

§ 85.1711

are applicable, liable to suit under sections 204 and 205 of the Act.

[39 FR 32611, Sept. 10, 1974, as amended at 45 FR 13733, Mar. 3, 1980. Redesignated and amended at 47 FR 30485, July 14, 1982]

§ 85.1711 Submission of exemption requests.

Requests for exemption or further information concerning exemptions and/or the exemption request review procedure should be addressed to:

Director
Manufacturers Operations Division (EN-340)
Environmental Protection Agency
1200 Pennsylvania Ave., NW.,
Washington, DC 20460

[39 FR 32611, Sept. 10, 1974, as amended at 44 FR 61962, Oct. 29, 1979. Redesignated and amended at 47 FR 30485, July 14, 1982]

§ 85.1712 Treatment of confidential information.

(a) Any person or manufacturer may assert that some or all of the information submitted pursuant to this subpart is entitled to confidential treatment as provided by 40 CFR part 2, subpart B.

(b) Any claim of confidentiality must accompany the information at the time it is submitted to EPA.

(c) To assert that information submitted pursuant to this subpart is confidential, a person or manufacturer must indicate clearly the items of information claimed confidential by marking, circling, bracketing, stamping, or otherwise specifying the confidential information. Furthermore, EPA requests, but does not require, that the submitter also provide a second copy of it submittal from which all confidential information has been deleted. If a need arises to publicly release nonconfidential information, EPA will assume that the submitter has accurately deleted the confidential information from this second copy.

(d) If a claim is made that some or all of the information submitted pursuant to this subpart is entitled to confidential treatment, the information covered by that confidentiality claim will be disclosed by the Administrator only to the extent and by means of the procedures set forth in part 2, subpart B, of this chapter.

40 CFR Ch. I (7-1-12 Edition)

(e) Information provided without a claim of confidentiality at the time of submission may be made available to the public by EPA without further notice to the submitter, in accordance with 40 CFR 2.204(c)(2)(i)(A).

[50 FR 34797, Aug. 27, 1985]

§ 85.1713 Delegated-assembly exemption.

The provisions of 40 CFR 1068.261 related to shipping engines that are not yet in their certified configuration apply for manufacturers of heavy-duty highway engines starting in the 2010 model year, with the following exceptions and clarifications:

(a) The relevant prohibitions are in Clean Air Act section 203 (42 U.S.C. 7522), rather than 40 CFR 1068.101.

(b) References to equipment should be understood as references to vehicles.

(c) The provisions related to reduced auditing rates in 40 CFR 1068.261(d)(3)(iii) apply starting with the 2014 model year.

(d) The provisions related to supplemental labeling described in 40 CFR 1068.261(c)(7)(i) and (ii) apply starting with the 2010 model year.

(e) The engine's model year does not change based on the date the vehicle manufacturer adds the aftertreatment device.

[73 FR 59178, Oct. 8, 2008]

§ 85.1714 Replacement-engine exemption.

(a) Engine manufacturers may use the provisions of 40 CFR 1068.240 to exempt new replacement heavy-duty highway engines as specified in this section.

(b) The following provisions from 40 CFR part 1068 apply for all complete and partially complete engines produced by an engine manufacturer choosing to produce any exempt replacement engines under this section:

(1) The definition of *engine* in 40 CFR 1068.30.

(2) The provisions of 40 CFR 1068.260 and 1068.262.

(c) Notify us in writing that you intend to use the provisions of this section prior to producing such engines. An authorized representative of your company must approve and sign the