

manufacturer's production. The Administrator makes these random selections unless the manufacturer (with prior approval of the Administrator) elects to make the random selections.

(iii) The manufacturer may select additional production durability data vehicle designs from within the engine family group. The production durability data vehicles representing these designs must be randomly selected from the manufacturer's production in accordance with paragraph (h)(1)(ii) of this section.

(iv) For each production durability data vehicle selected under paragraph (h)(1) of this section, the manufacturer must provide to the Administrator (before the vehicle is tested or begins service accumulation) the vehicle identification number. Before the vehicle begins service accumulation the manufacturer must also provide the Administrator with a description of the durability data vehicle as specified by the Administrator.

(v) In lieu of testing a production durability data vehicle selected under paragraph (h)(1) of this section, and submitting data therefrom, a manufacturer may, with the prior written approval of the Administrator, submit exhaust emission data from a production vehicle of the same configuration for which all applicable data has previously been submitted.

(2) If, within an existing engine family group, a manufacturer requests to certify vehicles of a new design, engine family, emission control system, or with any other durability-related design difference, the Administrator determines if the existing engine family group deterioration factor is appropriate for the new design. If the Administrator cannot make this determination or deems the deterioration factor not appropriate, the Administrator selects preproduction durability data vehicles under the provisions of paragraph (c) of this section. If vehicles are then certified using the new design, the Administrator may select production vehicles with the new design under the provisions of paragraph (h)(1) of this section.

(3) If a manufacturer requests to certify vehicles of a new design that the Administrator determines are a new

engine family group, the Administrator selects preproduction durability data vehicles under the provisions of paragraph (c) of this section. If vehicles are then certified using the new design, the Administrator may select production vehicles of that design under the provisions of paragraph (h)(1) of this section.

[58 FR 58417, Nov. 1, 1993, as amended at 75 FR 22979, Apr. 30, 2010]

§ 86.096–26 Mileage and service accumulation; emission measurements.

(a)–(b) [Reserved]

(c)(1)–(c)(3) [Reserved]

(c)(4) The manufacturer shall determine, for each engine family, the number of hours at which the engine system combination is stabilized for emission-data testing. The manufacturer shall maintain, and provide to the Administrator if requested, a record of the rationale used in making this determination. The manufacturer may elect to accumulate 125 hours on each test engine within an engine family without making a determination. Any engine used to represent emission-data engine selections under § 86.094–24(b)(2) shall be equipped with an engine system combination that has accumulated at least the number of hours determined under this paragraph. Complete exhaust emission tests shall be conducted for each emission-data engine selection under § 86.094–24(b)(2). Evaporative emission controls must be connected, as described in § 86.1337–96(a)(1). The Administrator may determine under § 86.094–24(f) that no testing is required.

[58 FR 16024, Mar. 24, 1993, as amended at 75 FR 22979, Apr. 30, 2010]

§ 86.096–30 Certification.

(a)(1)–(14) [Reserved]

(a)(15) For all light-duty vehicles certified to evaporative test procedures and accompanying standards specified under § 86.096–8:

(i) All certificates issued are conditional upon the manufacturer complying with all provisions of § 86.096–8 both during and after model year production.

(ii) Failure to meet the required implementation schedule sales percentages as specified in § 86.096–8 will be

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considered to be a failure to satisfy the conditions upon which the certificate was issued and the vehicles sold in violation of the implementation schedule shall not be covered by the certificate.

(iii) The manufacturer shall bear the burden of establishing to the satisfaction of the Administrator that the conditions upon which the certificate was issued were satisfied.

(16) For all light-duty trucks certified to evaporative test procedures and accompanying standards specified under § 86.096–9:

(i) All certificates issued are conditional upon the manufacturer complying with all provisions of § 86.096–9 both during and after model year production.

(ii) Failure to meet the required implementation schedule sales percentages as specified in § 86.096–9 will be considered to be a failure to satisfy the conditions upon which the certificate was issued and the vehicles sold in violation of the implementation schedule shall not be covered by the certificate.

(iii) The manufacturer shall bear the burden of establishing to the satisfaction of the Administrator that the conditions upon which the certificate was issued were satisfied.

(17) For all heavy-duty vehicles certified to evaporative test procedures and accompanying standards specified under § 86.096–10:

(i) All certificates issued are conditional upon the manufacturer complying with all provisions of § 86.096–10 both during and after model year production.

(ii) Failure to meet the required implementation schedule sales percentages as specified in § 86.096–10 will be considered to be a failure to satisfy the conditions upon which the certificate was issued and the vehicles sold in violation of the implementation schedule shall not be covered by the certificate.

(iii) The manufacturer shall bear the burden of establishing to the satisfaction of the Administrator that the conditions upon which the certificate was issued were satisfied.

(18) For all heavy-duty vehicles certified to evaporative test procedures and accompanying standards specified under § 86.098–11:

(i) All certificates issued are conditional upon the manufacturer complying with all provisions of § 86.098–11 both during and after model year production.

(ii) Failure to meet the required implementation schedule sales percentages as specified in § 86.098–11 will be considered to be a failure to satisfy the conditions upon which the certificate was issued and the vehicles sold in violation of the implementation schedule shall not be covered by the certificate.

(iii) The manufacturer shall bear the burden of establishing to the satisfaction of the Administrator that the conditions upon which the certificate was issued were satisfied.

(19)–(24) [Reserved]

(b) [Reserved]

[58 FR 16024, Mar. 24, 1993, as amended at 58 FR 34536, June 28, 1993; 62 FR 31233, June 6, 1997; 63 FR 965, Jan. 7, 1998; 75 FR 22979, Apr. 30, 2010]

§ 86.096–35 Labeling.

Section 86.096–35 includes text that specifies requirements that differ from § 86.095–35. Where a paragraph in § 86.095–35 is identical and applicable to § 86.096–35, this may be indicated by specifying the corresponding paragraph and the statement “[Reserved]. For guidance see § 86.095–35.”

(a) introductory text through (a)(1)(iii)(L) [Reserved]. For guidance see § 86.095–35.

(a)(1)(iii)(M) For model years 1996 through 1998 light-duty vehicles, a clear indication of which test procedure was used to certify the evaporative family, e.g., “Evaporative Family xx (§ 86.130–96 procedures)” or “Evaporative Family xx (§ 86.130–78 procedures).”

(N)(I) For vehicles exempted from compliance with certain revised performance warranty procedures, as specified in § 86.096–21(j), a statement indicating the specific performance warranty test(s) of 40 CFR part 85, subpart W not to be performed.

(2) For vehicles exempted from compliance with all revised performance warranty procedures, as specified in § 86.096–21(k), a statement indicating:

(i) that none of the performance warranty tests of 40 CFR part 85, subpart W is to be performed, and