§ 86.604–84 Testing by the Administrator.

(a) The Administrator may require by test order that vehicles of a specified configuration be selected in a manner consistent with the requirements of §86.607 and submitted to him at such place as he may designate for the purpose of conducting emission tests. These tests shall be conducted in accordance with §86.608 of these regulations to determine whether vehicles manufactured by the manufacturer conform with the regulations with respect to which the certificate of conformity was issued.

(b)(1) Whenever the Administrator conducts a test on a test vehicle or the Administrator and manufacturer each conduct a test on the same test vehicle, the results of the Administrator’s test shall comprise the official data for that vehicle.

(2) Whenever the manufacturer conducts all tests on a test vehicle, the manufacturer’s test data will be accepted as the official data: Provided, That if the Administrator makes a determination based on testing under paragraph (a) of this section that there is a substantial lack of agreement between the manufacturer’s test results and the Administrator’s test results, no manufacturer’s test data from the manufacturer’s test facility will be accepted for purposes of this subpart.

(c) In the event that testing conducted under paragraph (a) of this section demonstrates a lack of agreement under paragraph (b)(2), of this section, the Administrator will:

(1) Notify the manufacturer in writing of his determination that the test facility is inappropriate for conducting the tests required by this subpart and the reasons therefor, and

(2) Reinstates any manufacturer’s data upon a showing by the manufacturer that the data acquired under paragraph (a) of this section was erroneous and the manufacturer’s data was correct.