

§ 1042.140

40 CFR Ch. I (7-1-08 Edition)

by reference in §1042.910). You may omit this information from the label if there is not enough room for it and you put it in the owners manual instead.

(10) State: "THIS MARINE ENGINE COMPLIES WITH U.S. EPA REGULATIONS FOR [MODEL YEAR].".

(11) For an engine that can be modified to operate on residual fuel, but has not been certified to meet the standards on such a fuel, include the statement: "THIS ENGINE IS CERTIFIED FOR OPERATION ONLY WITH DIESEL FUEL. MODIFYING THE ENGINE TO OPERATE ON RESIDUAL OR INTERMEDIATE FUEL MAY BE A VIOLATION OF FEDERAL LAW SUBJECT TO CIVIL PENALTIES.".

(d) You may add information to the emission control information label as follows:

(1) You may identify other emission standards that the engine meets or does not meet (such as international standards). You may include this information by adding it to the statement we specify or by including a separate statement.

(2) You may add other information to ensure that the engine will be properly maintained and used.

(3) You may add appropriate features to prevent counterfeit labels. For example, you may include the engine's unique identification number on the label.

(e) For engines requiring ULSD, create a separate label with the statement: "ULTRA LOW SULFUR DIESEL FUEL ONLY". Permanently attach this label to the vessel near the fuel inlet or, if you do not manufacture the vessel, take one of the following steps to ensure that the vessel will be properly labeled:

(1) Provide the label to each vessel manufacturer and include in the emission-related installation instructions the requirement to place this label near the fuel inlet.

(2) Confirm that the vessel manufacturers install their own complying labels.

(f) You may ask us to approve modified labeling requirements in this part 1042 if you show that it is necessary or appropriate. We will approve your request if your alternate label is con-

sistent with the intent of the labeling requirements of this part.

(g) If you obscure the engine label while installing the engine in the vessel such that the label will be hard to read during normal maintenance, you must place a duplicate label on the vessel. If others install your engine in their vessels in a way that obscures the engine label, we require them to add a duplicate label on the vessel (see 40 CFR 1068.105); in that case, give them the number of duplicate labels they request and keep the following records for at least five years:

(1) Written documentation of the request from the vessel manufacturer.

(2) The number of duplicate labels you send for each family and the date you sent them.

§1042.140 Maximum engine power, displacement, and power density.

This section describes how to determine the maximum engine power, displacement, and power density of an engine for the purposes of this part. Note that maximum engine power may differ from the definition of "maximum test power" in §1042.901.

(a) An engine configuration's maximum engine power is the maximum brake power point on the nominal power curve for the engine configuration, as defined in this section. Round the power value to the nearest whole kilowatt.

(b) The nominal power curve of an engine configuration is the relationship between maximum available engine brake power and engine speed for an engine, using the mapping procedures of 40 CFR part 1065, based on the manufacturer's design and production specifications for the engine. This information may also be expressed by a torque curve that relates maximum available engine torque with engine speed.

(c) An engine configuration's per-cylinder displacement is the intended swept volume of each cylinder. The swept volume of the engine is the product of the internal cross-section area of the cylinders, the stroke length, and the number of cylinders. Calculate the engine's intended swept volume from the design specifications for the cylinders using enough significant figures

to allow determination of the displacement to the nearest 0.02 liters. Determine the final value by truncating digits to establish the per-cylinder displacement to the nearest 0.1 liters. For example, for an engine with circular cylinders having an internal diameter of 13.0 cm and a 15.5 cm stroke length, the rounded displacement would be: $(13.0/2)^2 \times (\pi) \times (15.5) \div 1000 = 2.0$ liters.

(d) The nominal power curve and intended swept volume must be within the range of the actual power curves and swept volumes of production engines considering normal production variability. If after production begins, it is determined that either your nominal power curve or your intended swept volume does not represent production engines, we may require you to amend your application for certification under § 1042.225.

(e) Throughout this part, references to a specific power value for an engine are based on maximum engine power. For example, the group of engines with maximum engine power above 600 kW may be referred to as engines above 600 kW.

(f) Calculate an engine family's power density in kW/L by dividing the unrounded maximum engine power by the engine's unrounded per-cylinder displacement, then dividing by the number of cylinders. Round the calculated value to the nearest whole number.

§ 1042.145 Interim provisions.

(a) *General.* The provisions in this section apply instead of other provisions in this part for Category 1 and Category 2 engines. This section describes when these interim provisions expire.

(b) *Delayed standards.* Post-manufacturer marinizers that are small-volume engine manufacturers may delay compliance with the Tier 3 standards for engines below 600 kW as follows:

(1) You may delay compliance with the Tier 3 standards for one model year, as long as the engines meet all the requirements that apply to Tier 2 engines.

(2) You may delay compliance with the NTE standards for Tier 3 engines for three model years in addition to the one-year delay specified in paragraph

(b)(1) of this section, as long as the engines meet all other Tier 3 requirements for the appropriate model year.

(c) *Part 1065 test procedures.* You must generally use the test procedures specified in subpart F of this part, including the applicable test procedures in 40 CFR part 1065. As specified in this paragraph (c), you may use a combination of the test procedures specified in this part and the test procedures specified for Tier 2 engines before January 1, 2015. After this date, you must use test procedures only as specified in subpart F of this part.

(1) You may determine maximum test speed for engines below 37 kW as specified in 40 CFR part 89 without request through the 2009 model year.

(2) Before January 1, 2015, you may ask to use some or all of the procedures specified in 40 CFR part 94 (or 40 CFR part 89 for engines below 37 kW) for engines certified under this part 1042. If you ask to rely on a combination of procedures under this paragraph (c)(2), we will approve your request only if you show us that it does not affect your ability to demonstrate compliance with the applicable emission standards. This generally requires that the combined procedures would result in emission measurements at least as high as those that would be measured using the procedures specified in this part. Alternatively, you may demonstrate that the combined effects of the different procedures is small relative to your compliance margin (the degree to which your emissions are below the applicable standards).

(d) [Reserved]

(e) *Delayed compliance with NTE standards.* Engines below 56 kW may delay complying with the NTE standards specified in § 1042.101(c) until the 2013 model year. Engines at or above 56 kW and below 75 kW may delay complying with the NTE standards specified in § 1042.101(c) until the 2012 model year.

(f) *In-use compliance limits.* The provisions of this paragraph (f) apply for the first three model years of the Tier 4 standards. For purposes of determining compliance based on testing other than certification or production-line testing, calculate the applicable in-use