

new nonroad engine, the first person who in good faith purchases such new nonroad equipment or new nonroad engine for purposes other than resale.

Ultra low-sulfur diesel fuel means one of the following:

(1) For in-use fuels, *ultra low-sulfur diesel fuel* means a diesel fuel with a maximum sulfur concentration of 15 parts per million.

(2) For testing, *ultra low-sulfur diesel fuel* has the meaning we give in 40 CFR part 1065.

United States has the meaning we give in 40 CFR 1068.30.

Upcoming model year means for an engine family the model year after the one currently in production.

U.S.-directed production volume means the number of engine units, subject to the requirements of this part, produced by a manufacturer for which the manufacturer has a reasonable assurance that sale was or will be made to ultimate purchasers in the United States.

Useful life means the period during which the engine is designed to properly function in terms of reliability and fuel consumption, without being remanufactured, specified as a number of hours of operation or calendar years, whichever comes first. It is the period during which a new nonroad engine is required to comply with all applicable emission standards. See § 1039.101(g).

Variable-speed engine means an engine that is not a constant-speed engine.

Void has the meaning we give in 40 CFR 1068.30.

Volatile liquid fuel means any fuel other than diesel or biodiesel that is a liquid at atmospheric pressure and has a Reid Vapor Pressure higher than 2.0 pounds per square inch.

We (us, our) means the Administrator of the Environmental Protection Agency and any authorized representatives.

[69 FR 39213, June 29, 2004, as amended at 70 FR 40464, July 13, 2005]

§ 1039.805 What symbols, acronyms, and abbreviations does this part use?

The following symbols, acronyms, and abbreviations apply to this part:

- CFR Code of Federal Regulations.
- CO carbon monoxide.
- CO₂ carbon dioxide.
- EPA Environmental Protection Agency.

- FEL Family Emission Limit.
- g/kW-hr grams per kilowatt-hour.
- HC hydrocarbon.
- kW kilowatts.
- NIST National Institute of Standards and Technology.
- NMHC nonmethane hydrocarbons.
- NO_x oxides of nitrogen (NO and NO₂).
- NTE not-to-exceed
- PM particulate matter.
- rpm revolutions per minute.
- SAE Society of Automotive Engineers.
- SEA Selective enforcement audit.
- THC total hydrocarbon.
- THCE total hydrocarbon equivalent.
- TRU transportation refrigeration unit.
- U.S.C. United States Code.

§ 1039.810 What materials does this part reference?

Documents listed in this section have been incorporated by reference into this part. The Director of the Federal Register approved the incorporation by reference as prescribed in 5 U.S.C. 552(a) and 1 CFR part 51. Anyone may inspect copies at the U.S. EPA, Air and Radiation Docket and Information Center, 1301 Constitution Ave., NW., Room B102, EPA West Building, Washington, DC 20460 or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(a) *NIST material.* Table 1 of this section lists material from the National Institute of Standards and Technology that we have incorporated by reference. The first column lists the number and name of the material. The second column lists the sections of this part where we reference it. Anyone may purchase copies of these materials from the Government Printing Office, Washington, DC 20402 or download them from the Internet at <http://physics.nist.gov/Pubs/SP811/>. Table 1 follows:

TABLE 1 OF § 1039.810—NIST MATERIALS

Document number and name	Part 1039 reference
NIST Special Publication 811, Guide for the Use of the International System of Units (SI), 1995 Edition	1039.801

(b) *SAE material.* Table 2 of this section lists material from the Society of

Automotive Engineering that we have incorporated by reference. The first column lists the number and name of the material. The second column lists the sections of this part where we reference it. Anyone may purchase copies of these materials from the Society of Automotive Engineers, 400 Commonwealth Drive, Warrendale, PA 15096. Table 2 follows:

TABLE 2 OF § 1039.810—SAE MATERIALS

Document number and name	Part 1039 reference
SAE J1930, Electrical/Electronic Systems Diagnostic Terms, Definitions, Abbreviations, and Acronyms, revised May 1998 ...	1039.135

§ 1039.815 What provisions apply to confidential information?

(a) Clearly show what you consider confidential by marking, circling, bracketing, stamping, or some other method.

(b) We will store your confidential information as described in 40 CFR part 2. Also, we will disclose it only as specified in 40 CFR part 2. This applies both to any information you send us and to

any information we collect from inspections, audits, or other site visits.

(c) If you send us a second copy without the confidential information, we will assume it contains nothing confidential whenever we need to release information from it.

(d) If you send us information without claiming it is confidential, we may make it available to the public without further notice to you, as described in 40 CFR 2.204.

§ 1039.820 How do I request a hearing?

(a) You may request a hearing under certain circumstances, as described elsewhere in this part. To do this, you must file a written request, including a description of your objection and any supporting data, within 30 days after we make a decision.

(b) For a hearing you request under the provisions of this part, we will approve your request if we find that your request raises a substantial factual issue.

(c) If we agree to hold a hearing, we will use the procedures specified in 40 CFR part 1068, subpart G.

APPENDIX I TO PART 1039 [RESERVED]

APPENDIX II TO PART 1039—STEADY-STATE DUTY CYCLES FOR CONSTANT-SPEED ENGINES

(a) The following duty cycle applies for discrete-mode testing of constant-speed engines:

D2 mode number	Engine speed ¹	Torque (percent) ²	Weighting factors
1	Maximum test speed	100	0.05
2	Maximum test speed	75	0.25
3	Maximum test speed	50	0.30
4	Maximum test speed	25	0.30
5	Maximum test speed	10	0.10

¹ Maximum test speed is defined in 40 CFR part 1065.

² Except as noted in § 1039.505, the percent torque is relative to maximum test torque.

(b) The following duty cycle applies for ramped-modal testing of constant-speed engines:

RMC mode	Time in mode (seconds)	Engine speed	Torque (percent) ^{1,2}
1a Steady-state	53	Engine Governed	100.
1b Transition	20	Engine Governed	Linear transition.
2a Steady-state	101	Engine Governed	10.
2b Transition	20	Engine Governed	Linear transition.
3a Steady-state	277	Engine Governed	75.
3b Transition	20	Engine Governed	Linear transition.
4a Steady-state	339	Engine Governed	25.
4b Transition	20	Engine Governed	Linear transition.
5 Steady-state	350	Engine Governed	50.

¹ The percent torque is relative to maximum test torque.