may not be provided to an engine purchaser for use in another program.

(4) Manufacturers shall determine and state the number of engines sold as “ABT-only credits” and “nonmanufacturer-owned credits” in the end-of-model year reports required under §86.001–23.

(k) Additional flexibility for diesel-cycle engines. If a diesel-cycle engine family meets the conditions of either paragraph (k)(1) or (2) of this section, a Discount of 1.0 may be used in the trading and banking calculation, for both NOX plus NMHC and for particulate, described in paragraph (c)(1) of this section.

(1) The engine family certifies with a certification level of 1.9 g/bhp-hr NOX plus NMHC or lower for all diesel-cycle engine families.

(2) All of the following must apply to the engine family:

(i) Diesel-cycle engines only;

(ii) 2004, 2005, and 2006 model years only;

(iii) Must be an engine family using carry-over certification data from prior to model year 2004 where the NOX plus the HC certification level prior to model year 2004 is below the NOX plus NMHC or NOX plus NHEC standard set forth in §86.004–11. Under this option, the NOX credits generated from this engine family prior to model year 2004 may be used as NOX plus NMHC credits.

(l) Additional flexibility for Otto-cycle engines. If an Otto-cycle engine family meets the conditions of paragraph (l)(1) or (2) of this section, a discount of 1.0 may be used in the trading and banking credits calculation for NOX plus NMHC described in paragraph (c)(1) of this section, as follows:

(1) The engine family has a FEL of 0.5 g/bhp-hr NOX plus NMHC or lower;

(2) All of the following conditions are met:

(i) For first three consecutive model years that the engine family is certified to a NOX plus NMHC standard contained in §86.005–10;

(ii) The engine family is certified using carry-over data from an engine family which was used to generate early NOX credits per §86.000–15(k) where the sum of the NOX FEL plus the HC (or hydrocarbon equivalent where applicable) certification level is below 1.0 g/bhp-hr.

§86.004–16 Prohibition of defeat devices.

(a) No new heavy-duty vehicle or heavy-duty engine shall be equipped with a defeat device.

(b) The Administrator may test or require testing on any vehicle or engine at a designated location, using driving cycles and conditions which may reasonably be expected to be encountered in normal operation and use, for the purpose of investigating a potential defeat device.

(c) [Reserved]

(d) For vehicle and engine designs designated by the Administrator to be investigated for possible defeat devices:

(1) General. The manufacturer must show to the satisfaction of the Administrator that the vehicle or engine design does not incorporate strategies that reduce emission control effectiveness exhibited during the applicable Federal emissions test procedures when the vehicle or engine is operated under conditions which may reasonably be expected to be encountered in normal operation and use, unless one of the specific exceptions set forth in the definition of “defeat device” in §86.004–2 has been met.

(2) Information submissions required. The manufacturer will provide an explanation containing detailed information (including information which the Administrator may request to be submitted) regarding test programs, engineering evaluations, design specifications, calibrations, on-board computer algorithms, and design strategies incorporated for operation both during and outside of the applicable Federal emission test procedure.

§86.004–21 Application for certification.

Section 86.004–21 includes text that specifies requirements that differ from §86.004–21 or §86.006–21. Where a paragraph in §86.004–21 or §86.006–21 is identical and applicable to §86.004–21, this

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