

§ 1039.650

40 CFR Ch. I (7–1–08 Edition)

EFFECTIVE DATE NOTE: At 73 FR 37241, June 30, 2008, §1039.645 was amended by revising paragraph (b)(1), effective July 7, 2008. For the convenience of the user, the revised text is set forth as follows:

§ 1039.645 What special provisions apply to engines used for transportation refrigeration units?

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(b) * * *

(1) The following duty cycle applies for discrete-mode testing:

TABLE 1 OF § 1039.645.—DISCRETE-MODE CYCLE FOR TRU ENGINES

Mode number	Engine speed ¹	Torque (percent) ²	Weighting factors
1	Maximum test speed	75	0.25
2	Maximum test speed	50	0.25
3	Intermediate test speed	75	0.25
4	Intermediate test speed	50	0.25

¹Speed terms are defined in 40 CFR part 1065.

²The percent torque is relative to the maximum torque at the given engine speed.

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§ 1039.650 [Reserved]

§ 1039.655 What special provisions apply to engines sold in Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands?

(a) The prohibitions in §1068.101(a)(1) do not apply to an engine if the following conditions are met:

(1) The engine is intended for use and will be used in Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands.

(2) The engine meets the latest applicable emission standards in 40 CFR 89.112.

(3) You meet all the requirements of 40 CFR 1068.265.

(b) If you introduce an engine into commerce in the United States under this section, you must meet the labeling requirements in 40 CFR 89.110, but add the following statement instead of the compliance statement in 40 CFR 89.110(b)(10):

THIS ENGINE DOES NOT COMPLY WITH U.S. EPA TIER 4 EMISSION REQUIREMENTS. IMPORTING THIS ENGINE INTO THE UNITED STATES OR ANY TERRITORY OF THE UNITED STATES EXCEPT GUAM, AMERICAN SAMOA, OR THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS MAY BE A VIOLATION OF FEDERAL LAW SUBJECT TO CIVIL PENALTY.

(c) Introducing into commerce an engine exempted under this section in

any state or territory of the United States other than Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands, throughout its lifetime, violates the prohibitions in 40 CFR 1068.101(a)(1), unless it is exempt under a different provision.

[69 FR 39213, June 29, 2004, as amended at 70 FR 40464, July 13, 2005]

§ 1039.660 What special provisions apply to Independent Commercial Importers?

Under §1039.801, certain engines are considered to be new engines when they are imported into the United States, even if they have previously been used outside the country. Independent Commercial Importers may use the provisions of 40 CFR part 89, subpart G, and 40 CFR 89.906(b) to receive a certificate of conformity for engines meeting all the requirements of this part 1039.

Subpart H—Averaging, Banking, and Trading for Certification

§ 1039.701 General provisions.

(a) You may average, bank, and trade (ABT) emission credits for purposes of certification as described in this subpart to show compliance with the standards of this part. Participation in this program is voluntary.

(b) Section 1039.740 restricts the use of emission credits to certain averaging sets.