

TABLE 7 OF § 1039.102.—INTERIM TIER 4 FEL CAPS FOR ENGINES WITH MAXIMUM ENGINE POWER LESS THAN 56 kW AND PHASE-IN ENGINES WITH MAXIMUM ENGINE POWER GREATER THAN OR EQUAL TO 56 kW—Continued

Engine power	Emission g/kW-hr		
	PM	NO <sub>x</sub>	NO <sub>x</sub> +NMHC
56 ≤ kW < 75 .....	0.040	4.4	.....
75 ≤ kW ≤ 560 .....	0.040	3.7	.....
kW > 560 .....	0.20	6.1	.....

TABLE 8 OF § 1039.102.—INTERIM TIER 4 FEL CAPS FOR PHASE-OUT ENGINES

Engine power	Emission g/kW-hr	
	PM	NO <sub>x</sub> +NMHC
56 ≤ kW < 75 .....	0.040	7.5
75 ≤ kW < 225 .....	0.040	6.6
225 ≤ kW < 560 .....	0.040	6.4
kW ≥ 560 .....	0.54	10.5

(e) *Banked credits for 56 < kW < 130 engines.* The provisions of this paragraph apply for model year 2012–2014 engines with maximum engine power at least 56 kW, but less than 130 kW.

(1) You may use under subpart H of this part banked Tier 2 NO<sub>x</sub> + NMHC credits generated from engines rated at least 37 kW.

(2) If you optionally forego during model years 2012–2014 the use banked Tier 2 credits allowed by paragraph (e)(1) of this section, you may certify your 56 ≤ kW < 130 engines according to the alternate phase-in schedule described in this paragraph (e)(2). You may not bank or trade any credits generated from engines certified under this paragraph (e)(2).

TABLE 9 OF § 1039.102.—ALTERNATE PHASE-IN SCHEDULE FOR 56≤kW&lt;130 ENGINES

Model year	Minimum phase-in percentage
2012 .....	25
2013 .....	25
2014:	
First nine months .....	25
Last three months .....	100
2015 and later .....	100

**§ 1039.104 Are there interim provisions that apply only for a limited time?**

The provisions in this section apply instead of other provisions in this part.

This section describes the model years for these interim provisions apply.

(a) *Split Families.* For the purpose of using or generating credits during the phase-in of Tier 4 standards, you may choose to split an engine family into two subfamilies (for example, one that uses credits and one that generates credits).

(1) You must indicate in the application for certification that the engine family is to be split, and may assign the numbers and configurations of engines within the respective subfamilies at any time prior to the submission of the end-of-year report. This option is not available for engine families under 56 kW.

(2) You may exclude the engines within the split family from end-of-year NO<sub>x</sub> (or NO<sub>x</sub> + NMHC) ABT calculations, provided that the family meets the standards of this paragraph (a)(2) and neither subfamily generates credits for use by other engine families, or uses banked credits, or uses averaging credits from other engine families. All the engines in the split family must be excluded from the phase-in calculations (both from the number of engines complying with the Tier 4 emission standards being phased-in and from the total number of engines in the U.S.-directed production volume). The engines must comply with all other applicable requirements of this part.

(i) Label all the engines within the family with a single NO<sub>x</sub> FEL, as listed in the following table:

If the engine family's maximum-power range is . . .	Then the NO <sub>x</sub> FEL for the entire family is . . .
(A) At least 56 kW, but less than 130 kW .....	2.3 g/kW-hr.
(B) At least 130 but less than 560 kW .....	2.0 g/kW-hr.
(C) 560 kW or higher .....	3.1 g/kW-hr.

(ii) For split families with maximum engine power over 560 kW, your PM FEL is 0.10 g/kW-hr.

(iii) For engines certified under the alternate phase-in schedule of § 1039.102(e)(2), the NO<sub>x</sub> FEL is 3.3 g/kW-hr.

(3) Your engines must comply with all other standards and requirements applicable to Tier 4 engines.

(b) *Incentives for early introduction.* You may reduce the number of engines that are required to meet the standards in §§ 1039.101 or 1039.102 by certifying engines to the applicable standards in § 1039.101 (without using the provisions of subpart H of this part) before the model year otherwise required (either by §§ 1039.101 or 1039.102. This option begins in model year 2008.

(1) For engines with maximum engine power at 56 kW or higher:

If you certify . . .	To the . . .	You may reduce the number of engines in the same power category that are required to meet the . . .	In later model years by . . .
Two engines .....	0.020 g/kW-hr PM standard .....	0.020 g/kW-hr PM standard .....	Three engines.