

(4) Actions for the purpose of a conversion of a motor vehicle or motor vehicle engine for use of a clean alternative fuel (as defined in title II of the Clean Air Act) are not considered prohibited acts under paragraph (a) of this section if:

(i) The vehicle complies with the applicable standard when operating on the alternative fuel; and

(ii) In the case of engines converted to dual fuel or flexible use, the device or element is replaced upon completion of the conversion procedure, and the action results in proper functioning of the device or element when the motor vehicle operates on conventional fuel.

[62 FR 31242, June 6, 1997. Redesignated at 63 FR 987, Jan. 7, 1998]

Subpart S—General Compliance Provisions for Control of Air Pollution from New and In-use Light-Duty Vehicles, Light-Duty Trucks and Medium Duty Passenger Vehicles

SOURCE: 64 FR 23925, May 4, 1999, unless otherwise noted.

§ 86.1801-01 Applicability.

(a) Except as otherwise indicated, the provisions of this subpart apply to new 2001 and later model year Otto-cycle and diesel cycle light-duty vehicles, light-duty trucks and medium-duty passenger vehicles, including multi-fueled, alternative fueled, hybrid electric, and zero emission vehicles. These provisions also apply to 2001 model year and later new incomplete light-duty trucks. In cases where a provision applies only to a certain vehicle group based on its model year, vehicle class, motor fuel, engine type, or other distinguishing characteristics, the limited applicability is cited in the appropriate section or paragraph of this subpart.

(b) The provisions of this subpart apply to aftermarket conversions of all model year Otto-cycle and diesel-cycle light-duty vehicles and light-duty trucks as defined in 40 CFR 85.502.

(c) *Optional applicability.* (1) A manufacturer may request to certify any heavy-duty vehicle of 14,000 pounds Gross Vehicle Weight Rating or less in accordance with the light-duty truck

provisions. Heavy-duty engine or heavy-duty vehicle provisions of subpart A of this part do not apply to such a vehicle. A 2004 or later model year heavy-duty vehicle optionally certified as a light-duty truck under this provision must comply with all provisions applicable to MDPVs including exhaust and evaporative emission standards, test procedures, on-board diagnostics, refueling standards, phase-in requirements and fleet average standards under 40 CFR Part 85 and this part.

(2) A manufacturer may optionally use the provisions of this subpart in lieu of the provisions of subpart A of this part beginning with the 2000 model year. Manufacturers choosing this option must comply with all provisions of this subpart, except the standards in subpart A of this part apply for model year 2000. Manufacturers may elect this provision for either all or a portion of their product line.

(d) *Small volume manufacturers.* Special certification procedures are available for any manufacturer whose projected or actual combined U.S. sales of light-duty vehicles, light-duty trucks, heavy-duty vehicles, and heavy-duty engines in its product line (including all vehicles and engines imported under the provisions of 40 CFR 85.1505 and 85.1509) are fewer than 15,000 units for the model year in which the manufacturer seeks certification. The small volume manufacturer's light-duty vehicle and light-duty truck certification procedures are described in § 86.1838-01.

(e) *National Low Emission Vehicle Program for light-duty vehicles and light light-duty trucks.* A manufacturer may elect to certify 2001-2003 model year light-duty vehicles and light light-duty trucks (LDV/LLDTs) to the provisions of the National Low Emission Vehicle Program contained in Subpart R of this part. Subpart R of this part is applicable only to those covered manufacturers as defined under the provisions of subpart R of this part. All provisions of this subpart S are applicable to vehicles certified pursuant to subpart R of this part, except as specifically noted in subpart R of this part.

(f) *"Early" Tier 2 LDVs, LDTs and MDPVs.* Any LDV/LLDT which is certified to Tier 2 FTP exhaust standards prior to the 2004 model year, or any

HLDT or MDPV which is certified to the Tier 2 FTP exhaust standards prior to the 2008 model year, to utilize alternate phase-in schedules and/or for purposes of generating and banking Tier 2 NO_x credits, must comply with all the exhaust emission requirements applicable to Tier 2 LDV/LLDTs or HLDT/MDPVs, as applicable, under this subpart.

(g) *Interim non-Tier 2 LDVs, LDTs and MDPVs.* Model year 2004-2008 LDVs, LDTs and MDPVs, that do not comply with the Tier 2 FTP exhaust emission requirements (interim non-Tier 2 LDV/LLDTs and interim non-Tier 2 HLDT/MDPVs) as permitted under the phase-in requirements of § 86.1811-04(k) must comply with all applicable interim non-Tier 2 exhaust emission requirements contained in this subpart, including FTP exhaust emission requirements for all interim non-Tier 2 LDV/LLDTs and HLDT/MDPVs found at § 86.1811-04(l). Additional emission bins and separate fleet average NO_x emission standards and other provisions are provided for interim non-Tier 2 LDV/LLDTs, and interim non-Tier 2 HLDT/MDPVs.

(h) *Applicability of provisions of this subpart to LDVs, LDTs and MDPVs.* Numerous sections in this subpart provide requirements or procedures applicable to a "vehicle" or "vehicles". Unless otherwise specified or otherwise determined by the Administrator, the term "vehicle" or "vehicles" in those provisions apply equally to LDVs, LDTs and MDPVs.

[64 FR 23925, May 4, 1999, as amended at 65 FR 6851, Feb. 10, 2000]

§ 86.1802-01 Section numbering; construction.

(a) *Section numbering.* The model year of initial applicability is indicated by the section number. The two digits following the hyphen designate the first model year for which a section is applicable. The section continues to apply to subsequent model years unless a later model year section is adopted. Example: Section 86.18xx-01 applies to the 2001 and subsequent model years. If a § 86.18xx-03 is promulgated it would apply beginning with the 2003 model year; § 86.18xx-01 would apply to model years 2001 through 2002.

(b) A section reference without a model year suffix refers to the section applicable for the appropriate model year.

§ 86.1803-01 Definitions.

The following definitions apply to this subpart:

505 Cycle means the test cycle that consists of the first 505 seconds (seconds 1 to 505) of the EPA Urban Dynamometer Driving Schedule, described in § 86.115-00 and listed in Appendix I, paragraph (a), of this part.

866 Cycle means the test cycle that consists of the last 866 seconds (seconds 506 to 1372) of the EPA Urban Dynamometer Driving Schedule, described in § 86.115-00 and listed in Appendix I, paragraph (a), of this part.

Abnormally treated vehicle means any diesel light-duty vehicle or diesel light-duty truck that is operated for less than five miles in a 30 day period immediately prior to conducting a particulate emissions test.

AC1 means a test procedure as described in § 86.162-00 which simulates testing with air conditioning operating in an environmental test cell by adding the air conditioning compressor load to the normal dynamometer forces.

AC2 means a test procedure as described in § 86.162-00 which simulates testing with air conditioning operating in an environmental test cell by adding a heat load to the passenger compartment.

Accuracy means the difference between a measurement and true value.

Act means Part A of Title II of the Clean Air Act as amended, 42 U.S.C., 7401, et seq.

Adjusted Loaded Vehicle Weight means the numerical average of vehicle curb weight and gross vehicle weight rating (GVWR).

Administrator means the Administrator of the Environmental Protection Agency or his/her authorized representative.

Alternative fuels means any fuel other than gasoline and diesel fuels, such as methanol, ethanol, and gaseous fuels.

Approach angle means the smallest angle in a plan side view of an automobile, formed by the level surface on which the automobile is standing and a line tangent to the front tire static