

Environmental Protection Agency

§ 86.603-98

the format prescribed by the EPA for the appropriate model year; and

(B) A copy of the shop manual, dealer service bulletins, and pre-delivery inspection procedures for the configuration being tested.

(ii) Only one mechanic at a time per vehicle shall make authorized checks, adjustments, or repairs, unless a particular check, adjustment, or repair requires a second mechanic as indicated in the shop manual or dealer service bulletins.

(iii) A mechanic shall not perform any check, adjustment, or repair without an Enforcement Officer present unless otherwise authorized.

(iv) The manufacturer shall utilize only those tools and test equipment utilized by its dealers when performing authorized checks, adjustments, or repairs.

(d) A manufacturer may indicate preferred assembly plants for the various engine 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 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 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 testing at such other plant where vehicles of the configuration specified in the test order are assembled.

(e) During a given model year, the Administrator shall not issue to a manufacturer more SEA test orders than an annual limit determined by dividing the projected sales bound for the U.S. market for that model year, as made by the manufacturer in its report submitted under paragraph (a)(2) of § 600.207-80 of the Automobile Fuel Economy Regulations, by 300,000 and rounding to the nearest whole number, unless the projected sales are less than 150,000, in which case the annual limit

is one. However, the annual limit for SEA test orders will be recalculated if a manufacturer submits to EPA in writing prior to or during the model year a sales projection update.

(1) Any SEA test order for which the configuration fails in accordance with § 86.610 or for which testing is not completed does not count against the annual limit.

(2) When the annual limit has been met, the Administrator may issue additional test orders for those configurations for which evidence exists indicating noncompliance. An SEA test order issued on this basis will include a statement as to the reason for its issuance.

[41 FR 31483, July 28, 1976, as amended at 43 FR 4552, Feb. 2, 1978; 49 FR 48480, Dec. 12, 1984. Redesignated and amended at 54 FR 2122, Jan. 19, 1989]

§ 86.603-97 Test orders.

Section 86.603-97 includes text that specifies requirements that differ from those specified in § 86.603-88. Where a paragraph in § 86.603-88 is identical and applicable to § 86.603-97, this may be indicated by specifying the corresponding paragraph and the statement "[Reserved]. For guidance see § 86.603-88."

(a) through (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.

[62 FR 31234, June 6, 1997]

§ 86.603-98 Test orders.

Section 86.603-98 includes text that specifies requirements that differ from § 86.603-88. Where a paragraph in § 86.603-88 is identical and applicable to § 86.603-98, this may be indicated by specifying the corresponding paragraph and the statement "[Reserved]. For guidance see § 86.603-88." Where a corresponding paragraph of § 86.603-88 is not applicable, this is indicated by the statement "[Reserved]."

(a) through (c) [Reserved]. For guidance see § 86.603-88.

(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.