

drive standards (segregating captive import and other light trucks) specified in paragraph (a) of this section.

(e) For model year 1992, each manufacturer shall comply with the average fuel economy standard specified in paragraph (a) of this section (segregating captive import and other light trucks).

(f) For each model year 1996 and thereafter, each manufacturer shall combine its captive imports with its other light trucks and comply with the fleet average fuel economy standard in paragraph (a) of this section.

(g) For model years 2008–2010, at a manufacturer's option, a manufacturer's light truck fleet may comply with the fuel economy standard calculated for each model year according to Figure 1 to paragraph (a) of this section and the appropriate values in Table 5 to paragraph (a) of this section, with said option being irrevocably chosen for that model year and reported as specified in § 537.8 of this chapter.

(h) For model year 2011, a manufacturer's light truck fleet shall comply with the fleet average fuel economy standard calculated for that model year according to Figure 1 to paragraph (a) of this section and the appropriate values in Table 5 to paragraph (a) of this section.

(i) For model years 2012–2016, a manufacturer's light truck fleet shall comply with the fleet average fuel economy standard calculated for that model year according to Figures 2 and 3 to paragraph (a) of this section and the appropriate values in Table 6 to paragraph (a) of this section.

(j) For model years 2017–2031, a manufacturer's light truck fleet shall comply with the fleet average fuel economy standard calculated for that model year according to figures 2 and 4 to paragraph (a) of this section and the appropriate values in table 7 to paragraph (a) of this section.

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§ 533.6 Measurement and calculation procedures.

(a) Any reference to a class of light trucks manufactured by a manufacturer shall be deemed—

(1) To include all light trucks in that class manufactured by persons who control, are controlled by, or are under common control with, such manufacturer;

(2) To include only light trucks which qualify as non-passenger vehicles in accordance with § 523.5 of this chapter based upon the production measurements of the vehicles as sold to dealerships; and

(3) To exclude all light trucks in that class manufactured (within the meaning of paragraph (a)(1) of this section) during a model year by such manufacturer which are exported prior to the expiration of 30 days following the end of such model year.

(b) The fleet average fuel economy performance of all light trucks that are manufactured by a manufacturer in a model year shall be determined in accordance with procedures established by the Administrator of the Environmental Protection Agency (EPA) under 49 U.S.C. 32904 and set forth in 40 CFR part 600.

(c) For model years 2017 through 2031, a manufacturer is eligible to increase the fuel economy performance of light trucks in accordance with procedures established by the Environmental Protection Agency (EPA) set forth in 40 CFR part 600, subpart F, including adjustments to fuel economy for fuel consumption improvements related to air conditioning (AC) efficiency, off-cycle technologies, and hybridization and other performance-based technologies for full-size pickup trucks that meet the requirements specified in 40 CFR 86.1803. Starting in model year 2027, fuel economy increases for fuel consumption improvement values under 40 CFR 86.1868–12 and 40 CFR 86.1869–12 only apply for vehicles propelled by internal combustion engines. Manufacturers must provide reporting on these technologies as specified in § 537.7 of this chapter by the required deadlines.

(1) *Efficient AC technologies.* A manufacturer may seek to increase its fleet average fuel economy performance through the use of technologies that improve the efficiency of AC systems pursuant to the requirements in 40 CFR 86.1868–12. Fuel consumption improvement values resulting from the use of those AC systems must be determined

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in accordance with 40 CFR 600.510–12(c)(3)(i).

(2) *Incentives for advanced full-size light-duty pickup trucks.* For model year 2023 and 2024, the eligibility of a manufacturer to increase its fuel economy using hybridized and other performance-based technologies for full-size pickup trucks must follow 40 CFR 86.1870–12 and the fuel consumption improvement of these full-size pickup truck technologies must be determined in accordance with 40 CFR 600.510–12(c)(3)(iii). Manufacturers may also combine incentives for full size pickups and dedicated alternative fueled vehicles when calculating fuel economy performance values in 40 CFR 600.510–12.

(3) *Off-cycle technologies on EPA’s predefined list.* A manufacturer may seek to increase its fleet average fuel economy performance through the use of off-cycle technologies pursuant to the requirements in 40 CFR 86.1869–12 for predefined off-cycle technologies in accordance with 40 CFR 86.1869–12(b). The fuel consumption improvement is determined in accordance with 40 CFR 600.510–12(c)(3)(ii).

(4) *Off-cycle technologies using 5-cycle testing.* Through model year 2026, a manufacturer may only increase its fleet average fuel economy performance through the use of off-cycle technologies tested using the EPA’s 5-cycle methodology in accordance with 40 CFR 86.1869–12(c). The fuel consumption improvement is determined in accordance with 40 CFR 600.510–12(c)(3)(ii).

