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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2004–18343; Airspace Docket No. 04–AAL–11]

Establishment of Class E Airspace; Alpine Airstrip, Nuiqsut, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Alpine Airstrip, Nuiqsut, AK to provide adequate controlled airspace to contain aircraft executing two new Standard Instrument Approach Procedures (SIAP). This Rule results in new Class E airspace upward from 700 feet (ft.) above the surface at Alpine Airstrip, Nuiqsut, AK.

EFFECTIVE DATE: 0901 UTC, November 25, 2004.

FOR FURTHER INFORMATION CONTACT: Jesse Patterson, AAL–538G, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587; telephone number (907) 271–5898; fax: (907) 271–2850; e-mail: *Jesse.ctr.Patterson@faa.gov*. Internet address: *http://www.alaska.faa.gov/at*.

SUPPLEMENTARY INFORMATION:

History

On Thursday, July 8, 2004, the FAA proposed to revise part 71 of the Federal Aviation Regulations (14 CFR part 71) to create new Class E airspace upward from 700 ft. above the surface at Alpine Airstrip, Nuiqsut, AK (69 FR 41216). The action was proposed in order to add Class E airspace sufficient in size to contain aircraft while executing two new SIAP's for the Alpine Airstrip, Nuiqsut Airport. The new approaches are (1) Area Navigation-Global Positioning System (RNAV GPS) RWY 3, original and (2) RNAV GPS RWY 21, original. New Class E controlled airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Alpine Airstrip, excluding the Nuiqsut Airport Class E airspace area is established by this action. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No public comments have been received, thus, the rule is adopted as proposed.

The area will be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. The Class E airspace areas designated as 700/1200 foot transition areas are published in paragraph 6005 of FAA Order 7400.9L, *Airspace Designations and Reporting Points*, dated September 2, 2003, and effective September 16, 2003, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This revision to 14 CFR part 71 establishes Class E airspace at Alpine Airstrip, Nuiqsut, Alaska. This additional Class E airspace was created to accomodate aircraft executing two new SIAPs and will be depicted on aeronautical charts for pilot reference. The intended effect of this rule is to provide adequate controlled airspace for IFR operations at Alpine Airstrip, Nuiqsut, Alaska.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9L, *Airspace Designations and Reporting Points*, dated September 2, 2003, and effective September 16, 2003, is amended as follows:

* * * * *

Paragraph 6005 Class E airspace extending upward from 700 feet or more above the surface of the earth.

* * * * *

AAL AK E5 Alpine Airstrip, Nuiqsut, AK [New]

Alpine Airstrip, Nuiqsut Airport, AK
(Lat. 70°20′39″ N., long. 150°56′41″ W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Alpine Airstrip, excluding the Nuiqsut Airport Class E airspace.

* * * * *

Issued in Anchorage, AK, on August 31, 2004.

Anthony M. Wylie,

Acting Manager, Air Traffic Division, Alaskan Region.

[FR Doc. 04–20487 Filed 9–9–04; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2003–18061; Airspace Docket No. 04–AAL–09]

Establishment of Class E Airspace; Beaver, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Beaver, AK to provide adequate controlled airspace to contain aircraft executing two new Standard Instrument Approach Procedures (SIAP). This Rule results in new Class E airspace upward from 700 feet (ft.) above the surface at Beaver, AK.

EFFECTIVE DATE: 0901 UTC, November 25, 2004.

FOR FURTHER INFORMATION CONTACT: Jesse Patterson, AAL–538G, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587; telephone number (907) 271–5898; fax: (907) 271–2850; e-mail: *Jesse.ctr.Patterson@faa.gov*. Internet address: *http://www.alaska.faa.gov/at*.

SUPPLEMENTARY INFORMATION:

History

On Friday, July 2, 2004, the FAA proposed to revise part 71 of the Federal Aviation Regulations (14 CFR part 71) to create new Class E airspace upward from 700 ft. above the surface at Beaver, AK (69 FR 40330). The action was proposed in order to add Class E airspace sufficient in size to contain aircraft while executing two new SIAPs for the Beaver Airport. The new approaches are (1) Area Navigation-Global Positioning System (RNAV GPS) Runway (RWY) 5, original, and (2) RNAV GPS RWY 23, original. Additional Class E controlled airspace extending upward from 700 feet above the surface within a 6.9-mile radius of the Beaver Airport area is established by this action. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No public comments have been received, thus, the rule is adopted as proposed.

The area will be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. The Class E airspace areas designated as 700/1200 foot transition areas are published in paragraph 6005 of FAA Order 7400.9L, *Airspace Designations and Reporting Points*, dated September 2, 2003, and effective September 16, 2003, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This revision to 14 CFR part 71 establishes Class E airspace at Beaver, Alaska. Additional Class E airspace is being created to accommodate aircraft executing two new SIAPs and will be depicted on aeronautical charts for pilot reference. The intended effect of this rule is to provide adequate controlled airspace for IFR operations at Beaver Airport, Beaver, Alaska.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9L, *Airspace Designations and Reporting Points*, dated September 2, 2003, and effective September 16, 2003, is amended as follows:

* * * * *

Paragraph 6005 Class E airspace extending upward from 700 feet or more above the surface of the earth.

* * * * *

AAL AK E5 Beaver, AK [New]

Beaver Airport, AK
(Lat. 66°21′44″ N., long. 147°24′24″ W.)

That airspace extending upward from 700 feet above the surface within a 6.9-mile radius of the Beaver Airport.

* * * * *

Issued in Anchorage, AK, on August 31, 2004.

Anthony M. Wylie,

Acting Manager, Air Traffic Division, Alaskan Region.

[FR Doc. 04–20488 Filed 9–9–04; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2004–18342; Airspace Docket No. 04–AAL–10]

Establishment of Class E Airspace; Nulato, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Nulato, AK to provide adequate controlled airspace to contain aircraft executing two new Standard Instrument Approach Procedures (SIAP). This Rule results in new Class E airspace upward from 700 feet (ft.) and 1,200 feet above the surface at Nulato, AK.

EFFECTIVE DATE: 0901 UTC, November 25, 2004.

FOR FURTHER INFORMATION CONTACT: Jesse Patterson, AAL–538G, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587; telephone number (907) 271–5898; fax: (907) 271–2850; e-mail: *Jesse.ctr.Patterson@faa.gov*. Internet address: *http://www.alaska.faa.gov/at*.

SUPPLEMENTARY INFORMATION:

History

On Thursday, July 8, 2004, the FAA proposed to revise part 71 of the Federal Aviation Regulations (14 CFR part 71) to create new Class E airspace upward from 700 ft. and 1,200 ft. above the surface at Nulato, AK (69 FR 41218). The action was proposed in order to add

Class E airspace sufficient in size to contain aircraft while executing two new Standard Instrument Approach Procedures for the Nulato Airport. The new approaches are (1) Area Navigation-Global Positioning System (RNAV GPS) Runway (RWY) 2, original and (2) RNAV (GPS) RWY 20, original. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No public comments have been received, thus, the rule is adopted as proposed.

The area will be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. The Class E airspace areas designated as 700/1200 foot transition areas are published in paragraph 6005 of FAA Order 7400.9L, *Airspace Designations and Reporting Points*, dated September 2, 2003, and effective September 16, 2003, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This revision to 14 CFR part 71 establishes Class E airspace at Nulato, Alaska. This additional Class E airspace was created to accomodate aircraft executing two new SIAPs and will be depicted on aeronautical charts for pilot reference. The intended effect of this rule is to provide adequate controlled airspace for IFR operations at Nulato Airport, Nulato, Alaska.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9L, *Airspace Designations and Reporting Points*, dated September 2, 2003, and effective September 16, 2003, is amended as follows:

* * * * *

Paragraph 6005 Class E airspace extending upward from 700 feet or more above the surface of the earth.

* * * * *

AAL AK E5 Nulato, AK [New]

Nulato Airport, AK
(Lat. 64°43′46″ N., long. 158°04′27″ W.)

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Nulato Airport and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of 64°32′10″ N, 158°18′43″ W, excluding the Galena Class E airspace and that airspace designated for federal airways.

* * * * *

Issued in Anchorage, AK, on August 31, 2004.

Anthony M. Wylie,

Acting Manager, Air Traffic Division, Alaskan Region.

[FR Doc. 04–20489 Filed 9–9–04; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

15 CFR Part 801

[Docket No. 040521151–4248–02]

RIN 0691–AA56

International Services Surveys: BE–22, Annual Survey of Selected Services Transactions With Unaffiliated Foreign Persons

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Final rule.

SUMMARY: This final rule revises regulations for the BE–22, Annual Survey of Selected Services Transactions with Unaffiliated Foreign Persons.

The BE–22 survey is conducted by the Bureau of Economic Analysis (BEA), U.S. Department of Commerce, under the International Investment and Trade in Services Survey Act. The data are needed to compile the U.S. international transactions, national income and product, and input-output accounts; support U.S. economic policy; assess U.S. competitiveness in international trade in services; and improve the ability of U.S. businesses to identify and evaluate market opportunities.

This final rule changes the services covered by the survey. Specifically, the BE–22 annual survey will no longer cover the services that are covered by the new BE–25, Quarterly Survey of Transactions Between U.S. and Unaffiliated Foreign Persons in Selected Services and in Intangible Assets.

DATES: This final rule will be effective October 12, 2004.

FOR FURTHER INFORMATION CONTACT: Obie G. Whichard, Chief, International Investment Division (BE–50), Bureau of Economic Analysis, U.S. Department of Commerce, Washington, DC 20230; phone (202) 606–9800 or email (*obie.whichard@bea.gov*).

SUPPLEMENTARY INFORMATION: In the June 7, 2004 **Federal Register**, 69 FR 31771–31772, BEA published a notice of proposed rulemaking setting forth revised reporting requirements for the BE–22, Annual Survey of Selected Services Transactions with Unaffiliated Foreign Persons. BEA received one comment on the notice stating that the proposal did not contain enough detail for the public to truly comment and suggesting that it be reposted with fuller information. BEA did not repost the proposed rule for further comment because the original proposed rule contained sufficient information for public comment. BEA did respond to the commenter, explaining the reasons for the form of the proposal and indicating how more information on the BE–22 survey could be obtained. BEA directed the commenter to Internet sites where the existing rule and the survey form and instructions could be viewed and downloaded. Finally, BEA listed the services that would not be covered by the proposed survey but were covered on the prior version of the survey. Because no comments were received on the substance of the proposed rule, the rule is adopted without change.

This final rule amends 15 CFR Part 801 by revising § 801.9(b)(6)(ii) to set forth revised reporting requirements for the BE–22, Annual Survey of Selected Services Transactions with Unaffiliated Foreign Persons. The survey is conducted by the BEA, U.S. Department of Commerce, under the International Investment and Trade in Services Survey Act (Pub. L. 94–472, 90 Stat. 2059, 22 U.S.C. 3101–3108). Section 4(a) of the Act (22 U.S.C. 3103(a)) provides that the President shall, to the extent he deems necessary and feasible, conduct a regular data collection program to secure current information related to international investment and trade in services and publish for the use of the general public and the United States Government agencies periodic, regular, and comprehensive statistical information collected pursuant to this subsection. In Section 3 of Executive Order 11961, as amended by Executive Order 12518, the President delegated the authority under the Act as concerns international trade in services to the Secretary of Commerce, who has redelegated it to BEA.

The BE–22 is an annual survey of selected services transactions with unaffiliated foreign persons. The data are needed to compile the U.S. international transactions, national income and product, and input-output accounts; support U.S. economic policy; assess U.S. competitiveness in international trade in services; and improve the ability of U.S. businesses to identify and evaluate market opportunities.

This final rule revises the list of items set forth in section 801.9(b)(6)(ii), ''Covered services,'' of the existing rule to exclude the following services: Accounting, auditing, and bookkeeping services; computer and data processing services; database and other information services; industrial engineering services; industrial-type maintenance, installation, alteration, and training services; legal services; management consulting, and public relations services; operational leasing services; research, development, and testing services; telecommunications services; and auxiliary insurance services transactions by insurance companies.

Executive Order 12866

This final rule has been determined to be not significant for purposes of E.O. 12866.

Executive Order 13132

This final rule does not contain policies with Federalism implications as that term is defined in E.O. 13132.

Paperwork Reduction Act

The collection of information required in this final rule has been approved by the Office of Management and Budget under the Paperwork Reduction Act (PRA).

Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA unless that collection displays a currently valid OMB Control Number. The OMB number for the BE–22 is 0608–0060; the collection will display this control number.

The survey is expected to result in the filing of reports from approximately 800 respondents. The respondent reporting burden for this collection of information is estimated to vary from less than four hours to 300 hours, with an overall average burden of 11.5 hours. This includes time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Thus, the total respondent burden of the survey is estimated at about 9,200 hours (800 responses times 11.5 hours average burden).

Comments regarding the burden estimate or any other aspect of this collection of information should be addressed to: Director, Bureau of Economic Analysis (BE–1), U.S. Department of Commerce, Washington, DC 20230 (fax: 202–606–5311); and either faxed (202–395–7245) or e-mailed (*pbugg@omb.eop.gov*) to the Office of Management and Budget, O.I.R.A. (Attention PRA Desk Officer for BEA).

Regulatory Flexibility Act

The Chief Counsel for Regulation, Department of Commerce, has certified to the Chief Counsel for Advocacy, Small Business Administration, under the provisions of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that this final rule will not have a significant economic impact on a substantial number of small entities. Although BEA does not collect data on total sales or other measures of the overall size of businesses that respond to the survey, historically the respondent universe has been comprised mainly of major U.S. corporations. With the exemption level for the survey being $1 million in covered receipts or payments, the reporting threshold for this survey is set at a level that will exempt most small businesses from reporting. Of those smaller businesses that must report, most will tend to have specialized operations and activities and thus will be likely to report only one type of service transaction, often limited to transactions with a single partner country; therefore, the burden on them can be expected to be small.

List of Subjects in 15 CFR Part 801

Economic statistics, Foreign trade, Penalties, Reporting and recordkeeping requirements.

Dated: August 23, 2004.

Rosemary D. Marcuss,

Deputy Director, Bureau of Economic Analysis.

■ For the reasons set forth in the preamble, BEA amends 15 CFR part 801, as follows:

PART 801—SURVEY OF INTERNATIONAL TRADE IN SERVICES BETWEEN U.S. AND FOREIGN PERSONS

■ 1. The authority citation for 15 CFR part 801 is revised to read as follows:

Authority: 5 U.S.C. 301; 15 U.S.C. 4908; 22 U.S.C. 3101–3108; E.O. 11961, 3 CFR, 1977 Comp., p. 86, as amended by E.O. 12318, 3 CFR, 1981 Comp., p. 173, and E.O. 12518, 3 CFR, 1985 Comp., p. 348.

■ 2. Section 801.9(b)(6)(ii) is revised to read as follows:

§ 801.9 Reports required.

* * * * *

(b) * * *

(6) * * *

(ii) *Covered services.* The covered services are: Advertising services; auxiliary insurance services (by non-insurance companies only); educational and training services; financial services (purchases only by non-financial services providers); medical services, inpatient (receipts only); medical services, other than inpatient (receipts only); merchanting services (receipts only); mining services; disbursements to fund news-gathering costs of broadcasters; disbursements to fund news-gathering costs of print media; disbursements to fund production costs of motion pictures; disbursements to fund production costs of broadcast program material other than news; disbursements to maintain government tourism and business promotion offices; disbursements for sales promotion and representation; disbursements to participate in foreign trade shows (purchases only); other trade-related services; performing arts, sports, and other live performances, presentations, and events; primary insurance premiums (payments only); primary insurance losses recovered; sale or purchase of rights to natural resources, and lease bonus payments; use or lease

of rights to natural resources, excluding lease bonus payments; waste treatment and depollution services; and other private services (language translation services; salvage services; security services; account collection services; satellite photography and remote sensing/satellite imagery services; space transport (includes satellite launches, transport of goods and people for scientific experiments, and space passenger transport); and transcription services).

* * * * *

[FR Doc. 04–20502 Filed 9–9–04; 8:45 am]

BILLING CODE 3510–06–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[VA139–5073a; FRL –7810–7]

Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants, Commonwealth of Virginia; Control of Emissions From Existing Hospital/Medical/Infectious Waste Incinerator Units

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve the hospital/medical/infectious incinerator (HMIWI) section 111(d)/129 plan (the ''plan'') submitted to EPA on August 25, 2003 by the Virginia Department of Environmental Quality (DEQ). The plan includes supplemental information submitted on August 11, 2003, and April 6, and July 23, 2004. The plan establishes emission limits, monitoring, operating, and recordkeeping requirements for commercial and industrial solid waste incinerator units for which construction commenced on or before November 30, 1999. Submittal and approval of the plan fulfills a Clean Air Act (the Act) requirement for the Commonwealth of Virginia. As a result, the Federal plan (65 FR 49868, August 15, 2000) is no longer applicable, as of the effective date of this action.

DATES: This rule is effective on November 9, 2004 without further notice, unless EPA receives written comment by October 12, 2004. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by VA139–5073 by one of the following methods:

A. Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.

B. E-mail: [*wilkie.walter@epa.gov*].

C. Mail: Walter Wilkie, Chief, Air Quality Analysis Branch, Mailcode 3AP22, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. Hand Delivery: At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. VA139–5073. EPA's policy is that all comments received will be included in the public docket without change, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through regulations.gov or e-mail. The Federal regulations.gov Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; and the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

FOR FURTHER INFORMATION CONTACT: James B. Topsale, P.E., at (215) 814–2190, or by e-mail at *topsale.jim@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

Sections 111(d)/129 of the Act require states to submit plans to control certain pollutants (designated pollutants) at existing solid waste combustion facilities (designated facilities) whenever standards of performance have been established under section 111(b) for new sources of the same type, and EPA has established emission guidelines (EG) for such existing sources. A designated pollutant is any pollutant for which no air quality criteria have been issued, and which is not included on a list published under section 108(a) or section 112(b)(1)(A) of the Act, but emissions of which are subject to a standard of performance for new stationary sources. However, section 129 of the Act, also requires EPA to promulgate EG for HMIWI units that emit a mixture of air pollutants. These pollutants include organics (dioxins/furans), carbon monoxide, metals (cadmium, lead, mercury), acid gases (hydrogen chloride, sulfur dioxide, and nitrogen oxides) and particulate matter (including opacity). On September 15, 1997 (62 FR 48348), EPA promulgated HMIWI unit new source performance standards and EG, 40 CFR part 60, subparts Ec and Ce, respectively. The designated facility to which the EG applies is each HMIWI unit, as stipulated in subpart Ce, that commenced construction on or before June 20, 1996.

Section 111(d) of the Act requires that ''designated'' pollutants, regulated under standards of performance for new stationary sources by Section 111(b) of the Act, must also be controlled at existing sources in the same source category to a level stipulated in an emission guidelines (EG) document. Section 129 of the Act specifically addresses solid waste combustion and emissions controls based on what is commonly referred to as ''maximum achievable control technology'' (MACT). Section 129 requires EPA to promulgate a MACT based emission guideline (EG) document for HMIWI units, and then requires states to develop plans that implement the EG requirements. The HMIWI EG under 40 CFR part 60, subpart Ce, establish emission and operating requirements under the authority of the Act, sections 111(d) and 129. These requirements must be incorporated into a State plan that is ''at least as protective'' as the EG, and is Federally-enforceable upon approval by EPA. The procedures for adoption and

submittal of State plans are codified in 40 CFR part 60, subpart B.

II. Review of the Virginia HMIWI Plan

EPA has reviewed the Virginia HMIWI plan in the context of the requirements of 40 CFR part 60, and subparts B and Ce, and the applicable compliance schedule provisions of the related Federal plan, 40 CFR part 62, subpart HHH. A summary of the review is provided below.

A. Identification of Enforceable State Mechanism(s) for Implementing the EG

On August 25, 2003, the DEQ submitted to EPA the required plan, including an enforceable mechanism, the State Air Pollution Control Board's Regulation for the Control and Abatement of Air Pollution, Emission Standards for Hospital/Medical/Infectious Waste Incinerators (Rule 4–44). In addition, related applicable Regulations for General Administration were submitted on August 11, 2003 and April 6, 2004.

B. Demonstration of Legal Authority

DEQ's authority is explained in detail in its August 11, 2003 letter to EPA. The DEQ cites its authority under the Air Pollution Control Law of Virginia at Title 10.1, Chapter 13, Code of Virginia. This is also discussed in the plan narrative, Section I, Legal Authority—State, and the Attorney General's Office certification of authority in a July 1, 1998 letter. The DEQ has sufficient statutory and regulatory authority to implement and enforce the plan.

C. Inventory of HMIWI Units in Virginia Affected by the EG

The plan contains a DEQ inventory of known existing CISWI units that are subject to the plan.

D. Inventory of Emissions From HMIWI Units in Virginia

The submitted plan contains an estimate of emissions from each affected facility. Emissions estimates are provided for organics (dioxins/furans), carbon monoxide, acid gases (hydrogen chloride, sulphur dioxide, and nitrogen oxides), metals (cadmium, lead, mercury), and particulate matter.

E. Emission Limitations for HMIWI Units

The state HMIWI regulation, Rule 4–44, also known as 9 VAC 5 Chapter 40, Article 44, includes emission limitation requirements that are at least as protective as those in the EG, subpart Ce.

F. Compliance Schedules

Rule 4–44 contains a compliance schedule provision (9 VAC 5–40–6200 A) that requires final compliance on or before July 1, 2001, and a separate provision for extending the final compliance date until September 15, 2002. At one time, it was possible to extend the final compliance date for two basic reasons: (1) Additional time was needed to install air pollution control equipment, or (2) additional time was needed for facility closure or shutdown. The Federal plan, which contains an expeditious compliance schedule, as required by the Act, allowed for an extension of the July 1, 2001 final compliance date. If additional time were needed to install air pollution control equipment, the facility owner/operator was required to submit a control plan to EPA by September 15, 2000, or if additional time were needed for facility closure, then the facility owner/operator was required to submit a compliance date extensions request to EPA by a date no later than November 13, 2000. EPA, as the Federal plan implementing agency, has no record of receiving a control plan or compliance date extension request. Neither EPA or the DEQ has at this time the authority under the Act and related rules to grant or approve a compliance date extension request submitted after the noted dates. Accordingly, under the Virginia plan, final compliance is required on or before July 1, 2001 for all affected facilities.

G. Testing, Monitoring, Recordkeeping, and Reporting Requirements

Rule 4–44 includes the applicable source compliance testing, monitoring, recordkeeping, and reporting requirements of the EG.

H. A Record of the Public Hearing on the State Plan

A public hearing for the plan was held in Richmond, Virginia, on May 8, 2002. The DEQ provided evidence of complying with the public notice and other hearing requirements of subpart B.

I. Provision for Annual State Progress Reports to EPA

The DEQ will submit to EPA on an annual basis a report which details the progress in the enforcement of the plan. The first annual progress report will be submitted to EPA, commencing with the first full report period after approval of the Virginia plan.

In 1995, Virginia adopted legislation that provides, subject to certain conditions, for an environmental assessment (audit) ''privilege'' for voluntary compliance evaluations performed by a regulated entity. The legislation further addresses the relative burden of proof for parties either asserting the privilege or seeking disclosure of documents for which the privilege is claimed. Virginia's legislation also provides, subject to certain conditions, for a penalty waiver for violations of environmental laws when a regulated entity discovers such violations pursuant to a voluntary compliance evaluation and voluntarily discloses such violations to the Commonwealth and takes prompt and appropriate measures to remedy the violations. Virginia's Voluntary Environmental Assessment Privilege Law, Va. Code Sec. 10.1–1198, provides a privilege that protects from disclosure documents and information about the content of those documents that are the product of a voluntary environmental assessment. The Privilege Law does not extend to documents or information (1) that are generated or developed before the commencement of a voluntary environmental assessment; (2) that are prepared independently of the assessment process; (3) that demonstrate a clear, imminent and substantial danger to the public health or environment; or (4) that are required by law.

On January 12, 1998, the Commonwealth of Virginia Office of the Attorney General provided a legal opinion that states that the Privilege law, Va. Code Sec. 10.1–1198, precludes granting a privilege to documents and information ''required by law,'' including documents and information ''required by Federal law to maintain program delegation, authorization or approval,'' since Virginia must ''enforce Federally authorized environmental programs in a manner that is no less stringent than their Federal counterparts * * * .'' The opinion concludes that ''[r]egarding § 10.1–1198, therefore, documents or other information needed for civil or criminal enforcement under one of these programs could not be privileged because such documents and information are essential to pursuing enforcement in a manner required by Federal law to maintain program delegation, authorization or approval.''

Virginia's Immunity law, Va. Code Sec. 10.1–1199, provides that ''[t]o the extent consistent with requirements imposed by Federal law,'' any person making a voluntary disclosure of information to a state agency regarding a violation of an environmental statute, regulation, permit, or administrative order is granted immunity from administrative or civil penalty. The Attorney General's January 12, 1998 opinion states that the quoted language

renders this statute inapplicable to enforcement of any Federally authorized programs, since ''no immunity could be afforded from administrative, civil, or criminal penalties because granting such immunity would not be consistent with Federal law, which is one of the criteria for immunity.''

Therefore, EPA has determined that Virginia's Privilege and Immunity statutes will not preclude the Commonwealth from enforcing its section 111(d)/129 program consistent with the Federal requirements. In any event, because EPA has also determined that a state audit privilege and immunity law can affect only state enforcement and cannot have any impact on Federal enforcement authorities, EPA may at any time invoke its authority under the Clean Air Act, including, for example, sections 113, 167, 205, 211 or 213, to enforce the requirements or prohibitions of the state plan, independently of any state enforcement effort. In addition, citizen enforcement under section 304 of the Clean Air Act is likewise unaffected by this, or any, state audit privilege or immunity law.

III. Final Action

EPA is approving the Virginia HMIWI plan for controlling designated pollutants under sections 111(d) and 129 of the Act. Accordingly, EPA is amending 40 CFR part 62 to reflect this action. As a result, the Federal plan is no longer applicable, as of the effective date of this action.

This approval is based on the rationale discussed above and in further detail in the technical support document (TSD) associated with this action. The DEQ has committed, as part of the plan, to consult with EPA and obtain its concurrence before implementing certain actions as described in the plan narrative, section J, Discretionary Authority, and Regulation for General Administration (9 VAC 5–20–80), Relationship of state regulations to Federal regulations.

As stated above, EPA has no record of receiving a HMIWI unit compliance date extension request, as required by the Federal plan. As a result, neither EPA nor the DEQ has at this time the authority to approve an extension request submitted to either agency after the noted dates. Therefore, EPA is taking no action to approve those provisions of Rule 4–44 that relate to a compliance date extension request under section 9 VAC 5–40–6200 B. Final compliance or closure for all affected units is required on or before July 1, 2001.

There are other Rule 4–44 provisions that are not relevant or germane to this plan approval action. One provision, for example, includes an odor control requirement. A listing of the Commonwealth rule provisions that are not part of the plan, except for the one noted in the previous paragraph, are identified in the plan, Attachment A, and DEQ's April 6, 2004 letter, Attachment C.

As provided by 40 CFR 60.28(c), any revisions to the Virginia plan will not be considered part of the applicable plan until submitted by the DEQ in accordance with 40 CFR 60.28(a) or (b), as applicable, and until approved by EPA in accordance with 40 CFR part 60, subpart B.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. This action simply reflects already existing Federal requirement for state air pollution control agencies and existing HMIWI units that are subject to the provisions of 40 CFR part 60, subparts B and Ce, respectively, and the Federal plan's compliance schedule. However, in the ''Proposed Rules'' section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the 111(d) plan should relevant adverse or critical comments be filed. This rule will be effective November 9, 2004 without further notice unless the Agency receives relevant adverse comments by October 12, 2004. If EPA receives adverse comments, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule did not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

IV. Statutory and Executive Order Reviews

A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing 111(d)/129 plan submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a 111(d)/129 plan submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a 111(d)/129 plan submission, to use VCS in place of a 111(d)/129 plan submission that

otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 9, 2004. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action.

This action, approving the Virginia HMIWI plan, may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Aluminum, Fertilizers, Fluoride, Intergovernmental relations, Paper and paper products industry, Phosphate, Reporting and recordkeeping requirements, Sulfur oxides, Sulfur acid plants, Waste treatment and disposal.

Dated: August 31, 2004.

Donald S. Welsh,

Regional Administrator, Region III.

■ 40 CFR part 62 is amended as follows:

PART 62—[AMENDED]

■ 1. The authority citation for part 62 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart VV—Virginia

■ 2. Add a new center heading and §§ 62.11625, 62.11626, and 62.11627 to subpart VV to read as follows:

Emissions From Existing Hospital/ Medical/Infectious Waste Incinerators (HMIWI) Units—Section 111(d)/129 Plan

§ 62.11625 Identification of plan.

Section 111(d)/129 HMIWI plan submitted on August 25, 2003, including related supplemental information submitted on August 11, 2003, and April 6 and July 23, 2004.

§ 62.11626 Identification of sources.

The plan applies to all affected HMIWI units for which construction commenced on or before June 20, 1996.

§ 62.11627 Effective date of plan.

Effective date of the plan is November 9, 2004.

[FR Doc. 04–20429 Filed 9–9–04; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 239 and 258

[FRL–7810–9]

Adequacy of Minnesota Municipal Solid Waste Landfill Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediate final rule.

SUMMARY: On March 22, 2004, the U.S. EPA issued final regulations allowing research, development, and demonstration (RD&D) permits to be issued to certain municipal solid waste landfills by approved States. On June 2, 2004, Minnesota submitted an application to the U.S. EPA seeking Federal approval of its RD&D requirements. Subject to public review and comment, this action approves Minnesota's RD&D permit requirements.

DATES: This final determination is effective November 9, 2004, unless adverse comments are received on or before October 12, 2004. If adverse comments are received a second **Federal Register** document responding to the adverse comments will be subsequently published.

ADDRESSES: Send written comments to Donna Twickler, Waste Management Branch (Mail Code: DW–8J), U.S. EPA Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. Comments may also be submitted electronically to *twickler.donna@epa.gov. See* **SUPPLEMENTARY INFORMATION** for file formats for electronic submittals. Documents pertaining to this action can be viewed and copied during regular business hours at the EPA Region 5 office located at the address noted above.

FOR FURTHER INFORMATION CONTACT: Donna Twickler, mailcode DW–8J, Waste Management Branch, U.S. EPA Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, telephone (312) 886–6184, *twickler.donna@epa.gov.*

SUPPLEMENTARY INFORMATION:

A. Background

On March 22, 2004, the U.S. EPA issued final regulations allowing RD&D permits to be issued at certain municipal solid waste landfills (69 FR 13242, March 22, 2004). This new provision may only be implemented by an approved State. While States are not required to seek approval for this new provision, those States that are interested in providing RD&D permits to municipal solid waste landfills must seek approval from EPA before issuing such permits. Approval procedures for new provisions of 40 CFR part 258 are outlined in 40 CFR 239.12. On June 2, 2004, Minnesota submitted an amended application for approval of its RD&D permit provisions. Minnesota received full approval for all other 40 CFR part 258 provisions on August 16, 1993 (58 FR 43350, August 16, 1993).

B. Decision

After a thorough review, U.S. EPA Region 5 determined that Minnesota's RD&D provisions as defined under Minnesota Rule 7035.0450 are adequate to ensure compliance with the Federal criteria as defined at 40 CFR 258.4.

C. Electronic Access and Filing

You may submit comments by sending electronic mail to *twickler.donna@epa.gov.* Please submit comments as ASCII files and avoid the use of special characters and any form of encryption. Please identify this specific action in your comments.

D. Statutory and Executive Order Reviews

This action approves State solid waste requirements pursuant to RCRA Section 4005 and imposes no Federal requirements. Therefore, this rule complies with applicable executive orders and statutory provisions as

follows: *1. Executive Order 12866: Regulatory Planning Review*—The Office of Management and Budget has exempted this action from its review under Executive Order (EO) 12866; *2. Paperwork Reduction Act*—This action does not impose an information collection burden under the Paperwork Reduction Act; *3. Regulatory Flexibility Act*—After considering the economic impacts of today's action on small entities under the Regulatory Flexibility Act, I certify that this action will not have a significant economic impact on a substantial number of small entities; *4. Unfunded Mandates Reform Act*—Because this action approves pre-existing requirements under State law and does not impose any additional enforceable duty beyond that required by State law, this action does not contain any unfunded mandate, or significantly or uniquely affect small governments, as described in the Unfunded Mandates Act; *5. Executive Order 13132: Federalism*—EO 13132 does not apply to this action because this action will not have federalism implications (*i.e.*, there are no substantial direct effects on States, on the relationship between the national government and States, or on the distribution of power and responsibilities between Federal and State governments); *6. Executive Order 13175: Consultation and Coordination with Indian Tribal Governments*—EO 13175 does not apply to this action because it will not have tribal implications (*i.e.*, there are no substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes); *7. Executive Order 13045: Protection of Children from Environmental Health & Safety Risks*—This action is not subject to EO 13045 because it is not economically significant and is not based on health or safety risks; *8. Executive Order 13211: Actions that Significantly Affect Energy Supply, Distribution, or Use*—This action is not subject to EO 13211 because it is not a significant regulatory action as defined in EO 12866; *9. National Technology Transfer Advancement Act*—EPA approves State programs so long as the State programs meet the criteria delineated in RCRA. It would be inconsistent with applicable law for EPA, in its review of a State program, to require the use of any particular voluntary consensus standard in place of another standard that meets RCRA requirements. Thus, section 12(d) of the National Technology Transfer and Advancement Act does not apply to this action; *10. Congressional Review Act*—EPA will submit a report containing this action and other information required by the Congressional Review Act (5 U.S.C. 801 *et seq.*) to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication in the **Federal Register**.

List of Subjects

40 CFR Part 239

Environmental protection, Administrative practice and procedure, Intergovernmental relations, Waste treatment and disposal.

40 CFR Part 258

Reporting and recordkeeping requirements, Waste treatment disposal, Water pollution control.

Authority: This action is issued under the authority of section 2002, 4005 and 4010(c) of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6912, 6945 and 6949(a).

Dated: August 30, 2004.

Norman Niedergang,

Acting Regional Administrator, Region 5.

[FR Doc. 04–20503 Filed 9–9–04; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register
Vol. 69, No. 175
Friday, September 10, 2004

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2004–18897; Airspace Docket No. 04–AAL–12]

Proposed Revision of Class E Airspace; Kotzebue, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to revise Class E airspace at Kotzebue, AK. Two new Standard instrument approach procedures are being published for Kotzebue, AK. Additional Class E surface area airspace is needed to protect instrument flight rules (IFR) operations at Kotzebue, AK. The additional Class E surface area airspace will ensure that aircraft executing the new standard instrument approach procedures to Kotzebue, AK remain within controlled airspace. Adoption of this proposal would result in additional Class E surface area airspace at Kotzebue, AK.

DATES: Comments must be received on or before October 25, 2004.

ADDRESSES: Send comments on the proposal to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590–0001. You must identify the docket number FAA–2004–18897/ Airspace Docket No. 04–AAL–12, at the beginning of your comments. You may also submit comments on the Internet at *http://dms.dot.gov*. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527) is on the plaza level of the Department of Transportation NASSIF Building at the above address.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division, Federal Aviation Administration, Manager, Operations Branch, AAL–530, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587.

FOR FURTHER INFORMATION CONTACT: Jesse Patterson, AAL–538G, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587; telephone number (907) 271–5898; fax: (907) 271–2850; e-mail: *Jesse.CTR.Patterson@faa.gov*. Internet address: *http://www.alaska.faa.gov/at*.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2004–18897/Airspace Docket No. 04–AAL–12.'' The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of Notice of Proposed Rulemaking's (NPRM's)

An electronic copy of this document may be downloaded through the Internet at *http://dms.dot.gov*. Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov* or the Superintendent of Document's Web page at *http://www.access.gpo.gov/nara*.

Additionally, any person may obtain a copy of this notice by submitting a request to the Federal Aviation Administration, Office of Air Traffic Airspace Management, ATA–400, 800 Independence Avenue, SW., Washington, DC 20591 or by calling (202) 267–8783. Communications must identify both docket numbers for this notice. Persons interested in being placed on a mailing list for future NPRM's should contact the FAA's Office of Rulemaking, (202) 267–9677, to request a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

The Proposal

The FAA is considering an amendment to the Code of Federal Regulations (14 CFR part 71) by adding Class E surface area airspace at Kotzebue, AK. The intended effect of this proposal is to amend Class E surface area airspace necessary to contain Instrument Flight Rules (IFR) operations at Kotzebue, AK.

The FAA Instrument Flight Procedures Production and Maintenance Branch has developed two new SIAPs for the Kotzebue International Airport. The new approaches are (1) Area Navigation (Global Positioning System) (RNAV GPS) Runway (RWY) 26, original; and (2) RNAV (GPS) Runway 8, original. Revised Class E controlled airspace extending upward from the surface within the 4.8-mile radius of the Kotzebue International Airport would be created by this action. The proposed airspace is sufficient to contain aircraft executing the new instrument procedures for the Kotzebue International Airport.

The area would be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. The Class E airspace areas designated as a surface area are published in

paragraph 6002 in FAA Order 7400.9L, *Airspace Designations and Reporting Points*, dated September 2, 2003, and effective September 16, 2003, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9L, *Airspace Designations and Reporting Points*, dated September 2, 2003, and effective September 16, 2003, is to be amended as follows:

* * * * *

Paragraph 6002 Class E airspace designated as surface areas.

* * * * *

AAL AK E2 Kotzebue, AK [Revised]

Kotzebue, Ralph Wien Mermorial Airport, AK

(Lat. 66°53′05″ N, long. 162°35′55″ W)
Kotzebue VOR/DME
(Lat. 66°53′08″ N, long. 162°32′24″ W)
Hotham NDB
(Lat. 66°54′05″ N, long. 162°33′52″ W)

Within a 4.8-mile radius of the Ralph Wien Memorial Airport and within 2.6 miles each side of the 039° bearing from Hotham NDB extending from the 4.8 mile radius to 8.9 miles northeast of the airport and within 2.4 miles each side of the 091° radial from the Kotzebue VOR/DME extending from the 4.8-mile radius to 11.5 miles east of the airport and within 2.4 miles each side of the 278° radial from the Kotzebue VOR/DME extending from the 4.8-mile radius to 10.2 miles west of the airport. This Class E airspace is effective during the specific dates and times established in advance by a Notice to Airman.

The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in Anchorage, AK, on August 31, 2004.

Anthony M. Wylie,

Acting Manager, Air Traffic Division, Alaskan Region.

[FR Doc. 04–20486 Filed 9–9–04; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[VA139–5073b; FRL–7810–6]

Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Commonwealth of Virginia; Control of Emissions From Existing Hospital/Medical/Infectious Waste Incinerator Units

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the hospital/medical/infectious incinerator (HMIWI) 111(d)/129 plan (the ''plan'') submitted by the Virginia Department or Environmental Quality (DEQ). The plan was submitted to EPA by the DEQ on August 25, 2003 and supplemental information on August 11, 2003, and April 6 and July 23, 2004. In the ''Final Rules'' section of this **Federal Register,** EPA is approving the Commonwealth of Virginia's HMIWI plan submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial action and anticipate no adverse comments. A more detailed description of the state submittal and EPA's evaluation are included in a Technical Support Document (TSD) prepared in support of this rulemaking action. A copy of the TSD is available, upon request, from the EPA Regional Office listed in the **ADDRESSES** section of this document. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by October 12, 2004.

ADDRESSES: Submit your comments, identified by VA139–5073 by one of the following methods:

A. Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.

B. e-mail: *wilkie.walter@epa.gov*

C. Mail: Walter Wilkie, Chief, Air Quality Analysis Branch, Mailcode 3AP22, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. Hand Delivery: At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. VA139–5073. EPA's policy is that all comments received will be included in the public docket without change, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through regulations.gov or e-mail. The Federal regulations.gov Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact

you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; and the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia, 23219.

FOR FURTHER INFORMATION CONTACT: James B. Topsale, P.E., at (215) 814–2190, or by e-mail at *topsale.jim@epa.gov*.

SUPPLEMENTARY INFORMATION: For further information, please see the information provided in the direct final action, with the same title, that is located in the ''Rules and Regulations'' section of this **Federal Register** publication. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

Dated: August 31, 2004.

Donald S. Welsh,

Regional Administrator, EPA Region III.

[FR Doc. 04–20430 Filed 9–9–04; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 239 and 258

[FRL–7811–1]

Adequacy of Minnesota Municipal Solid Waste Landfill Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This action proposes to approve Minnesota solid waste permit requirements pursuant to RCRA Section 4005 and imposes no federal requirements. In the ''Rules and Regulations'' section of this **Federal Register,** EPA is approving Minnesota's RD&D permit requirements by an Immediate Final Rule. EPA did not make a proposal prior to the Immediate Final Rule because we believe this action is not controversial and do not expect comments that oppose it. We have explained the reasons for this approval in the preamble to the Immediate Final Rule. Unless we receive written comments which oppose this approval during the comment period, the Immediate Final Rule will become effective on the date it establishes, and we will not take further action on this proposal. If we receive comments that oppose this action, we will withdraw the Immediate Final Rule, and it will not take effect. We will then respond to public comments in a later Final Rule based on this proposal. You will not have another opportunity for comment. If you want to comment on this action, you must do so at this time.

DATES: Send your written comments by October 12, 2004.

ADDRESSES: Written comments should be sent to Donna Twickler, Waste Management Branch (Mail Code: DW–8J), U.S. EPA Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. Comments may also be submitted electronically through the Internet to: *twickler.donna@epa.gov*. See **SUPPLEMENTARY INFORMATION** for file formats for electronic submittals. Documents pertaining to this notice can be viewed and copied during regular business hours at the EPA Region 5 office located at the address noted above.

FOR FURTHER INFORMATION CONTACT: Donna Twickler, mailcode DW–8J, Waste Management Branch, U.S. EPA Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, telephone (312) 886–6184, *twickler.donna@epa.gov*.

SUPPLEMENTARY INFORMATION: For additional information, please see the Immediate Final Rule published in the ''Rules and Regulations'' section of today's **Federal Register.**

Dated: August 30, 2004.

Norman Niedergang,

Acting Regional Administrator, US EPA, Region 5.

[FR Doc. 04–20504 Filed 9–9–04; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 04–2675; MB Docket No. 04–341; RM–10779]

Radio Broadcasting Services; New Harmony, IN

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rulemaking filed by Linda A. Davidson requesting the allotment of Channel 266A at New Harmony, Indiana. The coordinates for Channel 266A at New Harmony are 38–11–49 and 87–59–45. There is a site restriction 9.4 kilometers (5.8 miles) northwest of the community.

DATES: Comments must be filed on or before October 18, 2004, and reply comments on or before November 2, 2004.

ADDRESSES: Secretary, Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner as follows: Linda A. Davidson, 2134 Oak Street, Unit C, Santa Monica, California 90405.

FOR FURTHER INFORMATION CONTACT: Rolanda F. Smith, Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making,* MB Docket No. 04–341, adopted August 25, 2004, and released August 27, 2004. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY–A257, 445 Twelfth Street, SW., Washington, DC. This document may also be purchased from the Commission's duplicating contractors, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 1–800–378–3160 or *http://www.BCPIWEB.com*. Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. *See* 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, *see* 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR Part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Indiana, is amended by adding New Harmony, Channel 266A.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 04–20530 Filed 9–9–04; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 04–2676; MB Docket No. 04–339, RM–11060]

Radio Broadcasting Services; Grand Portage, MN

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document sets forth a proposal to amend the FM Table of Allotments, section 73.202(b) of the Commission's rules, 47 CFR 73.202(b). The Commission requests comment on a petition filed by Cook County Broadcasting of Minnesota. Petitioner proposes the allotment of Channel 245C0 at Grand Portage, Minnesota, as a first local service. Channel 245C0 can be allotted at Grand Portage in compliance with the Commission's minimum distance separation requirements at center city coordinates without site restriction. The proposed coordinates for Channel 245C0 at Grand Portage are 47–57–50 North Latitude and 89–41–05 West Longitude. The proposed allotment is located within 320 kilometers (199 miles) of the United States-Canada border, so it will be necessary to obtain concurrence in the allotment from the Government of Canada. *See* **SUPPLEMENTARY INFORMATION** *infra*.

DATES: Comments must be filed on or before October 18, 2004, and reply comments on or before November 2, 2004.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve counsel for the petitioner as follows: David G. O'Neil, Rini Coran, PC, 1501 M Street, NW., Suite 1150, Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Deborah A. Dupont, Media Bureau (202) 418–7072.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 04–339, adopted August 25, 2004, and released August 27, 2004. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY–A257), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC 20554, (800) 378–3160, or via the company's Web site, *http://www.bcpiweb.com*.

The Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding. Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. *See* 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, *see* 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Minnesota, is amended by adding Grand Portage, Channel 245C0.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 04–20531 Filed 9–9–04; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 04–2671; MB Docket No. 04–327; RM–11063]

Radio Broadcasting Services; Union Gap, WA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rulemaking filed by Linda A. Davidson requesting the allotment of Channel 285A at Union Gap, Washington as that community's first local service. The coordinates for Channel 285A at Union Gap are 46–31–48 NL and 120–27–18 WL. There is a site restriction 3.4 kilometers (2.1 miles) southeast of the community. The proposed site will require concurrence by Canada because it is located within 320 kilometers (199 miles) of the Canadian border.

DATES: Comments must be filed on or before October 18, 2004, and reply comments on or before November 2, 2004.

ADDRESSES: Secretary, Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner as follows: Linda A. Davidson, 2134 Oak Street, Unit C, Santa Monica, California 90405.

FOR FURTHER INFORMATION CONTACT: Helen McLean, Media Bureau, (202) 418–2738.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MB Docket No. 04–327, adopted August 25, 2004, and released August 27, 2004. The full text of this Commission notice is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY–A257, 445 Twelfth Street, SW., Washington, DC. This document may also be purchased from the Commission's duplicating contractors, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 1–800–378–3160 or *http://www.BCPIWEB.com*.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission

consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. *See* 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, *see* 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Washington, is amended by adding Channel 285A Union Gap.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 04–20532 Filed 9–9–04; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 04–2673; MB Docket No. 04–340; RM–11062]

Radio Broadcasting Services; Crosbyton, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rulemaking filed by Charles Crawford requesting the allotment of Channel 264C3 at Crosbyton, Texas as that community's first local service. The coordinates for Channel 264C3 at Crosbyton are 33–41–30 NL and 101–06–31 WL. There is a site restriction 12.5 kilometers (7.7 miles) east of the community.

DATES: Comments must be filed on or before October 18, 2004, and reply comments on or before November 2, 2004.

ADDRESSES: Secretary, Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner as follows: Charles Crawford, 4553 Bordeaux Avenue, Dallas, Texas 75205 and Gene A. Bechtel, Esquire, Law office of Gene Bechtel, 1050 17th Street, NW., Suite 600, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Helen McLean, Media Bureau, (202) 418–2738.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making,* MB Docket No. 04–340, adopted August 25, 2004, and released August 27, 2004. The full text of this Commission notice is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY–A257, 445 Twelfth Street, SW., Washington, DC. This document may also be purchased from the Commission's duplicating contractors, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 1–800–378–3160 or *http://www.BCPIWEB.com*.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. *See* 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, *see* 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Crosbyton, Channel 264C3.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 04–20533 Filed 9–9–04; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register
Vol. 69, No. 175
Friday, September 10, 2004

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Draft Program Comment Regarding the Management of Wherry and Capehart Era Family Housing at Air Force and Navy Bases

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice of intent to issue Program Comment on Wherry and Capehart Era Family Housing at Air Force and Navy bases.

SUMMARY: The Department of the Air Force (Air Force) and the Department of the Navy (Navy) are formulating their plan on how to manage their inventory of Wherry and Capehart era housing. In order to better meet their Federal historic preservation responsibilities in managing these properties, the Air Force and the Navy have requested the Advisory Council on Historic Preservation (ACHP) to comment on the overall management of such properties, as opposed to submitting each individual undertaking under such management to a separate review. The Air Force and Navy plan is based in large part on the plan submitted by the Army in 2002, for which the ACHP subsequently approved a Program Comment (67 FR 39332; June 7, 2002). The Air Force and Navy plan uses some components developed in the Army plan, builds on others, and includes new components that were not previously a part of the Army plan. In whole, however, the Army, Air Force, and Navy plans should now provide a more complete program for Department of Defense (DoD) Wherry and Capehart Family Housing. The ACHP has drafted such a comment, for which it now seeks public input.

DATES: Submit comments on or before October 12, 2004.

ADDRESSES: Address all comments concerning this proposed Program Comment to Dave Berwick, Army Affairs Coordinator, Office of Federal Agency Programs, Advisory Council on Historic Preservation, 1100 Pennsylvania Avenue, NW., Suite 809, Washington, DC 20004. Fax (202) 606–8672. You may submit electronic comments to: *dberwick@achp.gov*.

FOR FURTHER INFORMATION CONTACT: Dave Berwick, (202) 606–8505.

SUPPLEMENTARY INFORMATION: Section 106 of the National Historic Preservation Act requires Federal agencies to consider the effects of their undertakings on historic properties and provide the Advisory Council on Historic Preservation (''ACHP'') a reasonable opportunity to comment with regard to such undertakings. The ACHP has issued the regulations that set forth the process through which Federal agencies comply with these duties. Those regulations are codified under 36 CFR part 800 (''Section 106 regulations'').

Under Section 800.14(e) of those regulations, agencies can request the ACHP to provide a ''Program Comment'' on a particular category of undertakings in lieu of conducting individual reviews of each individual undertaking under such category, as set forth in 36 CFR 800.4 through 800.6. An agency can then meet its Section 106 responsibilities for those undertakings by taking into account the ACHP's Program Comment and by following the steps set forth in those comments.

The Air Force and Navy have requested such a Program Comment to cover management of their Wherry and Capehart era housing. A copy of the draft Program Comment can be found at the end of this notice. Once the public input resulting from this notice is considered, the ACHP will decide whether to issue a final Program Comment to the Air Force and Navy.

Background on the Wherry and Capehart Family Housing Program

Military housing constructed during the 1949–1962 period is commonly called Wherry and Capehart Era housing after the two United States Senators who sponsored national military housing construction programs to address inadequate and substandard military family housing at military installations across the nation. Senator Wherry's program, implemented 1949–1955, allowed developers to construct, own, and maintain military housing on Department of Defense (''DoD'') (in this case Air Force and Navy) lands with FHA-insured mortgages. DoD guaranteed occupancy, agreed to long-term leases, and discounted utility rates in exchange for the developer's agreement to establish set rental rates and preferential leases for military families. Senator Capehart's program, implemented 1955–1962, called for DoD to purchase the new housing constructed by developers, and to purchase the developer-owned housing previously constructed under the Wherry housing program. DoD remained responsible for operation, maintenance and repair of this housing. Approximately 37,913 units constructed during the Capehart-Wherry Era remain in the Air Force's inventory of family housing, and 24,064 units remain in the Navy's inventory (17,122 are Navy's units and 6,942 are Marines units).

Approximately 39% of the Air Force's entire military family housing stock consists of those units built during the Wherry and Capehart military family housing construction program between 1949 and 1962. For the Navy, 34.5% of its housing stock is Wherry and Capehart housing (35% for the Navy and 32% for the Marines). Structures associated with this family housing include detached garages, carports and storage buildings, and the landscape features (including but not limited to the overall design and layout of the Wherry and Capehart Era communities, including road patterns, plantings and landscaping, open spaces, playgrounds, parking areas, signage, site furnishings, views into and out of the community, lighting, sidewalks, setbacks and all other associated cultural landscape features). A small percentage of buildings and structures constructed during this time period were not constructed with funds provided through the Wherry and Capehart funding programs, but are similar in all other respects, and are therefore included as part of this action.

Wherry and Capehart Era buildings were largely constructed from off-the-shelf, commercially available plans and specifications and range from single-family detached houses, to multi-unit row houses, duplexes, four-plexes, and multi-story apartment buildings. Brick, frame, cement block, and stucco were typical building materials. While architectural styles were largely

consistent, there was some variation across the United States, but these tend to be differences in regional styles. Developers, consistent with principles guiding civilian neighborhood design at the onset of the ''baby boom,'' paid attention to comprehensive neighborhood planning and design. Overall, the Air Force's and Navy's Wherry and Capehart Era housing, associated structures, and landscape features reflect the ubiquitous, nation-wide suburban subdivision construction trends of this period.

The Air Force and Navy anticipate that all of their Capehart-Wherry Era family housing, associated structures and landscape features will be subject to the following categories of undertakings: Maintenance and repair, rehabilitation, renovation, layaway and mothballing, demolition, demolition and replacement, and transfer, sale or lease out of government control. These undertakings are a necessary part of DoD's efforts to modernize housing for military families. Currently, much of the Air Force's and the Navy's housing does not meet today's military housing standards. The Air Force and Navy are requesting that the ACHP provide a Program Comment on these categories of undertakings for their Capehart-Wherry Era family housing, associated structures and landscape features.

The Air Force and Navy are requesting a Program Comment as a service-wide Section 106 compliance action related to management of Wherry and Capehart era housing, associated structures and landscape features. This programmatic approach will facilitate management actions for privatization and transfer out of federal agency ownership, substantial alteration through renovation, and demolition and replacement of Wherry and Capehart Era housing, associated structures and landscape features that are listed or eligible for listing on the National Register of Historic Places. Therefore, there is the potential for adverse effects to historic properties.

The following is the full text of the draft Program Comment:

Program Comment for Wherry and Capehart Era Family Housing at Air Force and Navy Bases

I. Introduction

This Program Comment provides the Department of the Air Force (Air Force) and the Department of the Navy (Navy) with an alternate way to comply with its responsibilities under Section 106 of the National Historic Preservation Act with regard to the following actions in the management of the Wherry and Capehart Era family housing: Privatization and transfer out of federal agency ownership, substantial alteration through renovation, and demolition and replacement of Wherry and Capehart Era housing, associated structures and landscape features that may be eligible for listing on the National Register of Historic Places.

II. Treatment of Wherry and Capehart Properties

a. Eligibility

The Army conducted a historic context of its Wherry and Capehart properties and documented these in a report entitled *For Want of a Home: A Historic Context for Wherry and Capehart Military Family Housing.* On May 22, 2001, the Army sponsored a symposium on Wherry and Capehart era housing management as it relates to historic preservation. The symposium was attended by preservation experts, including the National Trust for Historic Preservation (Trust), the National Conference of State Historic Preservation Officers (NCSHPO), the ACHP, and nationally recognized experts in the field of historic preservation from academia and industry. Symposium participants recommended a programmatic approach to complying with Section 106, and these approaches were part of the Program Comment which was approved by the ACHP in 2002 (67 FR 39332; June 7, 2002). The Air Force and the Navy have gathered data on their inventory of Wherry and Capehart properties which will be appended to the Army's context study, as outlined below, to provide a comprehensive understanding of the Department of Defense (DoD) inventory for this property type. As with the Army, the Air Force and the Navy consider their inventory of Wherry and Capehart properties, including any associated structures and landscape features, to be eligible for the National Register of Historic Places for the purposes of Section 106 compliance.

b. Treatment

The Air Force and the Navy have requested a Program Comment as a service-wide Section 106 compliance action related to management of Wherry and Capehart Era housing, associated structures and landscape features. This programmatic approach will facilitate management actions for privatization and transfer out of Federal agency ownership, substantial alteration through renovation, and demolition and replacement of Wherry and Capehart Era housing, associated structures and landscape features. Such actions present a potential for adverse effects to historic properties.

Based on the Program Comment previously approved for the Army for this property type, and following meetings with the ACHP, the Trust and NCSHPO, the Air Force and the Navy agree to the following five-step approach to the treatment of its Wherry and Capehart properties:

(i) The Air Force and the Navy will revise the Army's historic context, *The Wherry and Capehart Era Solutions to the Postwar Family Housing Shortage (1949–1962): A Historic Context,* to include information pertinent to Air Force and Navy bases where this information differs from that provided in the Army's context study (for example, numbers and types of units at Air Force and Navy bases, historically important builders, developers and architects associated with design and construction on Air Force and Navy bases, Properties of Particular Importance in the Air Force and Navy inventories, etc.) The intent of these revisions is to provide a more complete picture of Wherry and Capehart Era family housing across DoD. Upon completion of the revised context study, the Air Force and the Navy will use it and the oral histories recorded in accordance with section (v), below, to prepare a report suitable for release to the general public. The report to the public will extract that information which may be deemed sensitive or inappropriate for release to the public. Copies of the report will be provided to all the SHPOs, NCSHPO, the Trust and the ACHP.

(ii) The Air Force and Navy will use, or modify for their own use, the Army's design guidelines: *Neighborhood Design Guidelines for Army Wherry and Capehart Housing.* These Neighborhood Design Guidelines will be distributed Air Force and Navy-wide to those offices that manage and maintain this housing type and they will consider the design guidelines in planning actions that affect their Wherry and Capehart Era housing, associated structures and landscape features. Copies of the Air Force and Navy guidelines will be provided to the NCSHPO, the Trust and the ACHP.

(iii) For Wherry and Capehart properties that have been determined to be of particular importance, as defined in the revised context study, the Air Force and the Navy will, within funding and mission constraints, consider the preservation of these properties through continued use as military housing.

(iv) The Air Force and the Navy will advise developers involved in housing privatization initiatives that Wherry and

Capehart properties may be eligible for historic preservation tax credits.

(v) The Air Force and the Navy will attempt to locate and conduct oral interviews of military families (which may include Army families) that had previously lived in Wherry and Capehart housing. Prior to conducting any interviews, the Air Force and the Navy will work with the Library of Congress' *Veterans History Project* to develop a set of appropriate interview questions and proper formats in which interviews will be recorded. Upon completion of the oral histories, the Air Force and the Navy will provide a copy of all written and recorded documentation to the Library of Congress.

The ACHP believes that this five-step approach will ensure that the Air Force and the Navy take into account the effects of management of their Wherry and Capehart era housing.

III. Applicability

This Program Comment does not apply to the following properties that are listed, or eligible for listing, on the National Register of Historic Places: (a) Archeological sites, (b) properties of traditional religious and cultural significance to federally recognized Indian tribes or Native Hawaiian organizations, or (c) historic properties other than Air Force and Navy Wherry and Capehart Era housing, associated structures and landscape features.

IV. Effect of Program Comment

By following this comment and outlined five-step approach, the Air Force and the Navy will have met their responsibilities for compliance under Section 106 regarding management of their Wherry and Capehart era housing. Accordingly, Air Force and Navy bases will not have to follow the case-by-case Section 106 review process for each individual management action.

The Air Force and the Navy may carry out management actions prior to the completion of all of the five treatment steps outlined above, so long as such management actions do not preclude the eventual successful completion of those five steps.

If the ACHP determines that the consideration of Wherry and Capehart properties is not being carried out in a manner consistent with this Program Comment, the ACHP may withdraw this comment. Following such withdrawal, the Air Force and the Navy would comply with the requirements of 36 CFR 800.3 through 800.7 for each individual management action.

Authority: 36 CFR 800.14(e).

Dated: September 7, 2004.

Ronald D. Anzalone,

Acting Executive Director.

[FR Doc. 04–20542 Filed 9–9–04; 8:45 am]

BILLING CODE 4310–10–P

DEPARTMENT OF AGRICULTURE

Forest Service

San Juan National Forest; Colorado; Missionary Ridge Burned Area Timber Salvage Project

AGENCY: Forest Service, USDA.

ACTION: Notice of withdrawal of decision.

SUMMARY: Forest Supervisor, Mark Stiles has withdrawn the decision (dated July 9, 2003) to implement the Missionary Ridge Burned Area Timber Salvage project, based on recent court actions regarding analysis of wildlife management indicator species (MIS).

SUPPLEMENTARY INFORMATION: The original Notice of Intent for this project was published in the **Federal Register** on September 26, 2002.

FOR FURTHER INFORMATION CONTACT: Ann Bond, San Juan Public Lands Office, 15 Burnett Court, Durango, CO 81301, or *abond@fs.fed.us*

Dated: September 2, 2004.

Mark W. Stiles,

Forest Supervisor/Center Manager.

[FR Doc. 04–20529 Filed 9–9–04; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Tri-County Advisory Committee Meeting

AGENCY: Forest Service, USDA.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the authorities in the Federal Advisory Committee Act (Public Law 92–463) and under the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393) the Beaverhead-Deerlodge National Forest's Tri-County Resource Advisory Committee will meet on Thursday, October 7, 2004, and on Thursday, November 4, from 4 p.m. to 8 p.m. in Deer Lodge, Montana, for business meetings. The meetings are open to the public.

DATES: Thursday, October 7, and Thursday, November 4, 2004.

ADDRESSES: The meetings will be held at the USDA Service Center, 1002 Hollenback Road, Deer Lodge, Montana.

FOR FURTHER INFORMATION CONTACT: Thomas K. Reilly, Designated Forest Official (DFO), Forest Supervisor, Beaverhead-Deerlodge National Forest, at (406) 683–3973.

SUPPLEMENTARY INFORMATION: Agenda topics for these meetings include a review of projects approved and proposed for funding as authorized under Title II of Pub. L. 106–393, and public comment. If the meeting locations are changed, notice will be posted in local newspapers, including The Montana Standard.

Dated: September 3, 2004.

Thomas K. Reilly,

Forest Supervisor.

[FR Doc. 04–20510 Filed 9–9–04; 8:45 am]

BILLING CODE 3410–11–M

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Addition

AGENCY: Committee for Purchase from People Who Are Blind or Severely Disabled.

ACTION: Additions to procurement list.

SUMMARY: This action adds to the Procurement List a service to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: Effective October 10, 2004.

ADDRESS: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

FOR FURTHER INFORMATION CONTACT: Sheryl D. Kennerly, (703) 603–7740.

