

Drive, Warrendale, PA 15096 or www.sae.org.
Table 4 follows:

TABLE 4 OF § 1065.1010.—SAE MATERIALS

| Document No. and name | Part 1065 reference |
|---|---------------------|
| "Optimization of Flame Ionization Detector for Determination of Hydrocarbon in Diluted Automotive Exhausts," Reschke Glen D., SAE 770141 | 1065.360 |
| "Relationships Between Instantaneous and Measured Emissions in Heavy Duty Applications," Ganesan B. and Clark N. N., West Virginia University, SAE 2001-01-3536 | 1065.309 |

(e) *California Air Resources Board material.* Table 5 of this section lists material from the California Air Resources Board 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 get copies of these materials from the California Air Resources Board, 9528 Telstar Ave., El Monte, California 91731. Table 5 follows:

TABLE 5 OF § 1065.1010.—CALIFORNIA AIR RESOURCES BOARD MATERIALS

| Document No. and name | Part 1065 reference |
|---|---------------------|
| "California Non-Methane Organic Gas Test Procedures," Amended July 30, 2002, Mobile Source Division, California Air Resources Board | 1065.805 |

(f) *Institute of Petroleum material.* Table 6 of this section lists the Institute of Petroleum standard test methods material from the Energy Institute that we have incorporated by reference. The first column lists the number and name of the material. The second col-

umn lists the section of this part where we reference it. Anyone may purchase copies of these materials from the Energy Institute, 61 New Cavendish Street, London, W1G 7AR, UK, +44 (0)20 7467 7100 or www.energyinst.org.uk. Table 6 follows:

TABLE 6 OF § 1065.1010.—INSTITUTE OF PETROLEUM MATERIALS

| Document No. and name | Part 1065 reference |
|--|---------------------|
| IP-470, Determination of aluminum, silicon, vanadium, nickel, iron, calcium, zinc, and sodium in residual fuels by atomic absorption spectrometry | 1065.705 |
| IP-500, Determination of the phosphorus content of residual fuels by ultra-violet spectrometry | 1065.705 |
| IP-501, Determination of aluminum, silicon, vanadium, nickel, iron, sodium, calcium, zinc and phosphorus in residual fuel oil by ashing, fusion and inductively coupled plasma emission spectrometry | 1065.705 |

PART 1068—GENERAL COMPLIANCE PROVISIONS FOR NONROAD PROGRAMS

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APPENDIX II TO PART 1068—EMISSION-RELATED PARAMETERS AND SPECIFICATIONS

AUTHORITY: 42 U.S.C. 7401-7671q.

SOURCE: 67 FR 68347, Nov. 8, 2002, unless otherwise noted.

Subpart A—Applicability and Miscellaneous Provisions

§ 1068.1 Does this part apply to me?

- (a) The provisions of this part apply to everyone with respect to the following engines and to equipment using the following engines (including owners, operators, parts manufacturers, and persons performing maintenance).
 - (1) Large nonroad spark-ignition engines we regulate under 40 CFR part 1048.
 - (2) Recreational SI engines and vehicles that we regulate under 40 CFR

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part 1051 (such as snowmobiles and off-highway motorcycles).

(3) Land-based nonroad diesel engines that we regulate under 40 CFR part 1039.

(4) Stationary compression-ignition engines certified to the provisions of 40 CFR part 1039, as indicated under 40 CFR part 60, subpart IIII.

(5) Stationary spark-ignition engines certified using provisions in 40 CFR part 1048, as indicated under 40 CFR part 60, subpart JJJJ.

(b) This part does not apply to any of the following engine or vehicle categories:

(1) Light-duty motor vehicles (see 40 CFR part 86).

(2) Heavy-duty motor vehicles and motor vehicle engines (see 40 CFR part 86).

(3) Aircraft engines (see 40 CFR part 87).

(4) Locomotive engines (see 40 CFR part 92).

(5) Land-based nonroad diesel engines that we regulate under 40 CFR part 89.

(6) Marine diesel engines (see 40 CFR parts 89 and 94)

(7) Marine outboard and personal watercraft engines (see 40 CFR part 91).

(8) Small nonroad spark-ignition engines (see 40 CFR part 90).

(c) For equipment subject to this part and regulated under equipment-based standards, interpret the term "engine" in this part to include equipment (see §1068.30).

(d) Paragraph (a)(1) of this section identifies the parts of the CFR that define emission standards and other requirements for particular types of engines and vehicles. This part 1068 refers to each of these other parts generically as the "standard-setting part." For example, 40 CFR part 1051 is always the standard-setting part for snowmobiles. Follow the provisions of the standard-setting part if they are different than any of the provisions in this part.

(e)(1) The provisions of §§1068.30, 1068.310, and 1068.320 apply for stationary spark-ignition engines built on or after January 1, 2004, and for stationary compression-ignition engines built on or after January 1, 2006.

(2) The provisions of §§1068.30 and 1068.235 apply for the types of engines listed in paragraph (a) of this section

beginning January 1, 2004, where they are used solely for competition.

[69 FR 39263, June 29, 2004, as amended at 71 FR 39185, July 11, 2006; 73 FR 3613, Jan. 18, 2008]

EFFECTIVE DATE NOTE: At 73 FR 37349, June 30, 2008, §1068.1 was amended by adding paragraphs (a)(6), and (a)(7), and revising paragraphs (b)(4) and (b)(6), effective July 7, 2008. For the convenience of the user, the added and revised text is set forth as follows:

§ 1068.1 Does this part apply to me?

(a) * * *

(6) Locomotives and locomotive engines we regulate under 40 CFR part 1033.

(7) Marine compression-ignition engines we regulate under 40 CFR part 1042.

(b) * * *

(4) Locomotives and locomotive engines we regulate under 40 CFR part 92.

* * * * *

(6) Marine diesel engines we regulate under 40 CFR part 89 or 94.

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§ 1068.5 How must manufacturers apply good engineering judgment?

(a) You must use good engineering judgment for decisions related to any requirements under this chapter. This includes your applications for certification, any testing you do to show that your certification, production-line, and in-use engines comply with requirements that apply to them, and how you select, categorize, determine, and apply these requirements.

(b) If we send you a written request, you must give us a written description of the engineering judgment in question. Respond within 15 working days of receiving our request unless we allow more time.

(c) We may reject your decision if it is not based on good engineering judgment or is otherwise inconsistent with the requirements that apply, based on the following provisions:

(1) We may suspend, revoke, or void a certificate of conformity if we determine you deliberately used incorrect information or overlooked important information, that you did not decide in good faith, or that your decision was not rational.

(2) If we believe a different decision would better reflect good engineering