

**Environmental Protection Agency**

**§ 86.1001-84**

(2) If the manufacturer does not receive a certificate of conformity with the LEV, ILEV, ULEV, or ZEV emissions standards in 40 CFR part 88 as required in paragraph (d)(1)(iii) of this section, the fee requirements of this section will apply. Before any certificate can be issued, the applicable fee must be paid.

(3) Manufacturers that have paid certification fees for model year 2000 vehicle and engine families that meet the criteria in paragraph (d)(1) of this section may request a refund of such fees. EPA shall refund such fees if it determines that the vehicle or engine family meets the criteria of paragraph (d)(1) of this section.

[57 FR 30055, July 7, 1992, as amended at 65 FR 11904, Mar. 7, 2000]

EFFECTIVE DATE NOTE: At 69 FR 26252, May 11, 2004, §86.908-93 was amended by revising paragraph (a)(1)(iii), effective July 12, 2004. For the convenience of the user the revised text is set forth as follows:

**§ 86.908-93 Waivers and refunds.**

(a) \* \* \*

(1) \* \* \*

(iii) For converted vehicles that are dual- or flexible-fuel vehicles and can operate on a gaseous fuel, the full fee for a certification request for a MY exceeds 1% of the value added to the vehicle by the conversion, for MY 2000 through July 12, 2004.

\* \* \* \* \*

**§ 86.909-93 Payment.**

(a) All fees required by this section shall be paid by money order, bank draft, certified check, corporate check, or electronic funds transfer payable in U.S. dollars to the order of the Environmental Protection Agency.

(b) All fees shall be forwarded with the filing form to the EPA to the address designated on the filing form.

(c) An application for which a partial waiver of the fee has been requested will not be accepted for processing until the appropriate fee has been determined and the balance waived or, if the waiver has been denied, the proper fee is submitted after notice of denial.

**§ 86.910-93 Deficiencies.**

(a) Any filing pursuant to §86.909 of this subpart that is not accompanied

by the appropriate filing fee is deficient.

(b) The Administrator will inform any person who submits a deficient filing that:

(1) Such filing will be rejected and the amount paid refunded, unless the appropriate fee is submitted within a specified time;

(2) EPA will not process any filing that is deficient under this section; and

(3) The date of filing will be deemed the date on which EPA receives the appropriate fee.

**§ 86.911-93 Adjustments of fees.**

(a) The fee schedule will be changed annually by the same percentage as the percent change in the CPI for all urban consumers.

(b) This annual change will occur within 60 days following release of the final estimates of the annual average for the CPI for all urban consumers by the Department of Labor.

(c) MVECP costs and fees will periodically be reviewed and changes will be made to the schedule as necessary.

(d) When automatic adjustments are made, based on the CPI, the new fee will be published in the FEDERAL REGISTER as a final rule to become effective 30 days or more after publication, as specified in the final rule.

(e) When changes are made based on periodic reviews, the changes will be subject to public comment.

**Subpart K—Selective Enforcement Auditing of New Heavy-Duty Engines, Heavy-Duty Vehicles, and Light-Duty Trucks**

SOURCE: 45 FR 63772, Sept. 25, 1980, unless otherwise noted.

**§ 86.1001-84 Applicability.**

The provisions of this subpart are applicable for 1984 and later model year heavy-duty engines and light-duty trucks.

(a) *Section numbering; construction.* (1) The model year of initial applicability is indicated by the two digits following the hyphen of the section number. A section remains in effect for subsequent model years until it is superseded.

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(2) A section reference without a model year suffix shall be interpreted to be a reference to the section applicable to the appropriate model year.

(b) References in this subpart to engine families and emission control systems shall be deemed to apply to durability groups and test groups as applicable for manufacturers certifying new light-duty vehicles, light-duty trucks, and Otto-cycle complete heavy-duty vehicles under the provisions of subpart S of this part.

[54 FR 14559, Apr. 11, 1989, as amended at 62 FR 31238, June 6, 1997; 64 FR 23922, May 4, 1999; 65 FR 59957, Oct. 6, 2000]

**§ 86.1002-84 Definitions.**

(a) The definitions in this section apply to this subpart.

(b) As used in this subpart, all terms not defined herein have the meaning given them in the Act.

*Acceptable Quality Level (AQL)* means the maximum percentage of failing engines or vehicles, that for purposes of sampling inspection, can be considered satisfactory as a process average.

*Configuration* means a subclassification, if any, of a heavy-duty engine family for which a separate projected sales figure is listed in the manufacturer's Application for Certification and which can be described on the basis of emission control system, governed speed, injector size, engine calibration, and other parameters which may be designated by the Administrator, or a subclassification of a light-duty truck engine family/emission control system combination on the basis of engine code, inertia weight class, transmission type and gear ratios, axle ratio, and other parameters which may be designated by the Administrator.

*Compliance level* means an emission level determined during a Production Compliance Audit pursuant to subpart L of this part.

*Test Sample* means the collection of vehicles or engines of the same configuration which have been drawn from the population of engines or vehicles of that configuration and which will receive exhaust emission testing.

*Inspection Criteria* means the pass and fail numbers associated with a particular sampling plan.

*Test Engine* means an engine in a test sample.

*Test Vehicle* means a vehicle in a test sample.

[45 FR 63772, Sept. 25, 1980, as amended at 48 FR 52207, Nov. 16, 1983; 50 FR 35386, Aug. 30, 1985]

**§ 86.1002-97 Definitions.**

(a) The definitions in this section apply to this subpart.

(b) As used in this subpart, all terms not defined in this section have the meaning given them in the Act.

*Acceptable quality level (AQL)* means the maximum percentage of failing engines or vehicles, that for purposes of sampling inspection, can be considered satisfactory as a process average.

*Axle ratio* means all ratios within  $\pm 3\%$  of the axle ratio specified in the configuration in the test order.

*Compliance level* means an emission level determined during a Production Compliance Audit pursuant to subpart L of this part.

*Configuration* means a subclassification, if any, of a heavy-duty engine family for which a separate projected sales figure is listed in the manufacturer's Application for Certification and which can be described on the basis of emission control system, governed speed, injector size, engine calibration, and other parameters which may be designated by the Administrator, or a subclassification of a light-duty truck engine family/emission control system combination on the basis of engine code, inertia weight class, transmission type and gear ratios, axle ratio, and other parameters which may be designated by the Administrator.

*Executive Officer* means the Executive Officer of the California Air Resources Board or his or her authorized representative.

*Executive Order* means the document the Executive Officer grants a manufacturer for an engine family that certifies the manufacturer has verified the engine family complies with all applicable standards and requirements pursuant to Title 13 of the California Code of Regulations.

*50-state engine family* means an engine family that meets both federal and California Air Resources Board motor vehicle emission control regulations