

the specified time for all engines is a violation of §91.1103(a)(2) and section 213(d) of the Clean Air Act for each engine.

(e) A manufacturer generating credits for banking only who fails to submit end-of-year reports in the applicable specified time period (90 days after the end of the model year) may not use the credits until such reports are received and reviewed by EPA. Use of projected credits pending EPA review is not permitted in these circumstances.

(f) Errors discovered by EPA or the manufacturer in the end-of-year report, including errors in credit calculation, may be corrected in the final report up to 270 days from the end of the model year.

(g) If EPA or the manufacturer determines that a reporting error occurred on an end-of-year or final report previously submitted to EPA under this section, the manufacturer's credits and credit calculations must be recalculated. Erroneous positive credits will be void except as provided in paragraph (h) of this section. Erroneous negative credit balances may be adjusted by EPA.

(h) If within 270 days of the end of the model year, EPA review determines a reporting error in the manufacturer's favor (that is, resulting in an increased credit balance) or if the manufacturer discovers such an error within 270 days of the end of the model year, EPA shall restore the credits for use by the manufacturer.

#### **§91.211 Notice of opportunity for hearing.**

Any voiding of the certificate under §§91.203(f), 91.206(d), 91.207(d), 91.208(c), or §91.209(g) shall be made only after the manufacturer concerned is offered an opportunity for a hearing conducted in accordance with §§91.512, 91.513 and 91.514 and, if a manufacturer requests such a hearing, will be made only after an initial decision by the Presiding Officer.

### **Subpart D—Emission Test Equipment Provisions**

#### **§91.301 Scope; applicability.**

(a) This subpart describes the equipment required in order to perform exhaust emission tests on new marine gasoline-fueled spark-ignition propulsion engines subject to the provisions of subpart A of this part 91.

(b) Exhaust gases are sampled while the test engine is operated using a steady state test cycle on an engine dynamometer. Exhaust gas sampling may be performed using either the raw gas sampling method or the constant volume sampling (CVS) method. The exhaust gases receive specific component analysis determining concentration of pollutant, exhaust volume, the fuel flow, and the power output during each mode. Emissions are reported on a gram per brake-kilowatt hour (g/kWhr). See subpart E of this part for a complete description of the test procedure.

(c) Additional information about system design, calibration methodologies, and so forth, for raw gas sampling can be found in 40 CFR part 1065. Examples for system design, calibration methodologies, and so forth, for dilute sampling can be found in 40 CFR part 1065.

[61 FR 52102, Oct. 4, 1996, as amended at 70 FR 40451, July 13, 2005]

#### **§91.302 Definitions.**

The definitions in §91.3 apply to this subpart.

#### **§91.303 Acronyms and abbreviations.**

(a) The acronyms and abbreviations in §91.5 apply to this subpart.

(b) The symbols in Table 1 in appendix A of this subpart apply to this subpart.

#### **§91.304 Test equipment overview.**

(a) All engines subject to this subpart are tested for exhaust emissions. Engines are operated on dynamometers meeting the specification given in §91.305.

(b) The exhaust is tested for gaseous emissions using either a constant volume sampling (CVS) system as described in §91.414, or using the raw gas sampling system as described in