

Environmental Protection Agency

§ 94.907

§ 94.906 **Manufacturer-owned exemption, display exemption, competition exemption, and foreign trade vessel exemption.**

(a) *Manufacturer-owned exemption.* Any manufacturer-owned engine, as defined by § 94.2, is exempt from § 94.1103, without application, if the manufacturer complies with the following terms and conditions:

(1) The manufacturer must establish, maintain, and retain the following adequately organized and indexed information on each exempted engine:

- (i) engine identification number;
- (ii) Use of the engine on exempt status; and
- (iii) Final disposition of any engine removed from exempt status.

(2) The manufacturer must provide right of entry and access to these records to EPA Enforcement Officers as outlined in § 94.208.

(3) The manufacturer must permanently affix a label to each engine on exempt status, unless the requirement is waived or an alternate procedure is approved by the Director, Engine Programs and Compliance Division. This label should:

- (i) Be affixed in a readily visible portion of the engine;
- (ii) Be attached in such a manner that cannot be removed without destruction or defacement;
- (iii) State in the English language and in block letters and numerals of a color that contrasts with the background of the label, the following information:

(A) The label heading "Emission Control Information";

(B) Full corporate name and trademark of manufacturer;

(C) Engine displacement, engine family identification, and model year of engine; or person of office to be contacted for further information about the engine;

(D) The statement "This engine is exempt from the prohibitions of 40 CFR 94.1103."

(4) No provision of paragraph (a)(3) of this section prevents a manufacturer from including any other information it desires on the label.

(5) The engine is not used in revenue-generating service, or sold.

(b) *Display exemption.* An uncertified engine that is to be used solely for display purposes, and that will only be operated incident and necessary to the display purpose, and will not be sold unless an applicable certificate of conformity has been obtained for the engine, is exempt without request from the standards of this part. This does not apply to imported engines (see § 94.804).

(c) *Competition exemption.* The Administrator may exempt, upon request, engines that are intended by the manufacturer to be used solely for competition. Engines that are modified after they have been placed into service and are used solely for competition are exempt without request.

(d) *Foreign trade exemption.* (1) The Administrator may exempt, upon request of the vessel owner, engines used on U.S.-flagged vessels meeting the provisions of paragraph (d)(2) of this section.

(2) Vessel owners requesting an exemption under this paragraph (d) must demonstrate to the Administrator that:

- (i) The vessel will spend less than 25 percent of its operating time within 320 nautical kilometers of U.S. territory; or
- (ii) That it will not operate between two United States ports.

(3) For the purpose of this paragraph (d), the term "vessel owner" includes any entities that have contracted to purchase a new marine vessel.

(4) The engine manufacturer must label the engine, and must include on the label the following statement: "THIS ENGINE IS SUBJECT TO THE MARPOL ANNEX VI NO_x LIMITS AND IS INTENDED FOR USE SOLELY ON VESSELS THAT SERVICE FOREIGN PORTS AS DESCRIBED IN 40 CFR 94.906.", or a similar statement approved by the Administrator.

§ 94.907 **Engine dressing exemption.**

(a) This section applies to you if you are an engine manufacturer (this includes post-manufacture marinizers).

(b) The only requirements or prohibitions from this part that apply to an engine that is exempt under this section are in this section.

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(c) The requirements and prohibitions of this part apply to all engines in the scope of § 94.1 that do not qualify for the engine dressing exemption.

(d) New marine engines that meets all the following criteria are exempt under this section:

(1) You must produce it by marinizing an engine covered by a valid certificate of conformity from one of the following programs:

(i) Heavy-duty highway engines (40 CFR part 86).

(ii) Land-based nonroad diesel engines (40 CFR part 89).

(iii) Locomotive engines (40 CFR part 92).

(2) The engine must have the label that required under 40 CFR part 86, 89, or 92.

(3) You must not make any changes to the certified engine that could reasonably be expected to increase its emissions. For example, if you make any of the following changes to one of these engines, you do not qualify for the engine dressing exemption:

(i) Change any fuel system parameters from the certified configuration.

(ii) Replace an original turbocharger.

(iii) Modify or design the marine engine cooling or aftercooling system so that temperatures or heat rejection rates are outside the original engine manufacturer's specified ranges.

(4) The engine model must not be primarily for marine applications. This means that total sales of the engine model, from all companies, must be mostly for non-marine applications.

(e) If you dress an engine under this exemption, you must do all of the following:

(1) Make sure the original engine label will remain clearly visible after installation in the vessel.

(2) Add a permanent supplemental label to the engine in a position where it will remain clearly visible after installation in the vessel. In your engine label, do the following:

(i) Include the heading: "Marine Engine Emission Control Information".

(ii) Include your full corporate name and trademark.

(iii) State: "This engine was marinized without affecting its emission controls."

(iv) State the date you finished marinizing the engine (month and year).

(3) Send a signed letter to the Designated Officer by the end of each calendar year (or less often if we tell you) with all the following information:

(i) Identify your full corporate name, address, and telephone number.

(ii) List the engine models you expect to produce under this exemption in the coming year.

(iii) State: "We produce each listed engine model for marine application without making any changes that could increase its certified emission levels, as described in 40 CFR 94.907."

(f) In general you may use up your inventory of engines that are not certified to new marine emission standards if they were originally manufactured before the date of the new standards. However, stockpiling these engines is a violation of § 94.1103(a)(1)(i)(A).

(g) If your engines do not meet the criteria listed in paragraphs (d)(2) through (d)(4) of this section, they will be subject to the standards and prohibitions of this part. Marinization without an exemption would be a violation of § 94.1103(a)(1) and/or the tampering prohibitions of the applicable land-based regulations (40 CFR Parts 86, 89, or 92).

(h)(1) If you are the original manufacturer and marinizer of an exempted engine, you must send us emission test data on the appropriate marine duty cycles. You can include the data in your application for certification or in the letter described in paragraph (e)(3) of this section.

(2) If you are the original manufacturer of an exempted engine that is marinized by a post-manufacture marinizer, you may be required to send us emission test data on the appropriate marine duty cycles. If such data are requested you will be allowed a reasonable amount of time to collect the data.

§ 94.908 National security exemption.

(a)(1) Any marine engine, otherwise subject to this part, that is used in a