

that emission constituent at that useful life mileage.

(3) [Reserved]

(4) The rounding required in paragraph (a) of this section shall be conducted in accordance with the provisions of § 86.1837-01.

(b) To be considered in compliance with the standards for the purposes of certification, the certification levels for the test vehicle calculated in paragraph (a) of this section shall be less than or equal to the standards for all emission constituents to which the test group is subject, at both full and intermediate useful life as appropriate for that test group.

(c) Every test vehicle of a test group must comply with all applicable exhaust emission standards before that test group may be certified.

(d) Every test vehicle of an evaporative/refueling family must comply with all applicable evaporative and/or refueling emission standards before that family may be certified.

(e) Unless otherwise approved by the Administrator, manufacturers must not use Reactivity Adjustment Factors (RAFs) in their calculation of the certification level of any pollutant for any vehicle except for LDVs and LLDTs participating in the National Low Emission Vehicle (NLEV) program described in subpart R of this part, regardless of the fuel used in the test vehicle.

[64 FR 23925, May 4, 1999, as amended at 65 FR 6864, Feb. 10, 2000; 66 FR 19310, Apr. 13, 2001; 71 FR 2836, Jan. 17, 2006]

§ 86.1842-01 Addition of a vehicle after certification; and changes to a vehicle covered by certification.

(a) *Addition of a car line after certification.* (1) If a manufacturer proposes to add to its product line a new car line of the same test group as vehicles previously certified but which was not described in the application for certification when the test vehicle(s) representing other vehicles of that combination was certified, it shall notify the Administrator. This notification shall include a full description of the vehicle to be added.

(2) The manufacturer shall perform such tests on the test vehicle(s) representing the vehicle to be added which

would have been required if the vehicle had been included in the original application for certification.

(3) If, after a review of the test reports and data submitted by the manufacturer, and data derived from any testing conducted under § 86.1835-01, the Administrator determines that the test vehicle(s) or test engine(s) meets all applicable standards, the appropriate certificate will be amended accordingly. If the Administrator determines that the test vehicle(s) does not meet applicable standards, she/he will proceed under § 86.1850-01.

(b) *Changes to the configuration of vehicles covered by a Certificate of Conformity.* (1) A manufacturer will notify the Administrator concurrently with (or in advance of) any change or addition in production vehicles which creates a new vehicle configuration within the car lines covered in a certified test group, giving a full description of the change. Such a change is referred to as a running change. Upon notification, the manufacturer may begin production of the running change if the manufacturer determines that following the change all affected vehicles will still meet the applicable emission standards.

(i) Such notification shall include a full description of the addition or change and any supporting documentation the manufacturer may desire to include to support the manufacturer's determination in accordance with § 86.1844-01.

(ii) The manufacturer's determination that the addition or change does not cause noncompliance shall be based on an engineering evaluation of the addition or change and/or testing.

(2) The Administrator may require that additional emission testing be performed to support the manufacturer's determination submitted in paragraph (b)(1) of this section. If additional testing is required the Administrator shall proceed in accordance with paragraph (a)(3) of this section. Additional test data, if requested, must be provided within 30 days of the request or the manufacturer must rescind the addition or change immediately. The Administrator may grant additional time to complete testing. If based on this

Environmental Protection Agency

§ 86.1843-01

additional testing or any other information, the Administrator determines that the vehicles affected by the addition or change do not meet the applicable standards the Administrator will notify the manufacturer to rescind the addition or change immediately upon receipt of the notification.

(c) Election to produce vehicles under this section will be deemed to be a consent to recall all vehicles which the Administrator determines under paragraph (a) or (b) of this section do not meet applicable standards, and to cause such nonconformity to be remedied at no expense to the owner.

§ 86.1843-01 General information requirements.

(a) A manufacturer must submit a separate Application for Certification (Application) for each durability group in a format approved by the Administrator and in multiple copies as designated by the Administrator. Any information within the Application which is unique to a specific test group must be submitted for each test group.

(b) Any manufacturer that fails to comply with any information requirements of §§ 86.1843-01 and 86.1844-01 may be subject to the following provisions:

(1) The Application (Part 1 and Part 2) and any additional information as designated by the Administrator shall be submitted for all durability groups prior to certification for subsequent model years, until otherwise notified by the Administrator. The Application shall be updated concurrently with every running change.

(2) Provisions of § 86.1850-01 may be imposed.

(3) Civil penalties and remedial action as applicable under the Clean Air Act may be imposed.

(c) *Part 1 of the Application.* Part 1, which shall include the items listed in § 86.1844-01(d), must be submitted to the Administrator before a certificate of conformity will be issued.

(d) *Part 2 of the Application.* Part 2, which shall include the items listed in § 86.1844-01(e), must be submitted to the Administrator by January 1st of the applicable model year. If a test group is certified less than 60 days prior to January 1st of the applicable model year, Part 2 must be submitted to the Ad-

ministrator within 90 days of the effective date on the applicable certificate of conformity.

(e) *Running change submissions.* Each running change notification, as required under § 86.1842-01, must include the information listed in § 86.1844-01(f) and shall be submitted to the Administrator concurrently with, or in advance of, the implementation of any change incorporated onto production vehicles.

(f) *Updates to the Application for Certification.* (1) The manufacturer must submit an update to the Part 1 Application by January 1st of the applicable model year to incorporate any running changes and/or corrections which occurred after certification. If a test group is certified less than 60 days prior to January 1st of the applicable model year, this update may be submitted to the Administrator within 90 days of the effective date on the applicable certificate of conformity.

(2) The manufacturer must submit a final update to Part 1 and Part 2 of the Application by January 1st of the subsequent model year to incorporate any applicable running changes or corrections which occurred between January 1st of the applicable model year and the end of the model year. A manufacturer may request the Administrator to grant an extension (of no more than 90 days) for submittal of the final update. The request must clearly indicate the circumstances necessitating the extension.

(3) The manufacturer may not use updates to its application to correct a misbuild situation with respect to vehicles already introduced into commerce.

(g) *Information to be submitted upon request.* Upon written request by the Administrator, a manufacturer shall submit any information as described in § 86.1844-01 within 15 business days. A manufacturer may request the Administrator to grant an extension. The request must clearly indicate the circumstances necessitating the extension.

(h) *In-use information requirements.* All information requirements of the in-use verification and confirmatory programs of §§ 86.1845-01 and 86.1846-01 must be met by the due dates listed in § 86.1847-01.