

(4) Hearings shall be reported verbatim. Copies of transcripts of proceedings may be purchased by the applicant from the reporter.

(5) All written statements, charts, tabulations, and similar data offered in evidence at the hearing shall, upon a showing satisfactory to the Presiding Officer of their authority, relevancy, and materiality, be received in evidence and shall constitute a part of the record.

(6) Oral argument may be permitted in the discretion of the Presiding Officer and will be reported as part of the record unless otherwise ordered.

(g)(1) The Presiding Officer will make an initial decision which shall include written findings and conclusions and the reasons or basis therefore on all material issues of fact, law or discretion presented on the record. The findings, conclusions, and written decisions shall be provided to the parties and made a part of the record. The initial decision shall become the decision of the Administrator without further proceedings unless there is an appeal to the Administrator or motion for review by the Administrator within 20 days of the date the initial decision was filed.

(2) On appeal from or review of the initial decision the Administrator will have all the powers which he would have in making the initial decision including the discretion to require or allow briefs, oral argument, the taking of additional evidence or the remanding to the Presiding Officer for additional proceedings. The decision by the Administration will include written findings and conclusions and the reasons or basis therefor on all the material issues of fact, law or discretion presented on the appeal or considered in the review.

(h) A manufacturer's use of any fuel economy data which the manufacturer challenges pursuant to this section shall not constitute final acceptance by the manufacturer nor prejudice the manufacturer in the exercise of any appeal pursuant to this section challenging such fuel economy data.

[49 FR 13844, Apr. 6, 1984; 49 FR 48149, Dec. 10, 1984]

§ 600.010-86 Vehicle test requirements and minimum data requirements.

(a) For each certification vehicle defined in this part, and for each vehicle tested according to the emission test procedures in 40 CFR part 86 for addition of a model after certification or approval of a running change (40 CFR 86.079-32, 86.079-33 and 86.082-34 or 40 CFR 86.1842-01 as applicable):

(1) The manufacturer shall generate city fuel economy data by testing according to the applicable procedures.

(2) The manufacturer shall generate highway fuel economy data by:

(i) Testing according to applicable procedures, or

(ii) Using an analytical technique, as described in § 600.006(e).

(3) The data generated in paragraphs (a) (1) and (2) of this section, shall be submitted to the Administrator in combination with other data for the vehicle required to be submitted in part 86.

(b) For each fuel economy data vehicle:

(1) The manufacturer shall generate city fuel economy data and highway fuel economy data by:

(i) Testing according to applicable procedures, or

(ii) Use of an analytical technique as described in § 600.006(e), in addition to testing (e.g., city fuel economy data by testing, highway fuel economy data by analytical technique).

(2) The data generated shall be submitted to the Administrator according to the procedures in § 600.006.

(c) *Minimum data requirements for labeling.* (1) In order to establish fuel economy label values under § 600.306, the manufacturer shall use only test data accepted in accordance with § 600.008 (b) and (f) and meeting the minimum coverage of:

(i) Data required for emission certification under 40 CFR 86.084-24, 86.079-32, 86.079-33, and 86.082-34 or 40 CFR 86.1828-01 and 86.1842-01 as applicable,

(ii) Data from the highest projected model year sales subconfiguration within the highest projected model year sales configuration for each base level, and

(iii) For additional model types established under § 600.207(a)(2), data from

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each subconfiguration included within the model type.

(2) For the purpose of recalculating fuel economy label values as required under §600.314(b), the manufacturer shall submit data required under §600.507.

(d) *Minimum data requirements for the manufacturer's average fuel economy.* For the purpose of calculating the manufacturer's average fuel economy under §600.510, the manufacturer shall submit data representing at least 90 percent of the manufacturer's actual model year production, by configuration, for each category identified for calculation under §600.510(a).

[49 FR 13848, Apr. 6, 1984, as amended at 64 FR 23975, May 4, 1999]

§ 600.011-93 Reference materials.

(a) *Incorporation by reference.* The documents in paragraph (b) of this section have been incorporated by reference. The incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies

may be inspected at USEPA, OAR, 1200 Pennsylvania Ave., NW., Washington, DC 20460, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(b) The following paragraphs and tables set forth the material that has been incorporated by reference in this part.

(1) *ASTM material.* The following table sets forth material from the American Society for Testing and Materials which has been incorporated by reference. The first column lists the number and name of the material. The second column lists the section(s) of this part, other than §600.011, in which the matter is referenced. Copies of these materials may be obtained from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.

Document number and name	40 CFR part 600 reference
ASTM E 29-67 (Reapproved 1973) Standard Recommended Practice for Indicating which Places of Figures are to be Considered Significant in Specified Limiting Values.	600.002-93(a)(30); 600.113-93(d)
ASTM D 1298-85 (Reapproved 1990) Standard Practice for Density, Relative Density (Specific Gravity), or API Gravity of Crude Petroleum and Liquid Petroleum Products by Hydrometer Method.	600.113-93(c)(1)(i), (c)(2)(i)(A), (c)(2)(i)(B), (c)(2)(ii); 600.510-93 (g)(1)(ii)(B), (g)(2)(ii)(B).
ASTM D 3343-90 Standard Test Method for Estimation of Hydrogen Content of Aviation Fuels ..	600.113-93(c)(1)(ii), (c)(2)(ii).
ASTM D 3338-92 Standard Test Method for Estimation of Net Heat of Combustion of Aviation Fuels.	600.113-93(c)(1)(iii).
ASTM D 240-92 Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter.	600.113-93(c)(2)(iii); 600.510-93 (g)(1)(ii)(A), (g)(2)(ii)(A).

(2) [Reserved]

[59 FR 39652, Aug. 3, 1994, as amended at 69 FR 18803, Apr. 9, 2004]

Subpart B—Fuel Economy Regulations for 1978 and Later Model Year Automobiles—Test Procedures

SOURCE: 42 FR 45657, Sept. 12, 1977, unless otherwise noted.

§ 600.101-86 General applicability.

(a) The provisions of this subpart are applicable to 1986 and later model year gasoline-fueled and diesel automobiles.

[49 FR 13849, Apr. 6, 1984]

§ 600.101-93 General applicability.

The provisions of this subpart are applicable to 1993 and later model year gasoline-fueled, diesel-fueled, alcohol-fueled, natural gas-fueled, alcohol dual