

engines in such equipment, pursuant to a waiver granted by EPA under section 209(e) of the Clean Air Act. For handheld equipment, the term *small volume equipment manufacturer* has the same meaning except that it is limited to 25,000 pieces of handheld equipment rather than 5,000 pieces of nonhandheld equipment.

Small volume equipment model means, for nonhandheld equipment, any unique model of equipment whose production subject to regulations under this part or powered by engines regulated under this part, does not exceed 500 pieces for a given model year or annual production period excluding that equipment intended for introduction into commerce for use in a state that has established its own emission requirements applicable to such equipment or engines in such equipment, pursuant to a waiver granted by EPA under section 209(e) of the Clean Air Act. For handheld equipment, the term *small volume equipment model* has the same meaning except that it is limited to 5,000 pieces of handheld equipment, rather than 500 pieces of nonhandheld equipment.

Test engine means the engine or group of engines that a manufacturer uses during certification to determine compliance with emission standards.

Ultimate purchaser means, with respect to any new nonroad engine or new nonroad vehicle, the first person who in good faith purchases such new nonroad engine or vehicle 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.

Warranty period means the period of time the engine or part is covered by the warranty provisions.

[60 FR 34598, July 3, 1995, as amended at 64 FR 15235, Mar. 30, 1999; 65 FR 24305, Apr. 25, 2000]

§ 90.4 Treatment of confidential information.

(a) Any manufacturer may assert that some or all of the information submitted pursuant to this part is entitled to confidential treatment as pro-

vided by part 2, subpart B of this chapter.

(b) Any claim of confidentiality must accompany the information at the time it is submitted to EPA.

(c) To assert that information submitted pursuant to this subpart is confidential, a manufacturer must indicate clearly the items of information claimed confidential by marking, circling, bracketing, stamping, or otherwise specifying the confidential information. Furthermore, EPA requests, but does not require, that the submitter also provide a second copy of its submittal from which all confidential information has been deleted. If a need arises to publicly release nonconfidential information, EPA will assume that the submitter has accurately deleted the confidential information from this second copy.

(d) If a claim is made that some or all of the information submitted pursuant to this subpart is entitled to confidential treatment, the information covered by that confidentiality claim will be disclosed by the Administrator only to the extent and by means of the procedures set forth in part 2, subpart B of this chapter.

(e) Information provided without a claim of confidentiality at the time of submission may be made available to the public by EPA without further notice to the submitter, in accordance with § 2.204(c)(2)(i)(A) of this chapter.

§ 90.5 Acronyms and abbreviations.

The following acronyms and abbreviations apply to part 90.

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
 CLD—chemiluminescent detector
 CO—Carbon monoxide
 CO₂—Carbon dioxide
 EPA—Environmental Protection Agency
 FTP—Federal Test Procedure
 g/kW-hr—grams per kilowatt hour
 HC—hydrocarbons
 HCLD—heated chemiluminescent detector
 HFID—heated flame ionization detector
 ICI—independent Commercial Importer
 NDIR—non-dispersive infrared analyzer
 NIST—National Institute for Standards and Testing

§ 90.6

40 CFR Ch. I (7-1-00 Edition)

NO—Nitric oxide
 NO₂—Nitrogen dioxide
 NO_x—Oxides of nitrogen
 O₂—Oxygen
 OEM—original equipment manufacturer
 PMD—paramagnetic detector
 SAE—Society of Automotive Engineers
 SEA—Selective Enforcement Auditing
 SI—spark-ignition
 U.S.C.—United States Code
 VOC—Volatile organic compounds
 ZROD—zirconiumdioxide sensor

ference. 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 U.S. EPA Air and Radiation Docket, room M-1500, 401 M Street, S.W., Washington D.C. 20460, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

§ 90.6 Table and figure numbering; position.

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

(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 topic.

(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 § 90.7, 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, 1916 Race St., Philadelphia, PA 19103.

(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 topic.

§ 90.7 Reference materials.

(a) *Incorporation by reference.* The documents in paragraph (b) of this section have been incorporated by ref-

Document number and name	40 CFR part 90 reference
ASTM D86-93: Standard Test Method for Distillation of Petroleum Products	Appendix A to subpart D, Table 3.
ASTM D1319-89: Standard Test Method for Hydrocarbon Types in Liquid Petroleum Products by Fluorescent Indicator Adsorption.	Appendix A to subpart D, Table 3.
ASTM D2622-92: Standard Test Method for Sulfur in Petroleum Products by X-ray Spectrometry.	Appendix A to subpart D, Table 3.
ASTM D2699-92: Standard Test Method for Knock Characteristics of Motor Fuels by the Research Method.	Appendix A to subpart D, Table 3.
ASTM D2700-92: Standard Test Method for Knock Characteristics of Motor and Aviation Fuels by the Motor Method.	Appendix A to subpart D, Table 3.
ASTM D3231-89: Standard Test Method for Phosphorus in Gasoline	Appendix A to subpart D, Table 3.
ASTM D3606-92: Standard Test Method for Determination of Benzene and Toluene in Finished Motor and Aviation Gasoline by Gas Chromatography.	Appendix A to subpart D, Table 3.
ASTM D5191-93a: Standard Test Method for Vapor Pressure of Petroleum Products (Mini Method).	Appendix A to subpart D, Table 3.
ASTM E29-93a: Standard Practice for Using Significant Digits in Test Data to Determine Conformance with Specifications.	90.116; 90.509.

(2) *SAE material.* The following table sets forth material from the Society of Automotive Engineers 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 § 90.7, in which the matter is referenced. The second column is presented for information only and may