

(1) For engine storage areas or facilities, all times during which personnel other than custodial personnel are at work in the vicinity of the storage area or facility and have access to it.

(2) For all other areas or facilities, all times during which an assembly line is in operation or all times during which testing, maintenance, service accumulation, production or compilation of records, or any other procedure or activity related to certification testing, to translation of designs from the test stage to the production stage, or to engine manufacture or assembly is being carried out in a facility.

*Post-manufacture marinizer* means a person who produces a marine diesel engine by substantially modifying a certified or uncertified complete or partially complete engine, and is not controlled by the manufacturer of the base engine or by an entity that also controls the manufacturer of the base engine. For the purpose of this definition, “substantially modify” means changing an engine in a way that could change engine emission characteristics.

*Presentation of credentials* means the display of the document designating a person as an EPA enforcement officer or EPA authorized representative.

*Propulsion marine diesel engine* means a marine diesel engine that is intended to move a vessel through the water or direct the movement of a vessel.

*Rated speed* is the maximum full load governed speed for governed engines and the speed of maximum horsepower for ungoverned engines.

*Specific emissions* means emissions expressed on the basis of observed brake power, using units of g/kW-hr. Observed brake power measurement includes accessories on the engine if these accessories are required for running an emission test (except for the cooling fan). When it is not possible to test the engine in the gross conditions, for example, if the engine and transmission form a single integral unit, the engine may be tested in the net condition. Power corrections from net to gross conditions will be allowed with prior approval of the Administrator.

*Test fleet* means the engine or group of engines that a manufacturer uses

during certification to determine compliance with emission standards.

*Tier 1 engine* means an engine subject to the Tier 1 emission standards listed in § 89.112(a).

*Tier 2 engine* means an engine subject to the Tier 2 emission standards listed in § 89.112(a).

*Tier 3 engine* means an engine subject to the Tier 3 emission standards listed in § 89.112(a).

*Ultimate purchaser* means, with respect to any new nonroad engine, new nonroad vehicle, or new nonroad equipment, the first person who in good faith purchases such new nonroad engine, nonroad vehicle, or nonroad equipment for purposes other than resale.

*Used solely for competition* means exhibiting features that are not easily removed and that would render its use other than in competition unsafe, impractical, or highly unlikely.

*U.S.-directed production volume* means the number of nonroad equipment, vehicle, or marine diesel engine units produced by a manufacturer for which the manufacturer has reasonable assurance that sale was or will be made to ultimate purchasers in the United States.

*Vessel* has the meaning given to it in 1 U.S.C. 3.

[59 FR 31335, June 17, 1994, as amended at 61 FR 52102, Oct. 4, 1996; 63 FR 18998, Apr. 16, 1998; 63 FR 56996, Oct. 23, 1998; 65 FR 73331, Dec. 29, 1999]

### § 89.3 Acronyms and abbreviations.

The following acronyms and abbreviations apply to part 89.

AECD Auxiliary emission control device  
 ASME American Society of Mechanical Engineers  
 ASTM American Society for Testing and Materials  
 CAA Clean Air Act  
 CAAA Clean Air Act Amendments of 1990  
 CI Compression-ignition  
 CO Carbon monoxide  
 CO<sub>2</sub> Carbon dioxide  
 EGR Exhaust gas recirculation  
 EPA Environmental Protection Agency  
 FEL Family emission limit  
 FTP Federal Test Procedure  
 g/kW-hr Grams per kilowatt hour  
 HC Hydrocarbons  
 ICI Independent Commercial Importer  
 kW Kilowatt

**Environmental Protection Agency**

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NIST National Institute for Standards and Testing  
 NMHC Nonmethane hydrocarbon  
 NTIS National Technical Information Service  
 NO Nitric oxide  
 NO<sub>2</sub> Nitrogen dioxide  
 NO<sub>x</sub> Oxides of nitrogen  
 O<sub>2</sub> Oxygen  
 OEM Original equipment manufacturer  
 PM Particulate matter  
 SAE Society of Automotive Engineers  
 SEA Selective Enforcement Auditing  
 SI Spark-ignition  
 THC Total hydrocarbon  
 U.S.C. United States Code  
 VOC Volatile organic compounds

[59 FR 31335, June 17, 1994, as amended at 63 FR 56997, Oct. 23, 1998]

**§ 89.4 [Reserved]**

**§ 89.5 Table and figure numbering; position.**

(a) Tables for each subpart appear in an appendix at the end of the subpart. Tables are numbered consecutively by order of appearance in the appendix. The table title will indicate the model year (if applicable) and the topic.

(b) Figures for each subpart appear in an appendix at the end of the subpart. Figures are numbered consecutively by order of appearance in the appendix. The figure title will indicate the model year (if applicable) and the topic.

**§ 89.6 Reference materials.**

(a) *Incorporation by reference.* The documents in paragraph (b) of this section have been incorporated by reference. The incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be inspected at US EPA, OAR, 401 M Street SW., Washington, DC 20460, or at the Office of the Federal Register, 800 N. Capitol Street NW., Suite 700, Washington, DC.

(b) The following paragraphs and tables set forth the material that has been incorporated by reference in this part.

(1) *ASTM material.* The following table sets forth material from the American Society for Testing and Materials which has been incorporated by reference. The first column lists the number and name of the material. The second column lists the section(s) of this part, other than § 89.6, in which the matter is referenced. The second column is presented for information only and may not be all inclusive. Copies of these materials may be obtained from American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.

Document number and name	40 CFR part 89 reference
ASTM D86-97: "Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure" .....	Appendix A to Subpart D.
ASTM D93-97: "Standard Test Methods for Flash Point by Pensky-Martens Closed Cup Tester" .....	Appendix A to Subpart D.
ASTM D129-95: "Standard Test Method for Sulfur in Petroleum Products (General Bomb Method)" .....	Appendix A to Subpart D.
ASTM D287-92: "Standard Test Method for API Gravity of Crude Petroleum and Petroleum Products" (Hydrometer Method).	Appendix A to Subpart D.
ASTM D445-97: "Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (the Calculation of Dynamic Viscosity)".	Appendix A to Subpart D.
ASTM D613-95: "Standard Test Method for Cetane Number of Diesel Fuel Oil" .....	Appendix A to Subpart D.
ASTM D1319-98: "Standard Test Method for Hydrocarbon Types in Liquid Petroleum Products by Fluorescent Indicator Adsorption".	Appendix A to Subpart D.
ASTM D2622-98: "Standard Test Method for Sulfur in Petroleum Products by Wavelength Dispersive X-ray Fluorescence Spectrometry".	Appendix A to Subpart D.
ASTM D5186-96: "Standard Test Method for "Determination of the Aromatic Content and Polynuclear Aromatic Content of Diesel Fuels and Aviation Turbine Fuels By Supercritical Fluid Chromatography".	Appendix A to Subpart D.
ASTM E29-93a: "Standard Practice for Using Significant Digits in Test Data to Determine Conformance with Specifications".	89.120; 89.207; 89.509.