SUPPLEMENTARY INFORMATION: On July 16, 2004, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (69 FR 42649) of proposed additions to the Procurement List. After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the service and impact of the addition on the current or most recent contractors, the Committee has determined that the service listed below is suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the service to the Government.

2. The action will result in authorizing small entities to furnish the service to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the service proposed for addition to the Procurement List.

End of Certification

Accordingly, the following service is added to the Procurement List:

Service

Service Type/Location: Custodial Services, Department of Homeland Security, Border Patrol—Curlew Station, Curlew, Washington.
NPA: Ferry County Community Services, Republic, Washington.
Contract Activity: U.S. Bureau of Customs & Border Protection, Spokane, Washington. This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

G. John Heyer,

General Counsel.

[FR Doc. 04–20526 Filed 9–9–04; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions

AGENCY: Committee for Purchase from People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to Procurement List.

SUMMARY: The Committee is proposing to add to the Procurement List products and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: Comments must be received on or before October 10, 2004.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

FOR FURTHER INFORMATION CONTACT: Sheryl D. Kennerly, (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C 47(a) (2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions. If the Committee approves the proposed additions, the entities of the Federal Government identified in the notice for each product or service will be required to procure the products and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. If approved, the action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the products and services to the Government.

2. If approved, the action will result in authorizing small entities to furnish the products and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the products and services proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

End of Certification

The following products and services are proposed for addition to Procurement List for production by the nonprofit agencies listed:

Products

Product/NSN: Battery, Nonrechargeable, 35–00–835–7210 (Alkaline, Size D), **For Defense Logistics Agency Requirements, Tracy, California only.**
NPA: Eastern Carolina Vocational Center, Inc., Greenville, North Carolina.
Contract Activity: Defense Supply Center Richmond, Richmond, Virginia.

Product/NSN: Cord, Nylon, Fibrous, 4020–00–240–2154 (Type 1—Color Natural), 4020–00–292–9920 (Type 1A—Color Natural), 4020–00–531–2813 (Type 1A—Color Red Chip), 4020–00–935–5761 (Type 1—Color Camouflage Green).
NPA: East Texas Lighthouse for the Blind, Tyler, Texas.
Contract Activity: Defense Supply Center Philadelphia, Philadelphia, Pennsylvania.

Services

Service Type/Location: Laundry Service, Fort Myer, Virginia.
NPA: Rappahannock Goodwill Industries, Inc., Fredericksburg, Virginia.
Contract Activity: U.S. Army Contracting Agency, Fort Myer, Virginia.
Service Type/Location: Mailroom Operation, Social Security Administration, 1301 Young Street, Dallas, Texas.
NPA: Dallas Lighthouse for the Blind, Inc., Dallas, Texas.
Contract Activity: Social Security Administration, Baltimore, Maryland.

G. John Heyer,

General Counsel.

[FR Doc. 04–20527 Filed 9–9–04; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–122–838]

Certain Softwood Lumber Products From Canada: Notice of Rescission of Antidumping Duty New Shipper Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On July 8, 2004, the Department of Commerce (the Department) published in the **Federal Register** (69 FR 41229) a notice announcing the initiation of a new shipper review of the antidumping duty order on certain softwood lumber products from Canada, covering the period May 1, 2003, through April 30, 2004. The review covers Seed Timber Co. Ltd. (Seed Timber). We are now rescinding this review as a result of Seed Timber's withdrawal of its request for a new shipper review.

EFFECTIVE DATE: September 10, 2004.

FOR FURTHER INFORMATION CONTACT: Constance Handley or Saliha Loucif, at (202) 482–0631 or (202) 482–1779, respectively, AD/CVD Enforcement Office 1, Group I, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

In accordance with 19 CFR 351.214(c) (April 2002), on May 28, 2004, Seed Timber requested a new shipper review of the antidumping duty order on certain softwood lumber products from Canada. On July 8, 2004, in accordance with section 751(a)(2)(B)(ii) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.214(d)(1), we initiated a new shipper review of this order for the

period May 1, 2003, through April 30, 2004 (69 FR 41229). Seed Timber withdrew its request for a new shipper review on August 18, 2004.

Rescission of New Shipper Review

The Department's regulations at 19 CFR 351.214(f)(1) provide that the Department will rescind a new shipper review if the party that requested the review withdraws its request for review within 60 days of the date of publication of the notice of initiation of the requested review. Seed Timber withdrew its request within the 60-day period. Accordingly, we are rescinding this review.

Notification

Bonding is no longer permitted to fulfill security requirements for shipments of certain softwood lumber products from Canada produced and exported by Seed Timber, entered, or withdrawn from warehouse, for consumption in the United States on or after the publication of this rescission notice in the **Federal Register**.

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/destruction of APO material or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanctions.

This notice is issued and published in accordance with sections 751(a)(2)(B)(iv) and 777(i) of the Act and 19 CFR 351.214(f)(3).

Dated: September 3, 2004.

Jeffrey A. May,

Deputy Assistant Secretary for Import Administration.

[FR Doc. E4–2144 Filed 9–9–04; 8:45 am]

BILLING CODE 3510–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0155]

Information Collection; Prohibition on Acquisition of Products Produced by Forced or Indentured Child Labor

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement regarding prohibition on acquisition of products produced by forced or indentured child labor. The clearance currently expires on October 31, 2004.

DATES: Submit comments on or before: November 9, 2004.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to the Regulatory Secretariat (VR), General Services Administration, Room 4035, 1800 F Street, NW., Washington, DC 20405. Please cite OMB Control No. 9000–0155, Prohibition on Acquisition of Products Produced by Forced or Indentured Child Labor, in all correspondence.

FOR FURTHER INFORMATION CONTACT Craig R. Goral, Contract Policy Division, GSA (202) 501–3856.

SUPPLEMENTARY INFORMATION:

A. Purpose

This information collection complies with Executive Order 13126, Prohibition on Acquisition of Products Produced by Forced or Indentured Child Labor, signed by the President on June 12, 1999. Executive Order 13126 requires that this prohibition be enforced within the federal acquisition system by means of: (1) A provision that requires the contractor to certify to the contracting officer that the contractor or, in the case of an incorporated contractor, a responsible official of the contractor has made a good faith effort to determine whether forced or indentured child labor was used to mine, produce, or manufacture any product furnished under the contract and that, on the basis of those efforts, the contractor is unaware of any such use of child labor; and (2) A provision that obligates the contractor to cooperate fully in providing reasonable access to the contractor's records, documents, persons, or premises if reasonably requested by authorized officials of the contracting agency, the Department of the Treasury, or the Department of Justice, for the purpose of determining whether forced or indentured child labor was used to mine, produce, or manufacture any product furnished under the contract.

The information collection requirements of the Executive Order are evidenced via the certification requirements delineated at FAR 22.1503, 52.212–3, 52.222–18, and 52.222–19.

To eliminate some of the administrative burden on offerors who must submit the same information to various contracting offices, the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) decided to amend the Federal Acquisition Regulation (FAR) to require offerors to submit representations and certifications electronically via the Business Partner Network (BPN), unless certain exceptions apply. Online Representations and Certifications Application (ORCA) is the specific application on the BPN to replace the paper based Representations and Certifications (Reps and Certs) process. The change to the FAR is being accomplished by FAR Case 2002–024. The clearance associated with this case referenced this OMB Control No. 9000–0155 and reduced the hours of burden by 35%—attributable to mandated use of ORCA. This reduction is already reflected in the figures below.

B. Annual Reporting Burden

Respondents: 500.

Responses Per Respondent: 1.

Hours Per Response: 0.325.

Total Burden Hours: 162.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat (VR), 1800 F Street, NW, Room 4035, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 9000–0155, Prohibition on Acquisition of Products Produced by Forced or Indentured Child Labor, in all correspondence.

Dated: September 2, 2004

Ralph J. De Stefano

Acting Director, Contract Policy Division.

[FR Doc. 04–20480 Filed 9–9–04; 8:45 am]

BILLING CODE 6820–EP–S

DEPARTMENT OF DEFENSE

Department of the Army

Notice of Availability (NOA) for the Record of Decision (ROD) for the Transformation of the 2nd Brigade, 25th Infantry Division (Light) to a Stryker Brigade Combat Team (SBCT) in Hawaii

AGENCY: Department of the Army, DoD.

ACTION: Notice of availability.

SUMMARY: The Department of the Army announces the availability of its ROD for the Transformation of the 2nd Brigade, 25th Infantry Division (Light) to an SBCT in Hawaii. On May 25, 2004, the Army published a notice of availability of its Final Environmental Impact Statement (EIS) that considered the environmental consequences of the proposed action and alternatives. The ROD describes the Army's decision with respect to the proposed action and alternatives considered in the EIS and its rationale for the decision. Based on the EIS and other relevant factors, the Army has decided to implement its proposed actions. This decision allows the Army to proceed with transformation of the 2nd Brigade to an SBCT. The decision includes training to be conducted at Schofield Barracks Military Reservation (SBMR), Dillingham Military Reservation, Kahuku Training Area and Kawailoa Training Area on the island of Oahu and at Pōhakuloa Training Area (PTA) on the island of Hawaii. Twenty-eight projects are proposed that would improve the existing support structure and facilities to provide the necessary field training required for the SBCT. These projects include construction of ranges, airfield upgrades, land acquisition, and new equipment such as new and modernized vehicles (namely the Stryker, an eight-wheeled, 20-ton combat vehicle) and weapons systems (105mm cannon, 155mm howitzer, and 120mm mortar). The number of soldiers and vehicles stationed at SBMR also would increase. The Army would acquire land on the island of Oahu (approximately 1,400 acres) and on the island of Hawaii (approximately 23,000 acres) for training areas and road construction.

The decision also affirms the Army's commitment to implementing a series of mitigation and monitoring measures to offset potential adverse environmental impacts associated with the proposed action, as identified in the Final EIS.

ADDRESSES: Any questions or requests for copies of the Army's ROD may be submitted to Mr. Ron Borne, Transformation Office, U.S. Army Garrison—Hawaii, 2nd Floor Building 105, 572 Santos Dumont Avenue, Wheeler Army Airfield, HI 96857–5013.

FOR FURTHER INFORMATION CONTACT: Mr. Ron Borne at (808) 656–0255 or by e-mail at *SBCT EIS@poh01.usace.army.mil.*

SUPPLEMENTARY INFORMATION: The Department of the Army prepared the EIS for Transformation of the 2nd Brigade, 25th Infantry Division (Light) to an SBCT in Hawaii. The EIS was prepared to address proposed actions affecting the islands of Oahu and Hawaii. The EIS identified the relevant environmental and socioeconomic impacts of the proposed action and alternatives on the biological, physical, and cultural environment.

The Army has designated the 2nd Brigade to be converted to an SBCT under the Army's efforts to incorporate future force capabilities into the Army's current force. Implementing the Proposed Action as defined in the Final EIS will require undertaking several distinct but coordinated actions and activities directly associated with transforming the 2nd Brigade. These various actions that make up the Proposed Action will include stationing personnel, fielding Stryker systems and other SBCT-specific materiel, building new facilities, acquiring new land and additional easements, and conducting SBCT-specific training.

Transformation of the 2nd Brigade will involve an increase in approximately 810 Soldiers; the addition of approximately 291 Stryker vehicles along with support vehicles; the construction of new, additional, or modified ranges, facilities and infrastructure; and acquisition of approximately 1,400 acres of additional training lands on the island of Oahu and 23,000 acres on the island of Hawaii. The Shadow Tactical Unmanned Aerial Vehicle will also be fielded to the 2nd Brigade to support reconnaissance, surveillance and target acquisition missions. Upon conversion, the 2nd Brigade will be better organized, manned and equipped to respond to the range of emerging threats and circumstances that the Army is likely to encounter in current and future operations around the world.

In making its decision, the Army considered the analysis of effects contained in the EIS, assessment of the alternatives in relationship to the primary issues of concern, comments provided during formal public review periods, and Army-wide transformation, national security and mission requirements. The Army determined that the proposed action best meets its underlying purpose and need, and that the proposed action reflects a proper balance between mission imperatives and goals for protection of the environment.

The Final EIS provides detailed evaluation of the Proposed Action and the Reduced Land Acquisition (RLA) and No Action Alternatives. After weighing all these considerations, the No Action Alternative is the environmentally preferred alternative. Under the No Action Alternative, the Army would not undertake the proposed conversion of the 2nd Brigade to an SBCT in Hawaii. The 2nd Brigade would retain its current force structure and equipment while continuing to train and operate as a conventional light infantry force. Three environmentally significant impacts, primarily due to Army training activities, would remain: noise at SBMR; the threat of wildland fires to biological resources at SBMR and PTA; and cumulative impacts from the threat of wildland fires to biological resources on the islands of Oahu and Hawaii. However, the No Action Alternative does not satisfy any aspects of the stated purpose and need, which are in furtherance of the Army's national defense mission.

The Proposed Action was selected over the RLA Alternative for several reasons. While the environmental impacts of the Proposed Action and the RLA Alternative are virtually identical, the Proposed Action is superior to the RLA because constructing the multipurpose Qualification Training Range (QTR2) in the South Range Acquisition Area near the concentration of Soldiers at SBMR facilitates individual weapons qualification at the home station, which is consistent with Army training guidance. Because most Soldiers are stationed on Oahu, it is more efficient to conduct individual weapons qualification training close to home station. Individual qualification is conducted semi-annually and is required for all Soldiers, even those that are not assigned to units that routinely deploy to PTA. The Proposed Action assures adequate throughput capacity for conducting individual qualification on Oahu. On the other hand, conducting individual weapons qualification training at a QTR2 at PTA results in greater logistical and safety issues from scheduling training and arranging transport of Soldiers and weapons to the Island of Hawaii. The additional travel requirements would result in greater training costs and require Soldiers to spend even more time away from home station. If units are able to take advantage of scheduled deployments to

PTA to accomplish individual weapons qualification, this may not increase training costs, but could result in even more time away from home station. Constructing QTR2 at PTA would pose conflicts with the use of Range 8 and the potential development of an SBCT-specific anti-armor and live-fire tracking range. Acquiring the full acreage in the South Range Acquisition Area (SRAA) partially cures the shortage of Army training lands in Hawaii, provides a buffer to incompatible development along the southern border of SBMR, and provides some additional safety zones for Wheeler Army Airfield's runway. Additionally, based on The Nature Conservancy's comments, changes to the orientation of QTR2 have minimized the impact on access to the Honouliuli Preserve.

Therefore, we select the Proposed Action for implementation. We have fully considered the environmental impacts associated with the Proposed Action. Notwithstanding these impacts, we have decided to implement all facets of the Proposed Action because it best meets the purpose and need for this action and it is critical to achieving current and future national security objectives in U.S. Pacific Command's Area of Responsibility (AOR). This AOR is vital to the security of the United States and key allies. The AOR covers more than 50 percent of earth's surface and traverses 16 times zones. It includes nearly 60 percent of the world's population living in 43 countries. The world's six largest armed forces operate within this AOR: Peoples Republic of China, United States, Russia, India, North Korea, and South Korea. Nations within this AOR are parties to five of the seven worldwide U.S. mutual defense treaties. Additionally, approximately 35 percent of U.S. international trade is transacted within this AOR.

The ROD also commits to the implementation of mitigation and monitoring measures to rectify, reduce, or eliminate adverse effects to land use and recreation, visual resources, air quality, noise, traffic, water resources, geology, soils and seismicity, biological resources, cultural resources, human health and safety, and socioeconomic and Environmental Justice. The mitigation and monitoring measures are defined in the Final EIS.

Copies of the SBCT ROD are available for review at the following libraries: Hilo Public Library, 300 Waianuenue Avenue, Hilo; Kailua-Kona Public Library, 75–138 Hualalai Road, Kailua-Kona; Thelma Parker Memorial Public and School Library, 96767–1209 Mamalahoa Hwy., Kamuela; Kahuku Public and School Library, 56–490 Kamehameha Hwy., Kahuku; Mililani Public Library, 95–450 Makaimoimo Street, Mililani; Hawaii State Library, 478 South King St., Honolulu; Wahiawa Public Library, 820 California Avenue, Wahiawa; Waianae Public Library, 85–625 Farrington Hwy., Waianae; Waialua Public Library, 67–068 Kealohanui Street, Waialua; UH Environmental Center, Krauss Annex 19, 2500 Dole Road, Honolulu.

The Record of Decision may also be reviewed at the SBCT Web site *http://www.SBCTEIS.com*.

Dated: September 2, 2004.

Raymond J. Fatz,

Deputy Assistant Secretary of the Army, (Environment, Safety and Occupational Health) OASA(I&E).

[FR Doc. 04–20511 Filed 9–9–04; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Availability for Non-Exclusive, Exclusive, or Partially Exclusive Licensing of U.S. Provisional Patent Applications Concerning Identification of Small Molecule Inhibitors of Anthrax Lethal Factor

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: In accordance with 37 CFR 404.6 and 404.7, announcement is made of the availability for licensing of the invention described in U.S. Provisional Patent Application Serial No. 60/535,180 entitled ''Identification of Small Molecule Inhibitors of Anthrax Lethal Factor,'' filed December 24, 2003. The United States Government, as represented by the Secretary of the Army, has rights in this invention.

ADDRESSES: Commander, U.S. Army Medical Research and Materiel Command, ATTN: Command Judge Advocate, MCMR–JA, 504 Scott Street, Fort Detrick, Frederick, MD 21702–5012.

FOR FURTHER INFORMATION CONTACT: For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619–7808. For licensing issues, Dr. Paul Mele, Office of Research & Technology Assessment, (301) 619–6664, both at telefax (301) 619–5034.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 04–20521 Filed 9–9–04; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Energy Information Administration (EIA), Department of Energy (DOE).

ACTION: Agency information collection activities: submission for OMB review; comment request.

SUMMARY: The EIA has submitted the Electric Power Program to the Office of Management and Budget (OMB) for review and a three-year extension under section 3507(h)(1) of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) (44 U.S.C. 3501 *et seq.*).

DATES: Comments must be filed by October 12, 2004. If you anticipate that you will be submitting comments but find it difficult to do so within that period, you should contact the OMB Desk Officer for DOE listed below as soon as possible.

ADDRESSES: Send comments to OMB Desk Officer for DOE, Office of Information and Regulatory Affairs, Office of Management and Budget. To ensure receipt of the comments by the due date, submission by FAX (202–395–7285) is recommended. The mailing address is 726 Jackson Place, NW., Washington, DC 20503. (A copy of your comments should also be provided to EIA's Statistics and Methods Group at the address below.)

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Grace Sutherland. To ensure receipt of the comments by the due date, submission by FAX (202–287–1705) or e-mail (*grace.sutherland@eia.doe.gov*) is recommended. The mailing address is Statistics and Methods Group (EI–70), Forrestal Building, U.S. Department of Energy, Washington, DC 20585–0670. Ms. Sutherland may be contacted by telephone at (202) 287–1712.

SUPPLEMENTARY INFORMATION: This section contains the following information about the energy information collection submitted to OMB for review: (1) The collection numbers and title; (2) the sponsor (*i.e.*, the Department of Energy component); (3) the current OMB docket number (if applicable); (4) the type of request (*i.e.*, new, revision, extension, or reinstatement); (5) response obligation (*i.e.*, mandatory, voluntary, or required to obtain or retain benefits); (6) a description of the need for and proposed use of the information; (7) a

categorical description of the likely respondents; and (8) an estimate of the total annual reporting burden (*i.e.*, the estimated number of likely respondents times the proposed frequency of response per year times the average hours per response).

1. Forms EIA–411, 412, 423, 767, 826, 860, 860M, 861, 906, and 920, ''Electric Power Program.''
2. Energy Information Administration.
3. OMB Number 1905–0129.
4. Three-year extension.
5. Mandatory (all forms except for EIA–411) and voluntary (EIA–411).
6. The Electric Power Surveys collect electric power information including capacity, generation, fuel consumption, fuel receipts, fuel stocks, and prices, along with financial information. Respondents include both regulated and unregulated entities that comprise the U.S. electric power industry. Electric power data collected are used by the Department of Energy for analysis and forecasting. Data are published in various EIA reports.

Below are additional proposed changes to the electric power surveys that that have been made subsequent to the April 2, 2004 **Federal Register** notice (69 FR 17400) requesting public comments. The proposed changes resulted from EIA's consideration of public comments and internal reviews of the electric power surveys.

Generic changes across forms:

1. Replaced ''Regulated'' and ''Unregulated'' with ''Utility'' and ''Non Utility,'' where appropriate.
2. Standardized all ''Higher Heating Value'' tables across forms.
3. Combined all glossaries into one that can be accessed online; replaced all glossaries in the individual forms with links to the online version.
4. Revised burden estimates for all forms.

The changes noted below are FORM changes only. Many instructional changes were made in all the forms for the following form changes, and, in some cases, to better clarify the meaning of various data element requests.

For Form EIA–411

1. Modified: Schedule 2, CAPACITY FOR EXISTING GENERATORS IN REPORTING YEAR (was Schedule 3 in **Federal Register** version) by replacing lines 8, 9 and 10 with line 8. Basically lumped all of the derating categories into one category. Total operable capacity (line 11) is now line 9.
2. Modified: Schedule 3, HISTORICAL AND PROJECTED DEMAND AND CAPACITY (was Schedule 2 in **Federal Register** version) by adding lines 7a, 7b1, 7b2, 7c, and 7d to provide additional derating categories at a higher level of aggregation than Schedule 2 would have been.
3. Modified: Schedule 4, HISTORICAL AND PROJECTED CAPACITY PURCHASES/INCOMING TRANSFERS (MEGAWATTS) to include capacity incoming transfers, and to list Plant and Unit ID for each transfer/purchase.

For Form EIA–412

1. Modified: Schedule 9, Parts A, B, & C, ELECTRIC GENERATING PLANT STATISTICS, to add ''Net Generation'' back into forms, keeping ''Gross Generation'' but instructing respondents to provide Gross Generation only if they are unable to provide Net Generation data.
2. Also added ''Rents'' to Production Expenses portion of Schedule 9, Parts B & C (Rents was already included in Part A) in order to pick up all expenses.
3. Added a list of Prime Mover codes to instructions for Schedule 9, Parts A, B & C, line 1, ''Kind of Plant.''

For Form EIA–767

1. In SCHEDULE 4, BOILER INFORMATION, PART C. DESIGN PARAMETERS, deleted lines 18 through 21 on alternate fuel capabilities.
2. In SCHEDULE 6, COOLING SYSTEM INFORMATION, PART B. DESIGN PARAMETERS, added line 22, datum for latitude and longitude.
3. In SCHEDULE 9, STACK AND FLUE INFORMATION—DESIGN PARAMETERS, added line 18, datum for latitude and longitude.

For Form EIA–826

1. Deleted SCHEDULE 1. RETAIL SALES TO ULTIMATE CUSTOMERS, PART E. ANY OTHER RETAIL ENERGY SERVICE PROVIDER THAT DOES NOT MEET THE REQUIREMENTS FOR SCHEDULES A THROUGH D.
2. Deleted word ''Retail'' from Schedule 1, Parts A, B, C, & D.

For Form EIA–860

1. Replaced data element from Schedule 3, Generator Information—''Is this Generator Regulated?'' with ''Is Any Part of This Generator Owned by an Entity that is Not an Electric Utility?''
2. Modified Schedule 3, Part B, Question 3—to read ''Maximum Reactive Output (Lagging MVAR) At Expected Peak Output.''
3. Modified Schedule 3, Part B, Questions 8 to ''Is this generator associated with a Combined Heat and Power system (fuel input is used to produce both electricity and useful thermal output)?'' and Question 9 to ''Is this a Distributed Generator?''
4. Added question 10 b to Schedule 3, Part B—''Is this generator part of a Solid Fuel Gasification system?''
5. Modified number of fuel options for co-firing reportable from 9 to 6 (Q. 20, Sch. 3, Part B).
6. Modified number of ''other energy sources'' from ten to four (Q. 14, Part B; Q. 11, Part C; Q. 13, Part D).
7. Deleted question on ability to co-fire natural gas in Parts B, C and D.
8. Added question 7b to Schedule 3, Part C, and 9b to Schedule 3, Part D—''Will this generator be part of a Solid Fuel Gasification system?''
9. Deleted question from Schedule 3, Part D.—Expected Active Power Output at Maximum Reactive Output (MW).
10. Deleted question from Schedule 3, Part B—Active Power Output at Maximum Reactive Output (MW).
11. Modified Schedule 3, Part D, Question 7 to: ''Will this generator be associated with a Combined Heat and Power system (fuel input is used to produce both electricity and useful thermal output?)'' and Question 8 to ''Will this be a Distributed Generator?''
12. Deleted Schedule 7.

For Form EIA–861

1. Deleted word ''Retail'' from Schedule 4, Parts A, B, C, and D.
2. Deleted SCHEDULE 4. RETAIL SALES TO ULTIMATE CUSTOMERS, PART E. ANY OTHER RETAIL ENERGY SERVICE PROVIDER THAT DOES NOT MEET THE REQUIREMENTS FOR SCHEDULES A THROUGH D.

For Form EIA–906

1. Modified response due date on form from ''10 days following the end of the report month,'' to ''the last day of the month following the end of the reporting period.''
2. Modified ''Stocks at End of Reporting Month'' to ''Stocks at End of Reporting Period.''

For Form EIA–920

1. Modified response due date on form from 10 working days after the end of the report month to the last day of the month following the end of the reporting period.
2. Modified ''Stocks at End of Reporting Month'' to ''Stocks at End of Reporting Period.''
3. Added line f—Other Outgoing Electricity to Schedule 4.2.
7. Business or other for-profit; State, local or tribal government; Federal government.
8. 155, 120 hours of burden.

Please refer to the supporting statement as well as the proposed forms and instructions for more information about the purpose, who must report,

when to report, where to submit, the elements to be reported, detailed instructions, provisions for confidentiality, and uses (including possible nonstatistical uses) of the information. For instructions on obtaining materials, see the **FOR FURTHER INFORMATION CONTACT SECTIONN.**

Statutory Authority: Section 3507(h)(1) of the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13)(44 U.S.C. 3501 *et seq*).

Issued in Washington, DC, September 2, 2004.

Jay H. Casselberry,

Agency Clearance Officer, Statistics and Methods Group, Energy Information Administration.

[FR Doc. 04–20500 Filed 9–9–04; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–70–005]

Algonquin Gas Transmission, LLC; Notice of Negotiated Rate

September 3, 2004.

Take notice that on August 31, 2004, Algonquin Gas Transmission, LLC (Algonquin) tendered for filing as a part of its FERC Gas Tariff, Fifth Revised Volume No. 1, the following tariff sheets, to become effective October 1, 2004:

Original Sheet No. 58
Sheet Nos. 59–88

Algonquin states that it also tendered for filing a copy of the service agreement reflecting the negotiated rate for firm transportation service to be rendered to Distrigas of Massachusetts LLC (Distrigas), to become effective on October 1, 2004, or a later date as the facilities constructed for the Everett Alternative Project are placed into service.

Algonquin states that the purpose of this filing is to implement the negotiated rate agreement for firm transportation service to be rendered to Distrigas by means of the expansion facilities approved by the Commission in Docket No. CP04–67.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E4–2147 Filed 9–9–04; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[RP04–554–000, et al.]

Algonquin Gas Transmission, LLC et al.; Notice of Proposed Changes in FERC Gas Tariff

September 3, 2004.

In the matter of: RP04–514–000, RP04–515–000, RP04–555–000, RP04–516–000, RP04–524–000, RP04–525–000, RP04–527–000, RP04–528–000, RP04–529–000, RP04–557–000, RP04–530–000, RP04–558–000, RP04–559–000, RP04–560–000, RP04–561–000, RP04–531–000, RP04–562–000, RP04–518–000, RP04–532–000, RP04–519–000, RP04–500–000, RP04–533–000, RP04–534–000, RP04–535–000, RP04–506–000, RP04–563–000, RP04–501–000, RP04–536–000, RP04–537–000, RP04–539–000, RP04–520–000, RP04–502–000, RP04–540–000, RP04–508–000, RP04–510–000, RP04–542–000, RP04–541–000, RP04–566–000, RP04–567–000, RP04–577–000, RP04–511–000, RP04–543–000, RP04–544–000, RP04–545–000, RP04–546–000, RP04–568–000, RP04–569–000, RP04–512–000, RP04–550–000, RP04–513–000, RP04–570–000, RP04–547–000, RP04–548–000, RP04–579–000, RP04–551–000, RP04–571–000, RP04–504–000, RP04–580–000, RP04–572–000, RP04–552–000, and RP04–553–000; ANR Pipeline Company, ANR Storage Company, Black Marlin Pipeline Company, Blue Lake Gas Storage Company, Canyon Creek Compression Company, Colorado Interstate Gas Company, Columbia Gas Transmission Company, Columbia Gulf Transmission Company, Crossroads Pipeline Company, Dauphin Island Gathering Partners, Destin Pipeline Company, L.L.C., Discovery Gas Transmission LLC, Dominion Cove Point LNG, LP, Dominion Transmission, Inc., East Tennessee Natural Gas, LLC, El Paso Natural Gas Company, Equitrans, L.P., Gas Transmission Northwest Corporation, Granite State Gas Transmission Company, Great Lakes Gas Transmission Limited Partnership, Guardian Pipeline, L.L.C., Gulf South Pipeline Company, LP, Horizon Pipeline Company, L.L.C., Iroquois Gas Transmission System, L.P., Kinder Morgan Interstate Gas Transmission LLC, Maritimes & Northeast Pipeline, L.L.C., Midwestern Gas Transmission Company, Mojave Pipeline Company, National Fuel Gas Supply Corporation, Natural Gas Pipeline Company of America, North Baja Pipeline, L.L.C., Northern Border Pipeline Company, Northern Natural Gas Company, Northwest Pipeline Corporation, Ozark Gas Transmission, L.L.C., Paiute Pipeline Company, Panhandle Eastern Pipe Line Company, LP, Pine Needle LNG Company, LLC, Portland Natural Gas Transmission System, Questar Southern Trails Pipeline Company, Sabine Pipe Line LLC, Sea Robin Pipeline Company, Southern Star Central Gas Pipeline, Inc., Southwest Gas Storage Company, Southwest Gas Transmission Company, A Limited Partnership, Steuben Gas Storage Company, Texas Eastern Transmission, LP, Texas Gas Transmission, LLC, Trailblazer Pipeline Company, TransColorado Gas Transmission Company, Transcontinental Gas Pipe Line Corporation, Trunkline Gas Company, LLC, Trunkline LNG Company, LLC, Tuscarora Gas Transmission Company, Vector Pipeline L.P., Venice Gathering System, L.L.C., Viking Gas Transmission Company, WestGas InterState, Inc., Williston Basin Interstate Pipeline Company, Wyoming Interstate Company, Ltd., and Young Gas Storage Company, Ltd.

Take notice that the above-referenced pipelines tendered for filing their tariff sheets respectively, pursuant to section 154.402 of the Commission's regulations, to reflect the Commission's change in the unit rate for the Annual Charge Adjustment (ACA) surcharge to be applied to rates for recovery of 2004 Annual Charges pursuant to Order No. 472, in Docket No. RM87–3–000. The proposed effective date of the tariff sheets is October 1, 2004.

