

## Environmental Protection Agency

## § 91.1006

(c) For marine SI engine manufacturers, marine SI engines for export purposes are exempt without application, subject to the provisions of § 91.1009.

(d) For eligible manufacturers, as determined by § 91.1006, manufacturer-owned marine SI engines are exempt without application, subject to the provisions of § 91.1006.

(e) For any person, display marine SI engines are exempt without application, subject to the provisions of § 91.1007.

### § 91.1005 Testing exemption.

(a) Any person requesting a testing exemption must demonstrate the following:

(1) That the proposed test program has a purpose which constitutes an appropriate basis for an exemption in accordance with § 91.1104(b);

(2) That the proposed test program necessitates the granting of an exemption;

(3) That the proposed test program is reasonable in scope; and

(4) That the proposed test program exhibits a degree of control consonant with the purpose of the program and the EPA's monitoring requirements.

(5) Paragraphs (b), (c), (d), and (e) of this section describe what constitutes a sufficient demonstration for each of the four identified elements.

(b) With respect to the purpose of the proposed test program, an appropriate purpose would be research, investigations, studies, demonstrations, or training, but not national security. A concise statement of purpose is a required item of information.

(c) With respect to the necessity that an exemption be granted, necessity arises from an inability to achieve the stated purpose in a practicable manner without performing or causing to be performed one or more of the prohibited acts under § 91.1103. In appropriate circumstances, time constraints may be a sufficient basis for necessity, but the cost of certification alone, in the absence of extraordinary circumstances, is not a basis for necessity.

(d) With respect to reasonableness, a test program must exhibit a duration of reasonable length and affect a reasonable number of engines. In this re-

gard, required items of information include:

(1) An estimate of the program's duration.

(2) The maximum number of marine engines involved.

(e) With respect to control, the test program must incorporate procedures consistent with the purpose of the test and be capable of affording EPA monitoring capability. As a minimum, required items of information include:

(1) The technical nature of the test;

(2) The site of the test;

(3) The duration and accumulated engine operation associated with the test;

(4) The ownership arrangement with regard to the engines involved in the test;

(5) The intended final disposition of the engines;

(6) The manner in which the engine identification numbers will be identified, recorded, and made available; and

(7) The means or procedure whereby test results will be recorded.

(f) A manufacturer of new marine SI engines may request a testing exemption to cover marine SI engines intended for use in test programs planned or anticipated over the course of a subsequent one-year period. Unless otherwise required by the Manager, Engine Compliance Programs Group, a manufacturer requesting such an exemption need only furnish the information required by paragraphs (a)(1) and (d)(2) of this section along with a description of the recordkeeping and control procedures that will be employed to assure that the engines are used for purposes consistent with section 91.1104(b).

### § 91.1006 Manufacturer-owned exemption and precertification exemption.

(a) Except as provided in paragraph (b) of this section, any manufacturer-owned marine SI engine, as defined by § 91.1002, is exempt from compliance with § 91.1103, without application, if the manufacturer complies with the following terms and conditions:

(1) The manufacturer must establish, maintain, and retain the following adequately organized and indexed information on each exempted engine:

(i) Engine identification number,

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(ii) Use of the engine on exempt status and

(iii) Final disposition of any engine removed from exempt status.

(2) The manufacturer must provide right of entry and access to these records to EPA authorized representatives as outlined in §91.505.

(3) Unless the requirement is waived or an alternative procedure is approved by the Director, Engine Programs & Compliance Division, the manufacturer must permanently affix a label to each marine engine on exempt status. This label should:

(i) Be affixed in a readily visible portion of the engine,

(ii) Be attached in such a manner that it cannot be removed without destruction or defacement,

(iii) State in the English language/ and in block letters and numerals of a color that contrasts with the background of the label, the following information:

(A) The label heading "Emission Control Information;"

(B) Full corporate name and trademark of manufacturer;

(C) Engine displacement, engine family identification, and model year of engine; or person or office to be contacted for further information about the engine;

(D) The statement "This marine SI engine is exempt from the prohibitions of 40 CFR 91.1103."

(4) No provision of paragraph (a)(3) of this section prevents a manufacturer from including any other information it desires on the label.

### §91.1007 Display exemption.

An uncertified marine SI engine is a display engine when it is to be used solely for display purposes, will only be operated incident and necessary to the display purpose, and will not be sold unless an applicable certificate of conformity has been received or the engine has been finally admitted pursuant to subpart H of this part. A display engine is exempt without application.

### §91.1008 National security exemption.

(a)(1) Any marine SI engine, otherwise subject to this part, which is used in a vessel that exhibits substantial features ordinarily associated with

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military combat such as armor and/or permanently affixed weaponry and which will be owned and/or used by an agency of the Federal government with responsibility for national defense, will be exempt from these regulations for purposes of national security. No request for exemption is necessary.

(2) Manufacturers may request a national security exemption for any marine SI engine, otherwise subject to this part, which does not meet the conditions described in paragraph (a)(1) of this section. A manufacturer requesting a national security exemption must state the purpose for which the exemption is required and the request must be endorsed by an agency of the federal government charged with responsibility for national defense.

(b) EPA will maintain a list of models of marine SI engines (and the vessels which use them) that have been granted a national security exemption under paragraph (a)(2) of this section. This list will be available to the public and may be obtained by writing to the following address: Manager, Engine Compliance Programs Group 6403-J, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

### §91.1009 Export exemptions.

(a) A new marine SI engine intended solely for export, and so labeled or tagged on the outside of the container and on the engine itself, is subject to the provisions of §91.1103, unless the importing country has emission standards for new marine engines which differ from EPA standards.

(b) For the purpose of paragraph (a) of this section, a country having no standards, whatsoever, is deemed to be a country having emission standards which differ from EPA standards.

(c) EPA will maintain a list of foreign countries that have in force marine SI emission standards identical to U.S. EPA standards and have so notified EPA. This list may be obtained by writing to the following address: Manager, Engine Compliance Programs Group 6403-J, Environmental Protection Agency, 1200 Pennsylvania Ave.,