

§ 86.901-93 Abbreviations.

The abbreviations in this section apply to this subpart and have the following meanings:

- CAFE—Corporate Average Fuel Economy,
- Cal—California,
- CPI—Consumer Price Index,
- ESI—Engine System Information,
- EPA—U.S. Environmental Protection Agency,
- Fed—Federal,
- HDE—Heavy-duty engine,
- HDV—Heavy-duty vehicle,
- ICI—Independent Commercial Importer,
- LDV—Light-duty vehicle,
- LDT—Light-duty truck,
- MC—Motorcycle,
- MVEPC—Motor Vehicle and Engine Compliance Program,
- MY—Model Year,
- OEM—Original equipment manufacturer,
- SEA—Selective Enforcement Auditing.

§ 86.902-01 Definitions.

- (a) The definitions in § 86.902-93 continue to apply to this subpart.
- (b) The definitions in subparts A and S of this part apply to this subpart.

[64 FR 23922, May 4, 1999]

§ 86.902-93 Definitions.

California-only certificate is a Certificate of Conformity issued by EPA which only signifies compliance with the emission standards established by California.

Certification request means a manufacturer's request for certification evidence by the submission of an application for certification, ESI data sheet, or ICI Carryover data sheet.

Engine-system combination as defined in 40 CFR 86.082-2, means an engine family-exhaust emission control system combination.

Federal certificate is a Certificate of Conformity issued by EPA which signifies compliance with emission standards in 40 CFR part 86, subpart A.

Fuel economy basic engine means a unique combination of manufacturer, engine displacement, number of cylinders, fuel system, catalyst usage, and other characteristics specified by the Administrator.

Filing form means the MVECP Fee Filing Form to be sent with payment of the MVECP fee.

Signed means a certification request which results in a signed Certificate of Conformity.

Unsigned means a certification request which does not result in a signed Certificate of Conformity because it is either voluntarily withdrawn by the manufacturer or does not receive approval from the EPA.

§ 86.903-93 Applicability.

This subpart prescribes fees to be charged for the MVECP for 1993 and later Mys. The fees charged will apply to all manufacturers' and ICIs' LDVs, LDTs, HDVs, HDEs, and MCs. Nothing in this subpart shall be construed to limit the Administrator's authority to require manufacturer or confirmatory testing as provided in the Clean Air Act, including authority to require manufacturer in-use testing as provided in section 208 of the Clean Air Act.

EFFECTIVE DATE NOTE: At 69 FR 26251, May 11, 2004, § 86.903-93 was revised effective July 12, 2004. For the convenience of the user, the revised text is set forth as follows:

§ 86.903-93 Applicability.

(a) This subpart prescribes fees to be charged for the MVECP for the 1993 through 2004 model year. The fees charged will apply to all manufacturers and ICIs of LDVs, LDTs, HDVs, HDEs, and MCs. Nothing in this subpart shall be construed to limit the Administrator's authority to require manufacturer or confirmatory testing as provided in the Clean Air Act, including authority to require manufacturer in-use testing as provided in section 208 of the Clean Air Act.

(b) The fee requirements of 40 CFR part 85, subpart Y for 2004 and later certification requests received on or after July 12, 2004 apply instead of the fees prescribed in this subpart.

(c) The fees prescribed in this subpart will only apply to those 2004 model year certification requests which are complete, include all data required by this title, and are received by the Agency prior to July 12, 2004.

§ 86.904-93 Section numbering; construction.

(a)(1) The MY of initial applicability is indicated by the section number. The two digits following the hyphen designate the first MY for which a section is effective. A section remains effective until superseded.

(2) *Example.* Section 86.901-93 applies to the 1993 and subsequent MYs until

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superseded. If §86.901-96 is promulgated, it will take effect beginning with the 1996 MY; §86.901-93 will apply to MYs 1993 through 1995.

(b)(1) A section reference without a MY suffix refers to the section applicable for the appropriate MY.

(2) *Example.* For a reference to §86.901, one would refer to §86.901-xx where xx is the last two digits of the model year in question.

§ 86.905-93 Purpose.

The MVECP includes all compliance, enforcement, and related activities performed by EPA which are associated with certification, fuel economy, SEA, and in-use compliance programs. The fee will recover those compliance, investigation and review costs which the EPA incurs in providing vehicle and engine manufacturers or ICIs with Certificates of Conformity, fuel economy labels, CAFE calculations, and ICI review necessary to market vehicles in the U.S. and to meet requirements otherwise imposed by statute.

§ 86.906-93 MVEPC certification request types.

Certification requests are grouped into three types corresponding to the three major divisions of regulated mobile sources: LDVs/LDTs; HDVs/HDEs; and MCs.

§ 86.907-01 Fee amounts.

The fee for each certification request type is:

Certificate type	Model year 2001 and later
LDV/LDT:	
Fed Signed	\$27,211
Cal-only Signed	8,956
Fed Unsigned	2,738
Cal-only Unsigned	2,738
HDE/HDV:	
Fed Signed	12,584
Cal-only Signed	2,145
Fed Unsigned	2,145
Cal-only Unsigned	2,145
All Evaporative-only	2,145
Motorcycles:	
Fed Signed	840
Cal-only Signed	840
Fed Unsigned	840
Cal-only Unsigned	840

§ 86.907-93 Fee amounts.

The fee for each certification request type is:

	MY 1993	MY 1994 (and later)
LDV/LDT		
Fed Signed	\$11,865	\$23,731
Cal-only Signed	4,563	9,127
Fed Unsigned	1,095	2,190
Cal-only Unsigned	1,095	2,190
HDE/HDV		
Fed Signed	6,292	12,584
Cal-only Signed	1,072	2,145
Fed Unsigned	1,072	2,145
Cal-only Unsigned	1,072	2,145
All Evaporative-only	1,072	2,145
MCs		
Fed Signed	420	840
Cal-only Signed	420	840
Fed Unsigned	420	840
Cal-only Unsigned	420	840

§ 86.908-01 Waivers and refunds.

This section includes text that specifies requirements that differ from §86.908-93. Where a paragraph in §86.908-93-01 is identical and applicable to this section, this may be indicated by specifying the corresponding paragraph and the statement “[Reserved]. For guidance see §86.908-93.”

(a) [Reserved]. For guidance see §86.908-93.

(b) *Request for refund.* The Administrator may refund a specified part of any fee imposed by §86.907 if the applicant fails to obtain a signed certificate and requests a refund.

(1) That portion of the total fee to be refunded will be as follows:

[In percent]

	Federal	California-only
LDV/LDT	89.9	69.4
HDE/HDV	83.0	0
HD—Evaporative only	0	0
MC	0	0

(2) For a refund of a portion of a waiver payment due to a decrease in the projected retail sales price of the vehicles or engines to be covered by the certification request the applicant should submit documentation to EPA detailing the waiver fee adjustment.

(c) *Waiver and refund address.* A request for a waiver or refund of part of a fee shall be submitted in writing by the applicant to the Environmental Protection Agency, Vehicle Programs