

after we receive your request, unless we disapprove your request. We may approve a shorter time or waive this requirement.

(b) If your requested change would not decrease the specified level of maintenance, you may distribute the new maintenance instructions anytime after you send your request. For example, this paragraph (b) would cover adding instructions to increase the frequency of a maintenance step for engines in severe-duty applications.

(c) You do not need to request approval if you are only making minor corrections (such as correcting typographical mistakes), clarifying your maintenance instructions, or changing instructions for maintenance unrelated to emission control.

§ 1039.225 How do I amend my application or certificate to include new or modified engines?

Before we issue you a certificate of conformity, you may amend your application to include new or modified engine configurations, subject to the provisions of this section. After we have issued your certificate of conformity, you may ask to amend your certificate to include new or modified engine configurations, subject to the provisions of this section. You must amend your application or certificate if any changes occur with respect to any information included in your application.

(a) You must amend your application or certificate before you take either of the following actions:

(1) Add an engine (that is, an additional engine configuration) to an engine family. In this case, the engine added must be consistent with other engines in the engine family, with respect to the criteria listed in § 1039.230.

(2) Make a change that may affect emissions or an emission-related part to an engine already included in an engine family. This includes production and design changes. A change is deemed to affect emissions if it will affect emissions at any time during the engine's lifetime.

(b) Send the Designated Compliance Officer a request to amend the application or certificate for an engine family. In your request, do all of the following:

(1) Describe in detail the addition or change in the engine model or configuration you intend to make.

(2) Include engineering evaluations or data showing that the amended engine family complies with all applicable emission standards. You may do this by showing that the original test engine is still appropriate with respect to showing

compliance of the amended family with all applicable emission standards.

(3) If the original test engine for the engine family is not appropriate to show compliance for the new or modified nonroad engine, include new test data showing that the new or modified nonroad engine meets the requirements of this part.

(c) We may ask for more test data or engineering evaluations. You must give us these within 30 days after we request them.

(d) For engine families that are already covered by a certificate of conformity, we will determine whether the certificate of conformity would cover your new or modified nonroad engine. We will send you a written explanation of our decision. You may ask for a hearing if we deny your request (see § 1039.820).

(e) For engine families that are already covered by a certificate of conformity, you may start producing the new or modified nonroad engine anytime after you send us your request to amend your certificate, prior to our decision under paragraph (d) of this section. If we determine that the affected engines do not meet applicable requirements, we will notify you to cease production of the engines and to recall the engines at no expense to the owner. Choosing to produce engines under this paragraph (e) is deemed to be consent to recall all engines that we determine do not meet applicable emission standards or other requirements and to remedy the nonconformity at no expense to the owner. If you do not provide within 30 days information required under paragraph (c) of this section, you must stop producing the new or modified engines.

§ 1039.230 How do I select engine families?

(a) Divide your product line into families of engines that are expected to have similar emission characteristics. Your engine family is limited to a single model year.

(b) Group engines in the same engine family if they are the same in all of the following aspects:

- (1) The combustion cycle and fuel.
- (2) The cooling system (water-cooled vs. air-cooled).
- (3) Method of air aspiration.
- (4) Method of exhaust aftertreatment (for example, catalytic converter or particulate trap).
- (5) Combustion chamber design.
- (6) Bore and stroke.
- (7) Number of cylinders, (engines with aftertreatment devices only).
- (8) Cylinder arrangement (engines with aftertreatment devices only).

(9) Method of control for engine operation other than governing, (*i.e.*, mechanical or electronic).

(10) Power category.

(c) You may subdivide a group of engines that is identical under paragraph (b) of this section into different engine families, if you show the expected emission characteristics are different during the useful life.

(d) You may group engines that are not identical with respect to the things listed in paragraph (b) of this section in the same engine family if you show that their emission characteristics during the useful life will be similar.

§ 1039.235 What emission testing must I perform for my application for a certificate of conformity?

This section describes the emission testing you must perform to show compliance with the emission standards in § 1039.101 (a) and (b). See § 1039.205(u) regarding emission testing related to the NTE emission standards. See 40 CFR part 1065, subpart E, regarding service accumulation before emission testing

(a) Test your emission-data engines using the procedures and equipment specified in subpart F of this part.

(b) Select from each engine family an engine for each fuel type. Select the engine configuration with the highest fueling rate (primarily at the point of maximum torque), unless good engineering judgment indicates that a different configuration is more likely to exceed (or has emissions nearer to) an applicable emission standard. In making this selection, consider all factors expected to affect emission performance and compliance with the standards, including emission levels of all exhaust constituents, especially NO_x and PM. Select the emission data test engine or engines from this configuration.

(c) We may choose to measure emissions from any of your test engines or other engines from the engine family.

(1) If we do this, you must provide the test engine at the location we select. We may decide to do the testing at your plant or any other facility. If we choose to do the testing at your plant, you must schedule it as soon as possible and make available the instruments and equipment we need.

(2) If we measure emissions on one of your test engines, the results of that testing become the official emission results for the engine. Unless we later invalidate this data, we may decide not to consider your data in determining if your engine family meets the applicable emission standards.

(3) Before we test one of your engines, we may set its adjustable parameters to