

corrected if discovered after the 180 day correction period allowed.

(i) Failure by a manufacturer participating in the averaging, trading, or banking programs to submit any quarterly or end-of-year report (as applicable) in the specified time for all vehicles and engines that are part of an averaging set is a violation of section 203(a)(1) of the Clean Air Act (42 U.S.C. 7522(a)(1)) for each such vehicle and engine.

(j) Failure by a manufacturer generating credits for deposit only in either the HDE NO_x or particulate banking programs to submit their end-of-year reports in the applicable specified time period (i.e., 90 days after the end of the model year) shall result in the credits not being available for use until such reports are received and reviewed by EPA. Use of projected credits pending EPA review will not be permitted in these circumstances.

(k) Engine families certified using NCPs are not required to meet the requirements outlined above.

(l) Additionally, manufacturers certifying vehicles shall submit for each model year 1994 through 1997 light-duty vehicle and light light-duty truck engine family and each model year 1996 through 1998 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, and the in-use standards that each engine family will meet. 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, Manufacturers Operations Division (6405J), 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 production volume is functionally equivalent to sales volume.

(iii) The U.S. sales volume for end-of-year reports shall be based on the location of the point of sale to a dealer, distributor, fleet operator, broker, or any other entity which comprises the point of first sale.

(iv) Failure by a manufacturer to submit the end-of-year report within the specified time may result in certificate(s) for the engine family(ies) certified to Tier 0 certification standards being voided ab initio plus any applicable civil penalties for failure to submit the required information to the Agency.

(v) These reports shall include the information required under § 86.094-7(h)(1). The information shall be organized in such a way as to allow the Administrator to determine compliance with the Tier 1 standards implementation schedules of §§ 86.094-8 and 86.094-9, and the Tier 1 and Tier 1₁ implementation schedules of §§ 86.708-94 and 86.709-94.

[58 FR 66294, Dec. 20, 1993, as amended at 59 FR 14110, Mar. 25, 1994]

§ 86.095-26 Mileage and service accumulation; emission measurements.

Section 86.095-26 includes text that specifies requirements that differ from § 86.094-26. Where a paragraph in § 86.094-26 is identical and applicable to § 86.095-26, this may be indicated by specifying the corresponding paragraph and the statement “[Reserved].” For guidance see § 86.094-26.” Where a corresponding paragraph of § 86.094-26 is not applicable, this is indicated by the statement “[Reserved].”

(a)-(b)(4)(i)(C) [Reserved]. For guidance see § 86.094-26.

(b)(4)(i)(D) For each engine family, the manufacturer will either select one vehicle previously selected under § 86.094-24(b)(1) (i) through (iv) to be tested under high altitude conditions or provide a statement in accordance with § 86.095-24(b)(1)(v). Vehicles shall

meet emission standards under both low- and high-altitude conditions without manual adjustments or modifications. In addition, any emission control device used to conform with the emission standards under high-altitude conditions shall initially actuate (automatically) no higher than 4,000 feet above sea level.

(ii) *Diesel.* (A) The manufacturer shall determine, for each engine family, the mileage at which the engine-system combination is stabilized for emission data testing. The manufacturer shall maintain, and provide to the Administrator if requested, a record of the rationale used in making this determination. The manufacturer may elect to accumulate 4,000 miles on each test vehicle within an engine family without making a determination. The manufacturer must accumulate a minimum of 2,000 miles (3,219 kilometers) on each test vehicle within an engine family. All test vehicle mileage must be accurately determined, recorded, and reported to the Administrator. Any vehicle used to represent emission data vehicle selections under § 86.094-24(b)(1) shall be equipped with an engine and emission control system that has accumulated the mileage the manufacturer chose to accumulate on the test vehicle. Fuel economy data generated from certification vehicles selected in accordance with § 86.094-24(b)(1) with engine-system combinations that have accumulated more than 10,000 kilometers (6,200 miles) shall be factored in accordance with § 600.006-87(c) of this chapter. Complete exhaust emission tests shall be conducted for each emission data vehicle selection under § 86.094-24(b)(1). The Administrator may determine under § 86.094-24(f) that no testing is required.

(B) Emission tests for emission data vehicle(s) selected for testing under § 86.094-24(b)(1)(v) shall be conducted at the mileage (2,000 mile minimum) at which the engine-system combination is stabilized for emission testing or at the 6,436 kilometer (4,000 mile) test point under high-altitude conditions.

(C) Exhaust and evaporative emission tests for emission data vehicle(s) selected for testing under § 86.094-24(b)(1)(ii), (iii), and (iv) shall be conducted at the mileage (2,000 mile minimum) at

which the engine-system combination is stabilized for emission testing or at the 6,436 kilometer (4,000 mile) test point under low-altitude conditions.

(D) For each engine family, the manufacturer will either select one vehicle previously selected under § 86.094-26(b)(1)(i) through (iv) to be tested under high altitude conditions or provide a statement in accordance with § 86.095-24(b)(1)(v). Vehicles shall meet emission standards under both low- and high-altitude conditions without manual adjustments or modifications. In addition, any emission control device used to conform with the emission standards under high-altitude conditions shall initially actuate (automatically) no higher than 4,000 feet above sea level.

(b)(4)(iii)-(d) [Reserved]. For guidance see § 86.094-26.

[58 FR 4036, Jan. 12, 1993]

§ 86.095-30 Certification.

Section 86.095-30 includes only text that specifies requirements that differ from § 86.094-30. Where a paragraph in § 86.094-30 is identical and applicable to § 86.095-30, this is indicated by specifying the corresponding paragraph and the statement “[Reserved]. For guidance see § 86.094-30.” Where a corresponding paragraph of § 86.094-30 is not applicable, this is indicated by the statement “[Reserved].”

(a)(1)(i)-(a)(2) [Reserved]. For guidance see § 86.094-30.

(a)(3)(i) One such certificate will be issued for each engine family. For gasoline-fueled and methanol-fueled light-duty vehicles and light-duty trucks, one such certificate will be issued for each engine family evaporative emission family combination. Each certificate will certify compliance with no more than one set of in-use and certification standards (or family emission limits, as appropriate).

(ii) For gasoline-fueled and methanol fueled heavy-duty vehicles, one such certificate will be issued for each manufacturer and will certify compliance for those vehicles previously identified in that manufacturer’s statement(s) of compliance as required in § 86.094-23(b)(4)(i) and (ii).

(iii) For diesel light-duty vehicles and light-duty trucks, or diesel heavy-