The above-referenced pipelines state that the purpose of their filings is to

reflect the revised ACA effective for the twelve-month period beginning October 1, 2004. The pipelines further state that their tariff sheets reflect a decrease of $.00021 per Dth in the ACA adjustment surcharge, resulting in a new ACA rate of $.0019 Dth as specified by the Commission in its invoice dated July 30, 2004, for the Annual Charge Billing—Fiscal Year 2004.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

Anyone filing an intervention or protest must file a separate motion to intervene or protest in each docket.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on September 13, 2004.

Magalie R. Salas,

Secretary.

[FR Doc. E4–2152 Filed 9–9–04; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP04–526–000]

Colorado Interstate Gas Company; Notice of Proposed Changes in FERC Gas Tariff

September 2, 2004.

Take notice that on August 31, 2004, Colorado Interstate Gas Company (CIG) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets, to become effective October 1, 2004:

First Revised Sheet No. 226
Original Sheet No. 380E

CIG states that these tariff sheets permit CIG to hold capacity with upstream and downstream entities in compliance with the Commission's off-system capacity policies. CIG notes that this provision will enhance CIG's ability to provide service because it will be able to offer its shippers ''one stop shopping'' for capacity from upstream supply sources to downstream markets.

CIG states that copies of its filing have been sent to all firm customers, interruptible customers, and affected state commissions.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E4–2139 Filed 9–9–04; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–564–002]

Dominion Cove Point LNG, LP; Notice of Negotiated Rate

September 3, 2004.

Take notice that on August 31, 2004, Dominion Cove Point LNG, LP (Cove Point) tendered for filing a negotiated rate agreement with Statoil Natural Gas, LLC (Statoil), to become effective September 1, 2004.

Cove Point states that Statoil has agreed to pay higher reservation rates to reflect additional costs related to Cove Point's reactivation of its LNG import terminal that are not currently reflected in the LTD–1 recourse rates. Cove Point further states that the negotiated rates will increase revenues from jurisdictional service by approximately $4 million based on the 12-month period ending August 31, 2005.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date

need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E4–2149 Filed 9–9–04; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL04–130–000]

Duke Energy Moss Landing LLC v. California Independent System Operator Corporation; Notice of Complaint

September 2, 2004.

Take notice that on September 1, 2004, Duke Energy Moss Landing LLC (Moss Landing) filed a formal complaint against California Independent System Operator Corporation (CAISO) pursuant to section 206 of the Federal Power Act (FPA) 16 U.S.C. 824e (2000), and 18 CFR 385.206 (2003), seeking revision of certain CAISO rules to allow Moss Landing to self-supply station power in a manner consistent with the Commission's established precedent.

Moss Landing certifies that copies of the complaint were served on the contacts for California Independent System Operator Corporation as listed on the Commission's list of Corporate Officials.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Responder's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. eastern standard time on September 22, 2004.

Magalie R. Salas,

Secretary.

[FR Doc. E4–2142 Filed 9–9–04; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–518–062]

Gas Transmission Northwest Corporation; Notice Of Negotiated Rate

September 3, 2004.

Take notice that on August 31, 2004, Gas Transmission Northwest Corporation (GTN) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1–A, Twelfth Revised Sheet No. 15, to become effective September 1, 2004.

GTN states that this sheet is being filed to reflect the continuation of a negotiated rate agreement pursuant to evergreen provisions contained in the agreement.

GTN further states that a copy of this filing has been served on GTN's jurisdictional customers and interested State regulatory agencies.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E4–2146 Filed 9–9–04; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP04–538–000]

National Fuel Gas Supply Corporation; Notice of Tariff Filing

September 2, 2004.

Take notice that on August 31, 2004, National Fuel Gas Supply Corporation (National) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, Sixty Seventh Revised Sheet No. 9, the following tariff sheet to become effective September 1, 2004.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E4–2140 Filed 9–9–04; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP04–229–002]

Natural Gas Pipeline Company of America; Notice of Compliance Filing

September 2, 2004.

Take notice that on August 26, 2004, Natural Gas Pipeline Company of America (Natural) submitted a compliance filing pursuant to the Commission's Letter Order (Order), issued on August 17, 2004, in Docket No. RP04–229–001.

Natural states that the filing is being made to comply with the Commission's Order, which approved Natural's Pro Forma version of Substitute Second Revised Sheet No. 280B, subject to Natural filing an actual version of the Pro Forma tariff. The proposed effective date reflected on the tariff sheet is August 17, 2004.

Natural states that copies of its filing were served on parties on the official service list in the above-captioned proceeding.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E4–2135 Filed 9–9–04; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP04–204–002]

Northern Border Pipeline Company; Notice of Compliance Filing

September 3, 2004.

Take notice that on August 31, 2004, Northern Border Pipeline Company (Northern Border) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets, to become effective September 1, 2004:

Fourth Revised Sheet No. 98
First Revised Sheet No. 188
Second Revised Sheet No. 184
Original Sheet No. 188A
Third Revised Sheet No. 185
First Revised Sheet No. 192
Original Sheet No. 185A
Seventh Revised Sheet No. 212
Substitute First Revised Sheet No. 186
Sixth Revised Sheet No. 214A
Substitute First Revised Sheet No. 187
Substitute Third Revised Sheet No. 467
Original Sheet No. 187A

Northern Border states that the purpose of this motion is to comply with the Commission's Order issued on March 30, 2004, in Docket No. RP04–204–000 (106 FERC ¶ 61,327) .

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed in accordance with the provisions of section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the ''eFiling'' link at

http://www.ferc.gov. Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E4–2150 Filed 9–9–04; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP04–521–000]

Northwest Pipeline Corporation; Notice of Proposed Changes in FERC Gas Tariff and Filing of Non-Conforming Service Agreement

September 2, 2004.

Take notice that on August 30, 2004, Northwest Pipeline Corporation (Northwest) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, Seventh Revised Sheet No. 373, to become effective October 1, 2004. Northwest also tendered for filing a Rate Schedule TF–1 non-conforming service agreement.

Northwest states that the purpose of this filing is to: (1) Submit a Rate Schedule TF–1 service agreement containing contract-specific operational flow order provisions that do not conform to the Rate Schedule TF–1 form of service agreement contained in Northwest's tariff, (2) add this agreement to the list of non-conforming service agreements in Northwest's tariff; and (3) remove a service agreement due to termination from the list of non-conforming service agreements in Northwest's tariff.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E4–2136 Filed 9–9–04; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP04–523–000]

Southern Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

September 2, 2004.

Take notice that on August 31, 2004, Southern Natural Gas Company (Southern) tendered for filing as part of its FERC Gas Tariff, Seventh Revised Volume No. 1, the tariff sheets listed on Appendix A to the filing, to become effective October 1, 2004.

Southern's filing also contains the pro forma tariff sheets listed in Appendix B to the filing proposed to become effective only pursuant to an order approving the changes contained therein.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E4–2138 Filed 9–9–04; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP04–549–000]

Tennessee Gas Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

September 2, 2004.

Take notice that on August 31, 2004, Tennessee Gas Pipeline Company (Tennessee) tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, the tariff sheets identified in Appendices A, B, and C, to the filing.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E4–2141 Filed 9–9–04; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP04–522–000]

Texas Gas Transmission, LLC; Notice of Proposed Changes in FERC Gas Tariff

September 2, 2004.

Take notice that on August 30, 2004, Texas Gas Transmission, LLC, (Texas Gas) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, Third Revised Sheet No. 36, to become effective November 1, 2004.

Texas Gas states that the proposed changes, effective November 1, 2004, will slightly increase Texas Gas' currently effective fuel retention percentages.

Texas Gas is proposing the revised tariff sheet in order to establish a revised Effective Fuel Retention Percentage (EFRP) under the provisions of ''Section 16, Fuel Retention as found in the General Terms and Conditions of Texas Gas' FERC Gas Tariff, Second Revised Volume No. 1. The revised EFRPs are proposed to be in effect for the annual period November 1, 2004, through October 31, 2005.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E4–2137 Filed 9–9–04; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–323–003]

Williston Basin Interstate Pipeline Company; Notice of Negotiated Rate

September 3, 2004.

Take notice that on August 31, 2004, Williston Basin Interstate Pipeline Company (Williston Basin) tendered for filing with the Commission a negotiated Rate Schedule FT–1 service agreement. The proposed effective date of the service agreement is September 1, 2004.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or

protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E4–2148 Filed 9–9–04; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC04–81–002, et al.]

Ameren Corporation, et al.; Electric Rate and Corporate Filings

September 2, 2004.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

1. Ameren Corporation, Dynegy Inc., Illinova Corporation, Illinova Generating Company, Illinois Power Company

[Docket No. EC04–81–002]

Dynegy Midwest Generation, Inc. and Dynegy Power Marketing, Inc.

[Docket No. ER04–673–002]

Dynegy Power Marketing, Inc.

[Docket No. ER04–711–002]

Dynegy Power Marketing, Inc.

[[Docket No. ER99–4160–004]

Dynegy Midwest Generation, Inc.

[Docket No. ER00–1895–003]

Take notice that on August 30, 2004, Dynegy Power Marketing, Inc. (DYPM) and Dynegy Midwest Generation, Inc. (DMG) pursuant to section 205 of the Federal Power Act (FPA), 16 U.S.C. 824d, and part 35 of the Commission's regulations, 18 CFR part 35, submitted for filing, rate schedules implementing provisions for sales of market-based ancillary services in compliance with the Federal Energy Regulatory Commission's July 29, 2004 order in Ameren Corporation, 108 FERC ¶ 61,094. DYPM and DMG also submitted for filing revisions to their tariffs implementing the Market Behavior Rules, Investigation of Terms and Conditions of Public Utility Market-Based Rate Authorizations, 105 FERC ¶ 61,218 (2003).

DYPM and DMG request an effective date for the Market-Based Ancillary Services Tariffs of January 1, 2005 and December 17, 2003 for the Market Behavior Rules Tariffs.

Comment Date: 5 p.m. Eastern Time on September 20, 2004

2. White Pine Copper Refinery, Inc. and White Pine Electric Power, L.L.C.

[Docket Nos. EC04–137–000 and ER04–1047–001]

Take notice that on August 24, 2004, White Pine Copper Refinery, Inc. and White Pine Electric Power, L.L.C. tendered for filing Revised Original Sheet No. 1 of White Pine Electric Power LLC's FERC Electric Rate Schedules No. 1.

Comment Date: 5 p.m. Eastern Time on September 14, 2004.

3. Alpena Power Generation, L.L.C.

[Docket No. ER04–1004–000]

Take notice that on August 27, 2004, Alpena Power Generation, L.L.C. (Alpena Generation) tendered for filing a Supplement to Market-Based Rate Application and Request for Waiver containing additional cost information and a clarification regarding ancillary service sales. Alpena states that the application was previously filed on July 9, 2004.

Alpena Generation states that copies of the filing were served upon the public utility's jurisdictional customers and the Michigan Public Service Commission.

Comment Date: 5 p.m. Eastern Time on September 17, 2004.

4. Commonwealth Edison Company

[Docket No. ER04–1155–000]

Take notice that on August 27, 2004, Commonwealth Edison Company (ComEd) tendered a Notice of Cancellation of Original Service Agreement No. 1044 between it and Chicago Heights Energy Partners LLC (CHEP), under PJM Interconnection, LLC's FERC Electric Tariff, Sixth Revised Volume No. 1.

Comment Date: 5 p.m. Eastern Time on September 17, 2004.

5. Buckeye Power Generating, LLC

[Docket No. ER04–1157–000]

Take notice that on August 30, 2004, Buckeye Power Generating, LLC (BPG) tendered for filing a Power Purchase Agreement between BPG and Buckeye Power, Inc. (BPI). BPG states that the Power Purchase Agreement provides for the sale by BPG to BPI of all of the electric capacity and energy to which BPG is entitled under the Amended and Restated Inter-Company Power Agreement among the Ohio Valley Electric Corporation (OVEC) and OVEC's Sponsoring Companies. BPG proposes that the rate schedule comprising the Power Purchase Agreement be made effective on May 17, 2004.

BPG states that copies of the filing have been served on BPI and the Public Utilities Commission of Ohio.

Comment Date: 5 p.m. Eastern Time on September 20, 2004.

6. Brascan Energy Marketing Inc.

[Docket No. ER02–2407–002]

Take notice that, on August 27, 2004, Brascan Energy Marketing Inc. (BEMI) submitted for filing its triennial updated market analysis pursuant to Appendix A of the Federal Energy Regulatory Commission's August 27, 2001 letter order granting BEMI market-based rate authorization. See Maclaren Energy Inc., unpublished letter order issued in Docket Nos. ER01–2104–000 and ER01–2104–001 (August 27, 2001).

BEMI states that copies of the filing were served on parties on the official service list in the above-captioned proceeding.

Comment Date: 5 p.m. Eastern Time on September 17, 2004.

7. William C. Verrette

[Docket No. ID–4081–000]

Take notice that on June 29, 2004, William C. Verrette tendered for filing an Application for Authority to Hold Interlocking Positions under section 305(b) of the Federal Power Act, 16 U.S.C. 825(b).

Comment Date: 5 p.m. Eastern Time on September 13, 2004.

Standard Paragraph

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by

the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E4–2145 Filed 9–9–04; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP04–360–000]

Maritimes & Northeast Pipeline, LLC; Notice Of Informal Settlement Conference

September 3, 2004.

Take notice that an informal settlement conference will be starting at 10 a.m. (e.s.t.) on Thursday, September 23, 2004, at the offices of the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, for the purpose of exploring the possible settlement in the above-referenced proceeding.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined by 18 CFR 385.1012(b), is invited to attend. Persons wishing to become a party must move to intervene and received intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, please contact Arnold H. Meltz at (202) 502–8649 or *arnold.meltz@ferc.gov*.

Magalie R. Salas,

Secretary.

[FR Doc. E4–2151 Filed 9–9–04; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6655–5]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7167 or *http://www.epa.gov/compliance/nepa/*.

Weekly receipt of Environmental Impact Statements filed August 30, 2004 through September 3, 2004 Pursuant to 40 CFR 1506.9.

EIS No. 040415, FINAL EIS, COE, AK, Akutan Harbor Navigation Improvements Project, Construction and Implementation, Bering Sea, City of City of Akutan, AK. *Wait Period Ends:* October 12, 2004. *Contact:* Wayne M. Crayton (907) 753–2672.

EIS No. 040416, FINAL EIS, NPS, CA, Point Reyes National Seashore (PRNS) and the North District of Golden Gate National Recreation Area (GGNRA) Fire Management Plan, Implementation, Marin County, CA. *Wait Period Ends:* October 12, 2004. *Contact:* Roger Wong (415) 464–5100.

EIS No. 040417, FINAL EIS, FHW, MO, U.S. 40/61 Bridge Location Study Over the Missouri River, Improvement of the Transportation System, Section 9 of the Rivers and Harbor Act Permit, and U.S. Army COE Section 10 and 404 Permits, Missouri River, St. Charles and St. Louis Counties, MO. *Wait Period Ends:* October 12, 2004. *Contact:* Donald Neumann (573) 636–7104.

EIS No. 040418, FINAL EIS, COE, FL, Programmatic EIS—Florida Keys Water Quality Improvements Program, To Implement Wastewater and Stormwater Improvements, South Florida Water Management District, Monroe County, FL. *Wait Period Ends:* October 12, 2004. *Contact:* Dennis Barnett (404) 562–5225.

EIS No. 040419, DRAFT SUPPLEMENT, GSA, TX, Del Rio Port of Entry (POE), Increased Security Measures Associated with Phase II Expansion, Supplement to the 1992 Del Rio Border Patrol Station, Del Rio, Val Verde County, TX. *Comment Period Ends:* October 25, 2004. *Contact:* Rae Lynn Schneider (972) 423–5480.

EIS No. 040420, FINAL EIS, COE, FL, Miami Harbor Navigation Improvements Project to Study the Feasibility of Widening and Deepening Portions of the Port, Miami-Dade County, FL. *Wait Period Ends:* October 12, 2004. *Contact:* Ms. Term Jordan (904) 232–2117.

EIS No. 040421, FINAL EIS, NPS, MD, VA, PA, DC, Chesapeake Bay Special Resource Study (NRS), To Conserve and Restore Chesapeake Bay, New Unit of the National Park System, MD, VA, PA and DC. *Wait Period Ends:* October 12, 2004. *Contact:* Jonathan Diehard (410) 267–5725.

This document is available on the Internet at: http://www.chesapeakestudy.org.

EIS No. 040422, DRAFT EIS, AFS, NM, San Diego Range Allotment Project, Proposes to Revise Grazing Program, Santa Fe National Forest, Jerez Ranger District, Township 17–19 North, Range 1–3 East, Sandoval County, NM. *Comment Period Ends:* October 25, 2004. *Contact:* Rita Skinner (505) 829–3535.

EIS No. 040423, FINAL EIS, AFS, CA, Meteor Project, Proposal for Harvesting Timber and Conducting Associated Activities on 744 Acres, Implementation, Klamath National Forest, Salmon River Ranger District, Siskiyou County, CA. *Wait Period Ends:* October 12, 2004. *Contact:* Margaret J. Boland (530) 841–4501.

EIS No. 040424, DRAFT EIS, FRA, CA, Los Angeles Union Station Run-Through Tracks Project, To Improve Pedestrain Access, Connectivity and Increase the Capacity, City Los Angeles, Los Angeles County, CA. *Comment Period Ends:* October 25, 2004. *Contact:* David Valenstein (202) 493–6368.

EIS No. 040425, DRAFT EIS, FHW, UT, U.S. 6 Highway Project, Improvements from Interstate 15 (I–15) in Spanish Fork to Instate 70 (I–70) near Green River, Funding, Right-of-Way Permit and U.S. Army COE Section 404 Permit, Utah, Wasatch, Carbon and Emery Counties, UT. *Comment Period Ends:* October 29, 2004. *Contact:* Jeff Berna (801) 963–0182.

EIS No. 040426, DRAFT EIS, NRC, AR, Generic—License Renewal of Nuclear Plants, Arkansas Nuclear One, Unit 2 (Tac. Nos. MB 8405) Supplement 19 to NUREG–1437, Operating License Renewal, Pope County, AR. *Comment*

Period Ends: November 24, 2004. *Contact:* Thomas Kenyon (301) 415–1120.

EIS No. 040427, DRAFT EIS, BLM, NV, Las Vegas Valley Disposal Boundary Project, Disposal and Use of Public Land under the Management of (BLM), Implementation, Clark County, NV. *Comment Period Ends:* November 9, 2004. *Contact:* Jeff Steinmetz (702) 515–5097.

EIS No. 040428, DRAFT EIS, BLM, Programmatic—Wind Energy Development Program, To Address Stewardship, Conservation and Resource Use on BLM-Administered Lands, Right-of-Way Grants, Western United States. *Comment Period Ends:* December 9, 2004. *Contact:* Lee Otteni (505) 599–8911.

EIS No. 040429, FINAL EIS, NOA, FL, Programmatic EIS—Seagrass Restoration in the Florida Keys National Marine Sanctuary, Implementation, U.S. Army COE Section 404 and CZMA Permits, Monroe County, FL. *Wait Period Ends:* October 12, 2004. *Contact:* Harriet Sopher (301) 713–3125.

EIS No. 040430, FINAL EIS, AFS, WY, Wyoming Range Allotment Complex, To Determine Whether or not to Allow Domestic Sheep Grazing, Bridger-Teton National Forest, Big Piney, Greys River and Jackson Ranger Districts, Sublette, Lincoln and Teton Counties, WY. *Wait Period Ends:* October 12, 2004. *Contact:* Greg Clark (307) 276–3375.

Amended Notices

EIS No. 040261, DRAFT EIS, BLM, CO, Northern San Juan Basin Coal Bed Methane Project, Proposed to Drill Approximately 300 Well to Produce Natural Gas from Coal Beds on Federal, State and Private Owned Lands, Special-Use-Permit, Application for Permit to Drill and U.S. Army COE Section 404 Permit, LaPlata and Archulea Counties, CO. *Comment Period Ends:* November 30, 2004. *Contact:* Walt Brown (970) 385–1372. Revision of FR Notice published on 6/11/04: CEQ comment period ending 9/13/2004 has been extended to 11/30/2004.

Dated: September 7, 2004.

Robert W. Hargrove,

Division Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 04–20508 Filed 9–9–04; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6655–6]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act, as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564–7167. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 2, 2004 (69 FR 17403).

Draft EISs

ERP No. D–AFS–G65092–NM Rating LO, Invasive Plant Control Project, To Protect the Abundance and Biological Diversity of Desired Native Plant, Carson National Forest and Santa Fe National Forest, Rio Arriba, Colfax, Los Alamos, Mora and San Miguel Counties, NM.

Summary: EPA has no objection to the selection of the preferred alternative.

ERP No. D–AFS–J65021–MT Rating EC2, Gallatin National Forest Noxious and Invasive Weed Control Project, To Prevent and Reduce Loss of Native Plant, Bozeman, Carbon, Madison, Gallatin, Meagher, Park, and Sweet Grass Counties, MT.

Summary: EPA expressed concerns that without adequate environmental protection measures to reduce the potential for herbicide transport there is the potential of adverse impacts to water quality and biota. The Final EIS should include additional information on herbicide monitoring and aquatic toxicity.

ERP No. D–AFS–J65417–MT Rating EC2, Frenchtown Face Ecosystem Restoration Project, Maintain or Improve Forest Health and Reduce the Risk of Damage Insects and Disease, Lolo National Forest, Ninemile Ranger District, Missoula County, MT.

Summary: EPA supports project purpose and need, but has concerns regarding potential adverse effects to 303(d) listed waters. EPA recommends that the final EIS include additional analysis and information regarding impacts to water quality effects, monitoring, and mitigation.

ERP No. D–AFS–J65420–SD Rating EC2, Southeast Geographic Area Rangeland Management on National Forest System Lands of the Buffalo Gap National Grassland, To Implement Best Management Grazing Practices, Buffalo Gap National Grassland, Falls River Ranger District, Falls River Ranger District, Fall River County, SD.

Summary: EPA expressed environmental concerns due to impacts to water quality, and aquatic habitat and resources from livestock grazing in streams, riparian zones and wetlands. The Final EIS should include additional measures and mitigation to protect riparian areas and aquatic resources as well as monitoring thresholds and management responses to be used with the adaptive management approach.

ERP No. D–AFS–K65269–CA Rating EC2, Southern California National Forests Land Management Plans, Revision of the Angeles, Cleveland, Los Padres and San Bernardino National Forests Land Management Plans, San Bernadino, Riverside and San Diego Counties, CA.

Summary: EPA expressed concerns due to impacts related to water quality and quantity, air quality, and sensitive resources; integration of fire use as a management tool; and adequate funding for monitoring.

ERP No. D-DOI–K99033–00 Rating EC2, Programmatic EIS—Lower Colorado River Multi-Species Conservation Program, Issuing an Incidental Take Permit based on the Plan, Extending from Lake Mead to the Southerly International Boundary with Mexico, AZ, NV and CA.

Summary: EPA expressed environmental concerns with the project meeting National Ambient Air Quality Standards (NAAQS) for particulate matter, adverse effects of chemical contaminants on backwater biota, potential adverse impacts of water diversions, and outreach to environmental justice populations. Concerns were also expressed regarding future actions required for specific projects, funding of the MSCP, and lack of information on revised NAAQS.

Final EISs

ERP No. F–AFS–F65041–MN, Chippewa and Superior National Forests Land and Resource Management Plans Revision, Implementation, Beltrami, Cass, Itasca, Cook, Lake and St. Louis Counties, MN.

Summary: While EPA's previous concerns on invasive species and nonpoint source water pollution were addressed, the Final EIS did not provide clarification on deer herbivory monitoring.

ERP No. F–AFS–K65261–CA, Larson Reforestation and Fuel Reduction Project, Implementation, Stanislaus National Forest, Groveland Ranger District, Mariposa and Tuolumne Counties, CA.

Summary: No formal comment letter was sent to the preparing agency.

ERP No. F–BLM–J65325–WY, Jack Morrow Hills Coordinated Activity Plan, Implementation, Rock Springs, Portion of Sweetwater, Fremont and Subelette Counties, WY.

Summary: No formal comment letter was sent to the preparing agency.

ERP No. F–COE–K39078–CA, Napa River Salt Marsh Restoration Project, Salinity Reduction and Habitat Restoration in the Napa River Unit, Implementation, San Pablo Bay, Napa and Solano Counties, CA.

Summary: No formal comment letter was sent to preparing agency.

ERP No. F–DOD–A10075–00, Programmatic EIS—Chemical and Biological Defense Program, Protection of our Soldiers, Sailors, Marines and Airmen on the Battlefield, United States and other Countries.

Summary: No formal comment letter was sent to the preparing agency.

ERP No. F–NPS–C65004–NY, Saratoga National Historical Park General Management Plan, Implementation, Hudson River Valley, Towns of Stillwater and Saratoga, Saratoga County, NY.

Summary: EPA has no objections to proposed action.

ERP No. F–UAF–D52001–WV, Aircraft Conversion for the 167th Air Wing (167 AW) of the West Virginia Air National Guard, Converting C–13OH Transport Aircraft to the Larger C–5 Transport Aircraft, Acquisition of Land via Lease, and Construction of Facilities on existing and acquired Parcel, Berkely County, WV.

Summary: While many of EPA's previous concerns were resolved, EPA continues to have environmental concerns about noise and safety related to the closure of Runway 17/35.

Dated: September 7, 2004.

Robert W. Hargrove,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 04–20509 Filed 9–9–04; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–2004–0287]; FRL–7676–6]

FIFRA Scientific Advisory Panel; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: There will be a 3–day meeting of the Federal Insecticide, Fungicide, and Rodenticide Act Scientific Advisory Panel (FIFRA SAP) to consider and review issues associated with deployment of a type of plant-incorporated protectant (PIP), specifically those based on plant viral coat proteins (PVCP-PIPs).

DATES: The meeting will be held on October 13 to October 15, 2004, from 8:30 a.m. to approximately 5 p.m, eastern time.

Comments. For the deadlines for the submission of requests to present oral comments and the submission of written comments, see Unit I.E. of the **SUPPLEMENTARY INFORMATION**.

Nominations. Nominations of scientific experts to serve as ad hoc members of the FIFRA SAP for this meeting should be provided on or before September 24, 2004.

Special seating. Requests for special seating arrangements should be made at least 5 business days prior to the meeting.

ADDRESSES: The meeting will be held at the Holiday Inn National Airport, 2650 Jefferson Davis Highway, Arlington, Virginia 22202. The telephone number for the Holiday Inn National Airport is 703–684–7200.

Comments. Written comments may be submitted electronically (preferred), through hand delivery/courier, or by mail. Follow the detailed instructions as provided in Unit I. of the **SUPPLEMENTARY INFORMATION**.

Nominations, Requests to present oral comments, and Special seating. To submit nominations for ad hoc members of the FIFRA SAP for this meeting, requests for special seating arrangements, or requests to present oral comments, notify the DFO listed under **FOR FURTHER INFORMATION CONTACT**. To ensure proper receipt by EPA, your request must identify docket ID number OPP–2004–0287 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Paul Lewis, DFO, Office of Science Coordination and Policy (7201M), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 564–8450; fax number: (202) 564–8382; e-mail addresses: [*lewis.paul@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. This action may, however, be of interest to persons who are or may be required to conduct testing of chemical substances under the Federal Food, Drug, and Cosmetic Act (FFDCA), FIFRA, and the Food Quality Protection Act of 1996 (FQPA). Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the DFO listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies of this Document and Other Related Information?

1. *Docket.* EPA has established an official public docket for this action under docket identification (ID) number OPP–2004–0287. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1801 S. Bell Street, Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305–5805.

2. *Electronic access.* You may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr/*.

EPA's position paper, charge/questions to FIFRA SAP, FIFRA SAP composition ([*i.e.*, members and consultants for this meeting) and the meeting agenda will be available as soon as possible, but no later than early-September 2004. In addition, the Agency may provide additional background documents as the materials become available. You may obtain electronic copies of these documents, and certain other related documents that might be available electronically, from the FIFRA SAP Internet Home Page at *http://www.epa.gov/scipoly/sap*.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at *http://www.epa.gov/edocket/* to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select ''search,''

then key in the appropriate docket ID number.

Certain types of information will not be placed in EPA Dockets. Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. To the extent feasible, publicly available docket materials will be made available in EPA's electronic public docket. When a document is selected from the index list in EPA Dockets, the system will identify whether the document is available for viewing in EPA's electronic public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

For public commenters, it is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EPA's electronic public docket as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EPA's electronic public docket. The entire printed comment, including the copyrighted material, will be available in the public docket.

Public comments submitted on computer disks that are mailed or delivered to the docket will be transferred to EPA's electronic public docket. Public comments in hard copy that are mailed or delivered to the docket will be scanned and placed in EPA's electronic public docket. Where practical, physical objects will be photographed, and the photograph will be placed in EPA's electronic public docket along with a brief description written by the docket staff.

C. How and to Whom Do I Submit Comments?

You may submit comments electronically (preferred), through hand delivery/courier, or by mail. To ensure proper receipt by EPA, identify the appropriate docket ID number in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments. Do not use EPA Dockets or e-mail to submit CBI or information protected by statute.

1. *Electronically*. If you submit an electronic comment as prescribed in this unit, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

i. *EPA Dockets*. Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EPA Dockets at *http://www.epa.gov/edocket/*, and follow the online instructions for submitting comments. Once in the system, select ''search,'' and then key in docket ID number OPP–2004–0287. The system is an ''anonymous access'' system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

ii. *E-mail*. Comments may be sent by e-mail to *opp-docket@epa.gov*, Attention: Docket ID Number OPP–2004–0287. In contrast to EPA's electronic public docket, EPA's e-mail system is not an ''anonymous access'' system. If you send an e-mail comment directly to the docket without going through EPA's electronic public docket, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

iii. *Disk or CD ROM*. You may submit comments on a disk or CD ROM that you deliver as described in Unit I.C.2 or mail to the address provided in Unit I.C.3. These electronic submissions will be accepted in WordPerfect or ASCII file format. Avoid the use of special characters and any form of encryption.

2. *By hand delivery or courier*. Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA, Attention: Docket ID Number OPP–2004–0287. Such deliveries are only accepted during the docket's normal hours of operation as identified in Unit I.B.1.

3. *By mail*. Due to potential delays in EPA's receipt and processing of mail, respondents are strongly encouraged to submit comments either electronically or by hand delivery or courier. We cannot guarantee that comments sent via mail will be received prior to the close of the comment period. If mailed, please send your comments to: Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001, Attention: Docket ID Number OPP–2004–0287.

D. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. Provide specific examples to illustrate your concerns.
5. Make sure to submit your comments by the deadline in this document.
6. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

E. How May I Participate in this Meeting?

You may participate in this meeting by following the instructions in this unit. To ensure proper receipt by EPA, it is imperative that you identify docket

ID number OPP–2004–0287 in the subject line on the first page of your request.

