

§ 86.908-93

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

and Compliance Division, 2565 Plymouth Road, Ann Arbor, MI 48105.

[64 FR 23922, May 4, 1999]

§ 86.908-93 Waivers and refunds.

(a) *Request for waiver.* The Administrator may waive part of any fee imposed by §86.907 of this subpart.

(1) A waiver will be granted to an applicant if the Administrator determines that:

(i) The certificate is to be used for sale of vehicles or engines within the United States; and

(ii) The full fee for a certification request for a MY exceeds 1% of the aggregate projected retail sales price of all vehicles covered by that certificate.

(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 2003.

(2) The request for waiver must be submitted prior to the payment of any fee and shall include evidence, such as prior actual sales, retail sales price, and previous waiver requests, clearly showing that the applicant satisfies the two waiver criteria. The retail sales price will be based on the total projected sales of all vehicles under a certificate, including vehicles modified under the modification and test option in 40 CFR 85.1509. For an ICI certificate, the retail sales price shall be based on the applicable National Automobile Dealer's Association (NADA) appraisal guide and/or other evidence of the actual market value.

(3) If a waiver is granted, the fee to be paid by the applicant shall be 1% of the aggregate projected retail sales price of the vehicles or engines to be covered by the certification request.

(4) The waiver request will be reviewed by EPA.

(i) EPA or its designee will analyze each waiver request to determine whether the applicant has met the standards for a waiver and then will notify the applicant of its grant or denial.

(ii) If the request is denied, the applicant will have 30 days from the date of notification of the denial to submit the

appropriate fee to EPA or appeal the denial.

(5) Whenever the aggregate projected retail sales price of the vehicles or engines to be covered by the certification request changes and/or the certificate which is under a fee waiver expires, the applicant, as appropriate:

(i) Shall submit a filing form with payment of the additional waiver fee; or

(ii) May submit a request for a refund.

(6) The total waiver fee shall not exceed the full fee amount for the applicable certification request type.

(b) *Request for refund.* The Administrator may refund a specified part of any fee imposed by §86.907 of this subpart 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:

	Federal (percent)	California only (percent)
LDV/LDT	90.8	76.0
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, Motor Vehicle and Engine Compliance Program, Certification Division, 2565 Plymouth Road, Ann Arbor, MI 48105.

(d)(1) For model years 2000 through 2003, the required fees under this subpart shall be waived for any light-duty vehicle, light-duty truck, or heavy-duty engine family that meets the small volume sales requirements of §86.1838-01 and:

(i) Is a dedicated gaseous-fueled vehicle or engine OR;

(ii) Receives a certificate of conformity with the LEV, ILEV, ULEV, or ZEV emissions standards in 40 CFR part 88.

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(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:

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(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.

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§ 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.