

manufacturer may request a hearing on a denial. See §91.125.

(4) If the Administrator determines that the revised FEL meets the requirements of this subpart and the Act, the appropriate certificate of conformity will be amended to reflect the revised FEL. The certificate of conformity is revised conditional upon compliance under §91.207(b).

(e)(1) Alternatively, an engine manufacturer may make changes in or additions to production engines concurrently with requesting to amend the application or certification of conformity as set forth in paragraph (b) of this section, if the manufacturer determines that all affected engines will still meet applicable Family Emission Limits (FELs). The engine manufacturer must supply supporting documentation, test data, and engineering evaluations as appropriate to support its determination.

(2) If, after a review, the Administrator determines additional testing is required, the engine manufacturer must provide required test data within 30 days or cease production of the affected engines.

(3) If the Administrator determines that the affected engines do not meet applicable requirements, the Administrator will notify the engine manufacturer to cease production of the affected engines.

§91.123 Denial, revocation of certificate of conformity.

(a) If, after review of the engine manufacturer's application, request for certification, information obtained from any inspection, and any other information the Administrator may require, the Administrator determines that the test engine or engine family does not meet applicable requirements or the Family Emission Limit (FEL), the Administrator will notify the manufacturer in writing, setting forth the basis for this determination.

(b) Notwithstanding the fact that engines described in the application may comply with all other requirements of this subpart, the Administrator may deny the issuance of or revoke a previously issued certificate of conformity if the Administrator finds any one of

the following infractions to be substantial:

(1) The engine manufacturer submits false or incomplete information;

(2) The engine manufacturer denies an EPA enforcement officer or EPA authorized representative the opportunity to conduct authorized inspections;

(3) The engine manufacturer fails to supply requested information or amend its application to include all engines being produced;

(4) The engine manufacturer renders inaccurate any test data which it submits or otherwise circumvents the intent of the Act or this part;

(5) The engine manufacturer denies an EPA enforcement officer or EPA authorized representative reasonable assistance (as defined in §91.505); or

(6) The engine manufacturer fails to initiate, perform or submit required data generated from the production 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.