

(6) See 40 CFR parts 1036 and 1037 for requirements related to greenhouse gas emissions.

(7) Manufacturers may voluntarily certify to the standards of paragraphs (d)(3) through (5) of this section before model year 2016. Note that other provisions in this part require compliance with the standards described in paragraphs (d)(1) and (2) of this section for model years before 2016.

(e) *Small volume manufacturers.* Special certification procedures are available for any manufacturer whose projected combined U.S. sales of light-duty vehicles, light-duty trucks, heavy-duty vehicles, and heavy-duty engines in its product line (including all vehicles and engines imported under the provisions of 40 CFR 85.1505 and 85.1509) are fewer than 10,000 units for the model year in which the manufacturer seeks certification. To certify its product line under these optional procedures, the small-volume manufacturer must first obtain the Administrator's approval. The manufacturer must meet the eligibility criteria specified in § 86.098-14(b) before the Administrator's approval will be granted. The small-volume manufacturer's certification procedures are described in § 86.098-14.

(f) *Optional procedures for determining exhaust opacity.* (1) The provisions of subpart I of this part apply to tests which are performed by the Administrator, and optionally, by the manufacturer.

(2) Measurement procedures, other than those described in subpart I of this part, may be used by the manufacturer provided the manufacturer satisfies the requirements of § 86.007-23(f).

(3) When a manufacturer chooses to use an alternative measurement procedure, it has the responsibility to determine whether the results obtained by the procedure will correlate with the results which would be obtained from the measurement procedure in subpart I of this part. Consequently, the Administrator will not routinely approve or disapprove any alternative opacity measurement procedure or any associated correlation data which the manufacturer elects to use to satisfy the data requirements for subpart I of this part.

(4) If a confirmatory test is performed and the results indicate there is a systematic problem suggesting that the data generated under an optional alternative measurement procedure do not adequately correlate with data obtained in accordance with the procedures described in subpart I of this part, EPA may require that all certificates of conformity not already issued be based on data obtained from procedures described in subpart I of this part.

[76 FR 57375, Sept. 15, 2011]

#### § 86.078-3 Abbreviations.

The abbreviations in this section apply to this subpart and also to subparts B, D, H, I, J, N, O and P of this part and have the following meanings:

accel.—acceleration.  
 AECD—Auxiliary emission control device.  
 API—American Petroleum Institute.  
 ASTM—American Society for Testing and Materials.  
 BHP—Brake horsepower.  
 BSCO—Brake specific carbon monoxide.  
 BSHC—Brake specific hydrocarbons.  
 BSNO<sub>x</sub>—Brake specific oxides of nitrogen.  
 C—Celsius.  
 cfm—cubic feet per hour.  
 CFV—Critical flow venturi.  
 CFV-CVS—Critical flow venturi—constant volume sampler.  
 CH<sub>4</sub>—methane.  
 CL—Chemiluminescence.  
 CO<sub>2</sub>—carbon dioxide.  
 CO—Carbon monoxide.  
 conc.—concentration.  
 cfm—cubic feet per minute.  
 CT—Closed throttle.  
 cu. in.—cubic inch(es).  
 CVS—Constant volume sampler.  
 decel.—deceleration.  
 EP—End point.  
 evap.—evaporative.  
 F—Fahrenheit.  
 FID—Flame ionization detector.  
 FL—Full load.  
 ft.—feet.  
 g—gram(s).  
 gal.—U.S. gallon(s).  
 GVW—Gross vehicle weight.  
 GVWR—Gross vehicle weight rating.  
 h—hour(s).  
 H<sub>2</sub>O—water.  
 HC—hydrocarbon(s).  
 HFID—Heated flame ionization detector.  
 Hg—mercury.  
 hi—high.  
 hp.—horsepower.  
 IBP—Initial boiling point.  
 ID—Internal diameter.

