

### Subpart J—Fees for the Motor Vehicle and Engine Compliance Program

#### § 86.901 Assessment of fees.

See 40 CFR part 85, subpart Y, for the applicable fees associated with certifying engines and vehicles under this part.

[71 FR 51487, Aug. 30, 2006]

### 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 A section remains in effect for subsequent model years until it is superseded.

(2) A section reference without a model year suffix shall be interpreted to be a reference to the section applicable to the appropriate model year.

(b) References in this subpart to engine families and emission control systems shall be deemed to apply to durability groups and test groups as applicable for manufacturers certifying new light-duty vehicles, light-duty trucks, and Otto-cycle complete heavy-duty vehicles under the provisions of subpart S of this part.

[54 FR 14559, Apr. 11, 1989, as amended at 62 FR 31238, June 6, 1997; 64 FR 23922, May 4, 1999; 65 FR 59957, Oct. 6, 2000]

#### § 86.1002-2001 Definitions.

(a) The definitions in this section apply to this subpart.

(b) As used in this subpart, all terms not defined in this section have the meaning given them in the Act.

(1) *Acceptable quality level (AQL)* means the maximum percentage of failing engines or vehicles, that for

purposes of sampling inspection, can be considered satisfactory as a process average.

(2) *Compliance level* means an emission level determined during a Production Compliance Audit pursuant to subpart L of this part.

(3) *Configuration* means a subclassification, if any, of a heavy-duty engine family for which a separate projected sales figure is listed in the manufacturer's Application for Certification and which can be described on the basis of emission control system, governed speed, injector size, engine calibration and other parameters which may be designated by the Administrator, or for light-duty trucks a subclassification of a light-duty truck engine family/emission control system combination on the basis of engine code, inertia weight class, transmission type and gear ratios, axle ratio, and other parameters which may be designated by the Administrator and/or a subclassification of a light-duty truck evaporative/refueling emission family/emission control system.

(4) *Test sample* means the collection of vehicles or engines of the same configuration which have been drawn from the population of vehicles or engines of that configuration and which will receive emission testing.

(5) *Inspection criteria* means the pass and fail numbers associated with a particular sampling plan.

(6) *Test engine* means an engine in a test sample.

(7) *Test vehicle* means a vehicle in a test sample.

(8) *Axle ratio* means all ratios within  $\pm 3\%$  of the axle ratio specified in the configuration in the test order.

(9) *Executive Officer* means the Executive Officer of the California Air Resources Board or his or her authorized representative.

(10) *Executive Order* means the document the Executive Officer grants a manufacturer for an engine family that certifies the manufacturer has verified the engine family complies with all applicable standards and requirements pursuant to Title 13 of the California Code of Regulations.

(11) *50-state engine family* means an engine family that meets both federal and California Air Resources Board

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motor vehicle emission control regulations and has received a federal certificate of conformity as well as an Executive Order.

[59 FR 16304, Apr. 6, 1994, as amended at 62 FR 31238, June 6, 1997]

**§ 86.1003-90 Test orders.**

(a) The Administrator shall require any testing under this subpart by means of a test order addressed to the manufacturer.

(b) The test order will be signed by the Assistant Administrator for Air and Radiation or his designee. The test order will be delivered in person by an EPA Enforcement Officer to a company representative or sent by registered mail, return receipt requested, to the manufacturer's representative who signs the Application for Certification submitted by the manufacturer pursuant to the requirements of this applicable section of subpart A of this part. Upon receipt of a test order, the manufacturer shall comply with all of the provisions of this subpart and instructions in the test order.

(c)(1) The test order will specify the engine or vehicle configuration selected for testing, the manufacturer's vehicle or engine assembly plant or associated storage facility from which the engines or vehicles must be selected, the time and location at which engines or vehicles must be selected, and the procedure by which engines or vehicles of the specified configuration must be selected. The test order may specify the number of vehicles or engines to be selected per day.

(i) If the total production of the specified vehicle configuration is less than the number specified in the test order, the manufacturer will select the actual number of vehicles produced per day.

(ii) Heavy-duty engine manufacturers will be required to select a minimum of four engines per day unless an alternate selection procedure is approved pursuant to § 86.1007-84(a) or unless total production of the specified configuration is less than four engines per day. If total production of the specified configuration is less than four engines per day, the manufacturer will select the actual number of engines produced that day.

(2) The test order may include alternative configurations to be selected for testing in the event that engines or vehicles of the specified configuration are not available for testing because those engines or vehicles are not being manufactured during the specified time, or not being stored at the specified assembly plant or associated storage facilities.

(3) If the specified configuration is not being manufactured at a rate of at least four vehicles per day, in the case of light-duty truck manufacturers, two engines per day, in the case of heavy-duty engine manufacturers specified in paragraph (g)(1) of § 86.1008-84 or one engine per day, in the case of heavy-duty engine manufacturers specified in paragraph (g)(2) of § 86.1008-90, over the expected duration of the audit, the Assistant Administrator or his designated representative may select engines or vehicles of the alternate configuration for testing.

(4) In addition, the test order may include other directions or information essential to the administration of the required testing.

(d) A manufacturer may submit a list of engine families and the corresponding assembly plants or associated storage facilities from which the manufacturer prefers to have engines or vehicles selected for testing or response to a test order. In order that a manufacturer's preferred location be considered for inclusion in a test order for a configuration of a particular engine family, the list must be submitted prior to issuance of the test order. Notwithstanding the fact that a manufacturer has submitted the above list, the Administrator may order selection at other than a preferred location.

(e) Upon receipt of a test order, a manufacturer shall proceed in accordance with the provisions of this subpart.

(f)(1) During a given model year, the Administrator shall not issue to a manufacturer more Selective Enforcement Audit (SEA) test orders than an annual limit determined by the following:

(i) For manufacturers of heavy-duty engines, either petroleum-fueled or methanol-fueled, the number determined by dividing the projected heavy-