12. Subpart NN is amended by adding a new § 52.2057, to read as follows:

# § 52.2057 Requirements for state implementation plan revisions relating to new motor vehicles.

Pennsylvania must comply with the requirements of § 51.120.

13. Subpart OO is amended by adding a new § 52.2079, to read as follows:

# § 52.2079 Requirements for state implementation plan revisions relating to new motor vehicles.

Rhode Island must comply with the requirements of § 51.120.

14. Subpart UŪ is amended by adding a new § 52.2385, to read as follows:

# § 52.2385 Requirements for state implementation plan revisions relating to new motor vehicles.

Vermont must comply with the requirements of § 51.120.

15. Subpart VV is amended by adding a new § 52.2453, to read as follows:

# § 52.2453 Requirements for state implementation plan revisions relating to new motor vehicles.

Virginia must comply with the requirements of § 51.120 with respect to the portion of Virginia that in 1990 was located in the Consolidated Metropolitan Statistical Area containing the District of Columbia.

# PART 85—CONTROL OF AIR POLLUTION FROM MOTOR VEHICLES AND MOTOR VEHICLE ENGINES

1. The authority citation for part 85 is revised to read as follows:

**Authority:** 42 U.S.C. 7507, 7521, 7522, 7524, 7525, 7541, 7542, 7543, 7547, 7601(a), unless otherwise noted.

2. Part 85 is amended by adding subpart X to read as follows:

# Subpart X—Determination of Model Year for Motor Vehicles and Engines Used in Motor Vehicles Under Section 177 and Part A of Title II of the Clean Air Act

Sec.

85.2301 Applicability.

85.2302 Definition of model year.

85.2303 Duration of model year.

85.2304 Definition of production period.

85.2305 Duration and applicability of

certificates of conformity.

#### Subpart X—Determination of Model Year for Motor Vehicles and Engines Used in Motor Vehicles Under Section 177 and Part A of Title II of the Clean Air Act

#### § 85.2301 Applicability.

The definitions provided by this subpart are effective February 23, 1995

and apply to all light-duty motor vehicles and trucks, heavy-duty motor vehicles and heavy-duty engines used in motor vehicles, and on-highway motorcycles as such vehicles and engines are regulated under section 177 and Title II part A of the Clean Air Act.

#### §85.2302 Definition of model year.

Model year means the manufacturer's annual production period (as determined under § 85.2304) which includes January 1 of such calendar year, provided, that if the manufacturer has no annual production period, the term "model year" shall mean the calendar year.

#### § 85.2303 Duration of model year.

A specific model year must always include January 1 of the calendar year for which it is designated and may not include a January 1 of any other calendar year. Thus, the maximum duration of a model year is one calendar year plus 364 days.

#### §85.2304 Definition of production period.

(a) The "annual production period" for all models within an engine family of light-duty motor vehicles, heavy-duty motor vehicles and engines, and onhighway motorcycles begins either: when any vehicle or engine within the engine family is first produced; or on January 2 of the calendar year preceding the year for which the model year is designated, whichever date is later. The annual production period ends either: When the last such vehicle or engine is produced; or on December 31 of the calendar year for which the model year is named, whichever date is sooner.

(b) The date when a vehicle or engine is first produced is the "Job 1 date," which is defined as that calendar date on which a manufacturer completes all manufacturing and assembling processes necessary to produce the first saleable unit of the designated model which is in all material respects the same as the vehicle or engine described in the manufacturer's application for certification. The "Job 1 date" may be a date earlier in time than the date on which the certificate of conformity is issued.

### § 85.2305 Duration and applicability of certificates of conformity.

(a) Except as provided in paragraph (b) of this section, a certificate of conformity is deemed to be effective and cover the vehicles or engines named in such certificate and produced during the annual production period, as defined in § 85.2304.

- (b) Section 203 of the Clean Air Act prohibits the sale, offering for sale, delivery for introduction into commerce, and introduction into commerce, of any new vehicle or engine not covered by a certificate of conformity unless it is an imported vehicle exempted by the Administrator or otherwise authorized jointly by EPA and U.S. Customs Service regulations. However, the Act does not prohibit the production of vehicles or engines without a certificate of conformity. Vehicles or engines produced prior to the effective date of a certificate of conformity, as defined in paragraph (a) of this section, may also be covered by the certificate if the following conditions are met:
- (1) The vehicles or engines conform in all material respects to the vehicles or engines described in the application for the certificate of conformity:
- (2) The vehicles or engines are not sold, offered for sale, introduced into commerce, or delivered for introduction into commerce prior to the effective date of the certificate of conformity;
- (3) The Agency is notified prior to the beginning of production when such production will start, and the Agency is provided full opportunity to inspect and/or test the vehicles during and after their production; for example, the Agency must have the opportunity to conduct selective enforcement auditing production line testing as if the vehicles had been produced after the effective date of the certificate.
- (c) New vehicles or engines imported by an original equipment manufacturer after December 31 of the calendar year for which the model year was named are still covered by the certificate of conformity as long as the production of the vehicle or engine was completed before December 31 of that year. This paragraph does not apply to vehicles that may be covered by certificates held by independent commercial importers unless specifically approved by EPA.
- (d) Vehicles or engines produced after December 31 of the calendar year for which the model year is named are not covered by the certificate of conformity for that model year. A new certificate of conformity demonstrating compliance with currently applicable standards must be obtained for these vehicles or engines even if they are identical to vehicles or engines built before December 31.