

§ 92.806

applicable Customs laws and regulations by the end of the period of conditional admission. A locomotive or locomotive engine not so delivered is subject to seizure by the U.S. Customs Service.

(d) An importer who violates section 213(d) and section 203 of the Act is subject to a civil penalty under section 205 of the Act and § 92.1106. In addition to the penalty provided in the Act and § 92.1106, where applicable, a person or entity who imports an engine under the exemption provisions of § 92.804 and, who fails to deliver the locomotive or locomotive engine to the U.S. Customs Service by the end of the period of conditional admission is liable for liquidated damages in the amount of the bond required by applicable Customs laws and regulations.

§ 92.806 Importation of partially complete engines.

The provisions of 40 CFR 1068.330 apply for importation of partially complete engines, or engines that will be modified for applications other than those covered by this part 92.

[70 FR 40457, July 13, 2005]

Subpart J—Exclusion and Exemption Provisions

§ 92.901 Purpose and applicability.

The provisions of this subpart identify excluded locomotives (i.e., locomotives not covered by the Act) and allow for the exemption of locomotives and locomotive engines from certain provisions of this part. The applicability of the exclusions is described in § 92.903, and the applicability of the exemption allowances is described in §§ 92.904 through 92.909.

§ 92.902 Definitions.

The definitions of subpart A of this part apply to this subpart.

§ 92.903 Exclusions.

(a) Upon written request with supporting documentation, EPA will make written determinations as to whether certain locomotives are excluded from applicability of this part. Any locomotives that are determined to be excluded are not subject to the regula-

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tions under this part. Requests to determine whether certain locomotives are excluded should be sent to: Group Manager, Engine Compliance Programs Group, Engine Programs and Compliance Division U.S. Environmental Protection Agency, 6403–J, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

(b) EPA will maintain a list of models of locomotives that have been determined to be excluded from coverage under this part. This list will be available to the public and may be obtained by writing to the address in paragraph (a) of this section.

(c) In addition to the locomotives excluded in paragraph (a) of this section, certain vehicles are not subject to the requirements and prohibitions of this part because they are excluded from the definitions of “locomotive” and/or “new locomotive” in § 92.2.

§ 92.904 Exemptions.

(a) Except as specified otherwise in this subpart, the provisions of §§ 92.904 through 92.911 exempt certain new locomotives and new locomotive engines from the standards, other requirements, and prohibitions of this part, except for the requirements of this subpart and the requirements of § 92.1104.

(b)(1) Any person may request a testing exemption subject to the provisions of § 92.905.

(2) Any locomotive or locomotive engine manufacturer or remanufacturer may request a national security exemption subject to the provisions of § 92.908.

(3) Locomotive or locomotive engines manufactured or remanufactured for export purposes are exempt without application, subject to the provisions of § 92.909, except as otherwise specified by § 92.909.

(4) Manufacturer-owned and remanufacturer-owned locomotive or locomotive engines are exempt without application, subject to the provisions of § 92.906(a).

(5) Display locomotive or locomotive engines are exempt without application, subject to the provisions of § 92.906(b).

(6) Locomotive propulsion engines that are identical to engines that are covered by a certificate of conformity