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Subpart A—Overview and Applicability**§ 1039.1 Does this part apply for my engines?**

(a) The regulations in this part 1039 apply for all new, compression-ignition nonroad engines (defined in § 1039.801), except as provided in § 1039.5.

(b) In certain cases, the regulations in this part 1039 apply to engines with maximum brake power at or above 250 kW that would otherwise be covered by 40 CFR part 1048. See 40 CFR 1048.620 for provisions related to this allowance.

(c) The definition of nonroad engine in 40 CFR 1068.30 excludes certain engines used in stationary applications. These engines are not required to comply with this part, but 40 CFR 1068.101 restricts the use of stationary engines for non-stationary purposes and 40 CFR 1068.320 requires that you label imported engines that will be used in stationary applications.

(d)(1) This part 1039 applies for all engines subject to the emissions standards specified in subpart B of this part. See 40 CFR part 89 for earlier model years.

(2) For the other compression-ignition engines that do not become subject to the standards specified in subpart B of this part, this part applies as follows:

- (i) The provisions of § 1039.1(c) and § 1039.801 apply for stationary engines beginning January 1, 2006.
- (ii) The provisions of § 1039.620 and § 1039.801 apply for engines used solely for competition beginning January 1, 2006.

§ 1039.5 Which engines are excluded from this part's requirements?

(a) This part does not apply to the following nonroad engines:

- (1) *Locomotive engines.* Locomotive engines subject to the standards of 40 CFR part 92 are not subject to the provisions of this part 1039. Locomotive engines that are not subject to the standards of 40 CFR part 92 because they have been exempted by provisions

of 40 CFR part 92, other than those contained in 40 CFR 92.907, are also not subject to the provisions of this part 1039. See the provisions of 40 CFR part 92 to determine which engines are subject to the standards of that part 92.

(2) *Marine engines.* Marine engines subject to the standards of 40 CFR part 94 are not subject to the provisions of this part 1039. Marine engines that are not subject to the standards of 40 CFR part 94 because they have been exempted by provisions of 40 CFR part 94, other than those contained in 40 CFR 94.907, are also not subject to the provisions of this part 1039. See the provisions of 40 CFR part 94 to determine which engines are subject to the standards of that part 94.

(3) *Mining engines.* Engines used in underground mining or in underground mining equipment and regulated by the Mining Safety and Health Administration (MSHA) in 30 CFR parts 7, 31, 32, 36, 56, 57, 70, and 75 are not subject to the provisions of this part 1039.

(4) *Hobby engines.* Engines with per-cylinder displacement of less than 50 cc are not subject to the provisions of this part 1039.

(b) Aircraft engines are not subject to the provisions of this part 1039. See 40 CFR part 87 for engines used in aircraft.

§ 1039.10 How is this part organized?

The regulations in this part 1039 contain provisions that affect both engine manufacturers and others. However, the requirements of this part are generally addressed to the engine manufacturer. Unless we specifically state otherwise, the term “you” means the engine manufacturer, as defined in § 89.801. This part 1039 is divided into the following subparts:

(a) Subpart B of this part describes the emission standards and other requirements that must be met to certify engines under this part. Note that § 1039.104 discusses certain interim requirements and compliance provisions that apply only for a limited time.

(b) Subpart C of this part describes how to apply for a certificate of conformity.

(c) Subpart F of this part describes how to test your engines (including references to other parts of the Code of Federal Regulations).

(d) Subpart G of this part and 40 CFR part 1068 describe requirements, prohibitions, and other provisions that apply to engine manufacturers, equipment manufacturers, owners, operators, rebuilders, and all others.

(e) Subpart H of this part describes how engine manufacturers may generate