1. *Oral comments.* Oral comments presented at the meetings should not be repetitive of previously submitted oral or written comments. Although requests to present oral comments are accepted until the date of the meeting (unless otherwise stated), to the extent that time permits, interested persons may be permitted by the Chair of FIFRA SAP to present oral comments at the meeting. Each individual or group wishing to make brief oral comments to FIFRA SAP is strongly advised to submit their request to the DFO listed under **FOR FURTHER INFORMATION CONTACT** no later than noon, eastern time, October 7, 2004, in order to be included on the meeting agenda. The request should identify the name of the individual making the presentation, the organization (if any) the individual will represent, and any requirements for audiovisual equipment ([*e.g.*, overhead projector, 35mm projector, chalkboard). Oral comments before FIFRA SAP are limited to approximately 5 minutes unless prior arrangements have been made. In addition, each speaker should bring 30 copies of his or her comments and presentation slides for distribution to FIFRA SAP at the meeting.

2. *Written comments.* Although submission of written comments are accepted until the date of the meeting (unless otherwise stated), the Agency encourages that written comments be submitted, using the instructions in Unit I., no later than noon, eastern time, October 7, 2004, to provide FIFRA SAP the time necessary to consider and review the written comments. There is no limit on the extent of written comments for consideration by FIFRA SAP. Persons wishing to submit written comments at the meeting should contact the DFO listed under **FOR FURTHER INFORMATION CONTACT** and submit 30 copies.

3. *Seating at the meeting.* Seating at the meeting will be on a first-come basis. Individuals requiring special accommodations at this meeting, including wheelchair access and assistance for the hearing impaired, should contact the DFO at least 5 business days prior to the meeting using the information under **FOR FURTHER INFORMATION CONTACT** so that appropriate arrangements can be made.

4. *Request for nominations of prospective candidates for service as ad hoc members of the FIFRA SAP for this meeting.* As part of a broader process for developing a pool of candidates for each meeting, the FIFRA SAP staff routinely solicit the stakeholder community for nominations of prospective candidates for service as ad hoc members of the FIFRA SAP. Any interested person or organization may nominate qualified individuals to be considered as prospective candidates for a specific meeting. Individuals nominated for the current meeting should have expertise in one or more of the following areas: risk assessment of virus-resistant transgenic plants, plant virology, plant virus recombination, heterologous encapsidation of plant viruses, gene flow and protein biochemistry. Nominees should be scientists who have sufficient professional qualifications, including training and experience, to be capable of providing expert comments on the scientific issues for this meeting. Nominees should be identified by name, occupation, position, address, and telephone number. Nominations should be provided to the DFO listed under **FOR FURTHER INFORMATION CONTACT** on or before September 24, 2004. The Agency will consider all nominations of prospective candidates for this meeting that are received on or before this date. However, final selection of ad hoc members for this meeting is a discretionary function of the Agency.

The selection of scientists to serve on the FIFRA SAP is based on the needs of the FIFRA SAP and includes consideration of such issues as adequately covering the areas of expertise (including the different scientific perspectives within each discipline) necessary to address the Agency's charge questions. In addition, ad hoc members of the FIFRA SAP must be available to fully participate in the review; they must not have any conflicts of interest or appearance of lack of impartiality; and they must be independent and unbiased with respect to the matter under review. No interested scientists shall be ineligible to serve by reason of their membership on any other advisory committee to a Federal Department or agency or their employment by a Federal department or agency (except the EPA). In order to have the collective breadth of experience needed to address the Agency's charge for this meeting, the Agency anticipates selecting more than 10 ad hoc scientists.

If a prospective candidate for service on the FIFRA SAP is considered for participation in a particular session, the candidate is subject to the provisions of 5 CFR part 2634, Executive Branch Financial Disclosure, as supplemented by the EPA in 5 CFR part 6401. As such, the FIFRA SAP candidate is required to submit a Confidential Financial Disclosure Form for Special Government Employees Serving on Federal Advisory Committees at the U.S. Environmental Protection Agency (EPA Form 3110–48 5–02) which shall fully disclose, among other financial interests, the candidate's employment, stocks, and bonds, and where applicable, sources of research support. The EPA will evaluate the candidate's financial disclosure form to assess that there are no financial conflicts of interest, no appearance of lack of impartiality and no prior involvement with the development of the documents under consideration (including previous scientific peer review) before the candidate is considered further for service on the FIFRA SAP.

Those who are selected from the pool of prospective candidates will be asked to attend the public meetings and to participate in the discussion of key issues and assumptions at these meetings. In addition, they will be asked to review and to help finalize the meeting minutes. The list of FIFRA SAP members participating at this meeting will be posted on the FIFRA SAP web site or may be obtained by contacting the PIRIB at the address or telephone number listed in Unit I.

II. Background

A. Purpose of the FIFRA SAP

Amendments to FIFRA enacted November 28, 1975 (7 U.S.C. 136w(d)), include a requirement under section 25(d) of FIFRA that notices of intent to cancel or reclassify pesticide regulations pursuant to section 6(b)(2) of FIFRA, as well as proposed and final forms of rulemaking pursuant to section 25(a) of FIFRA, be submitted to a SAP prior to being made public or issued to a registrant. In accordance with section 25(d) of FIFRA, the FIFRA SAP is to have an opportunity to comment on the health and environmental impact of such actions. The FIFRA SAP also shall make comments, evaluations, and recommendations for operating guidelines to improve the effectiveness and quality of analyses made by Agency scientists. Members are scientists who have sufficient professional qualifications, including training and experience, to be capable of providing expert comments as to the impact on health and the environment of regulatory actions under sections 6(b) and 25(a) of FIFRA. The Deputy Administrator appoints seven individuals to serve on the FIFRA SAP for staggered terms of 4 years, based on recommendations from the National Institutes of Health and the National Science Foundation.

Section 104 of FQPA (Public Law 104–170) established the FQPA Science

Review Board (SRB). These scientists shall be available to the FIFRA SAP on an ad hoc basis to assist in reviews conducted by the FIFRA SAP.

B. Public Meeting

The FIFRA SAP will meet to consider and review issues associated with deployment of a type of plant-incorporated protectant (PIP), specifically those based on plant viral coat proteins (PVCP-PIPs). A plant-incorporated protectant (PIP) is a pesticidal substance that is intended to be produced and used in a living plant, or in the produce thereof, and the genetic material necessary for production of such a pesticidal substance. The term includes both active and inert ingredients. PIPs are regulated as pesticides by EPA under FIFRA because they meet the FIFRA definition of a pesticide, being intended for preventing, destroying, repelling, or mitigating a pest.

PIPs may occur naturally or be introduced into plants by conventional breeding or genetic engineering. PVCP-PIPs are PIPs in which inserted genetic material is derived from a plant virus sequence that encodes a plant virus coat protein. Plant virus coat proteins encapsidate the viral nucleic acid and are known to have a role in nearly every stage of viral infection including replication, movement throughout an infected plant, and transport from plant to plant. Incorporation of plant virus coat protein gene sequences into plant genomes has been found to confer resistance to the virus from which it was derived and often to related viruses.

EPA is seeking the assistance of the SAP in evaluating several issues concerning PVCP-PIP transgenic plants, including the potential environmental consequences associated with gene flow and novel viral interactions.

C. FIFRA SAP Meeting Minutes

The FIFRA SAP will prepare meeting minutes summarizing its recommendations to the Agency in approximately 60 days after the meeting. The meeting minutes will be posted on the FIFRA SAP web site or may be obtained by contacting the PIRIB at the address or telephone number listed in Unit I.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: September 2, 2004.

Joseph J. Merenda,

Director, Office of Science Coordination and Policy.

[FR Doc. 04–20506 Filed 9–9–04; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7810–8]

Science Advisory Board Staff Office

Notification of Upcoming Meetings of the Health Effects Subcommittee of the Advisory Council on Clean Air Compliance Analysis

AGENCY: Environmental Protection Agency, (EPA).

ACTION: Notice.

SUMMARY: The EPA Science Advisory Board (SAB) Staff Office announces two public teleconferences of the Health Effects Subcommittee (HES) of the Advisory Council on Clean Air Compliance Analysis (Council) to discuss follow-on matters related to its report issued in March 2004 entitled *Advisory on Plans for Health Effects Analysis in the Analytical Plan for EPA's Second Prospective Analysis—Benefits and Costs of the Clean Air Act, 1990–2020.*

DATES: The public teleconferences of the Council HES will be held on September 21, 2004 from 2 p.m. to 5 p.m. (Eastern time) and on September 29, 2004 from 2 p.m. to 5 p.m. (Eastern time).

FOR FURTHER INFORMATION CONTACT: Members of the public who wish to obtain the call-in number and access code or who wish to submit written or brief oral comments (five minutes or less) must contact Dr. Holly Stallworth, Designated Federal Officer, at telephone/voice mail: (202) 343–9867 or via e-mail at: *stallworth.holly@epa.gov.* Requests to provide oral comments must be in writing (e-mail, fax or mail) and received by Dr. Stallworth no later than five business days prior to the teleconference in order to reserve time on the meeting agenda. It is the policy of the EPA Science Advisory Board Staff Office to accept written public comments of any length, and to accommodate oral public comments whenever possible. Any member of the public wishing further information regarding the SAB or the Council HES may also contact Dr. Stallworth, or visit the SAB Web site at: *http://www.epa.gov/sab.*

SUPPLEMENTARY INFORMATION:

Background

EPA's Office of Air and Radiation (OAR) conducts periodic, scientifically reviewed studies to assess the costs and benefits of regulations promulgated under the Clean Air Act. The Council is an outside body of recognized experts charged with reviewing the data, methods and cost-benefit analyses conducted by OAR for implementing its programs. EPA has thus far issued one retrospective analysis of the Clean Air Act covering the 1970–1990 time period and one prospective analysis covering the 1990–2010 time period. EPA is planning a second prospective analysis covering the 1990–2020 time period and has issued two analytic blueprints for this analysis. The Council provided advice on these analytic blueprints in 2001 and 2004. These reports of the Council and its subcommittees may be found at *http://www.epa.gov/sab/fiscal04.htm*. OAR provides more information on ''Section 812'' reports at: *http://www.epa.gov/air/sect812/index.html.* Additional background on the Council and on the statutorily mandated analyses of the costs and benefits of Clean Air Act programs was provided in a **Federal Register** notice published on February 14, 2003 (68 FR 7531–7534).

In its March 2004 Advisory report, posted at: *http://www.epa.gov/sab/pdf/council_adv_04002.pdf*, the Council HES provided advice through the Council on the health science aspects of EPA's analytic blueprint for its second prospective analysis. EPA's Office of Air and Radiation and EPA's Office of Policy, Economics and Innovation recently requested that the Council provide clarification on its advice in this March 2004 report pertaining to cessation lags, *i.e.* the time delay between reductions in air pollution and reductions in human health effects. The Agency seeks clarification of the Council's advice regarding this issue of cessation lags so that the Agency's analysis of the benefits of future rules for particulate matter (PM 2.5) might comport with the Council's previous recommendations. The Agency seeks the Council's advice on this proposed cessation lag structure.

The September 21 and September 29 teleconferences will provide the Council HES an opportunity to address the Agency's questions as stated in the letter to the Council which is posted at: *http://www.epa.gov/sab/pdf/comments_on_council_adv_04001.pdf.* Agendas for these teleconferences will be posted on the SAB Web site prior to the teleconference calls.

Dated: September 3, 2004.

Vanessa T. Vu,

Director, EPA Science Advisory Board Staff Office.

[FR Doc. 04–20505 Filed 9–9–04; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–2004–0305; FRL–7677–4]

Poly(hexamethylenebiguanide) hydrochloride Preliminary Risk Assessment; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of EPA's preliminary risk assessment, and related documents for the antimicrobial pesticide poly(hexamethylenebiguanide) hydrochloride (also referred to as PHMB), and opens a public comment period on these documents. PHMB was registered in the United States as an active ingredient in 1982. The public also is encouraged to suggest risk management ideas or proposals to address the risks identified. EPA is developing a Reregistration Eligibility Decision (RED) for PHMB using a modified, four-phase public participation process. EPA uses this process to involve the public in developing pesticide reregistration and tolerance reassessment decisions. Through these programs, EPA is ensuring that all pesticides meet current health and safety standards.

DATES: Comments, identified by docket ID number OPP–2004–0305, must be received on or before September 27, 2004.

ADDRESSES: Comments may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit I.C. of the **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Jennifer Slotnick, Antimicrobials Division (7510C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: 703–305–0601; fax number: 703–308–8481; e-mail address: *slotnick.jennifer@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies of this Document and Other Related Information?

1. *Docket*. EPA has established an official public docket for this action under docket identification (ID) number OPP–2004–0305. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305–5805.

2. *Electronic access*. You may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr/*.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at *http://www.epa.gov/edocket/* to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select ''search,'' then key in the appropriate docket ID number.

Certain types of information will not be placed in the EPA Dockets. Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. To the extent feasible, publicly available docket materials will be made available in EPA's electronic public docket. When a document is selected from the index list in EPA Dockets, the system will identify whether the document is available for viewing in EPA's electronic public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

For public commenters, it is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EPA's electronic public docket as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EPA's electronic public docket. The entire printed comment, including the copyrighted material, will be available in the public docket.

Public comments submitted on computer disks that are mailed or delivered to the docket will be transferred to EPA's electronic public docket. Public comments that are mailed or delivered to the docket will be scanned and placed in EPA's electronic public docket. Where practical, physical objects will be photographed, and the photograph will be placed in EPA's electronic public docket along with a brief description written by the docket staff.

C. How and to Whom Do I Submit Comments?

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate docket ID number in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be

marked ''late.'' EPA is not required to consider these late comments. If you wish to submit CBI or information that is otherwise protected by statute, please follow the instructions in Unit I.D. Do not use EPA Dockets or e-mail to submit CBI or information protected by statute.

1. *Electronically*. If you submit an electronic comment as prescribed in this unit, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

i. *EPA Dockets*. Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EPA Dockets at *http://www.epa.gov/edocket/*, and follow the online instructions for submitting comments. Once in the system, select ''search,'' and then key in docket ID number OPP–2004–0305. The system is an ''anonymous access'' system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

ii. *E-mail*. Comments may be sent by e-mail to *opp-docket@epa.gov*, Attention: Docket ID Number OPP–2004–0305. In contrast to EPA's electronic public docket, EPA's e-mail system is not an ''anonymous access'' system. If you send an e-mail comment directly to the docket without going through EPA's electronic public docket, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

iii. *Disk or CD ROM*. You may submit comments on a disk or CD ROM that you mail to the mailing address identified in Unit I.C.2. These electronic submissions will be accepted in WordPerfect or ASCII file format. Avoid the use of special characters and any form of encryption.

2. *By mail*. Send your comments to: Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001, Attention: Docket ID Number OPP–2004–0305.

3. *By hand delivery or courier*. Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA, Attention: Docket ID Number OPP–2004–0305. Such deliveries are only accepted during the docket's normal hours of operation as identified in Unit I.B.1.

D. How Should I Submit CBI to the Agency?

Do not submit information that you consider to be CBI electronically through EPA's electronic public docket or by e-mail. You may claim information that you submit to EPA as CBI by marking any part or all of that information as CBI (if you submit CBI on disk or CD ROM, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket and EPA's electronic public docket. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and EPA's electronic public docket without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at your estimate.
5. Provide specific examples to illustrate your concerns.
6. Offer alternatives.
7. Make sure to submit your comments by the comment period deadline identified.
8. To ensure proper receipt by EPA, identify the appropriate docket ID number in the subject line on the first page of your response. It would also be helpful if you provided the name, date, and **Federal Register** citation related to your comments.

II. Background

A. What Action is the Agency Taking?

EPA is releasing for public comment its human health and environmental fate and effects risk assessment(s), and related documents for PHMB, an antimicrobial pesticide, and encouraging the public to suggest risk management ideas or proposals. PHMB is used as a fungicide, algicide, and sanitizer in swimming pools, as a preservative for cut flowers, and as an all-purpose cleaner and disinfectant. EPA developed the risk assessment(s) and preliminary risk reduction options for PHMB through a modified version of its public process for making pesticide reregistration eligibility and tolerance reassessment decisions. Through these programs, EPA is ensuring that pesticides meet current standards under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (FQPA) and the Pesticide Registration Improvement Act of 2003 (PRIA).

EPA is providing an opportunity, through this notice, for interested parties to provide written comments and input on the Agency's risk assessment(s) for PHMB. Such comments and input could address, for example, the availability of additional data to further refine the risk assessments, or could address the Agency's risk assessment methodologies and assumptions as applied to this specific pesticide.

EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of all people, regardless of race, color, national origin, or income, in the development, implementation, and enforcement of

environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical, unusually high exposure to PHMB, compared to the general population.

All comments should be submitted using the methods in Unit I. of the **SUPPLEMENTARY INFORMATION**, and must be received by EPA on or before the closing date. Comments will become part of the Agency record for PHMB.

EPA is applying the principles of public participation to all pesticides undergoing reregistration and tolerance reassessment. In conducting these programs, the Agency is tailoring its public participation process to be commensurate with the level of risk, extent of use, complexity of the issues, and degree of public concern associated with each pesticide. For PHMB, a modified, four-phase process with one comment period and ample opportunity for public consultation seems appropriate in view of its refined risk assessment(s), limited use, small number of users, few complex issues, few affected stakeholders, and/or other factors. However, if as a result of comments received during this comment period EPA finds that additional issues warranting further discussion are raised, the Agency may lengthen the process and include a second comment period, as needed. EPA plans to issue the PHMB RED as a final document for public comment.

B. What is the Agency's Authority for Taking this Action?

Section 4(g)(2) of FIFRA as amended, directs that, after submission of all data concerning a pesticide active ingredient, ''the Administrator shall determine whether pesticides containing such active ingredient are eligible for reregistration,'' before calling in product specific data on individual end-use products and either reregistering products or taking other ''appropriate regulatory action.''

List of Subjects

Environmental protection, Pesticides and pests.

Dated: August 30, 2004

Frank Sanders,

Director, Antimicrobials Division, Office of Pesticide Programs.

[FR Doc. 04–20507 Filed 9–9–04; 8:45 am]

BILLING CODE 6560–50–S

FARM CREDIT SYSTEM INSURANCE CORPORATION

Farm Credit System Insurance Corporation Board; Regular Meeting

AGENCY: Farm Credit System Insurance Corporation Board.

SUMMARY: Notice is hereby given of the regular meeting of the Farm Credit System Insurance Corporation Board (Board).

DATES: The meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on September 16, 2004, from 9 a.m. until such time as the Board concludes its business.

FOR FURTHER INFORMATION CONTACT: Jeanette C. Brinkley, Secretary to the Farm Credit System Insurance Corporation Board, (703) 883–4009, TTY (703) 883–4056.

ADDRESSES: Farm Credit System Insurance Corporation, 1501 Farm Credit Drive, McLean, Virginia 22102.

SUPPLEMENTARY INFORMATION: Parts of this meeting of the Board will be open to the public (limited space available), and parts will be closed to the public. In order to increase the accessibility to Board meetings, persons requiring assistance should make arrangements in advance. The matters to be considered at the meeting are:

Closed Session

- Report on System Performance

Open Session

Approval of Minutes

- June 10, 2004 (Regular Meeting)

Business Reports

- Financials
- Report on Insured Obligations
- Quarterly Report on Annual Performance Plan

New Business

- Review of Insurance Premium Rates
- Proposed 2005–2006 Budget and 2005 Annual Performance Plan

Dated: September 8, 2004.

Jeanette C. Brinkley,

Secretary, Farm Credit System Insurance Corporation Board.

[FR Doc. 04–20606 Filed 9–8–04; 1:25 pm]

BILLING CODE 6710–01–P

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collections Approved By Office of Management and Budget

September 1, 2004.

SUMMARY: The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collections pursuant to the Paperwork Reduction Act of 1995, Pub. L. 104–13. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid control number.

FOR FURTHER INFORMATION CONTACT: Paul J. Laurenzano, Federal Communications Commission, 445 12th Street, SW., Washington DC 20554, (202) 418–1359 or via the Internet at *plaurenz@fcc.gov*.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0816.

OMB Approval date: 8/30/2004.

Expiration Date: 8/31/2007.

Title: Local Competition and Broadband Reporting, CC Docket No. 99–301 and WC Docket No. 04–141 (NPRM).

Form No.: FCC form 477.

Estimated Annual Burden: 966 responses; 48,207 total annual burden hours; approximately 50 hours average per respondent.

Needs and Uses: FCC Form 477 seeks to gather information on the development of local competition and deployment of broadband service also known as advanced telecommunications services. The data are necessary to evaluate the status of developing competition in local exchange telecommunications markets and to evaluate the status of broadband deployment. The information is used by Commission staff to advise the Commission about the efficacy of Commission rules and policies adopted to implement the Telecommunications Act of 1996.

OMB Control No.: 3060–0166.

OMB Approval date: 8/23/2004.

Expiration Date: 8/31/2007.

Title: Part 42—Preservation of Records of Communications Common Carriers.

Form No.: N/A.

Estimated Annual Burden: 54 responses; 108 total annual burden hours; 2 hours per respondent.

Needs and Uses: Part 42 prescribes the regulations governing the preservation of records of communications common carriers that are fully subject to the jurisdiction of

the FCC. The requirements are necessary to ensure the availability of carrier records needed by Commission staff for regulatory purposes.

OMB Control No.: 3060–0355.
OMB Approval date: 7/23/2004.
Expiration Date: 7/31/2007.
Title: Rate-of-Return Reports.
Form No.: FCC forms 492 and 492A.
Estimated Annual Burden: 114 responses; 912 total annual burden hours; 8 hours average per respondent.
Needs and Uses: FCC Form 492 is filed by each local exchange carrier (LEC) or group of carriers who file individual access tariffs or who are not subject to Sections 61.41 through 61.49 of the Commission's rules. Each LEC or group of affiiated carriers subject to the previously stated sections file FCC Form 492A. Both forms are filed annually. The reports contain rate-of-return information and are needed to enable the Commission to fulfill its regulatory responsibilities.

OMB Control No.: 3060–0106.
OMB Approval date: 7/26/2004.
Expiration Date: 7/31/2007.
Title: Section 43.61—Reports of Overseas Telecommunications Traffic.
Form No.: N/A.
Estimated Annual Burden: 134 responses; 2,412 total annual burden hours; 18 hours average per respondent.
Needs and Uses: On April 12, 2004, the Federal Communications Commission (''Commission'') released a Notice of Proposed Rulemaking (NPRM), ''In the Matter of Reporting Requirements for U.S. Providers of International Telecommunications Services; Amendment of Part 43 of the Commission's Rules,'' IB Docket No. 04–112, FCC 04–70. The Commission is seeking comments from the public on how to simplify the reporting requirements and to ensure the usefulness of the data collected by the Commission.

OMB Control No.: 3060–1062.
OMB Approval date: 7/13/2004.
Expiration Date: 7/31/2007.
Title: Schools and Libraries Universal Service Support Mechanism—Notification of Equipment Transfers.
Form No.: N/A.
Estimated Annual Burden: 600 responses; 600 total annual burden hours; 1 hour average per respondent.
Needs and Uses: The Commission addresses several matters related to the administration of the schools and libraries universal service mechanism (also known as the e-rate program). What makes this collection relevenat is in the event that a recipient is permanently or temporarily closed and equipment is transferred, the transferring entity must notify the Administrator of the transfer, and both the transferring and receiving entities must maintain detailed records documenting the transfer and the reason for the transfer for a period of five years.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 04–20534 Filed 9–9–04; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2671]

Petitions for Reconsideration of Action in Rulemaking Proceedings

September 2, 2004.

Petitions for Reconsideration have been filed in the Commission's Rulemaking proceedings listed in this Public Notice and published pursuant to 47 CFR Section 1.429(e). The full text of this document is available for viewing and copying in Room CY–B402, 445 12th Street, SW., Washington, DC or may be purchased from the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI) (1–800–378–3160). Oppositions to these petitions must be filed by September 27, 2004. See Section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions have expired.

Subject: Request Amendment of the FM Table of Allotments (Keno, OR) (MM Docket No. 99–275, RM–9704).

Number of Petitions Filed: 1.

Subject: Request Amendment of the FM Table of Allotments (Arlington, The Dalles, Moro, Fossil, Astoria, Gladstone, Tillamook, Springfield-Eugene, Coos Bay, Manzanita and Hermiston, Oregon and Covington, Trout Lake, Shoreline, Bellingham, Forks, Hoquiam, Aberdeen, Walla Walla, Kent, College Place, Long Beach, Ilwaco TroutLake and Mercer Island, Washington) (MB Docket No. 02–136, RM–10458, RM–10663, RM–10667, RM–10668).

Number of Petitions Filed: 1.

Subject: In the Matter of the Assessment and Collection of Regulatory Fees for Fiscal Year 2004 (MD Docket No. 04–73).

Number of Petitions Filed: 1.

Marlene H. Dortch,

Secretary.

[FR Doc. 04–20535 Filed 9–9–04; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL HOUSING FINANCE BOARD

Sunshine Act Meeting Notice; Announcing a Partially Open Meeting of the Board of Directors

TIME AND DATE: The open portion of the meeting of the Board of Directors is scheduled to begin at 12 p.m. on Wednesday, September 15, 2004. The closed portion of the meeting will follow immediately the open portion of the meeting.

PLACE: Board Room, Second Floor, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006.

STATUS: The first portion of the meeting will be open to the public. The final portion of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED AT THE OPEN PORTION OF THE MEETING:

Federal Housing Finance Board Fiscal Year 2005 Budget.

MATTER TO BE CONSIDERED AT THE CLOSED PORTION OF THE MEETING:

Periodic Update of Examination Program Development and Supervisory Findings.

FOR FURTHER INFORMATION CONTACT: Mary H. Gottlieb, Paralegal Specialist, Office of General Counsel, by telephone at (202) 408–2826, or by electronic mail at *gottliebm@fhfb.gov*.

Dated: September 7, 2004.

By the Federal Housing Finance Board

Mark J. Tenhundfeld,

General Counsel.

[FR Doc. 04–20629 Filed 9–8–04; 3:14 pm]

BILLING CODE 6725–01–P

FEDERAL MARITIME COMMISSION

[Petition Nos. P3–03, P5–03, P7–03, P8–03, P9–03, P1–04, P2–04, P4–04]

Petition of United Parcel Service, Inc. for Exemption; Petition of the National Customs Brokers and Forwarders Association of America, Inc. for Limited Exemption; Petition of Ocean World Lines, Inc. for Rulemaking; Petition of BAX Global, Inc. for Rulemaking; Petition of C.H. Robinson Worldwide, Inc. for Exemption; Petition of Danzas Corporation d/b/a Danmar Lines Ltd., Danzas AEI Ocean Services, and DHL Danzas Air and Ocean for Exemption; Petition of BDP International, Inc. for Exemption; Petition of FEDEX Trade Networks Transport & Brokerage, Inc. for Exemption.

Served: September 2, 2004.

Order

I. Introduction

On August 2, 2004, the National Industrial Transportation League (''NITL''), United Parcel Service, Inc. (''UPS''), BAX Global Inc. (''BAX''), FEDEX Trade Networks Transport & Brokerage, Inc. (''FEDEX''), Transportation Intermediaries Association (''TIA''), C.H. Robinson Worldwide, Inc. (''CHRW''), and BDP International, Inc. (collectively, ''Movants'') filed a Motion for Leave (''Motion'') pursuant to Rule 73, 46 CFR 502.73, in the proceedings referenced above to file Joint Supplemental Comments Requesting Expedited Adoption of a Conditional Exemption from Tariff Publication (''Supplemental Comments''). Conceding that the comment period for these proceedings is closed, Movants nonetheless seek acceptance of the Supplemental Comments into the record, claiming that the comments reflect an updated, unified version of the various forms of relief requested in the original individual petitions.

Interested persons were given until August 20, 2004, to file replies on the Motion, and five were received. The World Shipping Council (''WSC''), American President Lines, Ltd. (''APL''), the U.S. Department of Transportation (''DOT'') and Danzas Corporation d/b/a Danmar Lines Ltd., Danzas AEI Ocean Serves, and DHL Danzas Air and Ocean (''Danzas'') filed replies in support of the Motion. Ocean World Lines (''OWL'') filed a reply in opposition.

The Commission hereby grants the Motion, accepts the Supplemental Comments, and invites interested persons to respond to the Supplemental Comments by September 30, 2004.

II. Motion and Supplemental Comments

Movants submit that they have engaged in ''substantial discussions'' over the past several months that have resulted in a unified approach to the pending NVOCC tariff publication exemption proceedings. They believe that the Commission should be informed of this approach, as it is intended to give ''clear direction'' to the Commission in its deliberations on the petitions. Supplemental Comments at 2–3.

Movants note that the motion and corresponding comments do not constitute a withdrawal of the existing petitions. Supplemental Comments at 2 n.2. Movants submit that any Commission action on the proposed conditional tariff exemption should not supercede consideration of petitioners' requested relief from the tariff publication requirements. *Id.*

Reiterating their concerns submitted in the pending petitions and comments that the current regulatory scheme undermines competitiveness in the shipping industry, Movants request that the Commission use its authority under section 16 of the Shipping Act to exempt certain NVOCC agreements with shippers from the tariff publication requirements in sections 8(a), (b), (d) and (e) of the Shipping Act and 46 CFR Part 520 of the Commission's Rules and Regulations, as well as the tariff-related prohibited acts found in sections 10(b)(1), (2), (4) and (8) of the Shipping Act. Supplemental Comments at 3, Appendix 1. The proposed exemption would apply to any written agreements between an NVOCC and shipper (excluding bills of lading, receipts or other transport documents), where the shipper pledges to provide a specific volume/portion of cargo over a fixed time period while the NVOCC commits to a defined rate and service level. *Id.* According to Movants, the proposed exemption would be subject to the following conditions: (1) The agreements and their essential terms must be filed confidentially with the Commission; [1] (2) the NVOCC must publish, in tariff format, the origin and destination port ranges, commodity involved, minimum volume/portion, and duration of the agreement; and (3) the Commission would retain jurisdiction to the same extent as it does over service contracts under the Shipping Act. *Id.*

Movants also assert that the elements of the conditional tariff exemption are based upon the requested relief submitted in the original petitions and are therefore not novel. Supplemental Comments at 3. As such, they aver that the Commission need not seek any further inquiry on the matter and should find the exemption to be ''justified'' based upon the ''substantial evidence'' already developed in the record. Movants urge the Commission to take immediate action to adopt the exemption. *Id.* at 3–4.

III. Replies

WSC submitted a reply to the Commission on August 17, 2004. Because the Supplemental Comments appear to address WSC's concern that the original petitions were vague and inconsistent, WSC claims that it does not oppose the Motion as long as interested persons are provided a reasonable amount of time to comment on Movants' proposed tariff exemption. According to WSC, its Board of Directors and general membership are scheduled to meet in mid-September. As such, WSC requests that the comment period be set for September 30, 2004, and notes that Movants have authorized WSC counsel to represent that they have no objection to this date. WSC Reply at 2–3. On August 19, 2004, APL submitted a one-line reply expressing its support of WSC's position. APL Reply at 1. DOT also filed a reply indicating its support of WSC's position. DOT Reply at 1–2.

On August 17, 2004, Danzas, petitioner in Petition P1–04, submitted a reply in support of the Motion as it affects its own petition. Danzas asserts that the Motion serves as a ''consensus position'' to the many diverse requests for relief under consideration by the Commission and could be useful in expediting the deliberation process on the petitions. Danzas Reply at 2. As such, Danzas asserts that the Commission should reopen the comment period under Rule 10 of the Commission's Rules of Practice and Procedure, 46 CFR 502.10, which allows the Commission to waive rules in particular cases ''if expeditious conduct of business so requires,'' except where such a waiver would be inconsistent with any statute.

OWL, petitioner in Petition P7–03, filed its reply on August 18, 2004. OWL contends that granting the Motion would unnecessarily delay the proceedings not only by reopening the comment period, but also by diverting

[1] The essential terms would include: (1) Origin and destination port ranges; (2) origin and destination geographic areas in the case of through intermodal movements; (3) list of commodities; (4) minimum volume/portion; (5) line-haul rate; (6) duration; (7) service commitments; (8) liquidated damages for non-performance. *Id.*

the Commission's attention and resources from taking final action on the petitions to crafting a response to the instant request. OWL Reply at 2. Because the new, unified proposal differs from the varying relief sought by individual petitioners who are also parties to this Motion, OWL argues that it would be more appropriate for Movants to file a new petition. *Id.* OWL also claims that the Motion provides no compelling reason to reopen the comment period, as the only new fact that will be contributed to the already voluminous record is ''that they have agreed among themselves that they now want the exact same thing.'' *Id.* at 3.

IV. Discussion

While OWL's concerns of delay are well-taken, the deliberation process requires a full, up-to-date picture of the participants' positions.[2] Because the Supplemental Comments provide a unified, tangible proposal to the overarching NVOCC tariff publication exemption matter, the granting of this Motion and the acceptance of the comments into the record may serve to advance an administratively final decision rather than postpone one.

The Commission has determined to grant the Motion, accept the Supplemental Comments into the record, and allow interested persons to respond to the Supplemental Comments by September 30, 2004. Interested persons are requested to submit their views or arguments in reply to the Supplemental Comments no later than September 30, 2004. Comments shall consist of an original and 15 copies, and shall be directed to the Secretary, Federal Maritime Commission, 800 North Capitol Street, NW., Washington, DC 20573–0001. It is also requested that a copy be submitted in electronic form (WordPerfect, Word or ASCII) on diskette, or e-mailed to *Secretary@fmc.gov*. The Commission has also determined to waive the service requirements found at 46 CFR 502.114(b). Instead, copies of all filed comments may be viewed on the Commission's Web page at *http://www.fmc.gov*.

Conclusion

Therefore, it is ordered, That Movants' Motion is granted and the Joint Supplemental Comments are accepted into the record;

It is further ordered, That the Commission waives the service requirements found at 46 CFR 502.114(b) for any responses to the Joint Supplemental Comments. Interested persons may respond to the Joint Supplemental Comments until September 30, 2004.

By the Commission.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 04–20475 Filed 9–9–04; 8:45 am]

BILLING CODE 6730–01–P

[2] We should note that NITL and TIA did not file petitions before the Commission, but instead have commented on other persons' petitions.

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Applicants

This supersedes the **Federal Register** Notice published August 25, 2004 (69 FR 52269) as follows:

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission an application for license as a Non-Vessel-Operating Common Carrier and Ocean Freight Forwarder—Ocean Transportation Intermediary pursuant to section 19 of the Shipping Act of 1984 as amended (46 U.S.C. app. 1718 and 46 CFR 515).

Persons knowing of any reason why the following applicants should not receive a license are requested to contact the Office of Transportation Intermediaries, Federal Maritime Commission, Washington, DC 20573.

Non-Vessel-Operating Common Carrier Ocean Transportation Intermediary Applicants:

Holiday Shipping, 5522 Old National Hwy, Ste. C–120, College Park, GA 30349, Marie S. Carew, Sole Proprietor.

Dean & Associates Freight System Inc., 225–10 Merrick Blvd., Laurelton, NY 11413. Officers: Troy A. Dean, President (Qualifying Individual), Yvonne Tucker, Vice President.

Shanghai City Union Logistics Network Co., Ltd., 1641 W. Main Street, #418, Alhambra, CA 91801. Officer: Willie Yong-Chuan Wu, President (Qualifying Individual).

Transcom Express, Inc., 80 Broad Street, Suite 11M, Red Bank, NJ 07701. Officers: Elizabeth M. Magistro, President (Qualifying Individual), Ajayveer Choktopat, Secretary.

Consolidated Logistics LLC, 7806 NW 71st Street, Miami, FL 33166. Officers: Heriberto Sanchez, Jr., Operational Manager (Qualifying Individual), Allerson B. Sardinha, President.

Non-Vessel-Operating Common Carrier and Ocean Freight Forwarder Transportation Intermediary Applicants:

Uniwide Cargomovers & Travel, Inc., 21800 Dolores Street, Carson, CA 90745. Officers: Efren T. Arriola, President (Qualifying Individual), Maximo T. Arriola, Treasurer.

Just Cargo, LLC dba Just Cargo Lines, 2799 NW 82nd Avenue, Miami, FL 33122. Officer: Gustavo Alejandro Verite, President (Qualifying Individual).

Concert Group Logistics, LLC, 2234 Wisconsin Avenue, Downers Grove, IL 60515. Officers: Gerald Post, Exec. Vice President (Qualifying Individual), Daniel Para, President.

Ambrit-USA Inc., 2710 NW 30th Avenue, Lauderdale Lakes, FL 33311. Officer: Malcolm Garrett, President (Qualifying Individual).

Ocean Freight Forwarder—Ocean Transportation Intermediary Applicants:

MK Shipping Inc., 4720 Griggs Road, Houston, TX 77021. Officers: Fakher Nawar, Office Manager (Qualifying Individual), Moustafa Keshta, President.

Domicilio Expreso Dominicano (Domex) Corp., 3260 Cruger Avenue, Suite 2F, Bronx, NY 10469. Officer: Noris Abreu, President (Qualifying Individual).

FLS–USA Forwarding, Ltd., 15955 West Hardy, Suite 222, Houston, TX 77060. Officer: Paul M. Garcia, Manager (Qualifying Individual).

Dated: September 3, 2004.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 04–20474 Filed 9–9–04; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission an application for license as a Non-Vessel-Operating Common Carrier and Ocean Freight Forwarder—Ocean Transportation Intermediary pursuant to section 19 of the Shipping Act of 1984 as amended (46 U.S.C. app. 1718 and 46 CFR 515).

Persons knowing of any reason why the following applicants should not receive a license are requested to contact the Office of Transportation Intermediaries, Federal Maritime Commission, Washington, DC 20573.

Non-Vessel-Operating Common Carrier Ocean Transportation Intermediary Applicants:

TUG Logistics (Miami), Inc., 2801 NW., 74th Avenue, Suite 173, Miami, FL 33122, *Officers:* Robert Hsiang Lin Wu, President, Daniel Wang, Vice President, (Qualifying Individual).

Superior Transportation L.L.C., 12 South Orange Avenue, South Orange, NJ 07079, *Officer:* Chaim Jeff Lelchuk, President (Qualifying Individual).

Pacific Shipping Corp., 642 W. Pacific Coast Hwy., Long Beach, CA 90806, *Officers:* Ms. Lihua Yang, President, Ms. Quin Cai, Secretary (Qualifying Individual).

Cody Cargo Corp. dba Armada International Logistics, 632 Centre Drive, Lincolnton, NC 28092, *Officers:* Carol Cody Canipe, President Qualifying Individual), Susan C. Petro, Vice President.

Grandwin Management, LLC, 2781 Brookside Drive, #C, Bakersfield, CA 93311, *Officers:* Ting Zhao, President, Parry Tam, Executive Director (Qualifying Individual).

Seabound Freight, LLC, 8209 NW., 68th Street, Miami, FL 33166–2760, *Officer:* Juan Carlos Gonzalez, President (Qualifying Individual).

Air Sea Containers, Inc., 2749 NW., 82nd Avenue, Miami, FL 33122 *Officers:* Alan H. Bond, President, (Qualifying Individual), Rosairo Bond, CEO.

Hwa-Wei Yang dba Ea-Land Shipping, 11222 La Cienga Blvd., Suite #160, Inglewood, CA 90304, *Officer:* Hwa-Wei Yang (Sole Proprietor).

Non-Vessel-Operating Common Carrier and Ocean Freight Forwarder Transportation Intermediary Applicants:

Seaboard Solutions, Inc., 8050 Northwest 79th Avenue, Miami, FL 33168, *Officers:* John Lynch, President, Mario Leon, Vice President (Qualifying Individual).

Awilda Shipping, Inc., 4102 108 Street, Corona, NY 11368, *Officer:* Soledad Cruz, President (Qualifying Individual).

XCC Logistics, Inc., 6000 NW., 97th Avenue, Suite 400, Miami, FL 33178, *Officers:* Aristides Typaldos, President, Jorge Rodriguez, Secretary (Qualifying Individual).

Dated: September 3, 2004.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 04–20476 Filed 9–9–04; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than September 23, 2004.

A. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. Charles E. Key, Lubbock, Texas; to acquire additional voting shares of Commerce National Financial Services, Inc., Lubbock, Texas, and thereby indirectly acquire additional voting shares of Lubbock National Bank, Lubbock, Texas.

Board of Governors of the Federal Reserve System, September 3, 2004.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 04–20483 Filed 9–9–04; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at *www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 4, 2004.

A. Federal Reserve Bank of Atlanta (Sue Costello, Vice President) 1000 Peachtree Street, N.E., Atlanta, Georgia 30303:

1. ABC Bancorp, Moultrie, Georgia; to merge with Citizens Bancshares, Inc., and thereby indirectly acquire voting shares of Citizens Bank – Wakulla, both of Crawfordville, Florida.

2. Premier Bank Holding Company, Tallahassee, Florida; to become a bank holding company by acquiring 100 percent of the voting shares of Premier Bank, Tallahassee, Florida.

Board of Governors of the Federal Reserve System, September 3, 2004.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 04–20482 Filed 9–9–04; 8:45 am]

BILLING CODE 6210–01–S

GENERAL SERVICES ADMINISTRATION

[FMR Bulletin 2004–B3]

Federal Management Regulation; Redesignations of Federal Buildings

AGENCY: Public Buildings Service (P), GSA.

ACTION: Notice of a bulletin.

SUMMARY: The attached bulletin announces the redesignations of 8 Federal buildings.

DATES: *Effective Date:* This bulletin expires January 9, 2005. However, the building redesignations announced by this bulletin will remain in effect until canceled or superseded.

FOR FURTHER INFORMATION CONTACT: Paul Chistolini, General Services Administration, Public Buildings Service (P), Washington, DC 20405; e-

mail, *paul.chistolini@gsa.gov*, telephone (202) 501–1100.

Dated: August 30, 2004.

Stephen A. Perry,

Administrator of General Services.

To: Heads of Federal agencies.

Subject: Redesignations of Federal buildings.

1. *What is the purpose of this bulletin*? This bulletin announces the redesignations of 8 Federal buildings.

2. *When does this bulletin expire*? This bulletin expires January 9, 2005. However, the building redesignations announced by this bulletin will remain in effect until canceled or superseded.

3. *Redesignations*. The former and new names of the buildings being redesignated are as follows:

Former name	New name
Federal Building and United States Courthouse, 46 Ohio Street, Indianapolis, IN 46204.	Birch Bayh Federal Building and United States Courthouse, 46 Ohio Street, Indianapolis, IN 46204.
United States Court of International Trade Building, 1 Federal Plaza, New York, NY 10278.	James L. Watson United States Court of International Trade Building, 1 Federal Plaza, New York, NY 10278.
United States Courthouse, 101 North Fifth Street, Muskogee, OK 74401.	Ed Edmondson United States Courthouse, 101 North Fifth Street, Muskogee, OK 74401.
Federal Building, 800 Independence Avenue, SW., Washington, DC 20591.	Orville Wright Federal Building, 800 Independence Avenue, SW., Washington, DC 20591.
Federal Building, 600 Independence Avenue, SW., Washington, DC 20003.	Wilbur Wright Federal Building, 600 Independence Avenue, SW., Washington, DC 20003.
United States Courthouse, 400 North Miami Avenue, Miami, FL 33128.	Wilkie D. Ferguson, Jr. United States Courthouse, 400 North Miami Avenue, Miami, FL 33128.
Federal Building, 250 West Cherry Street, Carbondale, IL 62901.	Senator Paul Simon Federal Building, 250 West Cherry Street, Carbondale, IL 62901.
Federal Building, 228 Walnut Street, Harrisburg, PA 17108.	Ronald Reagan Federal Building, 228 Walnut Street, Harrisburg, PA 17108.

4. *Who should we contact for further information regarding redesignations of these Federal buildings*? General Services Administration, Public Buildings Service, Office of the Commissioner, Attn: Paul Chistolini, 1800 F Street, NW., Washington, DC 20405, Telephone Number: (202) 501–1100, E-mail Address: *paul.chistolini@gsa.gov*.

[FR Doc. 04–20481 Filed 9–9–04; 8:45 am]

BILLING CODE 6820–23–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–04–04KE]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404–498–1210 or send comments to Sandi Gambescia, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS–E11, Atlanta, GA 30333 or send an e-mail to *omb@cdc.gov*.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Written comments should be received within 60 days of this notice.

Proposed Project

Evaluation of the Sexually Transmitted Disease (STD) Faculty Expansion Program—New—National Center for HIV, STD, and TB Prevention (NCHSTP), Centers for Disease Control and Prevention (CDC).

Background

Primary care physicians play a significant role in STD prevention and control. Diagnosing, treating, reporting, partner notification, and patient counseling which emphasizes appropriate prevention messages are all important physician contributions to STD control. In the curricula of most medical schools and residency programs, STDs and the role of public health in control and prevention receive little emphasis for primary care physicians. To address this lack of training, CDC has implemented the STD Faculty Expansion Program (FEP), which aims to improve the capacity of primary care physicians to diagnose, treat, and prevent STDs.

The FEP provides medical schools with funding for an additional faculty member. This faculty person develops and implements curriculum for training medical students and residents, develops collaborative relationships with local health departments, and coordinates STD clinical experiences for medical students and residents. The potential long-term impacts of this STD-related training include: Increased physician awareness of STDs; greater comfort and confidence in counseling patients; increased case reporting and partner management; and ultimately lower STD incidence.

This project is an evaluation of the FEP, because the outcomes of greatest relevance (increased physician awareness, increased collaboration with public health departments, decreased STD incidence) will occur only after students and residents who are currently receiving the enhanced training go into practice.

Four medical schools—Morehouse School of Medicine, University of Alabama at Birmingham, Louisiana State University Medical Center, and the University of California Los Angeles School of Medicine—currently are receiving support under the FEP. The evaluation of the FEP consists of a survey of third-year medical students at the four currently funded schools and a sample of third-year medical students in all other U.S. medical schools. It also includes interviews with key informants at the four currently funded medical schools and the public health departments with which they are working. A paper-and-pencil survey instrument will be administered to the students in the four FEP schools in a classroom or clinic setting or through the school mail distribution system. The survey instrument will be distributed to the sample of students from all other medical schools using express mail. Survey topics will include:

- Hours of clinical and didactic training received during the first three years of medical school;

- Knowledge and efficacy with basic STD clinical diagnosis, treatment, and prevention;
- Students' confidence in taking a sexual history and providing specific prevention counseling to patients; and,
- Student familiarity with the role of the public health department in control and prevention of STDs.

A total of 800 students will be surveyed: Approximately 400 at the FEP schools and 400 (approximately 5%) from all other U.S. medical schools.

The evaluation focuses on intermediate outcomes as a means of assessing the program's utility and effectiveness. Evidence that the FEP's enhanced STD training is effective will include greater knowledge of and comfort in diagnosis, treatment and prevention of STDs among FEP students, recall of more time having been devoted to STDs during medical training, and greater awareness of the primary care physician's public health role in STD control and prevention. The time required to complete the survey will be approximately 15–20 minutes. The only cost to survey respondents is the time involved in completing the survey.

Respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
3rd-year medical students	800	1	20/60	267
Total				267

Dated: September 1, 2004.

Alvin Hall, M.S.,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 04–20512 Filed 9–9–04; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–04–04KD]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404–498–1210 or send comments to Seleda Perryman, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS–E11, Atlanta, GA 30333 or send an e-mail to *omb@cdc.gov*.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Written comments should be received within 60 days of this notice.

Proposed Project

Tremolite Asbestos Registry—NEW—The Agency for Toxic Substances and Disease Registry (ATSDR) is mandated pursuant to the 1980 Comprehensive Environmental Response Compensation and Liability Act (CERCLA) and its 1986 Amendments, the Superfund Amendments and Re-authorization Act (SARA), to establish and maintain a national registry of persons who have been exposed to hazardous substances in the environment and a national registry of persons with illnesses or health problems resulting from such exposure. In 1988, ATSDR created the National Exposure Registry (NER) as a result of this legislation in an effort to provide scientific information about potential adverse health effects people develop as a result of low-level, long-term exposure to hazardous substances.

The Tremolite Asbestos Registry (TAR) is currently authorized as part of the National Exposure Registry (OMB #0923–0006, expiration 10/31/04). ATSDR is seeking a separate approval for the TAR activities. The purpose of the TAR will be to improve communication with people at risk for developing asbestos-related disease resulting from asbestos exposure in Libby, Montana, and to support research activities related to TAR registrants.

The TAR is currently composed of information about former vermiculite workers, the people that lived with them during their tenure as vermiculite workers (*i.e.*, the workers' household contacts), and people who participated in or are eligible to participate in the ATSDR medical testing program in Libby, Montana. ATSDR will take a phased approach to creating the TAR. Phase I, which is currently nearing completion, involved identifying, locating, and contacting former workers and their household members. Phase II will combine the data from Phase I and the data collected during the medical testing program to create a single database. Phase III will involve re-contacting registrants to update their information. There is no cost to registrants.

Respondents	Number of respondents	Responses per respondent	Avg. burden per response (in hrs.)	Total burden hours
Baseline TAR questionnaire	2,000	1	30/60	1,000
Follow-up questionnaire	2,500	1	25/60	1,050
Total				2,050

Dated: September 1, 2004.

Alvin Hall,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 04–20513 Filed 9–9–04; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–04–0006]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call (404) 498–1210 or send comments to Seleda Perryman, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS–E11, Atlanta, GA 30333 or send an e-mail to *omb@cdc.gov*.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Written comments should be received within 60 days of this notice.

Proposed Project

National Exposure Registry (OMB No. 0923–0006)—Extension—The Agency for Toxic Substances and Disease Registry (ATSDR) is mandated pursuant to the 1980 Comprehensive Environmental Response Compensation and Liability Act (CERCLA) and its 1986 Amendments, the Superfund Amendments and Re-authorization Act (SARA), to establish and maintain a national registry of persons who have been exposed to hazardous substances in the environment and a national registry of persons with illnesses or health problems resulting from such exposure. In 1988, ATSDR created the National Exposure Registry (NER) as a result of this legislation in an effort to provide scientific information about potential adverse health effects people develop as a result of low-level, long-term exposure to hazardous substances.

The NER is a program which collects, maintains, and analyzes information obtained from participants (called registrants) whose exposure to selected toxic substances at specific geographic areas in the United States has been documented. Relevant health data and demographic information are also included in the NER databases. The NER databases furnish the information needed to generate appropriate and valid hypotheses for future activities such as epidemiologic studies. The NER also serves as a mechanism for longitudinal health investigations that follow registrants over time to ascertain adverse health effects and latency periods.

Participants in each subregistry are interviewed initially with a baseline questionnaire. An identical follow-up telephone questionnaire is administered to participants every three years until the criteria for terminating a specific subregistry have been met. The annual number of participants varies greatly from year to year. Two factors influencing the number of respondents per year are the number of subregistry updates that are scheduled and whether a new subregistry will be established. There is no cost to registrants.

Annualized Burden Table:

Respondents	Number of responses	Responses per respondent	Avg. burden per response (in hours)	Total burden hours
Follow-up questionnaire	1,667	1	30/60	834
Total				834

Dated: September 1, 2004.

Alvin Hall,

Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 04–20514 Filed 9–9–04; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–04–040D]

Proposed Data Collections Submitted for Public Comment and Recommendations

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 498–1210 or send an email to *omb@cdc.gov*. Send written comments to CDC Desk Officer, Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 or by fax to (202) 395–6974. Written comments should be received within 30 days of this notice.

Proposed Project

ATSDR Rapid Response Registry—New—The Agency for Toxic Substances and Disease Registry (ATSDR). ATSDR plans to develop a registry of individuals exposed to a terrorist or other significant emergency event potentially affecting public health within the United States and its territories. The authority to establish and maintain this registry was given to ATSDR through the following federal laws: Public Health Service Act, 42 U.S.C. 319; the 1980 Comprehensive Environmental Response Compensation and Liability Act (CERCLA) and its 1986 Amendments, the Superfund Amendments and Re-authorization Act (SARA); Federal Response Plan; National Contingency Plan; and the Department of Homeland Security's Consolidated Emergency Operations Plan. ATSDR has consistently been identified as having the primary responsibility for the creation and

maintenance of an event-related registry of affected individuals during the acute response phase of an emergency event.

ATSDR plans to develop and maintain a central registry, named the Rapid Response Registry (RRR), of individuals who were in the vicinity of a terrorist or other emergency event. The ATSDR RRR teams will begin identifying and enrolling victims and potentially exposed individuals within hours of an incident, in collaboration with state and local government agencies and private response organizations. RRR activities are intended to help document an individual's presence at or near a specific terrorist or other significant emergency event. This information will be used primarily to provide health officials with essential information necessary for both short- and long-term follow-up of victims and potentially exposed individuals.

Contact information will be used to provide information to the registrants regarding their exposures, potential health impacts, available educational materials, and other pertinent news and updates. Follow-up contacts by health officials are anticipated to be for the purposes of assessing current and future medical needs and providing appropriate and timely medical interventions where possible. Subsequent health studies (not part of this activity) may be useful to identify potential long-term health outcomes in the exposed population; the contact information will enable these studies to be conducted.

A standardized, one-page survey instrument will be used to collect contact information, demographics, and brief exposure and outcome data on all registrants. The same survey instrument will be used in both Phase I and Phase II data collection activities.

Phase I response entails immediate deployment of the RRR team to support local efforts to enroll victims and immediately-exposed individuals. Phase I RRR data collection teams will be deployed to all places where victims and the immediately-exposed population might be located (e.g., on-site response facilities, emergency departments, hospitals, morgues, public shelters, churches).

Phase II response entails later deployment of an RRR team to conduct a census of the entire at-risk population. Phase II data collection methods will include house-to-house interviews, telephone interviews, on-line enrollment, media outreach, and professional tracing services. If the at-risk population or geographic area is reasonably small-scale, a systematic census will be conducted to enroll every exposed or potentially exposed person. If the at-risk population or geographic area is large-scale, then a representative sample of the at-risk population will be enrolled. A brief, optional health effects questionnaire also has been developed that will be made available to local health officials, if they wish to use it, to better characterize the types of health outcomes resulting from the emergency event. The annualized burden hours are estimated to be 234.

Respondents	Number of respondents	Responses per respondent	Avg. burden per response (in hrs.)
People in proximity to an emergency event: 1-page contact form only	1,000	1	10/60
People in proximity to an emergency event: health effects questionnaire	200	1	20/60

Dated: August 31, 2004.

Alvin Hall,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 04–20515 Filed 9–9–04; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–04–0007]

Proposed Data Collections Submitted for Public Comment and Recommendations

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 498–1210 or send an email to *omb@cdc.gov*. Send written comments to CDC Desk Officer, Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 or by fax to (202) 395–6974. Written comments should be received within 30 days of this notice.

Proposed Project

Community Assistance Panels Nomination Form, OMB No. 0923–0007—Extension—The Agency for Toxic Substances and Disease Registry (ATSDR) is mandated pursuant to the 1980 Comprehensive Environmental Response Compensation and Liability Act (CERCLA) and its 1986 Amendments, the Superfund Amendments and Reauthorization Act (SARA), to prevent or mitigate adverse human health effects and diminished quality of life resulting from the exposure to hazardous substances in the environment. To facilitate this effort, ATSDR seeks the cooperation of the community being evaluated through direct communication and interaction.

Direct community involvement is required to conduct a comprehensive scientific study and to effectively disseminate specific health information in a timely manner. Also, this direct interaction fosters a clear understanding of health issues that the community considers important, and establishes credibility for the agency. The Community Assistance Panel nominations forms are completed by individuals in the community to nominate themselves or others for participation on these panels.

This request is for a three-year extension of the current OMB approved Community Assistance Panel nominations form. The annualized burden hours are estimated to be 25.

Respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
General Public	150	1	10/60

Dated: August 31, 2004.

Alvin Hall,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 04–20516 Filed 9–9–04; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare and Medicaid Services

[Document Identifier: CMS–10052, CMS–370, 377, 378, R–54, and CMS–R–218]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare and Medicaid Services.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare and Medicaid Services (CMS) (formerly known as the Health Care Financing Administration (HCFA)), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* Revision of currently approved collection;

Title of Information Collection: Recognition of Pass-Through Payment for Additional (new) Categories of Devices under the Outpatient Prospective Payment System and Supporting Regulations in 42 CFR Part 419; *Use:* Information is necessary to determine eligibility of medical devices for establishment of additional device categories for payment under transitional pass-through payment provisions as required by section 1833(t)(6) of the Social Security Act. Form Number: CMS–10052 (OMB#: 0938–0857); *Frequency:* On occasion; *Affected Public:* Business or other for-profit; *Number of Respondents:* 12; *Total Annual Responses:* 12; *Total Annual Hours:* 192.

2. *Type of Information Collection Request:* Revision of currently approved collection;

Title of Information Collection: Ambulatory Surgical Center (ASC) Health Insurance Benefit Agreement, ASC Request for Certification, ASC Survey Report and Supporting Regulations in 42 CFR 416.41, 416.43, 416.47, and 416.48; *Use:* The ASC Health Insurance Benefits Agreement form is utilized for the purpose of establishing eligibility for payment under Title XVIII of the Social Security Act. The ASC Request for Certification form is utilized as an application for facilities wishing to participate in the Medicare program as an ASC. This form initiates the process of obtaining a decision as to whether the conditions of coverage are met. It also promotes data retrieval from the Online Data Input Edit (ODIE system, a subsystem of the Online Survey Certification and Report (OSCAR) system by the Centers for Medicare and Medicaid Services (CMS) Regional Offices (RO)). The ASC Report Form is an instrument used by the State survey agency to record data collection in order to determine supplier compliance with individual conditions of coverage and to report it to the Federal government. The form is primarily a coding worksheet designed to facilitate data reduction and retrieval into the ODIE/OSCAR system at the CMS ROs. This form includes basic information on compliance (*i.e.*, met, not met and explanatory statements) and does not require any descriptive information regarding the survey activity itself; *Form Number:* CMS–370, 377, 378, R–54 (OMB#: 0938–0266); *Frequency:* Annually and other: once; *Affected Public:* State, local or tribal government; *Number of Respondents:* 4,312; *Total Annual Responses:* 4,312; *Total Annual Hours:* 2,241.

3. *Type of Information Collection Request:* Extension of currently approved collection; *Title of Information Collection:* ICRS Contained in 45 CFR Part 162; HIPAA Standards for Electronic Transactions; *Use:* This submission contains information collection requirements in HCFA–0149–F, CMS–0003–P, CMS–0005–P, and CMS–003/005–F. This collection establishes standards for electronic transactions and for code sets to be used in those transactions. The collection standardizes the approximately 400 formats of electronic health care claims used in the United States. The use of these standards significantly reduces the administrative burden associated with paper documents, lowers operating costs, and improves data quality for health care providers and health plans; *Form Number:* CMS–R–218 (OMB# 0938–0866); *Frequency:* On occasion; *Affected Public:* Business or other for-profit; *Number of Respondents:* 3.4 million; *Total Annual Responses:* 3.4 million; *Total Annual Hours:* 1 hour.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS' Web site address at *http://www.cms.gov/regs/prdact95.htm*, or e-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov*, or call the Reports Clearance Office on (410) 786–1326.

Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the CMS Paperwork Clearance Officer designated at the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development and Issuances, Attention: Melissa Musotto, Room C5–14–03, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: August 31, 2004.

John P. Burke, III,

Paperwork Reduction Act Team Leader, Office of Strategic Operations and Strategic Affairs, Division of Regulations Development and Issuances.

[FR Doc. 04–20270 Filed 9–9–04; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare and Medicaid Services

[Document Identifier: CMS–10106 and CMS–10072]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare and Medicaid Services.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare and Medicaid Services (CMS) (formerly known as the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this

collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* New collection; *Title of Information Collection:* Medicare Authorization to Disclose Health Information; *Form No.:* CMS–10106 (OMB# 0938–NEW; *Use:* Unless permitted or required by law, the Privacy Act and Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule prohibit covered entities from disclosing an individual's protected health information to a third party without a valid privacy authorization. The authorization must include specified core elements and certain statements. Medicare beneficiaries will use the ''Medicare Authorization to Disclose Health Information'' to authorize Medicare to disclose their protected health information to a third party; *Frequency:* Other: an event basis; *Affected Public:* Individuals or Households; *Number of Respondents:* 39,000,000; *Total Annual Responses:* 1,000,000; *Total Annual Hours:* 250,000.

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Survey Tool for Medicare.gov Web site; *Form No.:* CMS–10072 (OMB# 0938–0900); *Use:* CMS has developed a survey tool using MSInteractive to obtain feedback from users accessing *cms.hhs.gov* Web site to guide future improvements; *Frequency:* On Occasion; *Affected Public:* Individuals or Households and Business or other for-profit; *Number of Respondents:* 7,000; Total *Annual Responses:* 7,000; *Total Annual Hours:* 583.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS Web site address at *http://www.cms.hhs.gov/regulations/pra/*, or e-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@hcfa.gov*, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Christopher Martin, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: August 31, 2004.

John P. Burke, III,

Paperwork Reduction Act Team Leader, CMS Reports Clearance Officer, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development and Issuances.

[FR Doc. 04–20271 Filed 9–9–04; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with the requirement for the opportunity for public comment on proposed data collection projects (section 3506(c)(2)(A) of Title 44, United States Code, as amended by the Paperwork Reduction Act of 1995, Public Law 104–13), the Health Resources and Services Administration (HRSA) publishes periodic summaries of proposed projects being developed for submission to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995. To request more information on the proposed project, call the HRSA Reports Clearance Officer on (301) 443–1129.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the grantee, including whether the information shall have practical utility; (b) ways to enhance the quality, utility, and clarity of the information to be collected; and (c) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: Minority AIDS Initiative (MAI) Report Form: New

The purpose of the Ryan White Comprehensive AIDS Resources Emergency (CARE) Act is to provide emergency assistance to localities that are disproportionately affected by the Human Immunodeficiency Virus (HIV) epidemic, and to make financial assistance available for the development, organization, coordination, and operation of more effective and cost-efficient systems for the delivery of essential services to persons with HIV disease. The CARE Act also provides grants to states, eligible metropolitan areas, community-based programs, and early intervention programs for the delivery of service to individuals and families with HIV infection.

The HRSA's HIV/AIDS Bureau (HAB) administers Titles I, II, III, and IV of the Ryan White CARE Act of 1990, as amended by the Ryan White CARE Act Amendments of 1996 and 2000 (codified under Title XXVI of the Public Health Services Act).

The Minority AIDS Initiative (MAI) was established in fiscal year 1999 to specifically address the needs of communities of color disproportionately affected by HIV/AIDS. Funded through a congressional appropriation and the Department of Health and Human Services (HHS) Secretary's MAI Fund, this Initiative supplements Ryan White CARE Act funding to allow communities to expand local service capacity primarily through minority-serving community-based organizations, improve service delivery, and support the development of new and innovative programs designed to reduce HIV/AIDS-related health disparities. In addition to HRSA, the Centers for Disease Control and Prevention (CDC), the National Institutes of Health (NIH), the Office of the HHS Secretary, the Indian Health Service (IHS), and the Substance Abuse and Mental Health Services Administration (SAMHSA) are recipients of MAI funds.

The MAI Report Form is designed to collect performance data from MAI grantees, and is divided into six sections specific to Titles I–IV and Division of Training and Technical Assistance (DTTA) grantees, as follows: (1) Planned MAI Activities for the Grant Year (Title I, Title II, Title III and Title IV grantees); (2) Six-Month Progress Report (Title III and Title IV grantees); (3) End of Year Report (Title I, Title II, Title III and Title IV grantees); (4) Outcomes Planned and Achieved by MAI Grantees (Title I, Title II, Title III and Title IV grantees); (5) Planned MAI Activities of the Division of Training and Technical Assistance (DTTA) Capacity Development Grantees for the Grant Year (DTTA grantees only); and (6) End of Grant Year MAI Activities of DTTA Capacity Development Grantees (DTTA grantees only).

The MAI Report Form will be available for all grantees to submit their data via a HRSA Web site or by hard copy paper form. Grantees will complete relevant sections of the MAI Report Form and submit any hard copy forms to the HRSA Call Center. The MAI Report Form will be designed to include

check box responses, numeric responses and open-ended questions. All grantees receiving MAI funds from HAB will be required to identify organizations funded to provide services with MAI dollars, using the specified MAI Report Form.

The estimated annual burden is as follows:

Form	Estimated number of respondents	Responses per respondent	Hours per response	Total burden hours
MAI Report Grantee Form	365	2	18	13,140

Send comments to Susan G. Queen, Ph.D., HRSA Reports Clearance Officer, Room 14–45, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 days of this notice.

Dated: September 3, 2004.

Tina M. Cheatham,

Director, Division of Policy Review and Coordination.

[FR Doc. 04–20501 Filed 9–9–04; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4903–N–73]

Notice of Submission of Proposed Information Collection to OMB; Computation of Payments in Lieu of Taxes

AGENCY: Office of the Chief Information Officer.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

This request is for reinstatement of a collection of information for which approval has expired.

DATES: Comments due date: October 12, 2004.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval Number (2577–0072) and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, AYO, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail *Wayne_Eddins@HUD.gov*; telephone (202) 708–2374. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Mr. Eddins and at HUD's Web site at *http://www5.hud.gov:63001/po/i/icbts/collectionsearch.cfm*.

SUPPLEMENTARY INFORMATION: This Notice informs the public that the U.S. Department of Housing and Urban Development (HUD) has submitted to OMB, for emergency processing, a survey instrument to obtain information from faith-based and community organizations on their likelihood and success at applying for various funding programs. This Notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

This Notice Also Lists the Following Information

Title of Proposal: Computation of Payments In Lieu of Taxes.

OMB Approval Number: 2577–0072.

Form Numbers: 52267.

Description of the Need for the Information and Its Proposed Use:

The collection captures specific financial data detailing the allowed payments in lieu of taxes to local governments in accordance with regulatory requirements. HUD collects information on the estimated propery taxes that a public housing property would pay to local government if it were a taxable property. Local tax rates, property values, rent and utility costs are collected as components of the PILOT calculation in a formula to determine a public housing operating subsidy.

Frequency of Submission: Annually.

Reporting Burden:

Number of burden respondents	Annual responses	x	Av. hrs per burden response	=	Hours
3,135	3,135	....	0.4	....	1,254

Total Estimated Burden Hours: 1,254.

Status: Reinstatement, with change, of previously approved collection for which approval has expired.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: September 3, 2004.

Wayne Eddins,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. E4–2153 Filed 9–9–04; 8:45 am]

BILLING CODE 4210–27–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Revised Recovery Plan for the Paiute Cutthroat Trout (*Oncorhynchus clarki seleniris*)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

SUMMARY: The U.S. Fish and Wildlife Service (we) announces the availability of the Revised Recovery Plan for the Paiute Cutthroat Trout (*Oncorhynchus clarki seleniris*). This recovery plan includes specific recovery criteria and measures to be taken in order to recover and delist the Paiute cutthroat trout.

ADDRESSES: Copies of this revised recovery plan are available by request from: U.S. Fish and Wildlife Service, Nevada Fish and Wildlife Office, 1340 Financial Boulevard, Suite 234, Reno, Nevada (telephone: 775–861–6300). An electronic copy of the revised recovery plan is also available at: *http://endangered.fws.gov/recovery/index.html#plans*.

FOR FURTHER INFORMATION CONTACT: Chad Mellison, Fish and Wildlife Biologist, at the above Reno address.

SUPPLEMENTARY INFORMATION:

Background

Recovery of endangered or threatened animals and plants is a primary goal of our endangered species program and the Endangered Species Act (Act) (16 U.S.C. 1531 *et seq.*). Recovery means improvement of the status of listed species to the point at which listing is no longer appropriate under the criteria set out in section 4(a)(1) of the Act. Recovery plans describe actions considered necessary for the conservation of the species, establish criteria for downlisting or delisting listed species, and estimate time and cost for implementing the measures needed for recovery.

The Act requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act requires that public notice and an opportunity for public review and comment be provided during recovery plan development. The Draft Revised Recovery Plan for the Paiute Cutthroat Trout was available for public comment from January 26, 2004, through March 26, 2004 (69 FR 3598). Information presented during the public comment period has been considered in the preparation of this final revised recovery plan, and is summarized in an appendix to the recovery plan. We will forward substantive comments regarding recovery plan implementation to appropriate Federal or other entities so that they can take these comments into account during the course of implementing recovery actions.

The Paiute cutthroat trout is native to the Silver King Creek in the East Fork Carson River drainage of Humboldt-Toiyabe National Forest, Alpine County, California. Hybridization with non-native salmonids is the primary threat to the species.

The original recovery plan for the Paiute cutthroat trout was published in 1985. This revised recovery plan incorporates recent research data and addresses the species' current status, threats, distribution, and recovery needs. It also addresses the effects of recovery actions on the mountain yellow-legged frog (*Rana muscosa*) and the Yosemite toad (*Bufo canorus*), which occur within the Silver King Creek drainage as well as in the vicinity of the out-of-basin population sites. This plan identifies actions to maintain ecosystem integrity as well as recover the Paiute cutthroat trout.

The revised recovery plan includes conservation measures designed to ensure that self-sustaining populations of Paiute cutthroat trout will once again occupy its historic range. Specific recovery actions focus on removing non-native salmonids and establishing a viable population in its historic range. The plan also identifies the need to protect pure populations which exist outside of the historic range. The ultimate goal of this revised recovery plan is to delist the Paiute cutthroat trout by implementing a variety of measures to attain the following criteria: (1) All non-native salmonids are removed from Silver King Creek and its tributaries downstream of Llewellyn Falls to fish barriers in Silver King Canyon; (2) a viable population of Paiute cutthroat trout occupies all historic habitat in Silver King Creek and its tributaries downstream of Llewellyn Falls to fish barriers in Silver King Canyon; (3) Paiute cutthroat trout habitat is maintained in all occupied streams; (4) the refuge populations in Corral and Coyote Creeks, Silver King Creek and tributaries above Llewellyn Falls, as well as out-of-basin populations are maintained as refugia and are secured from the introduction of other salmonid species; and (5) a long-term conservation plan and conservation agreement are developed, which will be the guiding management documents once Paiute cutthroat trout are delisted.

Authority: The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: August 10, 2004.

Steve Thompson,

Manager, California/Nevada Operations Office, U.S. Fish and Wildlife Service.

[FR Doc. 04–20517 Filed 9–9–04; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WO–350–1430–PN]

Notice of Availability of Draft Programmatic Environmental Impact Statement (DPEIS) on Wind Energy Development on BLM-Administered Lands in the Western United States, Announcement of Public Review Period

AGENCY: Bureau of Land Management.

ACTION: Notice of availability of DPEIS, announcement of public review period.

SUMMARY: The Bureau of Land Management (BLM) announces the availability of the Draft Programmatic Environmental Impact Statement (DPEIS) on Wind Energy Development on BLM-Administered Lands in the Western United States. The BLM has prepared this DPEIS to (1) assess the environmental, social, and economic impacts associated with wind energy development on public lands in 11 western states (excluding Alaska) and (2) evaluate a number of alternatives to determine the best management approach to mitigating potential impacts and facilitating wind energy development.

DPEIS AVAILABILITY: The DPEIS will be available on the Internet in a searchable and downloadable format (*http://www.windeis.anl.gov*). The DPEIS also will be available for review during normal business hours at BLM State Offices located in Arizona, 222 N. Central Ave., Phoenix; California, 2800 Cottage Way, Suite W–1834, Sacramento; Colorado, 2850 Youngfield St., Lakewood; Idaho, 1387 S. Vinnell Way, Boise; Montana, 5001 Southgate Dr., Billings; Nevada, 1340 Financial Blvd., Reno; New Mexico, 1474 Rodeo Rd., Santa Fe; Oregon, 333 SW 1st Ave., Portland; Utah, 324 South State St., Salt Lake City; and Wyoming, 5353 Yellowstone Rd., Cheyenne.

In addition, the DPEIS will be available for review at Argonne National Laboratory, 1200 Internationale Parkway, Woodridge, IL 60517, Monday through Friday, 9 a.m. to 11:30 a.m., except holidays. To ensure easy access to the document at Argonne's offices, we ask that you contact the Document Retrieval Center at (630) 252–4587 prior to your visit. Visitors to Argonne will be escorted at all times and will be issued a temporary badge; specific arrangements must be made for visitors who are not U.S. citizens.

DATES: The public will have 90 days to review and comment on the DPEIS

following publication of the required EPA Notice of Availability.

ADDRESSES: You may submit comments in writing by the following methods: Via an electronic comment form on the project Web site: *http://www.windeis.anl.gov*. By mail to: BLM Wind Energy Programmatic EIS, Argonne National Laboratory EAD/900, 9700 S. Cass Avenue, Argonne, IL 60439

Individual respondents may request confidentiality. If you wish BLM to withhold your name or street address, except for the city or town, from public view or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. We will honor requests to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public inspection in their entirety.

FOR FURTHER INFORMATION CONTACT: For additional information, including information on how to comment, you may contact Lee Otteni, Bureau of Land Management, Farmington Field Office, 1235 La Plata Highway, Suite A, Farmington, NM 87401, (505) 599–8911 or visit the Wind Energy Development Programmatic EIS Web site at *http://www.windeis.anl.gov*.

SUPPLEMENTARY INFORMATION: Wind energy development on BLM-administered lands currently is managed in accordance with the terms and conditions of the Interim Wind Energy Development Policy (Instruction Memorandum 2003–020), issued October 16, 2002. To further support wind energy development on public lands and minimize potential environmental and sociocultural impacts, the BLM is seeking to build upon the existing interim policy to establish a Wind Energy Development Program. Three alternatives were considered in the DPEIS: (1) The proposed action, which would implement a Wind Energy Development Program, establish Best Management Practices for wind energy authorizations, and amend a number of BLM land use plans; (2) the no action alternative, which would allow wind energy development under the existing terms and conditions of the interim policy; and (3) a limited wind energy development alternative, which would allow wind energy development only in selected locations. The DPEIS was prepared in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), as amended; the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321), as amended; and the Council on Environmental Quality (CEQ) regulations (40 CFR parts 1500–1508).

The BLM published a Notice of Intent to Prepare a Programmatic Environmental Impact Statement (EIS) to Evaluate Wind Energy Development on Western Public Lands Administered by the Bureau of Land Management, on October 17, 2003 (**Federal Register**, Vol. 68, No. 201). This initiated a 60-day public scoping period that ended on December 19, 2003. Public scoping meetings were conducted in five locations (Sacramento, Salt Lake City, Cheyenne, Las Vegas, and Boise) in November 2003. Written scoping comments were accepted by comment card, mail, fax, and the project Web site (*http://www.windeis.anl.gov*). The BLM published a scoping summary report and made copies of the individual letters, facsimiles, and electronic comments received during scoping available on the project Web site.

The BLM seeks information and comments on the analysis of potential impacts of wind energy development on public lands discussed in the DPEIS and on the assessment of the management alternatives, in terms of their effectiveness at mitigating potential impacts and facilitating wind energy development. In particular, the BLM seeks comments on the conclusion that the proposed action appears to provide the best approach for managing wind energy development on BLM-administered lands. The BLM also seeks additional data or information that would improve the analysis in the DPEIS.

Ray Brady,

Group Manager, Lands and Realty.

[FR Doc. 04–20520 Filed 9–9–04; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[INT–DES–04–40]

Flaming Gorge Dam, Colorado River Storage Project, Utah

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of availability and notice of public hearings for the operation of Flaming Gorge Dam draft environmental impact statement.

SUMMARY: The Bureau of Reclamation (Reclamation), the federal agency responsible for operation of Flaming Gorge Dam, in cooperation with the Bureau of Indian Affairs, Bureau of Land Management, National Park Service, State of Utah Department of Natural Resources, U.S. Fish and Wildlife Service, U.S. Forest Service, Utah Associated Municipal Power Systems, and Western Area Power Administration, has prepared and made available to the public a draft environmental impact statement (EIS) pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969 (NEPA), as amended, 42 United States Code (U.S.C.) 4332.

DATES: A 60-day public review period commences with the publication of this notice. Written comments on the draft EIS are due by *November 15, 2004,* and should be submitted to Peter Crookston at the address given below. Public hearings will be held during the month of October in Utah and Wyoming. The public hearings schedule is as follows:

- Tuesday, October 12, 2004, 6 p.m.—Ramada Inn, 182 South Main Street, Moab, Utah.
- Wednesday, October 13, 2004, 6 p.m.—Marriott Hotel, 75 South West Temple, Salt Lake City, Utah.
- Tuesday, October 19, 2004, 6 p.m.—Holiday Inn, 1675 Sunset Drive, Rock Springs, Wyoming.
- Wednesday, October 20, 2004, 6 p.m.—Dutch John Conference Hall, South Blvd., Dutch John, Utah.
- Thursday, October 21, 2004, 6 p.m.—Western Park Convention Center, 300 East 200 South, Vernal, Utah.

ADDRESSES: Written comments on the draft EIS and requests for copies should be addressed to Mr. Peter Crookston, Flaming Gorge EIS Manager, PRO–774, Bureau of Reclamation, Provo Area Office, 302 East 1860 South, Provo, Utah 84606–7317, email: *fgeis@uc.usbr.gov*. The draft EIS is also available on Reclamation's Web site at *http://www.usbr.gov/uc/* (click on Environmental Programs and then click on the Flaming Gorge Dam Environmental Impact Statement).

Copies of the draft EIS are available for public review and inspection at the following locations:

- Bureau of Reclamation, Upper Colorado Regional Office, 125 South State Street, Room 6107, Salt Lake City, Utah 84138–1102.
- Bureau of Reclamation, Provo Area Office, 302 East 1860 South, Provo, Utah 84606–7317.
- Colorado Department of Natural Resources, Attention: Russell George, Executive Director, 1313 Sherman Street, Room 718, Denver, Colorado 80203.
- Colorado Department of Local Affairs, Attention: Eric Bergman, 1313

Sherman Street, Room 521, Denver, Colorado 80203.

- Utah State Clearinghouse, Attention: Carolyn Wright, Department of Natural Resources, 1594 West North Temple, Suite 3710, Salt Lake City, Utah 84114.
- Wyoming Department of Environmental Quality, 122 West 25th Street, Herschler Building 4th Floor—West, Cheyenne, Wyoming 82002.

Libraries

- Salt Lake City Public Library, 210 East 400 South, Salt Lake City, Utah 84111.
- Rock Springs Library, 400 C Street, Rock Springs, Wyoming 82901.
- Sweetwater County Library, 300 North 1st East Street, Green River, Wyoming 82935.
- Daggett County Library, 85 North 1st Street West, Manila, Utah 84046.
- Ute Indian Tribe Library, P.O. Box 190, Fort Duchesne, Utah 84026.
- Green River City Library, 85 South Long, Green River, Utah 84525.
- Mesa County Public Library, 530 Grand Avenue, Grand Junction, Colorado 81501.
- Uintah County Library, 155 East Main Street, Vernal, Utah 84078.
- Duchesne County Library, 70 West Lagoon Street, Roosevelt, Utah 84066.
- Grand County Library, 25 South 100 East, Moab, Utah 84532.

FOR FURTHER INFORMATION CONTACT: Mr. Peter Crookston, Flaming Gorge EIS Manager, PRO–774, Bureau of Reclamation, Provo Area Office, 302 East 1860 South, Provo, Utah 84606–7317; telephone (801) 379–1152; faxogram (801) 379–1159; email: *fgeis@uc.usbr.gov*.

SUPPLEMENTARY INFORMATION: The Operation of Flaming Gorge Dam Draft Environmental Impact Statement describes the effects of modifying the operation of Flaming Gorge Dam to assist in the recovery of four endangered fish, and their critical habitat, downstream from the dam. The purpose of the proposed action is to operate Flaming Gorge Dam to protect and assist in recovery of the populations and designated critical habitat of four endangered fishes, while maintaining all authorized purposes of the Flaming Gorge Unit of the Colorado River Storage Project (CRSP), particularly those related to the development of water resources in accordance with the Colorado River Compact.

The draft EIS describes and analyzes the potential effects of two alternatives. Under the No Action Alternative, operations under the conditions imposed by the 1992 Biological Opinion would continue. Under the Action Alternative, operations would be in accordance with the flow and temperature regimes specified in the *Flow and Temperature Recommendations for Endangered Fish in the Green River Downstream of Flaming Gorge Dam* (2000 Flow and Temperature Recommendations), published in September 2000 by the Upper Colorado River Endangered Fish Recovery Program (Recovery Program).

Background

Flaming Gorge Dam, located on the Green River in northeastern Utah about 200 miles east of Salt Lake City, is an authorized storage unit of the Colorado River Storage Project. Flaming Gorge Dam was completed in 1962, and full operation of the dam and reservoir began in 1967. The powerplant, located at the base of the dam, began commercial operation in 1963 and was completed in 1964. Reclamation operates the dam and powerplant, and the Western Area Power Administration markets the power.

Reclamation proposes to take action to protect and assist in recovery of the populations and designated critical habitat of the four endangered fishes found in the Green and Colorado River Basins, while maintaining all authorized purposes of the Flaming Gorge Unit of the CRSP. The four endangered fish species are the humpback chub (*Gila cypha*), Colorado pikeminnow (*Ptychocheilus lucius*), razorback sucker (*Xyrauchen texanus*), and bonytail (*Gila elegans*). Reclamation would implement the proposed action by modifying the operation of Flaming Gorge Dam, to the extent possible, to achieve the flows and temperatures recommended by participants of the Recovery Program. Reclamation's goal is to implement the Proposed Action and, at the same time, maintain and continue all authorized purposes of the CRSP.

The recommended flows and temperatures are intended to provide water releases of sufficient magnitude and, with the proper timing and duration, to assist in the recovery of the endangered fishes and their designated critical habitat.

Purpose and Need for Action

The purpose of the Proposed Action is to operate Flaming Gorge Dam to protect and assist in recovery of the populations and designated critical habitat of the four endangered fishes, while maintaining all authorized purposes of the Flaming Gorge Unit of the CRSP, particularly those related to the development of water resources in accordance with the Colorado River Compact. The Proposed Action is needed for the following reasons:

- The operation of Flaming Gorge Dam, under its original operating criteria, jeopardized the continued existence of the endangered fishes in the Green River.
- Reclamation is required to comply with the Endangered Species Act (ESA) for the operation of CRSP facilities, including Flaming Gorge Dam. Within the exercise of its discretionary authority, Reclamation must avoid jeopardizing the continued existence of listed species and destroying or adversely modifying designated critical habitat.
- The Reasonable and Prudent Alternative (RPA) to the 1992 Biological Opinion on the Operation of Flaming Gorge Dam required modification of Flaming Gorge releases to benefit the endangered fish, a five-year study period to evaluate winter and spring flows, and reinitiation of discussions with the U.S. Fish and Wildlife Service following the study period to further refine the flow recommendations. With the results of these studies, as well as other relevant information, the Recovery Program developed and approved the 2000 Flow and Temperature Recommendations report for the Green River. These recommendations are an extension of the 1992 jeopardy Biological Opinion RPA. Reclamation committed to assist in meeting flow requirements through the refined operation of Flaming Gorge Dam and other federal reservoirs in the 1987 agreement that formed the Recovery Program.
- Flaming Gorge Dam and Reservoir is the primary water storage and delivery facility on the Green River, upstream from its confluence with the Colorado River. The storage capacity and ability to control water releases of Flaming Gorge Dam allow Reclamation flexibility in providing flow and temperature management to protect and assist in the recovery of endangered fish populations and their critical habitat within specific reaches of the river. Thus, the refined operation of Flaming Gorge Dam is a key element of the Recovery Program.
- The refined operation will offset the adverse effects of flow depletions from the Green River for certain Reclamation water projects in Utah, as defined by existing jeopardy Biological Opinions. Modifying the operation of Flaming Gorge Dam will also serve as the RPA, as defined by the ESA, to offset jeopardy to endangered fishes and their critical habitat that could result from the operation of numerous other existing or

proposed water development projects in the Upper Colorado River Basin.

Proposed Federal Action

Reclamation proposes to take action to protect and assist in recovery of the populations and designated critical habitat of the four endangered fishes found in the Green and Colorado River Basins. Reclamation would implement the Proposed Action by modifying the operations of Flaming Gorge Dam, to the extent possible, to achieve the flows and temperatures recommended by participants of the Recovery Program. Reclamation's goal is to implement the Proposed Action and, at the same time, maintain and continue all authorized purposes of the CRSP.

Hearing Process Information: Oral comments at the hearings will be limited to five minutes. The hearing officer may allow any speaker to provide additional oral comments after all persons wishing to comment have been heard. All comments will be formally recorded. Speakers not present when called will lose their privilege in the scheduled order and will be recalled at the end of the scheduled speakers. Speakers are encouraged to provide written versions of their oral comments, and any other additional written materials, for the hearing/administrative record.

Written comments should be received by Reclamation's Provo Area Office using the contact information provided above no later than *November 15, 2004,* for inclusion in the hearing/administrative record. Under the NEPA process, written and oral comments, received by the due date, are given the same consideration.

Public Disclosure

Our practice is to make comments, including names and home addresses of respondents, available for public review. Individual respondents may request that we withhold their home address from public disclosure, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold a respondent's identity from public disclosure, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public disclosure in their entirety.

Dated: August 27, 2004.

Rick L. Gold,

Regional Director—UC Region.

[FR Doc. 04–20518 Filed 9–9–04; 8:45 am]

BILLING CODE 4310–MN–P

DEPARTMENT OF JUSTICE

Antitrust Division

Premerger Notification Unit FTC Liaison Office (Premerger Notification Unit); Notice of Relocation

The Premerger Notification Office will be relocating from: Department of Justice, Antitrust Division, Office of Operations, Premerger Notification Unit, Patrick Henry Building, 601 D Street, NW., Room #10–013, Washington, DC 20530.

Effective Monday, September 27, 2004, the mailing address is: Department of Justice, Antitrust Division, Office of Operations, Premerger Notification Unit, 950 Pennsylvania Avenue, NW., Room #3335, Washington, DC 20530.

Do not use the 20530 zip code for FedEx airbills. For FedEx airbills, use the above address information, using the zip code 20004. The use of the 20530 zip code will result in a delay of the delivery of FedEx packages to our office.

Delivery of Premerger Notification & Report Forms and other materials to the Premerger Unit will be similar to current procedures in place at the Main Justice Building.

All telephone numbers will remain unchanged.

FOR FURTHER INFORMATION CONTACT: Elaine M. Gibbs or Maura Lee at (202) 514–2558.

Dorothy B. Fountain,

Deputy Director of Operations, Antitrust Division.

[FR Doc. 04–20528 Filed 9–9–04; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Office of Justice Programs

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 30-Day notice of information collection under review: National Juvenile Probation Census Project.

The Department of Justice (DOJ), Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 69, Number 112, on page 32610 on June 10, 2004, allowing for a 60-day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until October 12, 2004. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202) 395–5806.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of information collection:* New.

(2) *Title of the form/collection:* National Juvenile Probation Census Project which consists of two forms: Census of Juvenile Probation Supervision Offices (CJPSO) and Census of Juveniles on Probation (CJP).

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Numbers: CJ–16 (CJPSO) and CJ–17 (CJP). Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: State, Local or Tribal Governments. Other: N/A. This project consists of two forms that will be sent to juvenile geographic probation supervision areas (GPSAs), on alternate years. The CJPSO will collect information regarding the activities of juvenile probation offices nationwide; the CJP will collect information regarding the number and characteristics of juveniles on probation.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The CJPSO response burden is estimated at .75 hours per response. The study will first field test the CJPSO form on a sample of 336 juvenile GPSAs. Then the form will be sent to all 1,715 juvenile GPSAs. The following year, approximately 500 of the 1,715 will also be asked to complete the CJP, at an estimate of 5.5 hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 4,289 public burden hours associated with the CJPSO and CJP collections.

If additional information is required contact: Mrs. Brenda E. Dyer, Department Clearance Officer, United States Department of Justice, Policy and Planning Staff, Justice Management Division, Suite 1600, Patrick Henry Building, 601 D Street NW., Washington, DC 20530.

Dated: September 3, 2004.

Brenda E. Dyer,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 04–20478 Filed 9–9–04; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 30-Day notice of information collection under review: 2004 Census of State and Local Law Enforcement Agencies.

The Department of Justice (DOJ), Office of Justice Programs (OJP) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 69, Number 100, page 29571 on May 24, 2004, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until October 12, 2004. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202) 395–5806. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of information collection:* Revision of a currently approved collection.

(2) *Title of the form/collection:* 2004 Census of State and Local Law Enforcement Agencies.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: CJ–38, Office of Justice Programs, Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: State, Local, or Tribal Government. This information collection is a census of all state and local law enforcement agencies. The information will provide statistics on agency personnel, budgets, equipment and policies and procedures.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 18,000 respondents will complete a one-half hour form.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 9,000 total annual burden hours associated with this collection.

If additional information is required contact: Brenda E. Dyer, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Patrick Henry Building, Suite 1600, 601 D Street NW., Washington, DC 20530.

Dated: September 2, 2004.

Brenda E. Dyer,

Department Clearance Officer, Department of Justice.

[FR Doc. 04–20479 Filed 9–9–04; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review: Comment Request

August 31, 2004.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35). A copy of each ICR, with applicable supporting documentation, may be obtained by contacting the Department of Labor (DOL). To obtain documentation, contact Darrin King on (202) 693–4129 (this is not a toll-free number) or e-mail: *king.darrin@dol.gov*.

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Mine Safety and Health Administration

(MSHA), Office of Management and Budget, Room 10235, Washington, DC 20503, (202) 395–7316 (this is not a toll-free number), within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Agency: Mine Safety and Health Administration.

Type of Review: Extension of currently approved collection.

Title: Radiation Sampling and Exposure Records.

OMB Number: 1219–0003.

Frequency: Weekly and Annually.

Type of Response: Reporting and Recordkeeping.

Affected Public: Business or other for-profit.

Number of Respondents: 2.

Number of Annual Responses: 100.

Estimated Time Per Response: 8 hours.

Total Burden Hours: 800.

Total Annualized Capital/Startup Costs: $0.

Total Annual Costs (operating/maintaining systems or purchasing services): $0.

Description: Title 30 CFR 57.5037 establishes the procedures to be used by the mine operator in sampling mine air for the presence and concentrations of radon daughters. Title 30 CFR 57.5040 requires mine operators to calculate, record and report individual exposures to concentrations of radon daughters. This information is recorded weekly and reported annually to MSHA on the Form 4000–9.

Agency: Mine Safety and Health Administration.

Type of Review: Extension of currently approved collection.

Title: Application for Waiver of Surface Facilities Requirements.

OMB Number: 1219–0024.

Frequency: On occasion and Annually.

Type of Response: Reporting.

Affected Public: Business or other for-profit.

Number of Respondents: 225.

Number of Annual Responses: 662.

Estimated Time Per Response: 30 minutes to prepare an initial waiver request and 20 minutes to prepare a request for an extension of a waiver.

Total Burden Hours: 259.

Total Annualized Capital/Startup Costs: $0.

Total Annual Costs (operating/maintaining systems or purchasing services): $0.

Description: Title 30 CFR 71.400 through 71.402 and 75.1712–1 through 75.1712–3 require coal mine operators to provide bathing facilities, clothing change rooms, and sanitary flush toilet facilities in a location that is convenient for use of the miners. If the operator is unable to meet any or all of the requirements, the operator may apply for a waiver. 30 CFR 71.403, 71.404, 75.1712–4 and 75.1712–5 provide procedures by which an operator may apply for and be granted a waiver.

Agency: Mine Safety and Health Administration.

Type of Review: Extension of currently approved collection.

Title: Representative of Miners, Notification of Legal Identity, and Notification of Commencement of Operations and Closing of Mines.

OMB Number: 1219–0042.

Frequency: On occasion.

Type of Response: Reporting and Third party disclosure.

Affected Public: Business or other for-profit.

Number of Respondents: 3,900.

Information collection requirement	Annual responses	Average response time (hours)	Annual burden hours
Representative of miners	90	0.75	68
Notification of legal identity (Form 2000–7):			
New mines (hard copy)	755	0.50	378
New mines (electronic filing)	45	0.33	15
Changes (hard copy)	3,900	0.25	975
Changes (electronic filing)	1,600	0.17	267
Mine ID request (Form 7000–51)	350	0.08	28
Notification of commencement of operations and closing of mines:			
Telephone responses	1,725	0.05	86
Written responses	345	0.50	173
Total	8,810	.....	1,990

Total Annualized Capital/Startup Costs: $0.

Total Annual Costs (operating/maintaining systems or purchasing services): $3,078.

