

(iv) For each production durability data vehicle selected under paragraph (h)(1) of this section, the manufacturer must provide to the Administrator (before the vehicle is tested or begins service accumulation) the vehicle identification number. Before the vehicle begins service accumulation the manufacturer must also provide the Administrator with a description of the durability data vehicle as specified by the Administrator.

(v) In lieu of testing a production durability data vehicle selected under paragraph (h)(1) of this section, and submitting data therefrom, a manufacturer may, with the prior written approval of the Administrator, submit exhaust emission data from a production vehicle of the same configuration for which all applicable data has previously been submitted.

(2) If, within an existing engine family group, a manufacturer requests to certify vehicles of a new design, engine family, emission control system, or with any other durability-related design difference, the Administrator determines if the existing engine family group deterioration factor is appropriate for the new design. If the Administrator cannot make this determination or deems the deterioration factor not appropriate, the Administrator selects preproduction durability data vehicles under the provisions of paragraph (c) of this section. If vehicles are then certified using the new design, the Administrator may select production vehicles with the new design under the provisions of paragraph (h)(1) of this section.

(3) If a manufacturer requests to certify vehicles of a new design that the Administrator determines are a new engine family group, the Administrator selects preproduction durability data vehicles under the provisions of paragraph (c) of this section. If vehicles are then certified using the new design, the Administrator may select production vehicles of that design under the provisions of paragraph (h)(1) of this section.

[58 FR 58417, Nov. 1, 1993]

**§ 86.096–26 Mileage and service accumulation; emission measurements.**

Section 86.096–26 includes text that specifies requirements that differ from

those specified in §§ 86.094–26 and 86.095–26. Where a paragraph in § 86.094–26 or § 86.095–26 is identical and applicable to § 86.096–26, this may be indicated by specifying the corresponding paragraph and the statement “[Reserved]. For guidance see § 86.094–26.” or “[Reserved]. For guidance see § 86.095–26.”

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

(b)(4)(i)(D)–(b)(4)(ii)(D) [Reserved]. For guidance see § 86.095–26.

(b)(4)(iii)–(c)(3) [Reserved]. For guidance see § 86.094–26.

(c)(4) The manufacturer shall determine, for each engine family, the number of hours 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 125 hours on each test engine within an engine family without making a determination. Any engine used to represent emission-data engine selections under § 86.094–24(b)(2) shall be equipped with an engine system combination that has accumulated at least the number of hours determined under this paragraph. Complete exhaust emission tests shall be conducted for each emission-data engine selection under § 86.094–24(b)(2). Evaporative emission controls must be connected, as described in § 86.1337–96(a)(1). The Administrator may determine under § 86.094–24(f) that no testing is required.

(d) [Reserved]. For guidance see § 86.094–26.

[58 FR 16024, Mar. 24, 1993]

**§ 86.096–30 Certification.**

Section 86.096–30 includes text that specifies requirements that differ from those specified in §§ 86.094–30 and 86.095–30. Where a paragraph in § 86.094–30 or § 86.095–30 is identical and applicable to § 86.096–30, this may be indicated by specifying the corresponding paragraph and the statement “[Reserved]. For guidance see § 86.094–30.” or “[Reserved]. For guidance see § 86.095–30.”

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

(a)(3)(i)–(a)(4)(iii) introductory text [Reserved]. For guidance see § 86.095–30.

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(a)(4)(iii)(A)–(a)(4)(iii)(C) [Reserved]. For guidance see § 86.094–30.

(a)(4)(iv) introductory text [Reserved]. For guidance see § 86.095–30.

(a)(4)(iv)(A)–(a)(12) [Reserved]. For guidance see § 86.094–30.

(a)(13) [Reserved]. For guidance see § 86.095–30.

(a)(14) [Reserved]. For guidance see § 86.094–30.

(a)(15) For all light-duty vehicles certified to evaporative test procedures and accompanying standards specified under § 86.096–8:

(i) All certificates issued are conditional upon the manufacturer complying with all provisions of § 86.096–8 both during and after model year production.

(ii) Failure to meet the required implementation schedule sales percentages as specified in § 86.096–8 will be considered to be a failure to satisfy the conditions upon which the certificate was issued and the vehicles sold in violation of the implementation schedule shall not be covered by the certificate.

(iii) The manufacturer shall bear the burden of establishing to the satisfaction of the Administrator that the conditions upon which the certificate was issued were satisfied.

(16) For all light-duty trucks certified to evaporative test procedures and accompanying standards specified under § 86.096–9:

(i) All certificates issued are conditional upon the manufacturer complying with all provisions of § 86.096–9 both during and after model year production.

