

**§ 86.084-40**

**40 CFR Ch. I (7-1-00 Edition)**

(c) *Construction.* Except where indicated, the language in this subpart applies to both vehicles and engines. In many instances, language referring to engines is enclosed in parentheses and immediately follows the language discussing vehicles.

[45 FR 63747, Sept. 25, 1980, as amended at 59 FR 48492, Sept. 21, 1994]

**§ 86.084-40 Automatic expiration of reporting and recordkeeping requirements.**

(a) [Reserved]

(b) *Light-duty trucks and heavy-duty engines.* (1) All of the recordkeeping and reporting requirements in this subpart for which 1984 is the first model year of implementation will automatically expire on December 31, 1988, unless the Administrator acts to retain them.

(2) If the Administrator determines that the reporting and recordkeeping requirements should be retained she/he will also at that time establish the subsequent date of expiration, which will not be later than December 31, 1993.

[45 FR 63770, Sept. 25, 1980]

**§ 86.085-1 General applicability.**

(a) The provisions of this subpart apply to 1985 and later model year new gasoline-fueled and diesel light-duty vehicles, 1985 and later model year new gasoline-fueled and diesel light-duty trucks, and 1985 and later model year new gasoline-fueled and diesel heavy-duty engines.

(b) *Optional applicability.* A manufacturer may request to certify any heavy-duty vehicle 10,000 pounds GVWP or less in accordance with the light-duty truck provisions. Heavy-duty engine or vehicle provisions do not apply to such a vehicle.

(c) [Reserved]

(d) *Alternative Durability Program.* For 1985 and later model year light-duty vehicles and light-duty trucks, a manufacturer may elect to participate in the Alternative Durability Program. This optional program provides an alternative method of determining exhaust emission control system durability. The general procedures and a description of the programs are contained in §§ 86.085-13 and specific provisions on

test vehicles and compliance procedures are contained in §§ 86.085-24 and 86.085-28 respectively.

(e) *Small volume manufacturers.* Special certification procedures are available for any manufacturer whose projected combined U.S. sales of light-duty vehicles, light-duty trucks, and heavy-duty engines in its product line are fewer than 10,000 units for the model year in which the manufacturer seeks certification. In order to certify its product line under these optional procedures, the small-volume manufacturer must first obtain the Administrator's approval. Vehicles produced at facilities leased, operated, controlled, supervised, or in 10 percent or greater part owned by the manufacturer shall be counted in calculating the total sales of the manufacturer. The small-volume manufacturer's certification procedures are described in § 86.084-14.

(f) *Optional Procedures for Determining Exhaust Opacity.* (1) The provisions of subpart I apply to tests which are performed by the Administrator, and optionally, by the manufacturer.

(2) Measurement procedures, other than that described in subpart I, may be used by the manufacturer provided the manufacturer satisfies the requirements of § 86.085-23(f).

(3) When a manufacturer chooses to use an alternative measurement procedure it has the responsibility to determine whether the results obtained by the procedure will correlate with the results which would be obtained from the measurement procedure in subpart I. Consequently, the Administrator will not routinely approve or disapprove any alternative opacity measurement procedure or any associated correlation data which the manufacturer elects to use to satisfy the data requirements of subpart I.

(4) If a confirmatory test(s) is performed and the results indicate there is a systematic problem suggesting that the data generated under an optional alternative measurement procedure do not adequately correlate with subpart I data, EPA may require that all certificates of conformity not already issued