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1.0 shall be used in place of 0.8 in the credit availability equation in § 86.098-15 (c)(1).

(4) *2003 model year.* Manufacturers selecting Option 1, described in § 86.005-10(f)(1), may not generate or bank early credits under this paragraph (k) for the 2003 model year. Credit generation and banking provisions contained in § 86.004-15 apply for the 2003 model year.

(1) *Credit apportionment.* At the manufacturer's option, credits generated under the provisions described in paragraph (j) or (k) of this section may be sold to or otherwise provided to another party for use in programs other than the averaging, trading and banking program described in this section.

(1) The manufacturer shall pre-identify two emission levels per engine family for the purposes of credit apportionment. One emission level shall be the FEL and the other shall be the level of the standard that the engine family is required to certify to under § 86.098-10 or § 86.098-11, as applicable. For each engine family, the manufacturer may report engine sales in two categories, "ABT-only credits" and "non-manufacturer-owned credits."

(i) For engine sales reported as "ABT-only credits", the credits generated must be used solely in the ABT program described in this section.

(ii) The engine manufacturer may declare a portion of engine sales "non-manufacturer-owned credits" and this portion of the credits generated between the standard and the FEL, based on the calculation in § 86.098-15(c)(1), would belong to another party. For ABT, the manufacturer may not generate any credits for the engine sales reported as "non-manufacturer-owned credits." Engines reported as "non-manufacturer-owned credits" shall comply with the FEL and the requirements of the ABT program in all other respects.

(2) Only manufacturer-owned credits reported as "ABT-only credits" shall be used in the averaging, trading, and banking provisions described in this section.

(3) Credits shall not be double-counted. Credits used in the ABT program may not be provided to an engine purchaser for use in another program.

(4) Manufacturers shall determine and state the number of engines sold as "ABT-only credits" and "non-manufacturer-owned credits" in the end-of-model year reports required under § 86.098-23.

[65 FR 59944, Oct. 6, 2000]

§ 86.000-16 Prohibition of defeat devices.

Section 86.000-16 includes text that specifies requirements that differ from § 86.094-16. Where a paragraph in § 86.094-16 is identical and applicable to § 86.000-16, this may be indicated by specifying the corresponding paragraph and the statement "[Reserved]. For guidance see § 86.094-16."

(a) No new light-duty vehicle, light-duty truck, heavy-duty vehicle, or heavy-duty engine shall be equipped with a defeat device.

(b) The Administrator may test or require testing on any vehicle or engine at a designated location, using driving cycles and conditions which may reasonably be expected to be encountered in normal operation and use, for the purpose of investigating a potential defeat device.

(c) [Reserved]. For guidance see § 86.094-16.

(d) For vehicle and engine designs designated by the Administrator to be investigated for possible defeat devices:

(1) The manufacturer must show to the satisfaction of the Administrator that the vehicle or engine design does not incorporate strategies that unnecessarily reduce emission control effectiveness exhibited during the Federal emissions test procedure when the vehicle or engine is operated under conditions which may reasonably be expected to be encountered in normal operation and use.

(d)(2)-(d)(2)(ii) [Reserved]. For guidance see § 86.094-16.

[61 FR 54881, Oct. 22, 1996, as amended at 65 FR 59945, Oct. 6, 2000]

§ 86.000-21 Application for certification.

Section 86.000-21 includes text that specifies requirements that differ from § 86.094-21, § 86.096-21 or § 86.098-21. Where a paragraph in § 86.094-21, § 86.096-21 or § 86.098-21 is identical and

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applicable to § 86.000-21, this may be indicated by specifying the corresponding paragraph and the statement “[Reserved]. For guidance see § 86.094-21.” or “[Reserved]. For guidance see § 86.096-21.” or “[Reserved]. For guidance see § 86.098-21.”

(a)-(b)(1)(i)(B) [Reserved]. For guidance see § 86.094-21.

(b)(1)(i)(C) The manufacturer must submit a Statement of Compliance in the application for certification which attests to the fact that they have assured themselves that the engine family is designed to comply with the intermediate temperature cold testing criteria of subpart C of this part, and does not unnecessarily reduce emission control effectiveness of vehicles operating at high altitude or other conditions not experienced within the US06 (aggressive driving) and SC03 (air conditioning) test cycles.

(b)(1)(i)(C)(I)-(b)(1)(ii)(C) [Reserved]. For guidance see § 86.094-21.

(b)(2) Projected U.S. sales data sufficient to enable the Administrator to select a test fleet representative of the vehicles (or engines) for which certification is requested, and data sufficient to determine projected compliance with the standards implementation schedules of §§ 86.000-8 and 86.000-9. Volume projected to be produced for U.S. sale may be used in lieu of projected U.S. sales.

(b)(3) A description of the test equipment and fuel proposed to be used.

(b)(4)(i) [Reserved]. For guidance see § 86.098-21.

(b)(4)(ii)-(b)(5)(iv) [Reserved]. For guidance see § 86.094-21.

(b)(5)(v) [Reserved]. For guidance see § 86.098-21.

(b)(6)-(b)(8) [Reserved]. For guidance see § 86.094-21.

(b)(9)-(b)(10)(iii) [Reserved]. For guidance see § 86.098-21.

(c)-(j) [Reserved]. For guidance see § 86.094-21.

(k) and (l) [Reserved]. For guidance see § 86.096-21.

[61 FR 54882, Oct. 22, 1996]

§ 86.000-23 Required data.

Section 86.000-23 includes text that specifies requirements that differ from § 86.095-23 or § 86.098-23. Where a paragraph in § 86.095-23 or § 86.098-23 is iden-

tical and applicable to § 86.000-23, this may be indicated by specifying the corresponding paragraph and the statement “[Reserved]. For guidance see § 86.095-23.” or “[Reserved]. For guidance see § 86.098-23.”

(a)-(b)(1)(ii) [Reserved]. For guidance see § 86.095-23.

(b)(2) [Reserved]. For guidance see § 86.098-23.

(b)(3)-(b)(4)(ii) [Reserved]. For guidance see § 86.095-23.

(b)(4)(iii) [Reserved]. For guidance see § 86.098-23.

(c)-(e)(1) [Reserved]. For guidance see § 86.095-23.

(e)(2)-(e)(3) [Reserved]. For guidance see § 86.098-23.

(f)-(k) [Reserved]. For guidance see § 86.095-23.

(1) Additionally, manufacturers certifying vehicles shall submit for each model year 2000 through 2002 light-duty vehicle and light light-duty truck engine family and each model year 2002 through 2004 heavy light-duty truck engine family the information listed in paragraphs (1) (1) and (2) of this section.

(1) Application for certification. In the application for certification, the manufacturer shall submit the projected sales volume of engine families certifying to the respective standards. Volume projected to be produced for U.S. sale may be used in lieu of projected U.S. sales.

(2) End-of-year reports for each engine family.

(i) These end-of-year reports shall be submitted within 90 days of the end of the model year to: Director, Vehicle Programs and Compliance Division, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

(ii) These reports shall indicate the model year, engine family, and the actual U.S. sales volume. The manufacturer may petition the Administrator to allow volume produced for U.S. sale to be used in lieu of U.S. sales. Such petition shall be submitted within 30 days of the end of the model year to the Manufacturers Operations Division. For the petition to be granted, the manufacturer must establish to the satisfaction of the Administrator that