(ii) Failure to meet the required implementation schedule sales percentages as specified in § 86.096–9 will be considered to be a failure to satisfy the conditions upon which the certificate was issued and the vehicles sold in violation of the implementation schedule shall not be covered by the certificate.

(iii) The manufacturer shall bear the burden of establishing to the satisfaction of the Administrator that the conditions upon which the certificate was issued were satisfied.

(17) For all heavy-duty vehicles certified to evaporative test procedures and accompanying standards specified under § 86.096–10:

(i) All certificates issued are conditional upon the manufacturer complying with all provisions of § 86.096–10 both during and after model year production.

(ii) Failure to meet the required implementation schedule sales percentages as specified in § 86.096–10 will be considered to be a failure to satisfy the conditions upon which the certificate was issued and the vehicles sold in violation of the implementation schedule shall not be covered by the certificate.

(iii) The manufacturer shall bear the burden of establishing to the satisfaction of the Administrator that the conditions upon which the certificate was issued were satisfied.

(18) For all heavy-duty vehicles certified to evaporative test procedures and accompanying standards specified under § 86.098–11:

(i) All certificates issued are conditional upon the manufacturer complying with all provisions of § 86.098–11 both during and after model year production.

(ii) Failure to meet the required implementation schedule sales percentages as specified in § 86.098–11 will be considered to be a failure to satisfy the conditions upon which the certificate was issued and the vehicles sold in violation of the implementation schedule shall not be covered by the certificate.

(iii) The manufacturer shall bear the burden of establishing to the satisfaction of the Administrator that the conditions upon which the certificate was issued were satisfied.

(19) For all light-duty vehicles and light light-duty trucks certified to standards under §§ 86.1710 through 86.1712, the provisions of paragraphs (a)(19) (i) through (iv) of this section apply.

(i) All certificates issued are conditional upon manufacturer compliance with all provisions of §§ 86.1710 through 86.1712 both during and after model year production.

(ii) Failure to meet the requirements of § 86.1710 (a) through (d) will be considered to be a failure to satisfy the conditions upon which the certificate(s) was issued and the vehicles sold in violation of the fleet average NMOG standard shall not be covered by the certificate.

(iii) The manufacturer shall bear the burden of establishing to the satisfaction of the Administrator that the conditions upon which the certificate was issued were satisfied.

(iv) For recall and warranty purposes, vehicles not covered by a certificate because of a violation of this condition of the certificate will continue to be held to the standards stated in the certificate that would have otherwise applied to the vehicles.

(20) For all light-duty vehicles and light light-duty trucks certified to standards under §§86.1710 through 86.1712, the provisions of paragraphs (a)(20) (i) through (iv) of this section apply.

(i) All certificates issued are conditional upon manufacturer compliance with all provisions of §§86.1710 through 86.1712 both during and after model year production.

(ii) Failure to comply fully with the prohibition against a manufacturer selling credits that it has not generated or are not available, as specified in §86.1710(e), will be considered to be a failure to satisfy the conditions upon which the certificate(s) was issued and the vehicles sold in violation of this prohibition shall not be covered by the certificate.

(iii) The manufacturer shall bear the burden of establishing to the satisfaction of the Administrator that the conditions upon which the certificate was issued were satisfied.

(iv) For recall and warranty purposes, vehicles not covered by a certificate because of a violation of this condition of the certificate will continue to be held to the standards stated in the certificate that would have otherwise applied to the vehicles.

(21) For all light-duty vehicles and light light-duty trucks certified to standards under §§86.1710 through 86.1712, the provisions of paragraphs (a)(21) (i) through (iv) of this section apply.

(i) All certificates issued are conditional upon manufacturer compliance with all provisions of §§86.1710 through 86.1712 both during and after model year production.

(ii) Failure to comply fully with the prohibition against offering for sale Tier 1 vehicles and TLEVs in the

Northeast Trading Region, as defined in §86.1702, after model year 2000 if vehicles with the same engine families are not certified and offered for sale in California in the same model year, as specified in §86.1711(a), will be considered to be a failure to satisfy the conditions upon which the certificate(s) was issued and the vehicles sold in violation of this prohibition shall not be covered by the certificate.

(iii) The manufacturer shall bear the burden of establishing to the satisfaction of the Administrator that the conditions upon which the certificate was issued were satisfied.

(iv) For recall and warranty purposes, vehicles not covered by a certificate because of a violation of this condition of the certificate will continue to be held to the standards stated in the certificate that would have otherwise applied to the vehicles.

(22) [Reserved]

(23)(i) The Administrator will issue a National LEV certificate of conformity for 1999 model year vehicles or engines certified to comply with the California TLEV, LEV, or ULEV emission standards.

(ii) This certificate of conformity shall be granted after the Administrator has received and reviewed the California Executive Order a manufacturer has received for the same vehicles or engines.

