

$$EF_A = (0.1)(0.5 \text{ g/k W-hr}) + (1.0 - 0.1)(0.1 \text{ g/k W-hr}) = 0.14 \text{ g/k W-hr}$$

$$UAF = 0.14 \text{ g/k W-hr} - 0.10 \text{ g/k W-hr} = 0.04 \text{ g/k W-hr}$$

$$DAF = 0.50 \text{ g/k W-hr} - 0.14 \text{ g/k W-hr} = 0.36 \text{ g/k W-hr}$$

Subpart G—Special Compliance Provisions

§ 1039.601 What compliance provisions apply to these engines?

Engine and equipment manufacturers, as well as owners, operators, and rebuilders of these engines, and all other persons, must observe the provisions of this part, the requirements and prohibitions in 40 CFR part 1068, and the requirements of the Act.

§ 1039.605 What provisions apply to engines already certified under the motor-vehicle program?

(a) If you are an engine manufacturer, this section allows you to certify nonroad engines to the requirements that apply under 40 CFR parts 85 and 86 instead of certifying them under the requirements of this part 1039. If you install engines in nonroad equipment, we will consider you an engine manufacturer if you modify the engine in any of the ways described in paragraph (c)(2) of this section; note that such engine modifications prevent you from using the provisions of this section. We consider engines you produce under this section to be exempt from the requirements of this part. See § 1039.610 for similar provisions that apply to engines certified to chassis-based standards for motor vehicles.

(b) The only requirements or prohibitions from this part that apply to an engine that is exempt under this section are in this section. The engine exempted under this section must meet all applicable requirements from 40 CFR parts 85 and 86. This applies to engine manufacturers, equipment manufacturers who use these engines, and all other persons as if these engines were used in a motor vehicle.

(c) If you meet all the following criteria and requirements regarding your new nonroad engine, it is exempt from the standards in this part:

(1) Your engine must be covered by a valid certificate of conformity under 40 CFR part 86.

(2) You must not make any changes to the certified engine that we could reasonably expect to increase its exhaust emissions. For example, if you make any of the following changes to one of these engines, you do not qualify for this exemption:

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

(ii) Change any other emission-related components.

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

(3) You must demonstrate that fewer than 50 percent of the engine model's total sales, from all companies, are used in nonroad applications.

(4) The engine must have the label we require under 40 CFR part 86.

(5) You must add a permanent supplemental label to the engine in a position where it will remain clearly visible after installation in the equipment. In your engine's emission control information label, do the following:

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

(ii) Include your full corporate name and trademark.

(iii) State: "THIS ENGINE WAS ADAPTED FOR NONROAD USE WITHOUT AFFECTING ITS EMISSION CONTROLS. THE EMISSION-CONTROL SYSTEM DEPENDS ON THE USE OF FUEL MEETING SPECIFICATIONS THAT APPLY FOR MOTOR-VEHICLE APPLICATIONS. OPERATING THE ENGINE ON OTHER FUELS MAY BE A VIOLATION OF FEDERAL LAW."

(iv) State the date you finished modifying the engine (month and year), if applicable.

(6) The original and supplemental labels must be readily visible after the engine is installed in the equipment or, if the equipment obscures the engine's emission control information label, the equipment manufacturer must attach duplicate labels, as described in 40 CFR 1068.105.

(7) Send the Designated Officer a signed letter 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 nonroad application

without making any changes that could increase its certified emission levels, as described in 40 CFR 1039.605."

(d) If your engines do not meet the criteria listed in paragraph (c) of this section, they will be subject to the standards and prohibitions of this part. Producing these engines without a valid exemption or certificate of conformity would violate the prohibitions in 40 CFR 1068.101.

(e) If you are the original engine manufacturer of both the highway and nonroad versions of an exempted engine, you must send us emission test data on the applicable nonroad duty cycle(s). You may include the data in your application for certification or in your letter requesting the exemption.

(f) If you are the original manufacturer of an exempted engine that is modified by another company under this exemption, we may require you to send us emission test data on the applicable nonroad duty cycle(s). If we ask for this data, we will allow a reasonable amount of time to collect it. You are responsible for emission-related compliance under 40 CFR parts 85 and 86 for these engines, unless another company becomes the engine manufacturer for these engines (see paragraph (a) of this section).

(g) If you are not an engine manufacturer, you may produce nonroad equipment from motor-vehicle engines under this section as long as the engine has the label we specify in paragraph (c)(5) of this section and you do not modify the engine in any way that may affect its emission control. Add the fueling label we specify in § 1039.135(f)(1)(i).

§ 1039.610 What provisions apply to vehicles already certified under the motor-vehicle program?

(a) If you are an engine manufacturer, this section allows you to certify nonroad vehicles to the requirements that apply under 40 CFR parts 85 and 86 instead of certifying them under the requirements of this part 1039. We consider engines and vehicles you produce under this section to be exempt from the requirements of this part. See § 1039.605 for similar provisions that apply to motor-vehicle engines certified to engine-based standards.