

short-term contracts that would generally be less than 12 months in duration. You may ask us to consider modifications that will be in place longer than 12 months as temporary modifications.

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. This may include testing for certification, production-line testing, or in-use testing.

Tier 1 means relating to the Tier 1 emission standards, as shown in Appendix I.

Tier 2 means relating to the Tier 2 emission standards, as shown in §1042.104 and Appendix I.

Tier 3 means relating to the Tier 3 emission standards, as shown in §1042.101 and §1042.104.

Tier 4 means relating to the Tier 4 emission standards, as shown in §1042.101.

Total hydrocarbon has the meaning given in 40 CFR 1065.1001. This generally means the combined mass of organic compounds measured by the specified procedure for measuring total hydrocarbon, expressed as a hydrocarbon with an atomic hydrogen-to-carbon ratio of 1.85:1.

Total hydrocarbon equivalent has the meaning given in 40 CFR 1065.1001. This generally 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 exhaust hydrocarbon from petroleum-fueled engines. The atomic hydrogen-to-carbon ratio of the equivalent hydrocarbon is 1.85:1.

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

Ultra low-sulfur diesel fuel means one of the following:

(1) For in-use fuels, *ultra low-sulfur diesel fuel* means a diesel fuel marketed as ultra low-sulfur diesel fuel having a maximum sulfur concentration of 15 parts per million.

(2) For testing, *ultra low-sulfur diesel fuel* has the meaning given in 40 CFR part 1065.

United States has the meaning given in 40 CFR 1068.30.

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.

U.S. waters includes U.S. navigable waters and the U.S. EEZ.

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, whichever comes first. It is the period during which an engine is required to comply with all applicable emission standards. See §§1042.101(e) and 1042.104(d).

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

Vessel means a marine vessel.

Vessel operator means any individual that physically operates or maintains a vessel or exercises managerial control over the operation of the vessel.

Vessel owner means the individual or company that holds legal title to a vessel.

Void has the meaning given in 40 CFR 1068.30. In general this means to invalidate a certificate or an exemption both retroactively and prospectively.

Volatile liquid fuel means any fuel other than diesel fuel or biodiesel that is a liquid at atmospheric pressure and has a Reid Vapor Pressure higher than 2.0 pounds per square inch.

We (us, our) means the Administrator of the Environmental Protection Agency and any authorized representatives.

[73 37243, June 30, 2008, as amended at 75 FR 23010, Apr. 30, 2010]

§ 1042.905 Symbols, acronyms, and abbreviations.

The following symbols, acronyms, and abbreviations apply to this part:

ABT Averaging, banking, and trading.
AECD auxiliary-emission control device.

§ 1042.910

40 CFR Ch. I (7–1–10 Edition)

CFR Code of Federal Regulations.
CH₄ methane
CO carbon monoxide.
CO₂ carbon dioxide.
cyl cylinder.
disp. displacement.
ECA Emission Control Area.
EEZ Exclusive Economic Zone.
EPA Environmental Protection Agency.
FEL Family Emission Limit.
g grams.
HC hydrocarbon.
hr hours.
IMO International Maritime Organization.
kPa kilopascals.
kW kilowatts.
L liters.
LTR Limited Testing Region.
N₂O nitrous oxide.
NARA National Archives and Records Administration.
NMHC nonmethane hydrocarbons.
NO_x oxides of nitrogen (NO and NO₂).
NTE not-to-exceed.
PM particulate matter.
RPM revolutions per minute.
SAE Society of Automotive Engineers.
SCR selective catalytic reduction.
THC total hydrocarbon.
THCE total hydrocarbon equivalent.
ULSD ultra low-sulfur diesel fuel.
U.S.C. United States Code.

[73 37243, June 30, 2008, as amended at 74 FR 56509, Oct. 30, 2009; 75 FR 23012, Apr. 30, 2010]

§ 1042.910 Reference materials.

Documents listed in this section have been incorporated by reference into this part. The Director of the Federal Register approved the incorporation by reference as prescribed in 5 U.S.C. 552(a) and 1 CFR part 51. Anyone may inspect copies at the U.S. EPA, Air and Radiation Docket and Information Center, 1301 Constitution Ave., NW., Room B102, EPA West Building, Washington, DC 20460, (202) 566-1744, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(a) *IMO material.* This paragraph (a) lists material from the International Maritime Organization that we have incorporated by reference. Anyone may purchase copies of these materials from the International Maritime Organization, 4 Albert Embankment, London SE1 7SR, United Kingdom, or <http://www.imo.org>, or 44-(0)20-7735-7611.

(1) Revised MARPOL Annex VI, Regulations for the Prevention of Air Pollution from Ships, and NO_x Technical Code 2008, 2009 edition.

(i) Revised MARPOL Annex VI, Regulations for the Prevention of Pollution from Ships (“2008 Annex VI”); IBR approved for § 1042.901.

(ii) NO_x Technical Code 2008 (“NO_x Technical Code”); IBR approved for §§ 1042.104(g), 1042.230(d), 1042.302(c) and (e), 1042.501(g), and 1042.901.

(2) [Reserved]

(b) [Reserved]

[75 FR 23012, Apr. 30, 2010]

§ 1042.915 Confidential information.

(a) Clearly show what you consider confidential by marking, circling, bracketing, stamping, or some other method.

(b) We will store your confidential information as described in 40 CFR part 2. Also, we will disclose it only as specified in 40 CFR part 2. This applies both to any information you send us and to any information we collect from inspections, audits, or other site visits.

(c) If you send us a second copy without the confidential information, we will assume it contains nothing confidential whenever we need to release information from it.

(d) If you send us information without claiming it is confidential, we may make it available to the public without further notice to you, as described in 40 CFR 2.204.

§ 1042.920 Hearings.

(a) You may request a hearing under certain circumstances, as described elsewhere in this part. To do this, you must file a written request, including a description of your objection and any supporting data, within 30 days after we make a decision.

(b) For a hearing you request under the provisions of this part, we will approve your request if we find that your request raises a substantial factual issue.

(c) If we agree to hold a hearing, we will use the procedures specified in 40 CFR part 1068, subpart G.