

(4)(i) If a manufacturer transfers a credit that it has not generated pursuant to paragraph (b) of this section or acquired from another party, the manufacturer will be considered to have generated a debit in the model year that the manufacturer transferred the credit. The manufacturer must offset such debits by the deadline for the annual report for that same model year.

(ii) Failure to offset the debits within the required time period will be considered a failure to satisfy the conditions upon which the certificate(s) was issued and will be addressed pursuant to paragraph (e) of this section.

(g) *Interim non-Tier 2 NO_x credits and debits; Interim non-Tier 2 averaging, banking and trading.* Interim non-Tier 2 NO_x credits must be generated, calculated, tracked, averaged, banked, traded, accounted for and reported upon separately from Tier 2 credits. The provisions of this section applicable to Tier 2 NO_x credits and debits and Tier 2 averaging banking and trading are applicable to interim non-Tier 2 LDV/LLDTs and interim non-Tier 2 HLDT/MDPVs with the following exceptions:

(1) Provisions for early banking under paragraph (c) of this section do not apply.

(2) The fleet average NO_x standard used for calculating credits is 0.30 grams per mile for interim non-Tier 2 LDV/LLDTs and 0.20 g/mi for interim non-Tier 2 HLDT/MDPVs. (The interim non-Tier 2 NO_x standard of 0.30 (or 0.20) g/mi replaces 0.07 in the text and calculation in this section.)

(3) Interim non-Tier 2 NO_x credit deficits may be carried forward for three years subject to the requirements of § 86.1860-04(e).

[65 FR 6868, Feb. 10, 2000]

§ 86.1862-04 Maintenance of records and submittal of information relevant to compliance with fleet average NO_x standards.

(a) *Maintenance of records.* (1) The manufacturer producing any light-duty vehicles and/or light-duty trucks subject to the provisions in this subpart must establish, maintain, and retain the following information in adequately organized and indexed records for each model year:

- (i) Model year;
- (ii) Applicable fleet average NO_x standard: 0.07g/mi for Tier 2 LDV/Ts; 0.30 g/mi for interim non-Tier 2 LDV/LLDTs; or 0.20 g/mi for interim non-Tier 2 HLDT/MDPVs;
- (iii) Fleet average NO_x value achieved; and
- (iv) All values used in calculating the fleet average NO_x value achieved.

(2) The manufacturer producing any LDV/Ts or MDPVs subject to the provisions in this subpart must establish, maintain, and retain the following information in adequately organized and indexed records for each LDV/T or MDPV subject to this subpart:

- (i) Model year;
- (ii) Applicable fleet average NO_x standard;
- (iii) EPA test group;
- (iv) Assembly plant;
- (v) Vehicle identification number;
- (vi) NO_x standard to which the LDV/T or MDPV is certified; and
- (vii) Information on the point of first sale, including the purchaser, city, and state.

(3) The manufacturer must retain all records required to be maintained under this section for a period of eight years from the due date for the annual report. Records may be retained as hard copy or reduced to microfilm, ADP diskettes, and so forth, depending on the manufacturer's record retention procedure; provided, that in every case all information contained in the hard copy is retained.

(4) Nothing in this section limits the Administrator's discretion to require the manufacturer to retain additional records or submit information not specifically required by this section.

(5) Pursuant to a request made by the Administrator, the manufacturer must submit to the Administrator the information that the manufacturer is required to retain.

(6) EPA may void *ab initio* a certificate of conformity for a vehicle certified to emission standards as set forth or otherwise referenced in this subpart for which the manufacturer fails to retain the records required in this section or to provide such information to the Administrator upon request.

(b) *Reporting.* (1) Each covered manufacturer must submit an annual report. Except as provided in paragraph (b)(2) of this section, the annual report must contain, for each applicable fleet average NO_x standard, the fleet average NO_x value achieved, all values required to calculate the NO_x value, the number of credits generated or debits incurred, and all the values required to calculate the credits or debits. The annual report must contain the resulting balance of credits or debits.

