State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER D-338-36

Relating to Exemptions Under Section 27156
of the Vehicle Code

Harley-Davidson
Cylinder Heads

Pursuant to the authority vested in the Air Resources Board by Section 27156 of the Vehicle Code; and

Pursuant to the authority vested in the undersigned by Section 39515 and Section 39516 of the Health and Safety Code and Executive Order G-45-9;

IT IS ORDERED AND RESOLVED: That the installation of the 1340 Performance Cylinder Heads, Lightning Cylinder Heads, and XLS Cylinder Heads manufactured and marketed by the Harley-Davidson Motor Company, 3700 W. Juneau Avenue, P.O. Box 653, Milwaukee, Wisconsin 53201 has been found not to reduce the effectiveness of the applicable vehicle pollution control system and, therefore, is exempt from the prohibitions of Section 27156 of the Vehicle Code for the following Harley-Davidson motorcycles.

| Device | Part Numbers | Model-Year | Engine Displacement |
|---|---|---|---|
| 1340 Performance Cylinder Heads | 16851-98A, 16854-98A, and 16976-99A | 1984-1999 | 1338 cc Carb/FI |
| XLS Cylinder Heads | 16457-96B, 16458-96B | 1991-2002 | 1200 cc Carbureted |

This Executive Order is valid provided that the installation instructions for the cylinder heads will not recommend tuning the vehicle to specifications different from those of the vehicle manufacturer.

This Executive Order is granted based on the following submitted emissions test data:

| | 1996 Harley-Davidson 1338 cc Carbureted Model (gm/km) | | 1996 Harley-Davidson 1338 cc Fuel Injected Model (gm/km) | | | 1994 Harley-Davidson 1200 cc Carbureted Model (gm/km) | |
|---|---|---|---|---|---|---|---|
| | HC | CO | HC | CO | | HC | CO |
| Standards | 1.0 | 12.0 | 0.9 | 12.0 | Baseline | 1.30 | 6.94 |
| device w/ dfs | 0.87 | 6.5 | 0.7 | 5.5 | S1 Cyl. Heads | 1.30 | 7.83 |

Test results showed that tailpipe emissions with the modified cylinder heads installed were at or below the 1996 Harley-Davidson's applicable emission standard, and within the allowable limits for comparative emissions testing on the 1994 Harley-Davidson.

This Executive Order shall not apply to any Harley-Davidson Motor Company Performance cylinder heads advertised, offered for sale, sold with, or installed on, a motor vehicle prior to or concurrent with transfer to an ultimate purchaser.

Changes made to the design or operating conditions of the cylinder heads, as exempt by the Air Resources Board, which adversely affect the performance of the vehicle's pollution control system shall invalidate this Executive Order.

Marketing of the cylinder heads using any identification other than that shown in this Executive Order or marketing of the cylinder heads for an application other than those listed in this Executive Order shall be prohibited unless prior approval is obtained from the Air Resources Board. Exemption of the cylinder heads shall not be construed as exemption to sell, offer for sale, or advertise any component of the kit as an individual device.

This Executive Order does not constitute any opinion as to the effect the use of the cylinder heads may have on any warranty either expressed or implied by the vehicle manufacturer.

In addition to the foregoing, the ARB reserves the right in the future to review this Executive Order and the exemption provided herein to assure that the exempted add-on or modified part continues to meet the standards and procedures of Title 13, California Code of Regulations, Section 2222, et seq.

THIS EXECUTIVE ORDER DOES NOT CONSTITUTE A CERTIFICATION, ACCREDITATION, APPROVAL, OR ANY OTHER TYPE OF ENDORSEMENT BY THE AIR RESOURCES BOARD OF ANY CLAIMS OF THE APPLICANT CONCERNING ANTI-POLLUTION BENEFITS OR ANY ALLEGED BENEFITS OF HARLEY-DAVIDSON'S CYLINDER HEADS.

No claim of any kind, such as "Approved by the Air Resources Board", may be made with respect to the action taken herein in any advertising or other oral or written communication.

Violation of any of the above conditions shall be grounds for revocation of this order. The order may be revoked only after a ten-day written notice of intention to revoke the order, in which period the holder of the order may request in writing a hearing to contest the proposed revocation. If a hearing is requested, it shall be held within ten days of receipt of the request and the order may not be revoked until a determination is made after the hearing that grounds for revocation exist.

Executive Order D-338-32, dated January 2001, is superseded and of no further force and effect.

Executed at El Monte, California, this 10th day of October 2001.

R. B. Summerfield, Chief
Mobile Source Operations Division