(5) *Off-cycle technologies using the alternative EPA-approved methodology.* Through model year 2026, a manufacturer may seek to increase its fuel economy performance through the use of an off-cycle technology requiring an application request made to the EPA in accordance with 40 CFR 86.1869–12(d).

(i) *Eligibility under the Corporate Average Fuel Economy (CAFE) program requires compliance with paragraphs (c)(5)(i)(A) through (C) of this section.* Paragraphs (c)(5)(i)(A), (B) and (D) of this section apply starting in model year 2024. Paragraph (b)(5)(i)(E) of this section applies starting in model year 2025.

(A) A manufacturer seeking to increase its fuel economy performance using the alternative methodology for an off-cycle technology, should submit a detailed analytical plan to EPA prior to the applicable model year. The detailed analytical plan may include information such as, planned test procedure and model types for demonstration. The plan will be approved or denied in accordance with 40 CFR 86.1869–12(d).

(B) A manufacturer seeking to increase its fuel economy performance using the alternative methodology for an off-cycle technology must submit an official credit application to EPA and obtain approval in accordance with 40 CFR 86.1869–12(e) prior to September of the given model year.

(C) A manufacturer’s plans, applications and requests approved by the EPA must be made in consultation with NHTSA. To expedite NHTSA’s consultation with the EPA, a manufacturer must concurrently submit its application to NHTSA if the manufacturer is seeking off-cycle fuel economy improvement values under the CAFE program for those technologies. For off-cycle technologies that are covered under 40 CFR 86.1869–12(d), NHTSA will consult with the EPA regarding NHTSA’s evaluation of the specific off-cycle technology to ensure its impact on fuel economy and the suitability of using the off-cycle technology to adjust the fuel economy performance.

(D) A manufacturer may request an extension from NHTSA for more time to obtain an EPA approval. Manufacturers should submit their requests 30 days before the deadlines above. Requests should be submitted to NHTSA’s Director of the Office of Vehicle Safety Compliance at cafe@dot.gov.

(E) For MYs 2025 and 2026, a manufacturer must respond within 60-days to any requests from EPA or NHTSA for additional information or clarifications to submissions provided pursuant to paragraphs (b)(4)(i)(A) and (B) of this section. Failure to respond within 60 days may result in denial of the manufacturer’s request to increase its fuel economy performance through use of an off-cycle technology requests made to the EPA in accordance with 40 CFR 86.1869–12(d).

(ii) *Review and approval process.* NHTSA will provide its views on the suitability of the technology for that purpose to the EPA. NHTSA's evaluation and review will consider:

(A) Whether the technology has a direct impact upon improving fuel economy performance;

(B) Whether the technology is related to crash-avoidance technologies, safety critical systems or systems affecting safety-critical functions, or technologies designed for the purpose of reducing the frequency of vehicle crashes;

(C) Information from any assessments conducted by the EPA related to the application, the technology and/or related technologies; and

(D) Any other relevant factors.

(E) NHTSA will collaborate to host annual meetings with EPA at least once by July 30th before the model year begins to provide general guidance to the industry on past off-cycle approvals.

(iii) *Safety.* (A) Technologies found to be defective or non-compliant, subject to recall pursuant to part 573 of this chapter, Defect and Noncompliance Responsibility and Reports, due to a risk to motor vehicle safety, will have the values of approved off-cycle credits removed from the manufacturer's credit balance or adjusted to the population of vehicles the manufacturer remedies

as required by 49 U.S.C. chapter 301. NHTSA will consult with the manufacturer to determine the amount of the adjustment.

(B) Approval granted for innovative and off-cycle technology credits under NHTSA's fuel efficiency program does not affect or relieve the obligation to comply with the Vehicle Safety Act (49 U.S.C. chapter 301), including the "make inoperative" prohibition (49 U.S.C. 30122), and all applicable Federal motor vehicle safety standards issued thereunder (FMVSSs) (part 571 of this chapter). In order to generate off-cycle or innovative technology credits manufacturers must state—

(1) That each vehicle equipped with the technology for which they are seeking credits will comply with all applicable FMVSS(s); and

(2) Whether or not the technology has a fail-safe provision. If no fail-safe provision exists, the manufacturer must explain why not and whether a failure of the innovative technology would affect the safety of the vehicle.

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APPENDIX A TO PART 533—EXAMPLE OF CALCULATING COMPLIANCE UNDER § 533.5(I)

Assume a hypothetical manufacturer (Manufacturer X) produces a fleet of light trucks in MY 2012 as follows: