

**Environmental Protection Agency**

**§ 94.5**

NIST—National Institute for Standards and Testing.  
 NMHC—Non-methane hydrocarbons.  
 NTIS—National Technical Information Service.  
 NO—nitric oxide.  
 NO<sub>2</sub>—nitrogen dioxide.  
 NO<sub>x</sub>—oxides of nitrogen.  
 No.—number.  
 O<sub>2</sub>—oxygen.  
 pct—percent.  
 PM—particulate matter.  
 PMM—post-manufacture marinizer.  
 ppm—parts per million by volume.  
 ppmC—parts per million, carbon.  
 rpm—revolutions per minute.  
 s—second(s).  
 SAE—Society of Automotive Engineers.  
 SEA—Selective Enforcement Auditing.  
 SI—International system of units (i.e., metric).  
 THC—Total hydrocarbon.  
 THCE—Total hydrocarbon equivalent.  
 U.S.—United States.  
 U.S.C.—United States Code.  
 vs—versus.  
 W—watt(s).  
 wt—weight.

**§ 94.4 Treatment of confidential information.**

(a) Any manufacturer may assert that some or all of the information submitted pursuant to this part is entitled to confidential treatment as provided by 40 CFR part 2, subpart B.

(b) Any claim of confidentiality must accompany the information at the time it is submitted to EPA.

(c) To assert that information submitted pursuant to this part is confidential, a person or manufacturer must indicate clearly the items of information claimed confidential by marking, circling, bracketing, stamping, or otherwise specifying the confidential information. Furthermore, EPA requests, but does not require, that the submitter also provide a second copy of its submittal from which all confidential information has been deleted. If a need arises to publicly release nonconfidential information, EPA will assume that the submitter

has accurately deleted the confidential information from this second copy.

(d) If a claim is made that some or all of the information submitted pursuant to this part is entitled to confidential treatment, the information covered by that confidentiality claim will be disclosed by EPA only to the extent and by means of the procedures set forth in 40 CFR part 2, subpart B.

(e) Information provided without a claim of confidentiality at the time of submission may be made available to the public by EPA without further notice to the submitter, in accordance with 40 CFR 2.204(c)(2)(i)(A).

**§ 94.5 Reference materials.**

We have incorporated by reference the documents listed in this section. 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](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

(a) *ASTM material.* Table 1 of § 94.5 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., PO Box C700, West Conshohocken, PA 19428. Table 1 follows:

TABLE 1 OF § 94.5—ASTM MATERIALS

Document No. and name	Part 94 reference
ASTM D 86-01, Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure.	94.108
ASTM D 93-02, Standard Test Methods for Flash-Point by Pensky-Martens Closed Cup Tester.	94.108
ASTM D 129-00, Standard Test Method for Sulfur in Petroleum Products (General Bomb Method).	94.108

TABLE 1 OF § 94.5—ASTM MATERIALS—Continued

Document No. and name	Part 94 reference
ASTM D 287–92 (Reapproved 2000), Standard Test Method for API Gravity of Crude Petroleum and Petroleum Products (Hydrometer Method).	94.108
ASTM D 445–01, Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (the Calculation of Dynamic Viscosity).	94.108
ASTM D 613–01, Standard Test Method for Cetane Number of Diesel Fuel Oil .....	94.108
ASTM D 1319–02a, Standard Test Method for Hydrocarbon Types in Liquid Petroleum Products by Fluorescent Indicator Adsorption.	94.108
ASTM D 2622–98, Standard Test Method for Sulfur in Petroleum Products by Wavelength Dispersive X-ray Fluorescence Spectrometry.	94.108
ASTM D 5186–99, Standard Test Method for Determination of the Aromatic Content and Polynuclear Aromatic Content of Diesel Fuels and Aviation Turbine Fuels by Supercritical Fluid Chromatography.	94.108
ASTM E 29–02, Standard Practice for Using Significant Digits in Test Data to Determine Conformance with Specifications.	94.2

(b) *ISO material.* Table 2 of § 94.5 lists material from the International Organization for Standardization that we have incorporated by reference. The first column lists the number and name of the material. The second column lists the section of this part where we

reference it. Anyone may purchase copies of these materials from the International Organization for Standardization, Case Postale 56, CH–1211 Geneva 20, Switzerland.  
Table 2 follows:

TABLE 2 OF § 94.5—ISO MATERIALS

Document No. and name	40 CFR part 94 reference
ISO 8178–1, Reciprocating internal combustion engines—Exhaust emission measurement—Part 1: Test-bed measurement of gaseous and particulate exhaust emissions, 1996.	94.109

(c) *IMO material.* Table 3 of § 94.5 lists material from the International Maritime Organization that we have incorporated by reference. The first column lists the number and name of the material. The second column lists the section of this part where we reference it.

Anyone may purchase copies of these materials from the International Maritime Organization, 4 Albert Embankment, London SE1 7SR, United Kingdom.  
Table 3 follows:

TABLE 3 OF § 94.5—IMO MATERIALS

Document No. and name	40 CFR part 94 reference
Resolution 2—Technical Code on Control of Emission of Nitrogen Oxides from Marine Diesel Engines, 1997.	94.2, 94.11, 94.108, 94.109, 94.204, 94.211, 94.1004.

[68 FR 9781, Feb. 28, 2003]

**§ 94.6 Regulatory structure.**

This section provides an overview of the regulatory structure of this part.

(a) The regulations of this Part 94 are intended to control emissions from in-use marine engines.

(b) The engines for which the regulations of this part (i.e., 40 CFR part 94) apply are specified by § 94.1, and by the definitions of § 94.2. The point at which an engine or vessel becomes subject to

the regulations of this part is determined by the definitions of new marine engine and new marine vessel in § 94.2. Subpart J of this part contains provisions exempting certain engines and vessels from the emission standards in this part under special circumstances.

(c) To comply with the requirements of this part, a manufacturer must demonstrate to EPA that the engine meets the applicable standards of §§ 94.7 and 94.8, and all other requirements of this