

in order to receive this additional hardware. If an OEM cannot retroactively implement the SAE J2534 pass-through reprogramming solution with or without special cables, they must make available to equipment and tool companies any information needed to develop aftermarket equivalents of their OEM-specific reprogramming hardware and software. This information must be provided to allow equipment and tool manufacturers to develop hardware and software equivalents to enhanced OEM scan tools. A full description of the information that must be provided under this scenario is described in sections 86.096–38g(11) and 86.1808–01(f)(11) of the regulatory language for this rulemaking.

F. What Requirements Are Being Finalized for Reprogramming of Vehicles With SAE J2534?

EPA will finalize a provision that will require OEMs to comply with SAE J2534 for pass-through reprogramming beginning with model year 2004. We will also finalize a provision that will require that reprogramming information be made available within one month after the effective date of the final rule for existing model years and within 3 months of vehicle introduction for new models. Any OEM who cannot comply with SAE J2534 in model year 2004 may request one year additional lead time from the Administrator.

G. What Requirements Are Being Finalized for the Availability of Reprogramming Capabilities From OEM Dealerships?

EPA will not finalize a provision that would require OEMs to make reprogramming services available to aftermarket service providers in a timely manner and a reasonable cost via their dealerships.

H. What Requirements Are Being Finalized for the Availability of Enhanced Information for Scan Tools for Equipment and Tool Companies?

1. Description of Information That Must Be Provided

Today's action finalizes a provision that requires the OEMs to make available to equipment and tool companies all generic and enhanced information, including bi-directional control and data stream information. In addition, OEMs must make available the following information:

(a) The physical hardware requirements for data communication (e.g. system voltage requirements, cable

terminals/pins, connections such as RS232 or USB, wires, etc.)

(b) ECU data communication (e.g. serial data protocols, transmission speed or baud rate, bit timing requirements, etc.),

(c) Information on the application physical interface (API) or layers. (i.e., processing algorithms or software design descriptions for procedures such as connection, initialization, and termination)

(d) Vehicle application information or any other related service information such as special pins and voltages or additional vehicle connectors that require enablement and specifications for the enablement.

(e) Information that describes which interfaces, or combinations of interfaces, from each of the categories as described in paragraphs (g)(12)(vii)(A) through (D) of the regulatory language.

2. Distribution of Enhanced Diagnostic Information

Today's action finalizes a provision that will require the above information for generic and enhanced diagnostic information be provided to aftermarket tool and equipment companies with whom appropriate licensing, contractual, and confidentiality agreements have been arranged. This information shall be uploaded in electronic format using common document formats such as Microsoft Excel, Adobe Acrobat, Microsoft Word, etc. Further, any OEM licensing or business arrangements with equipment and tool companies are subject to a fair and reasonable cost determination.

I. What Requirements Are Being Finalized for the Availability of OEM-Specific Diagnostic Scan Tools and Other Special Tools?

1. Availability of OEM-Specific Diagnostic Scan Tools

Today's action finalizes a provision that OEMs must make available for sale to interested parties the same OEM-specific scan tools that are available to franchised dealerships, except as discussed below. These tools shall be made available at a fair and reasonable price. These tools shall also be made available in a timely fashion either through the OEM Web site or through an OEM-designated intermediary.

2. Decontenting of OEM-Specific Diagnostic Scan Tools

Today's action finalizes a provision that requires OEMs who opt to remove non-emissions related content from their OEM-specific scan tools and sell them to the persons specified in

paragraph (g)(2)(i) and (f)(2)(i) of the regulatory language for this final rule shall adjust the cost of the tool accordingly lower to reflect the decreased value of the scan tool. All emissions-related content that remains in the OEM-specific tool shall be identical to the information that is contained in the complete version of the OEM-specific tool. Any OEM who wishes to implement this option must request approval from the Administrator prior to the introduction of the tool into commerce.

3. Availability of Special Tools

Today's action finalizes a provision that precludes OEMs from using special tools to extinguish the malfunction indicator light (MIL) beginning with model year 2004. For model years 1994 through 2003, OEMs who currently require such tools to extinguish the MIL must release the necessary information to equipment and tool companies to design a comparable generic tool. This information shall be made available no later than one month following the effective date of the Final Rule.

J. Which Reference Materials Are Being Finalized for Incorporation by Reference?

Today's action will finalize a provision requiring that OEMs comply with the following SAE Recommended Practices.

(1) SAE Recommended Practice J1930 (Revised, May, 1998), "Electrical/Electronic Systems Diagnostic Terms, Definitions, Abbreviations, and Acronyms" beginning with the 2003 model year.

(2) SAE Recommended Practice J1979 (September, 1997), "EE Diagnostic Test Modes" Manufacturers shall comply with J1979 beginning with Model Year 2004.

(3) SAE Recommended Practice J2284–3 (May, 2001), "High Speed CAN (HSC) for Vehicle Applications at 500 KBPS." For purposes of consistency with CARB requirements for CAN, we will finalize a provision that allows for the use of CAN beginning in the 2003 model year, with complete implementation required by the 2008 model year.

(4) SAE Recommended Practice J2534 (February, 2002), "Recommended Practice for Pass-Thru Vehicle Reprogramming". EPA will require that OEMs comply with SAE J2534 beginning with the 2004 model year.

These documents have been approved for Incorporation by Reference by the Office of the Federal Register on August 26, 2003. A copy of the approval can be found in EPA Air Docket A–2000–49,