plan "stage" refers to the cumulative number of vehicles tested. Once a pass decision has been made for a particular pollutant associated with a particular test procedure pursuant to § 86.608-98(a), the number of vehicles whose final deteriorated test results exceed the emission standard for that pollutant may not be considered any further for purposes of the audit.

(2) CST criteria only. For CST testing pursuant to subpart O, a pass or fail decision is determined according to the pass/fail criteria described in paragraph (c)(1) of this section, except that for each vehicle, the CST in its entirety is considered one pollutant.

(d) Passing or failing of an SEA audit occurs when the decision is made on the last vehicle required to make a decision under paragraph (c) of this section.

(e) The Administrator may terminate testing earlier than required in paragraph (c) of this section.

[59 FR 16304, Apr. 6, 1994]

**§ 86.612-84 Suspension and revocation of certificates of conformity.**

(a) The certificate of conformity is suspended with respect to any vehicle failing pursuant to paragraph (b) of § 86.610 effective from the time that testing of that vehicle is completed.

(b) The Administrator may suspend the certificate of conformity for a configuration which does not pass a Selective Enforcement Audit pursuant to paragraph § 86.610(c) based on the first test, or all tests, conducted on each vehicle. This suspension will not occur before ten days after failure to pass the audit.

(c) If the results of vehicle testing pursuant to these regulations indicate the vehicles of a particular configuration produced at more than one plant do not conform to the regulations with respect to which the certificate of conformity was issued, the Administrator may suspend the certificate of conformity with respect to that configuration for vehicles manufactured by the manufacturer in other plants of the manufacturer.

(d) The Administrator will notify the manufacturer in writing of any suspension or revocation of a certificate of conformity in whole or in part: Except, That the certificate of conformity is immediately suspended with respect to any vehicle failing pursuant to § 86.610(a) and as provided for in paragraph (a) of this section.

(e) The Administrator may revoke a certificate of conformity for a configuration when the certificate has been suspended pursuant to paragraph (b) or (c) of this section if the proposed remedy for the nonconformity, as reported by the manufacturer to the Administrator, is one requiring a design change(s) to the engine and/or emission control system as described in the Application for Certification of the affected configuration.

(f) Once a certificate has been suspended for a failed vehicle as provided for in paragraph (a) of this section, the manufacturer must take the following actions:

(1) Before the certificate is reinstated for that failed vehicle,

(i) Remedy the nonconformity, and

(ii) Demonstrate that the vehicle's final deteriorated test results conform to the applicable emission standards or family particulate emission limits, as defined in part 86 by retesting the vehicle in accordance with these regulations.

(2) Submit a written report to the Administrator within thirty days after