

**§ 1039.640**

**40 CFR Ch. I (7–1–10 Edition)**

may approve a period of delayed compliance for up to one model year total (or two model years total for small-volume manufacturers). If you qualify for the hardship provisions specified in 40 CFR 1068.250 for small-volume manufacturers, we may approve a period of delayed compliance for up to two model years total.

**§ 1039.640 What special provisions apply to branded engines?**

The following provisions apply if you identify the name and trademark of another company instead of your own on your emission control information label, as provided by § 1039.135(c)(2):

(a) You must have a contractual agreement with the other company that obligates that company to take the following steps:

(1) Meet the emission warranty requirements that apply under § 1039.120. This may involve a separate agreement involving reimbursement of warranty-related expenses.

(2) Report all warranty-related information to the certificate holder.

(b) In your application for certification, identify the company whose trademark you will use and describe the arrangements you have made to meet your requirements under this section.

(c) You remain responsible for meeting all the requirements of this chap-

ter, including warranty and defect-reporting provisions.

**§ 1039.645 What special provisions apply to engines used for transportation refrigeration units?**

Manufacturers may choose to use the provisions of this section for engines used in transportation refrigeration units (TRUs). The operating restrictions and characteristics in paragraph (f) of this section define engines that are not used in TRUs. All provisions of this part apply for TRU engines, except as specified in this section.

(a) You may certify engines under this section with the following special provisions:

(1) The engines are not subject to the transient emission standards of subpart B of this part.

(2) The steady-state emission standards in subpart B of this part apply for emissions measured over the steady-state test cycle described in paragraph (b) of this section instead of the otherwise applicable duty cycle described in § 1039.505.

(b) Measure steady-state emissions using the procedures specified in § 1039.505, except for the duty cycles, as follows:

(1) The following duty cycle applies for discrete-mode testing:

**TABLE 1 OF § 1039.645—DISCRETE-MODE CYCLE FOR TRU ENGINES**

Mode number	Engine speed <sup>1</sup>	Torque (percent) <sup>2</sup>	Weighting factors
1 .....	Maximum test speed .....	75	0.25
2 .....	Maximum test speed .....	50	0.25
3 .....	Intermediate test speed .....	75	0.25
4 .....	Intermediate test speed .....	50	0.25

<sup>1</sup> Speed terms are defined in 40 CFR part 1065.

<sup>2</sup> The percent torque is relative to the maximum torque at the given engine speed.

(2) The following duty cycle applies for ramped-modal testing:

**TABLE 2 OF § 1039.645—RAMPED-MODAL CYCLE FOR TRU ENGINES**

RMC mode	Time in mode (seconds)	Engine speed <sup>1</sup>	Torque (percent) <sup>2,3</sup>
1a Steady-state .....	290	Intermediate Speed .....	75.
1b Transition .....	20	Intermediate Speed .....	Linear Transition.
2a Steady-state .....	280	Intermediate Speed .....	50.
2b Transition .....	20	Linear Transition .....	Linear Transition.
3a Steady-state .....	280	Maximum Test Speed .....	75.
3b Transition .....	20	Maximum Test Speed .....	Linear Transition.

TABLE 2 OF § 1039.645—RAMPED-MODAL CYCLE FOR TRU ENGINES—Continued

RMC mode	Time in mode (seconds)	Engine speed <sup>1</sup>	Torque (percent) <sup>2,3</sup>
4 Steady-state .....	290	Maximum Test Speed .....	50

<sup>1</sup> Speed terms are defined in 40 CFR part 1065.  
<sup>2</sup> The percent torque is relative to the maximum torque at the commanded engine speed.  
<sup>3</sup> Advance from one mode to the next within a 20-second transition phase. During the transition phase, command a linear progression from the torque setting of the current mode to the torque setting of the next mode, and simultaneously command a similar linear progression for engine speed if there is a change in speed setting.

(c) Engines certified under this section must be certified in a separate engine family that contains only TRU engines.

(d) You must do the following for each engine certified under this section:

(1) State on the emission control information label: “THIS ENGINE IS CERTIFIED TO OPERATE ONLY IN TRANSPORTATION REFRIGERATION UNITS. INSTALLING OR USING THIS ENGINE IN ANY OTHER APPLICATION MAY BE A VIOLATION OF FEDERAL LAW SUBJECT TO CIVIL PENALTY.”.

(2) State in the emission-related installation instructions all steps necessary to ensure that the engine will operate only in the modes covered by the test cycle described in this section.

(3) Keep records to document the destinations and quantities of engines produced under this section.

(e) All engines certified under this section must comply with NTE standards, as described in §1039.101 or §1039.102 for the applicable model year, except that the NTE standards are not limited with respect to operating speeds and loads. In your application for certification, certify that all the engines in the engine family comply with the not-to-exceed emission standards for all normal operation and use. The deficiency provisions of §1039.104(d) do not apply to these engines. This paragraph (e) applies whether or not the engine would otherwise be subject to NTE standards.

(f) An engine is not considered to be used in a TRU if any of the following is true:

(1) The engine is installed in any equipment other than refrigeration units for railcars, truck trailers, or other freight vehicles.

(2) The engine operates in any mode not covered by the test cycle described in this section, except as follows:

(i) The engine may operate briefly at idle. Note, however, that TRU engines must meet NTE emission standards under any type of operation, including idle, as described in paragraph (e) of this section.

(ii) The engine may have a minimal amount of transitional operation between two allowable modes. As an example, a thirty-second transition period would clearly not be considered minimal.

(iii) The engine as installed may experience up to a 2-percent decrease in load at a given setpoint over any 10-minute period, and up to a 15-percent decrease in load at a given setpoint over any 60-minute period.

(3) The engine is sold in a configuration that allows the engine to operate in any mode not covered by the test cycle described in this section. For example, this section does not apply to an engine sold without a governor limiting operation only to those modes covered by the test cycle described in this section.

(4) The engine is subject to Tier 3 or earlier standards, or phase-out Tier 4 standards.

[69 FR 39213, June 29, 2004, as amended at 73 FR 37241, June 30, 2008]

**§ 1039.650 [Reserved]**

**§ 1039.655 What special provisions apply to engines sold in Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands?**

(a) The prohibitions in §1068.101(a)(1) do not apply to an engine if the following conditions are met:

(1) The engine is intended for use and will be used in Guam, American