

(5) Daily report (measured in number of files/pages by the day of the month). This is defined as how many requests there were in each day of a specific month.

(6) Browser Summary (measured in number of files/pages by browser type, *i.e.*, Netscape, Internet Explorer). This is defined as the versions of a browser by vendor.

(7) Any other information deemed necessary by the Administrator to determine the adequacy of an OEM Web site.

OEMs may request Administrator approval to report on parameters other than those described above if the OEM can demonstrate that those alternate parameters will provide sufficient and similar information for EPA to effectively evaluate the OEM Web site.

EPA will work with OEMs and issue further guidance regarding requirements to outline a consistent format and timing of submission.

Performance reports will be submitted to the Administrator annually or upon request by the Administrator. EPA will issue additional direction in the form of official manufacturer guidance to further specify the process for submitting reports to the Administrator.

In addition, EPA is finalizing a provision that requires OEMs to launch Web sites that meet the following performance criteria:

(1) OEM Web sites shall possess sufficient server capacity to allow ready access by all users and have sufficient downloading capacity to assure that all users may obtain needed information without undue delay;

(2) Broken Web links shall be corrected or deleted weekly;

(3) Web site navigation does not require a user to return to the OEM home page or a search engine in order to access a different portion of the site.

4. Structure and Cost of OEM Web Sites

In addition to the requirements described above in section II.3, OEMs shall also establish a three-tiered approach for the access to their Web-based service information. These three tiers include, but are not limited to short-term, mid-term, and long-term access to the required information.

(1) Short-Term Access. OEMs shall provide short-term access for a period of 24–72 hours whereby an aftermarket service provider will be able to access that OEM's Web site, search for the information they need, and purchase and/or print it for a set fee.

(2) Mid-Term Access. OEMs shall provide mid-term access for a period of 30 days whereby an aftermarket service provider will be able to access that

OEM's Web site, search for the information they need, and purchase and/or print it for a set fee.

(3) Long-Term Access. OEMs shall provide long-term access for a period of 365 days whereby an aftermarket service provider will be able to access that OEM's Web site, search for the information they need, and purchase and/or print it for a set fee.

In addition, for each of the tiers, OEMs are required to make their entire site accessible for the respective period of time and price. In other words, an OEM may not limit any or all of the tiers to just one make or one model.

EPA is not finalizing a provision that would require OEM's to allow for the downloading of information from their sites.

With regard to the issue of cost, EPA will not be finalizing any price caps for access to each of the tiers described above. However, prior to the official launch of OEM Web sites, each OEM will be required to present to the Administrator a specific outline of what will be charged for access to each of the tiers. OEMs must justify these charges, and submit to the Administrator information on the following parameters, which include but are not limited to, the following:

1. The price the manufacturer currently charges their branded dealers for service information. At a minimum, this must include the direct price charged that is identified exclusively as being for service information, not including any payment that is incorporated in other fees paid by a dealer, such as franchise fees. In addition, the manufacturer must describe the information that is provided to dealers, including the nature of the information (*e.g.*, the complete service manual), etc.; whether dealers have the option of purchasing less than all of the available information, or if purchase of all information is mandatory; the number of branded dealers who currently pay for this service information; and whether this information is made available to any persons at a reduced or no cost, and if so, identification of these persons and the reason they receive the information at a reduced cost.

2. The price the manufacturer currently charges persons other than branded dealers for service information. The manufacturer must describe the information that is provided, including the nature of the information (*e.g.*, the complete service manual, emissions control service manual), etc.; and the number of persons other than branded dealers to whom the information is supplied.

3. The estimated number of persons to whom the manufacturer would be expected to provide the service information following implementation of today's requirements. If the manufacturer is proposing a fee structure with different access periods (*e.g.*, daily, monthly and annual periods), the manufacturer must estimate the number of users who would be expected to subscribe for the different access periods.

A complete list of the criteria for establishing reasonable cost can be found in sections 86.094–38, paragraph (g)(7) and 86.1808–01, paragraph (f)(7) of the regulatory language for this final rule. Subsequent to the launch of the OEM Web sites, OEMs are required to notify the Administrator upon the increase in price of any one or all of the tiers of twenty percent or more accounting for inflation or that sets the charge for end-user access over the established price guidelines discussed above, including a justification based on the criteria for reasonable cost as established by this regulation.

5. Hyperlinking To and From OEM Web Sites

Today's action finalizes a provision that requires OEMs to allow direct simple hyperlinking to their Web sites from government Web sites and from all automotive-related Web sites, such as aftermarket service providers, educational institutions, and automotive associations.

6. Administrator Access to OEM Web Sites

Today's action finalizes a provision that requires that the Administrator shall have access to each OEM Web site at no charge to the Agency. The Administrator shall have access to the site, reports, records and other information as provided by sections 114 and 208 of the Clean Air Act and other provisions of law.

7. Information for Pre-1996 Model Years on OEM Web Sites

Today's action finalizes a provision that each OEM shall index their available information for model years 1994 and 1995 with a title that adequately describes the contents of the document to which it refers. OEMs may develop a system that allows interested parties to order this information directly from their Web site, or another Web site hyperlinked to the OEM Web site. Any OEM who does not develop such a system must list a phone number and address where aftermarket service providers can call or write to obtain the desired information. OEMs must also