

§ 1036.805

40 CFR Ch. I (7–1–13 Edition)

Void has the meaning given in 40 CFR 1068.30.

We (us, our) means the Administrator of the Environmental Protection Agency and any authorized representatives.

EFFECTIVE DATE NOTE: At 78 FR 36390, June 17, 2013, §1036.801 was amended by adding a definition for “Preliminary approval” in alphabetical order, effective Aug. 16, 2013. For the convenience of the user, the added text is set forth as follows:

§ 1036.801 Definitions.

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Preliminary approval means approval granted by an authorized EPA representative prior to submission of an application for certification, consistent with the provisions of §1036.210.

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§ 1036.805 Symbols, acronyms, and abbreviations.

The following symbols, acronyms, and abbreviations apply to this part:

ABT averaging, banking, and trading.

AECD auxiliary emission control device.

ASTM American Society for Testing and Materials.

BTU British thermal units.

CFR Code of Federal Regulations.

CH₄ methane.

CO carbon monoxide.

CO₂ carbon dioxide.

DF deterioration factor.

DOT Department of Transportation.

E85 gasoline blend including nominally 85 percent ethanol.

EPA Environmental Protection Agency.

FCL Family Certification Level.

FEL Family Emission Limit.

g/hp-hr grams per brake horsepower-hour.

GVWR gross vehicle weight rating.

HC hydrocarbon.

kg kilogram.

kgC kilogram carbon.

kW kilowatts.

lb pound.

lbC pound carbon.

LPG liquefied petroleum gas.

Mg megagrams (10⁶ grams, or one metric ton).

MJ megajoules.

N₂O nitrous oxide.

NARA National Archives and Records Administration.

NHTSA National Highway Traffic Safety Administration.

NOx oxides of nitrogen (NO and NO₂).

NTE not-to-exceed.

PM particulate matter.

RESS rechargeable energy storage system.

RPM revolutions per minute.

SET Supplemental Emission Test (see 40 CFR 86.1362).

U.S. United States.

U.S.C. United States Code.

§ 1036.810 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Environmental Protection Agency must publish a notice of the change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at U.S. EPA, Air and Radiation Docket and Information Center, 1301 Constitution Ave., NW., Room B102, EPA West Building, Washington, DC 20460, (202) 202-1744, and is available from the sources listed below. It is also available for inspection 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) American Society for Testing and Materials, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA, 19428-2959, (610) 832-9585, <http://www.astm.org/>.

(1) ASTM D 240-09 Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter, approved July 1, 2009, IBR approved for §1036.530(b).

(2) ASTM D4809-09a Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter (Precision Method), approved September 1, 2009, IBR approved for §1036.530(b).

(3) ASTM D5291-10 Standard Test Methods for Instrumental Determination of Carbon, Hydrogen, and Nitrogen in Petroleum Products and Lubricants, approved May 1, 2010, IBR approved for § 1036.530(b).

§ 1036.815 Confidential information.

The provisions of 40 CFR 1068.10 apply for information you consider confidential.

§ 1036.820 Requesting a hearing.

(a) You may request a hearing under certain circumstances, as described elsewhere in this part. To do this, you must file a written request, including a description of your objection and any supporting data, within 30 days after we make a decision.

(b) For a hearing you request under the provisions of this part, we will approve your request if we find that your request raises a substantial factual issue.

(c) If we agree to hold a hearing, we will use the procedures specified in 40 CFR part 1068, subpart G.

§ 1036.825 Reporting and record-keeping requirements.

(a) This part includes various requirements to submit and record data or other information. Unless we specify otherwise, store required records in any format and on any media and keep them readily available for eight years after you send an associated application for certification, or eight years after you generate the data if they do not support an application for certification. You may not rely on anyone else to meet recordkeeping requirements on your behalf unless we specifically authorize it. We may review these records at any time. You must promptly send us organized, written records in English if we ask for them. We may require you to submit written records in an electronic format.

(b) The regulations in § 1036.255 and 40 CFR 1068.25 and 1068.101 describe your obligation to report truthful and complete information. This includes information not related to certification. Failing to properly report information and keep the records we specify violates 40 CFR 1068.101(a)(2), which may involve civil or criminal penalties.

(c) Send all reports and requests for approval to the Designated Compliance Officer (see § 1036.801).

(d) Any written information we require you to send to or receive from another company is deemed to be a required record under this section. Such records are also deemed to be submissions to EPA. Keep these records for eight years unless the regulations specify a different period. We may require you to send us these records whether or not you are a certificate holder.

(e) Under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the Office of Management and Budget approves the reporting and recordkeeping specified in the applicable regulations. The following items illustrate the kind of reporting and recordkeeping we require for engines and equipment regulated under this part:

(1) We specify the following requirements related to engine certification in this part 1036:

(i) In § 1036.135 we require engine manufacturers to keep certain records related to duplicate labels sent to equipment manufacturers.

(ii) In subpart C of this part we identify a wide range of information required to certify engines.

(iii) In subpart G of this part we identify several reporting and recordkeeping items for making demonstrations and getting approval related to various special compliance provisions.

(iv) In §§ 1036.725, 1036.730, and 1036.735 we specify certain records related to averaging, banking, and trading.

(2) We specify the following requirements related to testing in 40 CFR part 1066:

(i) In 40 CFR 1066.2 we give an overview of principles for reporting information.

(ii) [Reserved]

PART 1037—CONTROL OF EMISSIONS FROM NEW HEAVY-DUTY MOTOR VEHICLES

Subpart A—Overview and Applicability

Sec.

1037.1 Applicability

1037.5 Excluded vehicles.

1037.10 How is this part organized?