

§ 85.2401

commerce, or delivered for introduction into commerce prior to the effective date of the certificate of conformity;

(3) The Agency is notified prior to the beginning of production when such production will start, and the Agency is provided full opportunity to inspect and/or test the vehicles during and after their production; for example, the Agency must have the opportunity to conduct selective enforcement auditing production line testing as if the vehicles had been produced after the effective date of the certificate.

(c) New vehicles or engines imported by an original equipment manufacturer after December 31 of the calendar year for which the model year was named are still covered by the certificate of conformity as long as the production of the vehicle or engine was completed before December 31 of that year. This paragraph does not apply to vehicles that may be covered by certificates held by independent commercial importers unless specifically approved by EPA.

(d) Vehicles or engines produced after December 31 of the calendar year for which the model year is named are not covered by the certificate of conformity for that model year. A new certificate of conformity demonstrating compliance with currently applicable standards must be obtained for these vehicles or engines even if they are identical to vehicles or engines built before December 31.

(e) The extended coverage period described here for a certificate of conformity (i.e., up to one year plus 364 days) is primarily intended to allow flexibility in the introduction of new models. Under no circumstances should it be interpreted that existing models may “skip” yearly certification by pulling ahead the production of every other model year.

Subpart Y—Fees for the Motor Vehicle and Engine Compliance Program

SOURCE: 69 FR 26248, May 11, 2004, unless otherwise noted.

40 CFR Ch. I (7–1–07 Edition)

§ 85.2401 To whom do these requirements apply?

(a) This subpart prescribes fees manufacturers must pay for the motor vehicle and engine compliance program (MVECP) activities performed by the EPA. The prescribed fees and the provisions of this subpart apply to manufacturers of:

(1) Light-duty vehicles (cars and trucks) (*See* 40 CFR part 86);

(2) Medium Duty Passenger Vehicles (*See* 40 CFR part 86);

(3) Complete gasoline-fueled highway heavy-duty vehicles (*See* 40 CFR part 86);

(4) Heavy-duty highway diesel and gasoline engines (*See* 40 CFR part 86);

(5) On-highway motorcycles (*See* 40 CFR part 86);

(6) Nonroad compression-ignition engines (*See* 40 CFR parts 89 and 1039);

(7) Locomotives (*See* 40 CFR part 92);

(8) Marine engines, excluding inboard & sterndrive engines (*See* 40 CFR parts 91 and 94, and MARPOL Annex VI, as applicable);

(9) Small nonroad spark-ignition engines (engines \leq 19kW) (*See* 40 CFR part 90);

(10) Recreational vehicles (including, but not limited to, snowmobiles, all-terrain vehicles and off-highway motorcycles) (*See* 40 CFR part 1051);

(11) Heavy-duty highway gasoline vehicles (evaporative emissions certification only) (*See* 40 CFR part 86);

(12) Large nonroad spark-ignition engines (engines $>$ 19 KW) (*See* 40 CFR part 1048); and

(13) Stationary internal combustion engines (*See* 40 CFR part 60, subpart III).

(b) This subpart applies to manufacturers that submit certification requests received by the agency on or after July 12, 2004.

(c) Certification requests which are complete, contain all required data, and are received prior to July 12, 2004 are subject to the provisions of 40 CFR part 86, subpart J.

(d) Nothing in this subpart will 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

Environmental Protection Agency

§ 85.2404

provided in section 208 of the Clean Air Act.

[69 FR 26248, May 11, 2004, as amended at 71 FR 39184, July 11, 2006]

§ 85.2402 [Reserved]

§ 85.2403 What definitions apply to this subpart?

(a) The following definitions apply to this subpart:

Agency or EPA means the U.S. Environmental Protection Agency.

Annex IV is a Statement of Voluntary Compliance or Engine International Air Pollution Prevention Certificate issued by EPA under MARPOL Annex VI.

Body Builder means a manufacturer, other than the OEM, who installs certified on-highway HDE engines into equipment such as trucks, busses or other highway vehicles.

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 evidenced by the submission of an application for certification, ESI data sheet, or ICI Carryover data sheet. A single certification request covers one test group, engine family, or engine system combination as applicable. For HDV evaporative certification, the certification request covers one evaporative family.

Consumer Price Index means the consumer price index for all U.S. cities using the "U.S. city average" area, "all items" and "not seasonally adjusted" numbers calculated by the Department of Labor.

Federal certificate is a Certificate of Conformity issued by EPA which signifies compliance with emission requirements in any of the parts specified in paragraph (b) of this section.

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.

MARPOL Annex VI is an annex to the International Convention on the Prevention of Pollution from Ships, 1973, as modified by the protocol of 1978 relating thereto; the international treaty regulating disposal of wastes generated by normal operation of vessels.

Other category includes: HD HW evap, including ICI; Marine (excluding in-board & sterndrive) including ICI & Annex VI; NR SI, including ICI; NR Recreational (non-marine), including ICI; Locomotives, including ICI.

Recreational means the engines subject to 40 CFR part 1051 which includes off road motorcycles, all-terrain vehicles, and snowmobiles.

Subcategory refers to the divisions of the light-duty category which is composed of two subcategories, the certification/fuel economy subcategory and the in-use subcategory.

Total Number of Certificates Issued means the number of certificates for which fees are paid or waivers are issued. This term is not intended to represent multiple certificates which are issued within a single family or test group.

(b) The definitions contained in the following parts also apply to this subpart. If the term is defined in paragraph (a) of this section then that definition will take precedence.

- (1) 40 CFR part 85;
- (2) 40 CFR part 86;
- (3) 40 CFR part 89;
- (4) 40 CFR part 90;
- (5) 40 CFR part 91;
- (6) 40 CFR part 92;
- (7) 40 CFR part 94;
- (8) 40 CFR part 1039;
- (9) 40 CFR part 1048;
- (10) 40 CFR part 1051; and
- (11) 40 CFR part 60, subpart III.

[69 FR 26248, May 11, 2004, as amended at 71 FR 39184, July 11, 2006]

§ 85.2404 What abbreviations apply to this subpart?

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

Annex IV—a Statement of Voluntary Compliance or Engine International Air Pollution Prevention Certificate issued by EPA under MARPOL Annex VI.

Cal—California;