

Environmental Protection Agency

§ 85.1715

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.

(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 notification. Your notification is considered to be your agreement to comply with all the requirements of this section.

(d) Engine manufacturers choosing to use the provisions of this section may opt out by sending us written notice that they will no longer introduce into U.S. commerce engines exempted under this section.

[73 FR 59178, Oct. 8, 2008]

§ 85.1715 Aircraft meeting the definition of motor vehicle.

This section applies for aircraft meeting the definition of motor vehicle in § 85.1703.

(a) For the purpose of this section, aircraft means any vehicle capable of sustained air travel above treetop heights.

(b) The standards, requirements, and prohibitions of 40 CFR part 86 do not apply for aircraft or aircraft engines. Standards apply separately to certain aircraft engines, as described in 40 CFR part 87.

[75 FR 22977, Apr. 30, 2010]

Subpart S—Recall Regulations

AUTHORITY: Sec. 301(a), Clean Air Act, 81 Stat. 504, as amended by sec. 15(c), 84 Stat. 1713 (42 U.S.C. 1857g(a)). The regulations implement sec. 207(c) (1)–(2), Clean Air Act, 84 Stat. 1697 (42 U.S.C. 1847f–5a(c)(1)–(2)); sec.