

Document number and name	40 CFR part 89 reference
ASTM D86–97: "Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure" ...	Appendix A to Subpart D.
ASTM D93–97: "Standard Test Methods for Flash Point by Pensky-Martens Closed Cup Tester"	Appendix A to Subpart D.
ASTM D129–95: "Standard Test Method for Sulfur in Petroleum Products (General Bomb Method)"	Appendix A to Subpart D.
ASTM D287–92: "Standard Test Method for API Gravity of Crude Petroleum and Petroleum Products" (Hydrometer Method).	Appendix A to Subpart D.
ASTM D445–97: "Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (the Calculation of Dynamic Viscosity)".	Appendix A to Subpart D.
ASTM D613–95: "Standard Test Method for Cetane Number of Diesel Fuel Oil"	Appendix A to Subpart D.
ASTM D1319–98: "Standard Test Method for Hydrocarbon Types in Liquid Petroleum Products by Fluorescent Indicator Adsorption".	Appendix A to Subpart D.
ASTM D2622–98: "Standard Test Method for Sulfur in Petroleum Products by Wavelength Dispersive X-ray Fluorescence Spectrometry".	Appendix A to Subpart D.
ASTM D5186–96: "Standard Test Method for "Determination of the Aromatic Content and Polynuclear Aromatic Content of Diesel Fuels and Aviation Turbine Fuels By Supercritical Fluid Chromatography".	Appendix A to Subpart D.
ASTM E29–93a: "Standard Practice for Using Significant Digits in Test Data to Determine Conformance with Specifications".	89.120; 89.207; 89.509.

[59 FR 31335, June 17, 1994, as amended at 63 FR 56997, Oct. 23, 1998]

§ 89.7 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 part 2, subpart B of this chapter.

(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 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 the Administrator only to the extent and by means of the procedures set forth in part 2, subpart B of this chapter.

(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 § 2.204(c)(2)(i)(A) of this chapter.

**APPENDIX A TO SUBPART A OF PART 89—
STATE REGULATION OF NONROAD INTERNAL COMBUSTION ENGINES**

This appendix sets forth the Environmental Protection Agency's (EPA's) interpretation of the Clean Air Act regarding the authority of states to regulate the use and operation of nonroad engines.

EPA believes that states are not precluded under section 209 from regulating the use and operation of nonroad engines, such as regulations on hours of usage, daily mass emission limits, or sulfur limits on fuel; nor are permits regulating such operations precluded, once the engine is no longer new. EPA believes that states are precluded from requiring retrofitting of used nonroad engines except that states are permitted to