

conformity that would otherwise be subject to emission standards.

*Nonmethane hydrocarbon* means the difference between the emitted mass of total hydrocarbons and the emitted mass of methane.

*Nonroad* means relating to nonroad engines or equipment that includes nonroad engines.

*Nonroad engine* has the meaning given in 40 CFR 1068.30. In general this means all internal-combustion engines except motor vehicle engines, stationary engines, or engines used solely for competition. This part does not apply to all nonroad engines (see § 1039.5).

*Nonroad equipment* means a vehicle or piece of equipment that is powered by one or more nonroad engines.

*Nonroad equipment manufacturer* means any person engaged in manufacturing or assembling new nonroad vehicles or equipment or importing such vehicles or equipment for resale. This includes any person who acts for and is under the control of any such person in connection with distributing such vehicles or equipment. A nonroad vehicle or equipment manufacturer does not include any dealer with respect to new nonroad vehicles or equipment received by such person in commerce. A nonroad equipment manufacturer does not include any person engaged in the manufacturing or assembling of new nonroad vehicles or equipment who does not install an engine as part of that manufacturing or assembling process. All nonroad vehicle or equipment manufacturing entities under the control of the same person are considered to be a single nonroad equipment manufacturer.

*Official emission result* means the measured emission rate for a test engine on a given duty cycle before the application of any deterioration factor, but after the applicability of regeneration adjustment factors.

*Opacity* means the fraction of a beam of light, expressed in percent, which fails to penetrate a plume of smoke.

*Oxides of nitrogen* has the meaning given it in 40 CFR part 1065.

*Particulate trap* means a filtering device that is designed to physically trap all particulate matter above a certain size.

*Placed into service* means used for its intended purpose.

*Point of first retail sale* means the location at which the retail sale occurs. This generally means a dealership.

*Power category* means a specific range maximum engine power that defines the applicability of standards. For example, the 56–130 kW power category includes all engines with maximum power of at

least 56 kW but less than 130 kW. See § 1039.101 for a list of specific power categories. (Note: In some cases, FEL caps are based on subcategories of power categories.)

*Rated speed* means the maximum full load governed speed for governed engines and the speed of maximum horsepower for ungoverned engines.

*Revoke* means to discontinue the certificate for an engine family. If we revoke a certificate, you must apply for a new certificate before continuing to produce the affected engines. This does not apply to engines you no longer possess.

*Round* means to round numbers according to ASTM E29–02 (incorporated by reference in § 1039.810), unless otherwise specified.

*Scheduled maintenance* means adjusting, repairing, removing, disassembling, cleaning, or replacing components or systems that is periodically needed to keep a part from failing or malfunctioning. It also may mean actions you expect are necessary to correct an overt indication of failure or malfunction for which periodic maintenance is not appropriate.

*Small-volume engine manufacturer* means an engine manufacturer that had engine families certified to meet the requirements of 40 CFR part 89 before 2003 and had annual U.S.-directed production of no more than 2,500 units in 2002 and all earlier calendar years. For manufacturers owned by a parent company, the limit applies to the production of the parent company and all of its subsidiaries.

*Spark-ignition* means relating to a gasoline-fueled engine or any other type of engine with a spark plug (or other sparking device) and with operating characteristics significantly similar to the theoretical Otto combustion cycle. Spark-ignition engines usually use a throttle to regulate intake air flow to control power during normal operation.

*Suspend* means to temporarily discontinue the certificate for an engine family. If we suspend a certificate, you may not sell engines from that engine family unless we reinstate the certificate or approve a new one.

*Test engine* means an engine in a test sample.

*Test sample* means the collection of engines selected from the population of an engine family for emission testing.

*Tier 1* means relating to the Tier 1 emission standards, as shown in 40 CFR 89.112.

*Tier 2* means relating to the Tier 2 emission standards, as shown in 40 CFR 89.112.

*Tier 3* means relating to the Tier 3 emission standards, as shown in 40 CFR 89.112.

*Tier 4* means relating to the Tier 4 emission standards, as shown in § 1039.101. This includes the emission standards for all pollutants if an engine is subject to Tier 4 emission standards for any pollutant. For example, this includes the Tier 3 HC+NO<sub>x</sub> standard during the phase-in period when engines are subject to the Tier 4 PM standard.

*Total hydrocarbon* means the combined mass organic compounds measured by our total hydrocarbon test procedure, expressed as a hydrocarbon with a hydrogen-to-carbon mass ratio of 1.85:1.

*Total hydrocarbon equivalent* means the sum of the carbon mass contributions of non-oxygenated hydrocarbons, alcohols and aldehydes, or other organic compounds that are measured separately as contained in a gas sample, expressed as petroleum-fueled engine hydrocarbons. The hydrogen-to-carbon ratio of the equivalent hydrocarbon is 1.85:1.

*Ultimate purchaser* means, with respect to any new nonroad equipment or new nonroad engine, the first person who in good faith purchases such new nonroad equipment or new nonroad engine for purposes other than resale.

*United States* means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, and the U.S. Virgin Islands.

*Upcoming model year* means for an engine family the model year after the one currently in production.

*U.S.-directed production volume* means the number of engine units, subject to the requirements of this part, produced by a manufacturer for which the manufacturer has a reasonable assurance that sale was or will be made to ultimate purchasers in the United States.

*Useful life* means the period during which the engine is designed to properly function in terms of reliability and fuel consumption, without being remanufactured, specified as a number of hours of operation or calendar years. It is the period during which a new nonroad engine is required to comply with all applicable emission standards. See § 1039.101(g).

*Variable-speed engine* means an engine that is not a constant-speed engine.

*Void* means to invalidate a certificate or an exemption. If we void a certificate, all the engines produced under that engine family for that model year are