(2) When a manufacturer calculates compliance with the fleet average NO_x standard using the provisions in §86.1860-04(c)(2), then the annual report must state that the manufacturer has elected to use such provision and must contain the fleet average NO_x standard as the fleet average NO_x value for that model year.

(3) For each applicable fleet average NO_x standard, the annual report must also include documentation on all credit transactions the manufacturer has engaged in since those included in the last report. Information for each transaction must include:

- (i) Name of credit provider;
- (ii) Name of credit recipient;
- (iii) Date the transfer occurred;
- (iv) Quantity of credits transferred; and
- (v) Model year in which the credits were earned.

(4) Unless a manufacturer reports the data required by this section in the annual production report required under §86.1844-01(e) and subsequent model year provisions, a manufacturer must submit an annual report for each model year after production ends for all affected vehicles and trucks produced by the manufacturer subject to the provisions of this subpart and no later than May 1 of the calendar year following the given model year. Annual reports must be submitted to: Director, Vehicle Programs and Compliance Division, U.S. Environmental Protection Agency, 2000 Traverwood, Ann Arbor, Michigan 48105.

(5) Failure by a manufacturer to submit the annual report in the specified time period for all vehicles and trucks subject to the provisions in this section is a violation of section 203(a)(1) of the Clean Air Act for each subject vehicle

and truck produced by that manufacturer.

(6) If EPA or the manufacturer determines that a reporting error occurred on an annual report previously submitted to EPA, the manufacturer's credit or debit calculations will be recalculated. EPA may void erroneous credits, unless transferred, and must adjust erroneous debits. In the case of transferred erroneous credits, EPA must adjust the selling manufacturer's credit or debit balance to reflect the sale of such credits and any resulting generation of debits.

(c) *Notice of opportunity for hearing.* Any voiding of the certificate under paragraph (a)(6) of this section will be made only after EPA has offered the manufacturer concerned an opportunity for a hearing conducted in accordance with §86.614 for light-duty vehicles or §86.1014 for light-duty trucks and, if a manufacturer requests such a hearing, will be made only after an initial decision by the Presiding Officer.

[65 FR 6869, Feb. 10, 2000]

APPENDIX I TO SUBPART S TO PART 86— VEHICLE PROCUREMENT METHODOLOGY

I. *Test Sampling:* The master owner list will be obtained from manufacturer records or owner registration lists. The list shall include all vehicle configurations of the target reality check test group within the selected mailing area. The mailing area shall be within a radius of at least 20 miles from the test site.

II. *Selection Guidelines:* The manufacturer or their representative shall make a reasonable effort to contact potential participants. Solicitation letters will be sent to potential participants in the order of their appearance on a randomized master owner list. The manufacturer or their representative shall perform the following steps:

(a) The manufacturer or their representative shall mail solicitation letters in batches. The size of each batch is at least five times the required number of vehicles to be tested for the group that year. First class mail shall be used.

(b) If the response rate is less than 20% after two to four weeks, the manufacturer or their representative shall make one more attempt and send a new solicitation package to the potential participants who have not yet responded.

(c) A telephone questionnaire will be conducted on a random selection of returned, positive-response postcards.

(d) If the required number of vehicles is not obtained, additional solicitation letters shall be sent to the next batch of potential participants in the order of their appearance on a randomized master owner list until the required number of vehicles are procured.

(e) Alternative selection methods may be used with advanced approval from the Administrator.

III. *Vehicles Not Available:* Vehicles may not be available or will not be pursued for procurement for the following reasons:

- (a) The potential participant response indicates "not willing to participate."
- (b) The customer has moved out of the area.
- (c) The solicitation letter is undeliverable.
- (d) The customer did not respond after two attempts.
- (e) The vehicle is not in the appropriate mileage or age category.

