

**§ 86.1839-01**

**40 CFR Ch. I (7-1-04 Edition)**

(i) Vehicles and/or engines produced by two or more firms, one of which is 10 percent or greater part owned by another;

(ii) Vehicles and/or engines produced by any two or more firms if a third party has equity ownership of 10 percent or more in each of the firms;

(iii) Vehicles and/or engines produced by any two or more firms having a common corporate officer(s) who is (are) responsible for the overall direction of the companies;

(iv) Vehicles and/or engines imported or distributed by all firms where the vehicles and/or engines are manufactured by the same entity and the importer or distributor is an authorized agent of the entity.

(c) Small-volume manufacturers and/or small volume test groups shall demonstrate compliance with the all applicable sections of this subpart except as provided in paragraphs (c)(1) and (2) of this section. Small volume manufacturers and/or test groups may optionally meet the following requirements:

(1) *Durability demonstration.* Use the provisions of § 86.1826-01 rather than the requirements of §§ 86.1823-01, 86.1824-01, and/or 86.1825-01.

(2) *In-use verification testing.* See § 86.1845-01 for applicability of in-use verification testing to small volume manufacturers and small volume test groups except as noted in this paragraph (c)(2).

(i) Small volume in-use verification test vehicles may be procured from customers or may be owned by, or under the control of the manufacturer, provided that the vehicle has accumulated mileage in typical operation on public streets and has received typical maintenance.

(ii) In lieu of procuring small volume in-use verification test vehicles that have a minimum odometer reading of 50,000 miles, a manufacturer may demonstrate to the satisfaction of the Agency that, based on owner survey data, the average mileage accumulated after 4 years for a given test group is less than 50,000 miles. The Agency may approve a lower minimum odometer reading based on such data.

(iii) The provisions of § 86.1845-01(c)(2) and § 86.1845-04(c)(2) that require one vehicle of each test group during high

mileage in-use verification testing to have a minimum odometer mileage of 75 percent of the full useful life mileage for Tier 1 and NLEV LDV/Ts, or 90,000 (or 105,000) miles for Tier 2 and interim non-Tier 2 vehicles, do not apply.

(iv) Manufacturers intending to use the provisions of paragraphs (c)(2)(i) or (ii) of this section shall submit to the Agency, prior to the certification of the subject vehicles, a plan detailing how these provisions will be met.

[64 FR 23925, May 4, 1999, as amended at 65 FR 6864, Feb. 10, 2000; 67 FR 72826, Dec. 6, 2002]

**§ 86.1839-01 Carryover of certification data.**

(a) In lieu of testing an emission-data or durability vehicle selected under § 86.1822-01, § 86.1828-01, or § 86.1829-01, and submitting data therefrom, a manufacturer may submit exhaust emission data, evaporative emission data and/or refueling emission data, as applicable, on a similar vehicle for which certification has been obtained or for which all applicable data required under § 86.1845-01 has previously been submitted. To be eligible for this provision, the manufacturer must use good engineering judgment and meet the following criteria:

(1) In the case of durability data, the manufacturer must determine that the previously generated durability data represent a worst case or equivalent rate of deterioration for all applicable emission constituents compared to the configuration selected for durability demonstration.

(i) Prior to certification, the Administrator may require the manufacturer to provide data showing that the distribution of catalyst temperatures of the selected durability configuration is effectively equivalent or lower than the distribution of catalyst temperatures of the vehicle configuration which is the source of the previously generated data.

(ii) For the 2001, 2002, and 2003 model years only, paragraph (a)(1) of this section does not apply to the use of exhaust emission deterioration factors meeting the requirements of § 86.1823-01(c)(2).

(2) In the case of emission data, the manufacturer must determine that the

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previously generated emissions data represent a worst case or equivalent level of emissions for all applicable emission constituents compared to the configuration selected for emission compliance demonstration.

(b) In lieu of using newly aged hardware on an EDV as allowed under the provisions of § 86.1823-01(a)(3)(ii), a manufacturer may use similar hardware aged for an EDV previously submitted, provided that the manufacturer determines that the previously aged hardware represents a worst case or equivalent rate of deterioration for all applicable emission constituents for durability demonstration.

### § 86.1840-01 Special test procedures.

(a) The Administrator may, on the basis of written application by a manufacturer, prescribe test procedures, other than those set forth in this part, for any light-duty vehicle, light-duty truck, or complete heavy-duty vehicle which the Administrator determines is not susceptible to satisfactory testing by the procedures set forth in this part.

(b) If the manufacturer does not submit a written application for use of special test procedures but the Administrator determines that a light-duty vehicle, light-duty truck, or complete heavy-duty vehicle is not susceptible to satisfactory testing by the procedures set forth in this part, the Administrator shall notify the manufacturer in writing and set forth the reasons for such rejection in accordance with the provisions of § 86.1848(a)(2).

[65 FR 59976, Oct. 6, 2000]

### § 86.1841-01 Compliance with emission standards for the purpose of certification.

(a) Certification levels of a test vehicle will be calculated for each emission constituent applicable to the test group for both full and intermediate useful life as appropriate.

(1) If the durability demonstration procedure approved by the Administrator under the provisions of §§ 86.1823-01, 86.1824-01, or 86.1825-01 requires a DF to be calculated, the DF shall be applied to the official test results determined in § 86.1835-01(c) for each regulated emission constituent and for full

and intermediate useful life, as appropriate, using the following procedures:

(i) For additive DF's, the DF will be added to the emission result. The sum will be rounded to the same level of precision as the standard for the constituent at full and/or intermediate useful life, as appropriate. This rounded sum is the certification level for that emission constituent and for that useful life mileage.

(ii) For multiplicative DFs, the DF will be multiplied by the emission result for each regulated constituent. The product will be rounded to the same level of precision as the standard for the constituent at full and intermediate useful life, as appropriate. This rounded product is the certification level for that emission constituent and for that useful life mileage.

(iii) For the SFTP composite standard of NMHC+NO<sub>x</sub>, the measured results of NMHC and NO<sub>x</sub> must each be adjusted by their corresponding deterioration factors before the composite NMHC+NO<sub>x</sub> certification level is calculated. Where the applicable FTP exhaust hydrocarbon emission standard is an NMOG standard, the applicable NMOG deterioration factor must be used in place of the NMHC deterioration factor, unless otherwise approved by the Administrator.

(2) If the durability demonstration procedure approved by the Administrator under the provisions of § 86.1823-01, § 86.1824-01, or § 86.1825-01, as applicable, requires testing of the EDV with aged emission components, the official results of that testing determined under the provisions of § 86.1835-01(c) shall be rounded to the same level of precision as the standard for each regulated constituent at full and intermediate useful life, as appropriate. This rounded emission value is the certification level for that emission constituent at that useful life mileage.

(3) If the durability demonstration procedure approved by the Administrator under the provisions of § 86.1823-01 requires neither a DF calculation nor EDV testing with aged hardware, the certification levels shall be calculated in accordance with the provisions approved under § 86.1823-01(a)(3).