(iii) Vehicles or engines receiving a certificate of conformity under the provisions in this paragraph can only be sold in the states included in the NTR, as defined in §86.1702, and those states where the sale of California-certified vehicles is otherwise authorized.

(24)(i) The Administrator will issue a National LEV certificate of conformity for 2000 model year vehicles or engines certified to comply with the California TLEV emission standards.

(ii) This certificate of conformity shall be granted after the Administrator has received and reviewed the California Executive Order a manufacturer has received for the same vehicles or engines.

(iii) Vehicles or engines receiving a certificate of conformity under the provisions in this paragraph can only be sold in the states included in the NTR, as defined in §86.1702, and those

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states where the sale of California-certified vehicles is otherwise authorized.

(b)–(f) [Reserved]. For guidance see § 86.094–30.

[58 FR 16024, Mar. 24, 1993, as amended at 58 FR 34536, June 28, 1993; 62 FR 31233, June 6, 1997; 63 FR 965, Jan. 7, 1998]

**§ 86.096–35 Labeling.**

Section 86.096–35 includes text that specifies requirements that differ from § 86.095–35. Where a paragraph in § 86.095–35 is identical and applicable to § 86.096–35, this may be indicated by specifying the corresponding paragraph and the statement “[Reserved]. For guidance see § 86.095–35.”

(a) introductory text through (a)(1)(iii)(L) [Reserved]. For guidance see § 86.095–35.

(a)(1)(iii)(M) For model years 1996 through 1998 light-duty vehicles, a clear indication of which test procedure was used to certify the evaporative family, e.g., “Evaporative Family xx (§ 86.130–96 procedures)” or “Evaporative Family xx (§ 86.130–78 procedures).”

(N)(I) For vehicles exempted from compliance with certain revised performance warranty procedures, as specified in § 86.096–21(j), a statement indicating the specific performance warranty test(s) of 40 CFR part 85, subpart W not to be performed.

(2) For vehicles exempted from compliance with all revised performance warranty procedures, as specified in § 86.096–21(k), a statement indicating:

(i) that none of the performance warranty tests of 40 CFR part 85, subpart W is to be performed, and

(ii) the name of the Administrator-approved alternative test procedure to be performed.

(a)(2) Heading through (a)(2)(iii)(N) [Reserved]. For guidance see § 86.095–35.

(a)(2)(iii)(O) For model years 1996 through 1998 light-duty trucks, a clear indication of which test procedure was used to certify the evaporative family, e.g., “Evaporative Family xx (§ 86.130–96 procedures)” or “Evaporative Family xx (§ 86.130–78 procedures).”

(P)(I) For vehicles exempted from compliance with certain revised performance warranty procedures, as specified in § 86.096–21(j), a statement indicating the specific performance war-

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ranty test(s) of 40 CFR part 85, subpart W not to be performed.

(2) For vehicles exempted from compliance with all revised performance warranty procedures, as specified in § 86.096–21(k), a statement indicating:

(i) that none of the performance warranty tests of 40 CFR part 85, subpart W, is to be performed, and

(ii) the name of the Administrator-approved alternative test procedure to be performed.

(a)(3)–(a)(4)(iii)(F) [Reserved]. For guidance see § 86.095–35.

(a)(4)(iii)(G) For model years 1996 through 1998 gasoline-fueled and methanol-fueled heavy-duty vehicles, a clear indication of which test procedure was used to certify the evaporative family, e.g., “Evaporative Family xx (§ 86.1230–96 procedures)” or “Evaporative Family xx (§ 86.1230–85 procedures).”

(b)–(i) [Reserved]. For guidance see § 86.095–35.

[58 FR 16024, Mar. 24, 1993, as amended at 58 FR 34536, June 28, 1993; 58 FR 58421, Nov. 1, 1993]

**§ 86.096–38 Maintenance instructions.**

This section includes text that specifies requirements that differ from those specified in § 86.087–38. Where a paragraph in § 86.087–38 is identical and applicable to § 86.096–38, this may be indicated by specifying the corresponding paragraph and the statement “[Reserved]. For guidance see § 86.087–38.”

(a)–(f) [Reserved]. For guidance see § 86.087–38.

(g) Emission control diagnostic service information:

(1) Manufacturers are subject to the provisions of this paragraph (g) beginning in the 1996 model year for manufacturers of light-duty vehicles and light-duty trucks, and beginning in the 2005 model year for manufacturers of heavy-duty vehicles and heavy-duty engines weighing 14,000 pounds gross vehicle weight (GVW) and less that are subject to the OBD requirements of this part.

(2) *General requirements.* (i) Manufacturers shall furnish or cause to be furnished to any person engaged in the repairing or servicing of motor vehicles