APPENDIX II TO SUBPART S TO PART 86—
AS-RECEIVED TESTING VEHICLE REJECTION CRITERIA

- 1. The odometer is inoperative, has been replaced, or the indicated mileage is outside the target range.
- 2. The emission system of the vehicle has been obviously tampered or the vehicle has been operated on leaded fuel. A manufacturer may request a vehicle be rejected because of the addition of an aftermarket security system if the manufacturer establishes that the installation would make that vehicle's emissions unrepresentative.
- 3. The vehicle has been used for severe duty (trailer towing for passenger cars, snow plowing, racing)
- 4. The vehicle has a history of extensive collision damage or major engine repair (piston, crank, cylinder head, engine block).
- 5. The vehicle exhibits ominous noises or serious fluid leaks from the engine or transmission, a modified exhaust system, (headers, side pipes, aftermarket catalysts, etc) or an exhaust system with an audible leak.
- 6. Testing the vehicle could endanger the safety of the vehicle, test facility, or individuals conducting the testing.
- 7. The MIL light is flashing (severe misfire indication).
- 8. Other items with prior agency approval.

APPENDIX III TO SUBPART S TO PART 86—AS-RECEIVED INSPECTION

Items to be recorded at time of Initial Inspection of Vehicle—

- 1. Date of Inspection
- 3. Test Group
- 4. Evaporative/refueling Family
- 5. Vehicle model
- 6. Odometer Reading
- 7. Build Date
- 8. MIL light on/off status

- 9. Readiness code status
- 10. Stored OBD codes
- 11. Any conditions referenced in Appendix II to this subpart which result in vehicle being rejected from program.

Subpart AA—Reporting and Recordkeeping Requirements for Part 86

§ 86.2500 Reporting and recordkeeping requirements.

All reporting and recordkeeping requirements contained in part 86, except for those requirements contained in subparts G and K, have been approved by the Office of Management and Budget under control number 2060-0104.

(Secs. 202, 203, 206, 207, 208, 301a, Clean Air Act, as amended; 42 U.S.C. 7521, 7522, 7525, 7541, 7542, 7601a)

[50 FR 10648, Mar. 15, 1985]

APPENDIX I TO PART 86—URBAN DYNAMOMETER SCHEDULES

(a) EPA Urban Dynamometer Driving Schedule for Light-Duty Vehicles and Light-Duty Trucks.

EPA URBAN DYNAMOMETER DRIVING SCHEDULE
[Speed versus Time Sequence]

Time (sec.)	Speed (m.p.h.)	Time (sec.)	Speed (m.p.h.)	Time (sec.)	Speed (m.p.h.)
0	0.0	1	0.0	2	0.0
3	0.0	4	0.0	5	0.0
6	0.0	7	0.0	8	0.0
9	0.0	10	0.0	11	0.0
12	0.0	13	0.0	14	0.0
15	0.0	16	0.0	17	0.0
18	0.0	19	0.0	20	0.0
21	3.0	22	5.9	23	8.6
24	11.5	25	14.3	26	16.9
27	17.3	28	18.1	29	20.7
30	21.7	31	22.4	32	22.5
33	22.1	34	21.5	35	20.9
36	20.4	37	19.8	38	17.0
39	14.9	40	14.9	41	15.2
42	15.5	43	16.0	44	17.1
45	19.1	46	21.1	47	22.7
48	22.9	49	22.7	50	22.6
51	21.3	52	19.0	53	17.1
54	15.8	55	15.8	56	17.7
57	19.8	58	21.6	59	23.2
60	24.2	61	24.6	62	24.9
63	25.0	64	24.6	65	24.5
66	24.7	67	24.8	68	24.7
69	24.6	70	24.6	71	25.1
72	25.6	73	25.7	74	25.4
75	24.9	76	25.0	77	25.4
78	26.0	79	26.0	80	25.7
81	26.1	82	26.7	83	27.5
84	28.6	85	29.3	86	29.8
87	30.1	88	30.4	89	30.7