

§ 1060.805

40 CFR Ch. I (7-1-11 Edition)

Test unit means a piece of fuel line, a fuel tank, or a fuel system in a test sample.

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

Ultraviolet light means electromagnetic radiation with a wavelength between 300 and 400 nanometers.

United States has the meaning given in 40 CFR 1068.30.

U.S.-directed production volume means the amount of equipment, 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 new nonroad equipment is required to comply with all applicable emission standards. See §1060.101.

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 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.

Wintertime equipment means equipment using a wintertime engine, as defined in 40 CFR 1054.801. Note this definition applies only for Small SI equipment.

[73 FR 59298, Oct. 8, 2008, as amended at 75 FR 23027, Apr. 30, 2010]

§ 1060.805 What symbols, acronyms, and abbreviations does this part use?

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

- ° degree.
- ASTM American Society for Testing and Materials.
- C Celsius.
- CFR Code of Federal Regulations.
- EPA Environmental Protection Agency.
- FEL family emission limit.

- g gram.
- gal gallon.
- hr hour.
- in inch.
- kPa kilopascal.
- kW kilowatt.
- L liter.
- m meter.
- min minute.
- mm millimeter.
- psig pounds per square inch of gauge pressure.
- SAE Society of Automotive Engineers.
- SHED Sealed Housing for Evaporative Determination.
- U.S. United States.
- U.S.C. United States Code.
- W watt.

§ 1060.810 What materials does this part reference?

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 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) *ASTM material.* Table 1 to this section lists material from the American Society for Testing and Materials that we have incorporated by reference. The first column lists the number and name of the material. The second column lists the sections of this part where we reference it. Anyone may purchase copies of these materials from the American Society for Testing and Materials, 100 Barr Harbor Dr., P.O. Box C700, West Conshohocken, PA 19428 or <http://www.astm.com>. Table 1 follows:

TABLE 1 TO § 1060.810—ASTM MATERIALS

Document number and name	Part 1060 reference
ASTM D471–06, Standard Test Method for Rubber Property—Effect of Liquids (“ASTM D471”)	1060.515
ASTM D2862–97 (Reapproved 2004), Standard Test Method for Particle Size Distribution of Granular Activated Carbon (“ASTM D2862”)	1060.240
ASTM D3802–79 (Reapproved 2005), Standard Test Method for Ball-Pan Hardness of Activated Carbon (“ASTM D3802”)	1060.240
ASTM D4806–07, Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel (“ASTM D4806”)	1060.501
ASTM D5228–92 (Reapproved 2005), Standard Test Method for Determination of Butane Working Capacity of Activated Carbon (“ASTM D5228”)	1060.801

(b) *SAE material.* Table 2 to this section lists material from the Society of Automotive Engineers that we have incorporated by reference. The first column lists the number and name of the material. The second column lists the

sections of this part where we reference it. Anyone may purchase copies of these materials from the Society of Automotive Engineers, 400 Commonwealth Drive, Warrendale, PA 15096 or <http://www.sae.org>. Table 2 follows:

TABLE 2 TO § 1060.810—SAE MATERIALS

Document number and name	Part 1060 reference
SAE J30, Fuel and Oil Hoses, June 1998	1060.515
SAE J1527, Marine Fuel Hoses, January 1993 (Issued 1985–12, Revised 1993–02)	1060.515
SAE J2260, Nonmetallic Fuel System Tubing with One or More Layers, November 2004	1060.510
SAE J2659, Test Method to Measure Fluid Permeation of Polymeric Materials by Speciation, December 2003 ..	1060.801

(c) *California Air Resources Board material.* Table 3 to this section lists material from the California Air Resources Board that we have incorporated by reference. The first column lists the number and name of the material. The second column lists the sec-

tions of this part where we reference it. Anyone may obtain copies of these materials from California Air Resources Board, Haagen-Smit Laboratory, 9528 Telstar Avenue, El Monte, CA 91731–2990 or <http://www.arb.ca.gov>. Table 3 follows:

TABLE 3 TO § 1060.810—CALIFORNIA AIR RESOURCES BOARD MATERIALS

Document number and name	Part 1060 reference
Final Regulation Order, Article 1, Chapter 15, Division 3, Title 13, California Code of Regulations, July 26, 2004	1060.105, 1060.240

(d) *American Boat and Yacht Council Material.* Table 4 to this section lists material from the American Boat and Yacht Council that we have incorporated by reference. The first column lists the number and name of the material. The second column lists the sec-

tions of this part where we reference it. Anyone may purchase copies of these materials from the American Boat and Yacht Council, 613 Third Street, Suite 10, Annapolis, MD 21403 or <http://www.abycinc.org/>. Table 4 follows:

TABLE 4 TO § 1060.810—AMERICAN BOAT AND YACHT COUNCIL MATERIALS

Document No. and name	Part 1060 reference
ABYC H–25, Portable Marine Gasoline Fuel Systems, July 2010	1060.105

§ 1060.815

[73 FR 59298, Oct. 8, 2008, as amended at 75 FR 56482, Sept. 16, 2010]

§ 1060.815 What provisions apply to 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.

§ 1060.820 How do I request a hearing?

(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.

§ 1060.825 What reporting and record-keeping requirements apply under this part?

Under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the Office of Management and Budget approves the reporting and recordkeeping specified in the applicable regulations. The following items illustrate the kind of reporting and recordkeeping we require for products regulated under this part:

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(a) We specify the following requirements related to equipment certification in this part 1060:

(1) In 40 CFR 1060.20 we give an overview of principles for reporting information.

(2) In 40 CFR part 1060, subpart C, we identify a wide range of information required to certify engines.

(3) In 40 CFR 1060.301 we require manufacturers to make engines or equipment available for our testing if we make such a request.

(4) In 40 CFR 1060.505 we specify information needs for establishing various changes to published test procedures.

(b) We specify the following requirements related to the general compliance provisions in 40 CFR part 1068:

(1) In 40 CFR 1068.5 we establish a process for evaluating good engineering judgment related to testing and certification.

(2) In 40 CFR 1068.25 we describe general provisions related to sending and keeping information.

(3) In 40 CFR 1068.27 we require manufacturers to make equipment available for our testing or inspection if we make such a request.

(4) In 40 CFR 1068.105 we require equipment manufacturers to keep certain records related to duplicate labels from engine manufacturers.

(5) [Reserved]

(6) In 40 CFR part 1068, subpart C, we identify several reporting and record-keeping items for making demonstrations and getting approval related to various exemptions.

(7) In 40 CFR part 1068, subpart D, we identify several reporting and record-keeping items for making demonstrations and getting approval related to importing equipment.

(8) In 40 CFR 1068.450 and 1068.455 we specify certain records related to testing production-line products in a selective enforcement audit.

(9) In 40 CFR 1068.501 we specify certain records related to investigating and reporting emission-related defects.

(10) In 40 CFR 1068.525 and 1068.530 we specify certain records related to recalling nonconforming equipment.