

(e) At the Administrator's request, the manufacturer must supply such additional information as may be required to evaluate the application including, but not limited to, projected nonroad engine production.

(f)(1) The Administrator may modify the information submission requirements of paragraph (d) of this section, provided that all of the information specified therein is maintained by the engine manufacturer as required by § 89.124, and amended, updated, or corrected as necessary.

(2) For the purposes of this paragraph, § 89.124(a)(1) includes all information specified in paragraph (d) of this section whether or not such information is actually submitted to the Administrator for any particular model year.

(3) The Administrator may review an engine manufacturer's records at any time. At the Administrator's discretion, this review may take place either at the manufacturer's facility or at another facility designated by the Administrator.

(g) The manufacturer must name an agent for service located in the United States. Service on this agent constitutes service on the manufacturer or any of its officers or employees for any action by EPA or otherwise by the United States related to the requirements of this part.

[59 FR 31335, June 17, 1994, as amended at 61 FR 20741, May 8, 1996. Redesignated at 63 FR 56995, Oct. 23, 1998, as amended at 71 FR 39184, July 11, 2006; 72 FR 53129, Sept. 18, 2007; 74 FR 56374, Oct. 30, 2009]

§ 89.116 Engine families.

(a) A manufacturer's product line is divided into engine families that are comprised of engines expected to have similar emission characteristics throughout their useful life periods.

(b) The following characteristics distinguish engine families:

- (1) Fuel;
- (2) Cooling medium;
- (3) Method of air aspiration;
- (4) Method of exhaust aftertreatment (for example, catalytic converter or particulate trap);
- (5) Combustion chamber design;
- (6) Bore;
- (7) Stroke;

- (8) Number of cylinders, (engines with aftertreatment devices only); and
- (9) Cylinder arrangement (engines with aftertreatment devices only).

(c) Upon a showing by the manufacturer that the useful life period emission characteristics are expected to be similar, engines differing in one or more of the characteristics in paragraph (b) of this section may be grouped in the same engine family.

(d) Upon a showing by the manufacturer that the expected useful life period emission characteristics will be different, engines identical in all the characteristics of paragraph (b) of this section may be divided into separate engine families.

(e)(1) This paragraph (e) applies only to the placement of Tier 1 engines with power ratings under 37 kW into engine families. The provisions of paragraphs (a) through (d) of this section also apply to these engines. The power categories referred to in this paragraph (e) are those for which separate standards or implementation dates are described in § 89.112.

(2) A manufacturer may place engines with power ratings in one power category into an engine family comprised of engines with power ratings in another power category, and consider all engines in the engine family as being in the latter power category for the purpose of determining compliance with the standards and other requirements of this part, subject to approval in advance by the Administrator and the following restrictions:

(i) The engines that have power ratings outside the engine family's power category must constitute less than half of the engine family's sales in each model year for which the engine family grouping is made; and

(ii) The engines that have power ratings outside the engine family's power category must have power ratings that are within ten percent of either of the two power levels that define the engine family's power category.

(3) The restrictions described in paragraphs (e)(2)(i) and (e)(2)(ii) of this section do not apply if the emissions standards and other requirements of this part are at least as stringent for the engine family's power category as those of the other power categories

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containing engines in the engine family.

[59 FR 31335, June 17, 1994. Redesignated and amended at 63 FR 56995, 57003, Oct. 23, 1998]

§ 89.117 Test fleet selection.

(a) The manufacturer must select for testing, from each engine family, the engine with the most fuel injected per stroke of an injector, primarily at the speed of maximum torque and secondarily at rated speed.

(b) Each engine in the test fleet must be constructed to be representative of production engines.

(c) After review of the manufacturer's test fleet, the Administrator may select from the available fleet one additional test engine from each engine family.

(d) For establishing deterioration factors, the manufacturer shall select the engines, subsystems, or components to be used to determine exhaust emission deterioration factors for each engine-family control system combination. Engines, subsystems, or components shall be selected so that their emission deterioration characteristics are expected to represent those of in-use engines, based on good engineering judgment.

[59 FR 31335, June 17, 1994. Redesignated and amended at 63 FR 56995, 57003, Oct. 23, 1998]

§ 89.118 Deterioration factors and service accumulation.

This section applies to service accumulation used to determine deterioration factors and service accumulation used to condition test engines. Paragraphs (a) and (b) of this section apply only for service accumulation used to condition test engines. Paragraph (e) of this section applies only for service accumulation used to determine deterioration factors. Paragraphs (c) and (d) of this section apply for all service accumulation required by this part.

(a)(1) Each test engine in the test fleet must be operated with all emission control systems operating properly for a period sufficient to stabilize emissions.

(2) A manufacturer may elect to consider as stabilized emission levels from engines with no more than 125 hours of service.

(b) No maintenance, other than recommended lubrication and filter changes, may be performed during service accumulation without the Administrator's approval.

(c) Service accumulation should be performed in a manner using good engineering judgment to ensure that emissions are representative of in-use engines.

(d) The manufacturer must maintain, and provide to the Administrator if requested, records stating the rationale for selecting the service accumulation period and records describing the method used to accumulate service hours on the test engine(s).

(e) This paragraph (e) describes service accumulation and alternative requirements for the purpose of developing deterioration factor.

(1) *Service accumulation on engines, subsystems, or components selected by the manufacturer under § 89.117(d).* The manufacturer shall describe the form and extent of this service accumulation in the application for certification.

(2) *Determination of exhaust emission deterioration factors.* The manufacturer shall determine the deterioration factors in accordance with the applicable provisions of this part based on service accumulation and related testing, according to the manufacturer's procedures, except as provided in paragraph (e)(3) of this section.

(3) *Alternatives to service accumulation and testing for the determination of a deterioration factor.* A written explanation of the appropriateness of using an alternative must be included in the application for certification.

(i) *Carryover and carryacross of durability emission data.* In lieu of testing an emission data or durability data engine selected under § 89.117(d), a manufacturer may, with Administrator approval, use exhaust emission deterioration data on a similar engine for which certification to the same standard has previously been obtained or for which all applicable data required under § 89.124 has previously been submitted. This data must be submitted in the application for certification.

(ii) *Use of on-highway deterioration data.* In the case where a manufacturer produces a certified on-highway engine that is similar to the nonroad engine