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# 40 C.F.R. § 86.1833-01

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## Adjustable parameters.

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(a) At the time that emission data vehicles are selected for the test fleet, a determination shall be made of those vehicle or engine parameters which will be subject to adjustment for certification, Selective Enforcement Audit and Production Compliance Audit testing, the adequacy of the limits, stops, seals, or other means used to inhibit adjustment, and the resulting physically adjustable ranges for each such parameter. The manufacturer shall use good engineering judgment in making such determinations and shall notify the Administrator of its determinations prior to emission data vehicle testing for the affected test groups (preferably at an annual preview meeting scheduled before the manufacturer begins certification activities for the model year).

(1) *Determining parameters subject to adjustment.* (i) The following parameters may be subject to adjustment: the idle fuel-air mixture parameter on Otto-cycle vehicles; the choke valve action parameter(s) on carbureted, Otto-cycle vehicles (or engines); or any parameter on any vehicle (Otto-cycle or diesel) which is physically capable of being adjusted, may significantly affect emissions, and was not present on the manufacturer's vehicles (or engines) in the previous model year in the same form and function.

(ii) Any other parameters on any vehicle or engine which are physically capable of being adjusted and which may significantly affect emissions may be determined to be subject to adjustment. However, the Administrator may do so only if he/she has previously notified the manufacturer that he/she might do so and has found, at the time he/she gave this notice, that the intervening period would be adequate to permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance within such period. In no event will this notification be given later than September 1 of the calendar year two years prior to the model year.

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