in.—inch(es).  
 K—kelvin.  
 kg—kilogram(s).  
 km—kilometer(s).  
 kPa—kilopascal(s).  
 lb.—pound(s).  
 lb.-ft.—pound-feet.  
 m—meter(s).  
 max.—maximum.  
 mg—milligram(s).  
 mi.—mile(s).  
 min.—minute(s).  
 ml—milliliter(s).  
 mm—millimeter(s).  
 mph—miles per hour.  
 mv—millivolt(s).  
 N<sub>2</sub>—nitrogen.  
 NDIR—Nondispersive infrared.  
 NO—nitric oxide.  
 NO<sub>2</sub>—nitrogen dioxide.  
 N<sub>2</sub>O—nitrous oxide.  
 NO<sub>x</sub>—oxides of nitrogen.  
 No.—Number.  
 O<sub>2</sub>—oxygen.  
 Pb—lead.  
 pct.—percent.  
 PDP-CVS—Positive displacement pump—  
 constant volume sampler.  
 ppm—parts per million by volume.  
 ppm C—parts per million, carbon.  
 psi—pounds per square inch.  
 psig—pounds per square inch gauge.  
 PTA—Part throttle acceleration.  
 PTD—Part throttle deceleration.  
 R—Rankin.  
 rpm—revolutions per minute.  
 RVP—Reid vapor pressure.  
 s—second(s).  
 SAE—Society of Automotive Engineers.  
 SI—International system of units.  
 sp.—speed.  
 TEL—Tetraethyl lead.  
 TML—Tetramethyl lead.  
 UDDS—Urban dynamometer driving schedule.  
 V—volt(s).  
 vs—versus.  
 W—watt(s).  
 WF—Weighting factor.  
 WOT—Wide open throttle.  
 wt.—weight.  
 ′—feet.  
 ″—inch(es).  
 °—degree(s).  
 Σ—summation.

[42 FR 32907, June 28, 1977, as amended at 45 FR 4149, Jan. 21, 1980; 74 FR 56373, Oct. 30, 2009]

#### § 86.078-6 Hearings on certification.

(a)(1) After granting a request for a hearing under § 86.084-22, § 86.084-30(b), or § 86.084-30(c), the Administrator shall designate a Presiding Officer for the hearing.

(2) The General Counsel will represent the Environmental Protection Agency in any hearing under this section.

(3) If a time and place for the hearing have not been fixed by the Administrator under § 86.084.22, § 86.084-30(b), or § 86.084-30(c), the hearing shall be held as soon as practicable at a time and place fixed by the Administrator or by the Presiding Officer.

(4) In the case of any hearing requested pursuant to § 86.078-30(c)(5)(i), the Administrator may in his discretion direct that all argument and presentation of evidence be concluded within such fixed period not less than 30 days as he may establish from the date that the first written offer of a hearing is made to the manufacturer. To expedite proceedings, the Administrator may direct that the decision of the Presiding Officer (who may, but need not be the Administrator himself) shall be the final EPA decision.

(b)(1) Upon his appointment pursuant to paragraph (a) of this section, the Presiding Officer will establish a hearing file. The file shall consist of the notice issued by the Administrator under § 86.084-22, § 86.084-30(b), or § 86.084-30(c) together with any accompanying material, the request for a hearing and the supporting data submitted therewith, and all documents relating to the request for certification and all documents submitted therewith, and correspondence and other data material to the hearing.

(2) The hearing file will be available for inspection by the applicant at the office of the Presiding Officer.

(c) An applicant may appear in person, or may be represented by counsel or by any other duly authorized representative.

(d)(1) The Presiding Officer upon the request of any party, or in his discretion, may arrange for a prehearing conference at a time and place specified by him to consider the following:

- (i) Simplification of the issues;
- (ii) Stipulations, admissions of fact, and the introduction of documents;
- (iii) Limitation of the number of expert witnesses;
- (iv) Possibility of agreement disposing of all or any of the issues in dispute;