

access if it cannot be adjusted to affect emissions without significantly degrading performance, or if you otherwise show us that it will not be adjusted in a way that affects emissions during in-use operation.

*Aftertreatment* means relating to any system, component, or technology mounted downstream of the exhaust valve or exhaust port whose design function is to reduce exhaust emissions.

*Aircraft* has the meaning given in 40 CFR 87.1.

*Auxiliary emission control device* means any element of design that senses temperature, motive speed, engine RPM, transmission gear, or any other parameter for the purpose of activating, modulating, delaying, or deactivating the operation of any part of the emission control system.

*Blue Sky Series engine* means an engine meeting the requirements of § 1039.140.

*Brake power* means the usable power output of the engine, not including power required to operate fuel pumps, oil pumps, or coolant pumps.

*Broker* means any entity that facilitates a trade of emission credits between a buyer and seller.

*Calibration* means the set of specifications and tolerances specific to a particular design, version, or application of a component or assembly capable of functionally describing its operation over its working range.

*Certification* means obtaining a certificate of conformity for an engine family that complies with the emission standards and requirements in this part.

*Certified emission level* means the highest deteriorated emission level in an engine family for a given pollutant from either transient or steady-state testing.

*Compression-ignition* means relating to a type of reciprocating, internal-combustion engine that is not a spark-ignition engine.

*Constant-speed* means relating to an engine governed to operate at rated speed.

*Crankcase emissions* means airborne substances emitted to the atmosphere from any part of the engine crankcase's ventilation or lubrication systems. The crankcase is the housing for the crankshaft and other related internal parts.

*Designated Compliance Officer* means the Manager, Engine Programs Group (6405-J), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., Washington, DC 20460.

*Designated Enforcement Officer* means the Director, Air Enforcement Division (2242A), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

*Deteriorated emission level* means the emission level that results from applying the applicable deterioration factor to the official emission result of the emission-data engine.

*Deterioration factor* means a number that is added to or multiplied by a low-hour test result to project the emission rate at the end of the useful life.

*Emission-control system* means any device, system, or element of design that controls or reduces the regulated emissions from an engine.

*Emission-data engine* means an engine that is tested for certification.

*Emission-related maintenance* means maintenance that substantially affects emissions or is likely to substantially affect emissions deterioration.

*Engine family* means a group of engines with similar emission characteristics, as specified in § 1039.230.

*Engine manufacturer* means the manufacturer of the engine. See the definition of "manufacturer" in this section.

*Engine used in a locomotive* means either an engine placed in the locomotive to move other equipment, freight, or passenger traffic; or an engine mounted on the locomotive to provide auxiliary power.

*Exempted* means relating to an engine that is not required to meet otherwise applicable standards because the engine conforms to regulatory conditions specified for an exemption in this part 1039 or in part 1068 of this chapter. Exempted engines are deemed to be "subject to" the standards of this part, even though they are not required to comply with the otherwise applicable requirements. Engines exempted with respect to a certain tier of standards may be required to comply with an earlier tier of standards as a condition of the exemption; for example, engines exempted with respect to Tier 4 standards may be required to comply with Tier 3 standards.

*Excluded* means relating to an engine that either:

- (1) Has been determined not to be a nonroad engine, as specified in 40 CFR 1068.30; or
- (2) Is a nonroad engine that, according to § 1039.5, is not subject to this part 1039.

*Exhaust-gas recirculation* means an emission-control technology that reduces emissions by routing exhaust gases that had been exhausted from the combustion chamber(s) back into the engine to be mixed with incoming air prior to or during combustion. The use of valve timing to increase the amount of residual exhaust gas in the combustion chamber(s) that is mixed

with incoming air prior to or during combustion is not considered to be exhaust-gas recirculation for the purposes of this part.

*Family emission limit (FEL)* means an emission level declared by the manufacturer to serve in place of an emission standard for certification under the emission-credit program in subpart H of this part. The family emission limit must be expressed to the same number of decimal places as the emission standard it replaces.

*Fuel system* means all components involved in transporting, metering, and mixing the fuel from the fuel tank to the combustion chamber(s), including the fuel tank, fuel tank cap, fuel pump, fuel filters, fuel lines, carburetor or fuel-injection components, and all fuel-system vents.

*Fuel type* means a general category of fuels such as diesel fuel or natural gas. There can be multiple grades within a single type of fuel, such as No. 1 diesel and No. 2 diesel.

*Good engineering judgment* has the meaning we give in 40 CFR 1068.5.

*Hydrocarbon (HC)* means the hydrocarbon group on which the emission standards are based for each fuel type. For petroleum-fueled engines and natural gas-fueled engines, HC means nonmethane hydrocarbon (NMHC). For alcohol-fueled engines, HC means total hydrocarbon equivalent (THCE).

*Identification number* means a unique specification (for example, model number/serial number combination) that allows someone to distinguish a particular engine from other similar engines.

*Intermediate test speed* has the meaning we give in 40 CFR 1065.515.

*Manufacture* means the physical and engineering process of designing, constructing, and assembling of a nonroad engine or a piece of nonroad equipment.

*Manufacturer* has the meaning given in section 216(1) of the Act. In general, this term includes any person who manufactures an engine, vehicle, or piece of equipment for sale in the United States or otherwise introduces a new nonroad engine into commerce in the United States. This includes importers who import engines, equipment, or vehicles for resale. (Note: In § 1039.626, the term "equipment manufacturer" has a more narrow meaning; that narrow meaning only applies to that section.)

*Marine engine* means an engine that someone installs or intends to install on a marine vessel. There are two kinds of marine engines: