

Environmental Protection Agency

§ 91.202

line and in-use testing programs to EPA.

(c) If any manufacturer knowingly commits an infraction specified in paragraph (b)(1), (b)(4), or (b)(6) of this section or knowingly commits any other fraudulent act which results in the issuance of a certificate of conformity, or fails to comply with the conditions specified in §§91.203(f), 91.206(d), 91.208(c) or 91.209(g), the Administrator may void such certificate *ab initio*.

(d) When the Administrator denies, revokes, or voids *ab initio* a certificate of conformity, the engine manufacturer will be provided a written determination. The manufacturer may request a hearing on the Administrator's decision.

(e) Any revocation of a certificate of conformity extends no further than to forbid the introduction into commerce of those engines previously covered by the certificate which are still in the possession of the engine manufacturer, except in cases of such fraud or other misconduct that makes the certificate void *ab initio*.

§91.124 Request for hearing.

(a) An engine manufacturer may request a hearing on the Administrator's denial or revocation or voiding *ab initio* of a certificate of conformity.

(b) The engine manufacturer's request must be filed within 30 days of the Administrator's decision, be in writing, and set forth the manufacturer's objections to the Administrator's decision and data to support the objections.

(c) If, after review of the request and supporting data, the Administrator finds that the request raises a substantial and factual issue, the Administrator will grant the engine manufacturer's request for a hearing.

§91.125 Hearing procedures.

The hearing procedures set forth in §§91.513, 91.514, and 91.515 apply to this subpart.

§91.126 Right of entry and access.

Any engine manufacturer who has applied for certification of a new engine or engine family subject to certification testing under this subpart must

admit or cause to be admitted to any applicable facilities during operating hours any EPA enforcement officer or EPA authorized representative as provided in §91.505.

Subpart C—Averaging, Banking, and Trading Provisions

§91.201 Applicability.

The requirements of this subpart C are applicable to all marine spark-ignition engines subject to the provisions of subpart A of this part 91.

§91.202 Definitions.

The definitions in subpart A of this part apply to this subpart. The following definitions also apply to this subpart:

Averaging for marine SI engines means the exchange of emission credits among engine families within a given manufacturer's product line.

Banking means the retention of marine SI engine emission credits by the manufacturer generating the emission credits for use in future model year averaging or trading as permitted by these regulations.

Eligible sales means marine SI engines sold for purposes of being used in the United States and include any engine introduced into commerce in the U.S. to be sold for use in the U.S.

Emission credits represent the amount of emission reduction or exceedance, by a marine SI engine family, below or above the applicable emission standard, respectively. Emission reductions below the standard are considered as "positive credits," while emission exceedances above the standard are considered as "negative credits." In addition, "projected credits" refer to emission credits based on the projected applicable production/sales volume of the engine family. "Reserved credits" are emission credits generated within a model year waiting to be reported to EPA at the end of the model year. "Actual credits" refer to emission credits based on actual applicable production/sales volume as contained in the end-of-year reports submitted to EPA. Some or all of these credits may be revoked if EPA review of the end-of-year reports or any subsequent audit action(s) uncovers problems or errors.