Description: Title 30 CFR 40.3 requires the following information to be filed with the MSHA: (1) The name, address and telephone number of the representative or organization that will serve as representative; (2) the name and address of the mine operator; the name, address and MSHA ID number, if known, of the mine; (3) a copy of the document evidencing the designation of the representative; (4) a statement as to whether the representative will serve for all purposes of the Act, or a statement of the limitation of the authority; (5) the name, address and telephone number of an alternate; (6) a statement that all the required information has been filed with the mine operator; and (7) certification that all information filed is true and correct followed by the signature of the miners' representative. Title 30, CFR 40.4 requires that a copy of the notice designating the miners' representative be posted by the mine operator on the mine bulletin board and maintained in current status. Once the required information has been filed, a representative retains his or her status unless and until his or her designation is terminated. Under 30 CFR 40.5, a representative who wishes to terminate

his or her designation must file a written statement with the appropriate district manager terminating his or her designation.

Section 109(d) of the Mine Act, requires each operator of a coal or other mine to file with the Secretary of Labor, the name and address of such mine, the name and address of the person who controls or operates the mine, and any revisions in such names and addresses. Title 30, CFR Part 41 implements this requirement and provides for the mandatory use of Form 2000 7, Legal Identity Report, for notifying the MSHA of the legal identity of the mine operator. Additionally, the Form 7000–51, complements this activity by providing a convenient mechanism for obtaining a mine identification number.

Title 30 CFR 56.1000 and 57.1000, operators of metal and nonmetal mines must notify MSHA when the operation of a mine will commence or when a mine is closed.

Ira L. Mills,

Departmental Clearance Officer.

[FR Doc. 04–20498 Filed 9–9–04; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

[Application No. D–11098, et al.]

Proposed Exemptions; Comerica Bank

AGENCY: Employee Benefits Security Administration, Labor.

ACTION: Notice of proposed exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemptions, unless otherwise stated in the Notice of Proposed Exemption, within 45 days from the date of publication of this **Federal Register** Notice. Comments and requests for a hearing should state: (1) The name, address, and telephone number of the person making the comment or request, and (2) the nature of the person's interest in the exemption and the manner in which the person would be adversely affected by the exemption. A request for a hearing must also state the issues to be addressed and include a general description of the evidence to be presented at the hearing.

ADDRESSES: All written comments and requests for a hearing (at least three copies) should be sent to the Employee Benefits Security Administration (EBSA), Office of Exemption Determinations, Room N–5649, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. Attention: Application No. _____, stated in each Notice of Proposed Exemption. Interested persons are also invited to submit comments and/or hearing requests to EBSA via e-mail or FAX. Any such comments or requests should be sent either by e-mail to: *moffitt.betty@dol.gov*, or by FAX to (202) 219–0204 by the end of the scheduled comment period. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of the Employee Benefits Security Administration, U.S. Department of Labor, Room N–1513, 200 Constitution Avenue, NW., Washington, DC 20210.

Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register**. Such notice shall include a copy of the notice of proposed exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978, 5 U.S.C. App. 1 (1996), transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of proposed exemption are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

Comerica Bank, Located in Detroit, MI

[Application No. D–11098]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Employee Retirement Income Security Act of 1974 (ERISA or the Act) and section 4975(c)(2) of the Internal Revenue Code of 1986 (the Code) and in accordance with the procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990).

Section I—Proposed Exemption For Receipt of Fees

If the proposed exemption is granted, the restrictions of sections 406(a) and 406(b) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (F) of the Code, shall not apply to the receipt of fees by Comerica Bank and its affiliates (Comerica) from the Munder Funds (the Funds), open-end investment companies registered under the Investment Company Act of 1940 (the 1940 Act), for acting as an investment adviser for the Funds, as well as for providing any other services to the Funds which are not investment advisory services (''Secondary Services'' as defined in Section III(h) below) in connection with the purchase and sale of shares of the Funds by certain defined benefit and defined contribution pension plans and funded employee welfare benefit plans (Client Plans) for which Comerica serves as fiduciary with investment discretion, provided that the following conditions and the General Conditions set forth in Section II are met:

(a) No sales commissions, redemption fees, or other fees are paid by the Client Plans in connection with the purchase or sale of shares of the Funds.

(b) The price paid or received by a Client Plan for shares in a Fund is the net asset value per share, as defined in Section III (e), at the time of the transaction, and is the same price that would have been paid or received for the shares by any other investor at that time.

(c) Comerica, including any officer or director of Comerica, does not purchase or sell shares of the Funds from or to any Client Plan.

(d) Each Client Plan receives a credit, through a cash rebate of such Plan's proportionate share of all fees charged to the Funds by Comerica for investment advisory services, including

any investment advisory fees paid by Comerica to third-party subadvisers. Cash rebates for investment advisory services provided to the Client Funds are received by a Plan on or before the date Comerica charges the Client Plan for plan-level investment management services. Comerica management fees and Munder advisory fees are paid in arrears for services provided to the Client Plans and the Funds, respectively. The crediting of all such fees is audited by Comerica through a system of internal controls to verify the proper crediting of the fees to each Client Plan.

(e) Comerica will supply, annually and upon request, to the second fiduciary acting for a Client Plan, who is independent of and unrelated to Comerica (the Second Fiduciary), all information reasonably necessary for such fiduciary to verify that the fee credit calculation is correct and any additional information that the Second Fiduciary may require to determine that the conditions of this exemption are being met by Comerica.

(f) For each Client Plan, the combined total of all fees received by Comerica for the provision of services to a Client Plan, and in connection with the provision of services to the Funds in which the Client Plan may invest, is not in excess of ''reasonable compensation'' within the meaning of section 408(b)(2) of ERISA.

(g) Comerica does not receive any fees payable pursuant to Rule 12b–1 under the 1940 Act in connection with the transactions.

(h) The Client Plans are not employee benefit plans sponsored or maintained by Comerica.

(i) The Second Fiduciary receives, in advance of any initial investment by the Client Plan in a Fund, full and detailed written disclosure of information concerning the Fund, including, but not limited to:

(1) A current prospectus for each Fund in which a Client Plan is considering investing;

(2) A statement describing the fees for investment advisory or similar services and any Secondary Services as defined in Section III (h), and all other fees to be charged to or paid by the Client Plan and by the Funds, including the nature and extent of any differential between the rates of such fees;

(3) The reasons why Comerica may consider such investment to be appropriate for the Client Plan;

(4) A statement describing whether there are any limitations applicable to Comerica with respect to which assets of a Client Plan may be invested in the Funds, and if so, the nature of such limitations; and

(5) Upon the request of the Second Fiduciary, a copy of the proposed exemption and/or a copy of the final exemption, if granted, once such documents is published in the **Federal Register**.

(j) After consideration of the information described in paragraph (i) above, the Second Fiduciary authorizes in writing the investment of assets of the Client Plan in each particular Fund, the fees to be paid by such Fund to Comerica, and the cash rebate to the Client Plan of fees received by Comerica from the Funds for investment advisory services.

(k) All authorizations made by a Second Fiduciary regarding investments in a Fund and the fees paid to Comerica are subject to an annual reauthorization wherein any such prior authorization referred to in paragraph (j) above shall be terminable at will by the Client Plan, without penalty to the Plan, upon receipt by Comerica of written notice of termination. A form expressly providing an election to terminate the authorization described in paragraph (j) above (the Termination Form) with instructions on the use of the form must be supplied to the Second Fiduciary no less than annually. However, if the Termination Form has been provided to the Second Fiduciary pursuant to paragraph (m) below, then the Termination Form need not be provided again for an annual reauthorization pursuant to this paragraph unless at least six months have elapsed since the form was provided in connection with the additional service or fee increase. The instructions for the Termination Form must include the following information:

(1) The authorization is terminable at will by any of the Client Plans, without penalty to such Client Plans, upon receipt by Comerica of written notice from the Second Fiduciary; and

(2) Failure by the Second Fiduciary to return the Termination Form on behalf of a Client Plan will result in continued authorization of Comerica to engage in the transactions described in paragraph (j) above on behalf of the Client Plan.

(3) A copy of the Termination Form will be sent to the Second Fiduciary for the Client Plan upon request.

(l) The Second Fiduciary receives full written disclosure, prior to the effective date, in a Fund prospectus or otherwise, of any increases in the rates of fees charged by Comerica to the Funds for investment advisory services even though such fees will be rebated as required by paragraph (d) above.

(m) In the event that Comerica provides an additional Secondary Service to a Fund for which a fee is charged or there is an increase in the rate of any fee paid by the Funds to Comerica for any Secondary Services that results from either an increase in the rate of such fee or a decrease in the number or kind of services performed by Comerica for such fees in connection with a previously authorized Secondary Service, Comerica will, at least 30 days in advance of the implementation of such additional service for which a fee is charged or fee increase, provide written notice (that is separate from the prospectus of the Fund) to the Second Fiduciary explaining the nature and the amount of the additional services or of the effective increase in fees of the affected Fund. Such notice shall be accompanied by the Termination Form.

(n) On an annual basis, Comerica provides the Second Fiduciary of a Client Plan investing in the Funds with:

(1) A copy of the current prospectus for the Funds and, upon such Second Fiduciary's request, a copy of the Statement of Additional Information for such Funds that contains a description of all fees paid by the Funds to Comerica (including fees for investment advisory services);

(2) A copy of the annual financial disclosure report of the Funds in which such Client Plan is invested, which includes information about the Fund portfolios; and

(3) Oral or written responses to inquiries of the Second Fiduciary as they arise.

(o) All dealings between the Client Plans and the Funds are on a basis no less favorable to the Client Plans than dealings with other shareholders of the Funds.

Section II—General Conditions

(a) Comerica maintains for a period of six years the records necessary to enable the persons described in paragraph (b) of Section II to determine whether the conditions of this exemption have been met, except that:

(1) A prohibited transaction will not be considered to have occurred if, due to circumstances beyond the control of Comerica, the records are lost or destroyed prior to the end of the six-year period, and

(2) No party in interest other than Comerica shall be subject to the civil penalty that may be assessed under section 502(i) of ERISA or to the taxes imposed by section 4975(a) and (b) of the Code if the records are not maintained or not available for examination as required by paragraph (b) below.

(b) Except as provided in paragraph (b)(2) below and notwithstanding any provisions of section 504(a)(2) and (b) of ERISA, the records referred to in paragraph (a) of Section II are unconditionally available at their customary location for examination during normal business hours by: (i) Any duly authorized employee or representative of the Department of Labor or the Internal Revenue Service; (ii) Any fiduciary of a Client Plan who has authority to acquire or dispose of shares of the Funds owned by the Client Plan, or any duly authorized employee or representative of such fiduciary; and (iii) Any participant or beneficiary of a Client Plan or duly authorized employee or representative of such participant or beneficiary.

(1) None of the persons described in subparagraph (b)(1)(ii) and (iii) above shall be authorized to examine trade secrets of Comerica, or commercial or financial information, which is privileged or confidential.

Section III—Definitions

For purposes of this exemption:

(a) ''Comerica'' means Comerica Bank, a Michigan banking corporation, and any affiliate thereof (as affiliate is defined below in paragraph (b) of this section).

(b) An ''affiliate'' of a person includes:

(1) Any person directly or indirectly through one or more intermediaries, controlling, controlled by, or under common control with the person;

(2) Any officer, director, employee, relative, or partner in any such person; and

(3) Any corporation or partnership of which such person is an officer, director, partner, or employee.

(c) ''Control'' means the power to exercise a controlling influence over the management or policies of a person other than an individual.

(d) The term ''Fund'' or ''Funds'' shall include the Munder Funds, each series thereof, or any other diversified open-end investment company registered under the 1940 Act for which Comerica serves as an investment adviser and may also serve as a Fund accountant, transfer agent or provide some other Secondary Service (as defined below in paragraph (h) of Section III) which has been approved by such Funds.

(e) ''Net asset value'' means the amount for purposes of pricing all purchases and sales, calculated by dividing the value of all securities, determined by a method as set forth in a Fund's prospectus and statement of additional information, and other assets belonging to the Fund or portfolio of the Fund, less the liabilities charged to each such portfolio or Fund, by the number of outstanding shares.

(f) ''Relative'' means a ''relative'' as that term is defined in section 3(15) of ERISA (or a ''member of the family'' as that term is defined in section 4975(e)(6) of the Code), or a brother, a sister, or a spouse of a brother or a sister.

(g) ''Second Fiduciary'' means a fiduciary of a Client Plan who is independent of and unrelated to Comerica. For purposes of this exemption, the Second Fiduciary will not be deemed to be independent of and unrelated to Comerica if:

(1) Such fiduciary directly or indirectly controls, is controlled by, or is under common control with Comerica;

(2) Such fiduciary, or any officer, director, partner, employee, or relative of the fiduciary is an officer, director, partner, or employee of Comerica (or is a relative of such persons); or

(3) Such fiduciary directly or indirectly receives any compensation or other consideration for his or her own personal account in connection with any transaction described in this proposed exemption:

If an officer, director, partner, or employee of Comerica (or relative of such persons), is a director of such Second Fiduciary, and if he or she abstains from participation in (i) the choice of the Client Plan's investment adviser, (ii) the approval of any such purchase or sale between the Client Plan and the Funds, and (iii) the approval of any change in fees charged to or paid by the Client Plan in connection with any of the transactions described in Section I and Section II above, then subparagraph (g)(2) of Section III shall not apply.

(h) ''Secondary Service'' means a service other than an investment management, investment advisory, or similar service which is provided by Comerica to the Funds including (but not limited to) custodian services, transfer and dividend disbursing agent services, administrator or sub-administrator services, accounting services, and shareholder servicing agent services.

However, for purposes of this exemption, the term ''Secondary Service'' will not include any brokerage services provided to the Funds by Comerica for the execution of securities transactions engaged in by the Funds.

(i) ''Termination Form'' means the form supplied to the Second Fiduciary that expressly provides an election to the Second Fiduciary to terminate on behalf of a Client Plan the authorization described in paragraph (j) of Section I above. Such Termination Form may be used at will by the Second Fiduciary to terminate an authorization without penalty to the Plan and to notify Comerica in writing to effect a termination by selling the shares of the Funds held by the Client Plan requesting such termination within one business day following receipt by Comerica of the form; provided that if, due to circumstances beyond the control of Comerica, the sale cannot be executed within one business day, Comerica shall have one additional business day to complete such sale.

Effective Date: The proposed exemption, if granted, will be effective as of the date the final exemption is published in the **Federal Register**.

Summary of Facts and Representations

1. Comerica represents that it acts as trustee with investment discretion for approximately 62 Client Plans that are subject to ERISA. The Client Plans include defined benefit and defined contribution pension plans, and funded employee welfare benefit plans. Comerica Bank is a banking corporation chartered under the laws of the State of Michigan. It is a wholly owned subsidiary of Comerica Incorporated which is a bank holding company regulated by and registered under the Bank Holding Company Act of 1956 as amended.

2. Comerica represents that it has been granted trust powers by the Office of Financial and Insurance Services of the State of Michigan, which regulates Comerica Bank pursuant to Michigan law. As to fiduciary matters, the Office of Financial and Insurance Services generally requires Michigan chartered banks to comply with the regulations promulgated by the United States Comptroller of Currency as well as Michigan law. Comerica Bank is also regulated by the Federal Reserve Board. As of March 31, 2004, Comerica Bank had approximately $26.8 billion under trust management.

3. Comerica represents that Munder Capital Management (Munder) is the investment advisor to several open-end investment companies registered under the 1940 Act (Munder Funds). Munder is a Delaware general partnership with three partners, two of which, WAM Holdings, Inc. and WAM Holdings II, Inc. own a 95.5% interest in Munder, and are wholly owned subsidiaries of Comerica Investment Services, Inc. which itself is a wholly owned subsidiary of Comerica Incorporated. Munder is, consequently, an affiliate of Comerica Bank as defined at 29 CFR 2510.3–21(e).

4. The Munder Funds are Massachusetts business trusts. The

Munder Funds involved in the exemption transactions are: Munder Bond Fund B Class Y, Munder Fram Emerging Mkts B Y, Munder Fram Healthcare FD–Y, Munder Framlington Intl GRW, Munder Fund of Funds, Munder Future Technology CL Y, Munder Index 500 Fund B CL K, Munder Index 500 Fund B CL Y, Munder Inst S&P Midcap 400, Munder Instl S&P Smallcap 600, Munder Instl S&P 500 Idx Equ Fd, Munder Instl S&P 600 Fd CL K, Munder Intermed Bd Fd (K Shs), Munder Intermediate Bd–Y, Munder International Eq–Y, Munder Intl Bond Fund—CL Y, Munder Intl Equity Fund (K Shs), Munder Intl Net Net CL Y, Munder Large Cap Growth Fd CL Y, Munder Large Cap Value Fund CL Y, Munder Micro Cap Equity B Y, Munder Midcap Select Fund CL Y, Munder Multi-Seas Gwth Fd (CL K), Munder Multi-Season Growth B Y, Munder Net Net Fund CL Y, Munder Power Plus Fund CL Y, Munder Real Estate Eq Inv–Y, Munder Small Cap Value Fd–Y, Munder Small Co GRY Shrs, Munder U.S. GVT Income FD (K SHS), Munder U.S. Govt Income FD–Y (the Funds). Comerica anticipates that other Munder Funds may be established in the future, and it intends to offer appropriate Munder Funds to its Client Plans as they are organized.

5. Comerica represents that it uses its fiduciary authority to invest Client Plan assets in the Funds and that all investments in the Funds on behalf of the Client Plans are made by Comerica pursuant to initial written authorizations and annual reauthorizations of the investments by an independent fiduciary of each of the Client Plans after receipt by that fiduciary of the current prospectus for the relevant Munder Funds and written disclosure of the investment advisory fees charged to the Client Plan and the Munder Funds.

6. The Applicant believes that the advantages of permitting Comerica to invest the assets of Client Plans in the Funds include the fact that the Funds are valued daily, and their market values are quoted in daily publications of mass circulation. This permits the independent fiduciaries of the Client Plans to monitor their plans' investment performance on a daily basis without the need to communicate with Comerica Bank, unlike the case with Comerica's collective investment funds. The Funds also have the advantage of permitting investment and redemption on a daily basis, so that funds may be immediately invested in the desired medium, whereas some investments, such as some of Comerica's collective funds, are only available for investment and redemption monthly.

7. The Applicant states that all investments of Client Plan assets in the Funds occur either through the direct purchase of shares of the Funds for a Client Plan by Comerica Bank, the liquidation of shares owned by a Client Plan in one Munder Fund and the simultaneous purchase of shares in another Munder Fund at the direction of Comerica, or an automated sweep of uninvested cash of a Client Plan by Comerica Bank into one or more Funds previously designated by the Client Plan for that purpose. Comerica states that the terms and conditions of these transactions are at least as favorable to the Client Plans as offered to other customers of Comerica Bank. The Client Plans pay no sales commissions or redemption fees in connection with transactions in the Fund shares executed at Comerica Bank's instruction. Comerica represents that it does not and will not receive fees payable pursuant to Rule 12b–1 in connection with transactions for Client Plans involving shares of the Funds.

8. Comerica states that it charges management fees to its Client Plans in accordance with written fee agreements. These agreements are individually negotiated between the independent fiduciaries of the Client Plans and Comerica Bank. The fee agreements establish base management fees calculated as a percentage of assets under management and per-transaction fees for Secondary Services. Comerica represents that the fees charged to Client Plans for services performed are exempt from the prohibited transaction provisions of ERISA by Section 408(b)(2) and the regulations under that Section at 29 CFR 2550.408b–2.[1]

9. The Applicant represents that Munder is compensated for acting as investment advisor to each of the Munder Funds. Munder charges a uniform fee for acting as investment advisor to each of the Munder Funds equal to 0.75% of average net daily assets of each of the respective Munder Funds. The fee agreements between Munder and the Funds are approved by the Board of Directors of the Munder Funds in accordance with the applicable provisions of the 1940 Act. As described in detail below, Comerica states that it regularly rebates to Client Plans their proportional shares of Munder's investment advisory fee, so that Client Plans do not pay duplicative fees for investment advisory services to both Munder and Comerica Bank.

10. The Applicant represents that all investments of Client Plans in the Funds occur through direct purchases of Fund shares from the Funds' distributor, Funds Distributors, Inc., which is not an affiliate of Comerica Bank. The Applicant represents that Client Plans pay no commissions or redemption fees in connection with purchases or sales of Fund shares, but Funds Distributors, Inc. is compensated by the Funds under a distribution plan adopted by the Funds pursuant to Rule 12b–1 under the 1940 Act equal to an annual rate of 0.25% of the Funds' average daily net assets. The distribution fee is calculated daily and paid monthly.[2]

11. The Applicant states that Comerica Bank provides shareholder services to the Funds. Comerica Bank further notes that it receives shareholder servicing fees from the Funds of 0.25% of the average daily net asset value of Class K shares of equity and bond Munder Funds, and .15% of the average daily net asset value of Class K shares of money market Munder Funds under the Munder Funds' shareholder servicing plans. These services are not investment advisory services to the Funds, and consequently do not duplicate the fees for asset management charged by Comerica Bank to the Client Plans. Moreover, the Applicant represents that the shareholder services that Comerica Bank provides to the Funds are not duplicative of secondary trustee services for which Comerica Bank is compensated by the Client Plans or their sponsors either as part of the base management fee or from per-transaction fees. These secondary trustee services include processing distributions, maintaining participant accounts, executing investment directions, valuing plan assets, filing required reports, and compiling participant and plan sponsor reports. These trustee services are necessary whether or not a Client Plan's assets are invested in a Fund and may involve maintenance of Client Plan accounts reflecting ownership of Fund shares, whereas Comerica Bank's services to the Funds relate to securities owned by the

[1] The Department notes that no relief is being proposed herein for prohibited transactions under the Act that arise in connection with the provision of services directly to the Client Plans that are not otherwise covered by section 408(b)(2) of the Act.

[2] With respect to any fees paid by the Funds to parties unrelated to Comerica and its affiliates, the Department notes that Comerica, as a trustee or investment manager for a Client Plan's assets that are invested in the Funds, has a fiduciary duty to ensure that the fees indirectly paid by a plan to third parties are reasonable. The Department notes further that Comerica should ensure that services performed by Comerica or an affiliate for a fund are not duplicative of any similar services performed by third parties.

Funds and procedures necessary for servicing the Funds' shareholders.[3]

12. Comerica represents that it does not and will not provide securities brokerage services to either the Funds or the Client Plans, so that Comerica Bank will not generate brokerage fees with respect to securities transactions for the Client Plans.

13. Comerica Bank represents that it uses automatic data systems to manage its fee arrangements with Client Plans. The automatic data systems create cash rebates of the appropriate amounts of Munder fees rather than crediting the Munder fees against Comerica Bank's management fees. It is solely for this reason that Comerica Bank cannot rely upon Prohibited Transaction Class Exemption 77–4 [4] for the transactions described herein.

14. With respect to transactions that occurred prior to the effective date of this proposed exemption, Comerica notes the following: ''Comerica Bank's ERISA compliance officer was not aware until recently that the Department intended that PTE 77–4 be followed literally in crediting fund investment management fees rather than in rebating them. When the compliance officer was made aware of the distinction by published commentary, an assessment of the operation of Comerica Bank's trust fee systems was instituted and it was discovered that the computer system maintained by Comerica Bank generated rebates, not credits. The compliance officer then caused the Comerica exemption application to be prepared and filed. Comerica continues to rebate fund level investment management fees. Because the Department has issued other individual exemptions permitting the rebate of investment management fees and because the Client Plans reap financial advantages from Comerica Bank's rebating procedures, it was decided that the current procedures will be continued and be adjusted, if necessary, to secure the Department's approval of the individual exemption.'' Comerica further notes that: ''Correction of the exemption transactions would require the Client Plans to refund the investment returns received by virtue of receiving fee rebates earlier than fee credits would have been received under the requirements of PTE 77–4. Comerica Bank believes that the correction of the transactions is inappropriate under the circumstances.'' [5]

15. Comerica represents that it either charges a Client Plan directly for management fees or it invoices the Client Plan's plan sponsor for management fees. In some cases, a portion of a Client Plan's management fees are charged directly and a portion invoiced to the plan sponsor. Comerica states that it utilizes an automated system for Client Plans to which all management fees are charged directly. The automated system calculates the appropriate Munder fee rebate for each month on the last day of that month. The transfer of funds by Comerica Bank to Client Plans to rebate the Munder fees takes place on the 15th of the next month or the next business day if the fifteenth is not a business day.

Depending on the management agreement between Comerica Bank and the Client Plan, the charge to Client Plans for Comerica Bank management fees or other fees occurs monthly, quarterly, semi-annually or annually, as appropriate, on the 15th day of the month (or the next business day, if later) after the fee calculation period and concurrently with the Munder fee rebate for the prior month. The Applicant states that the phrase ''after the fee calculation period'' means the Comerica management fees are paid in arrears.

Comerica represents that for Client Plans for which some or all of the management fees are invoiced to the plan sponsor, Comerica has and continues to utilize an automated billing system. The automated fee calculation system calculates the Munder fee rebate for each such Client Plan on the last day of each month and transfers the rebate to each Client Plan on 15th day of the next month (or the next business day, if later). The automated billing system invoices Comerica management fees to the plan sponsor no later than the third to the last business day of the month after the end of the monthly, quarterly, semi-annual or annual fee calculation period. If a portion of the Comerica Bank management fees are charged directly to the Client Plan, the charge is made on the third to the last day of the month after the fee calculation period, and in no event before the posting of the Munder fee rebate for the prior month. The Applicant provides the following example. If Comerica charges its trust management fee monthly, then it earns its fee for January and is paid on February 15. The automated system calculates the appropriate cash rebate for Munder fees for January on January 31 and pays it to the trust account no later than February 15. If the trust account pays its management fee quarterly, then it would pay Comerica's management fees for January through March on April 15. The rebates of the Munder fees nevertheless proceed monthly on February 15, March 15 and April 15.

16. Comerica Bank prefers the method it uses for rebating Munder fees because it permits the Client Plans to confirm that the fees paid to Comerica Bank are in accordance with its fee agreement, and Comerica Bank desires to avoid the expense of changing its data processing systems to calculate a credit of the Munder fees against the Comerica Bank management fees. Comerica represents that the Client Plans in many cases receive an advantage by the rebating method because they receive their rebates in advance of paying the Comerica Bank management fee, but in no case does a Client Plan receive its appropriate rebate later than the time at which it pays Comerica Bank's management fees. Moreover, Client Plans whose sponsors pay the management fees are in a better position under Comerica Bank's rebate program, since the Client Plans receive a greater return on their investments in Munder Funds.[6]

17. Comerica represents that it has established a system of internal controls to ensure the proper rebating of Munder investment management fees to clients. The calculation of asset management fees and rebate of Munder fees is an automated function of the computer program that controls the rebates and is accomplished with minimal human

[3] Paragraph (f) of Section I provides that the combined total of all fees received by Comerica directly and indirectly from the Client Plans for the provision of services to the Client Plans and/or to the Funds may not be in excess of ''reasonable compensation'' within the meaning of section 408(b)(2) of the Act.

[4] PTE 77–4, in pertinent part, permits the purchase and sale by an employee benefit plan of shares of a registered, open-end investment company when a fiduciary with respect to the plan is also the investment adviser for the investment company, provided that, among other things, the plan does not pay an investment management, investment advisory or similar fee with respect to the plan assets invested in such shares for the entire period of such investment. Section II(c) of PTE 77–4 states that this condition does not preclude the payment of investment advisory fees by the investment company under the terms of an investment advisory agreement adopted in accordance with section 15 of the 1940 Act. Section II(c) states further that this condition does not preclude payment of an investment advisory fee by the plan based on total plan assets from which a credit has been subtracted representing the plan's pro rata share of investment advisory fees paid by the investment company.

[5] The Department expresses no opinion herein on whether the previous receipt of fees by Comerica from the Funds violated any of the provisions of Part 4 of Title I of the Act. The Department is providing no retroactive exemptive relief herein with respect to Comerica's previous receipt of fees from the Funds.

[6] To the extent that the Department of the Treasury determines that this arrangement should be deemed a contribution by an employer to a Client Plan of the rebated fees, the transaction must be examined under the applicable provisions of the Code, including sections 401(a)(4), 404 and 415.

intervention. The asset management fee and Munder rebate calculation logic is coded into the computer program. Thus, once the calculation logic is confirmed as producing the intended rebates, the opportunity for error in the rebate calculation method is nil. Access to the computer application files in which the computer program is maintained is strictly controlled, and any changes must be reviewed by authorized personnel in both the Trust Systems Department and the Information Systems Department. In addition, Comerica states that its Information Technology audit group performs periodic internal audits of the controls over all mainframe computer system changes, including changes to the program that controls the Munder fee rebates. The Comerica Bank Trust Operations group maintains a computer spreadsheet of the investment management fee rates applicable to each trust asset. Each month a review is conducted to ensure the system rate and the spreadsheet rate are the same. Munder's fees charged to the Munder Funds are extracted from the Funds' published prospectuses, and once entered into the computer files are also protected from unauthorized access. All data changes are reviewed and approved by appropriate personnel in the Trust Operations Department. Comerica Bank Trust Operations handles the actual transfer of cash used for fee rebates from a Munder account to a Comerica account. It performs a monthly reconciliation between cash received from Munder and rebates calculated by the computer system. Comerica Bank Trust Operations performs a quarterly review of Munder fees/rebates and Munder reviews the results of this self-audit. Additionally, Comerica Bank Institutional Trust and Private Banking management receive reports of the results and conduct an independent review.

Comerica Bank's internal audit department performs annual reviews of fee income reconciliation including Munder fee rebates. In the event an error is made in the rebating of fees to the Client Plans, Comerica asserts that it will correct the error and conduct further audits to determine whether the error occurred with respect to other Client Accounts. With respect to any shortfall in rebated fees to a Client Plan, Comerica Bank will make a cash payment to the Client Plan equal to the amount of the error with interest computed on the same yield as that paid by the Client Plan's money market fund or the Federal Funds rate if no money market fund is used for the period involved. Any excess rebates made to a Client Plan will be corrected, to the extent possible, by an appropriate reduction of cash rebate to the Client Plan during the next payment period.

18. Comerica Bank represents that the independent fiduciary of each Client Plan who approves the investment of assets in the Munder Funds receives full and detailed disclosure of information concerning the fees paid by the Funds, including the investment advisory fees of Munder Capital Management and fees paid for shareholder services to Comerica Bank both before the authorization of the investments by the independent fiduciary and at least 30 days before any increase in the fees.[7] In the event that Comerica Bank provides an additional service to a Fund for which a fee is charged or there is an increase in the amount of fees paid by the Funds to Comerica Bank for any services resulting from a decrease in the number or kinds of services performed by Comerica Bank, it will provide thirty day's advance written notice of the such additional services or fee increase, provide written notice to the independent fiduciaries explaining the nature and the amount of the additional services for which a fee will be charged or the nature and the amount of the increase in fees from the affected Munder Fund. Such notice will be made separate from the Munder Fund prospectuses and will be accompanied by a Termination Form. The independent fiduciary will also receive full written disclosure in a Munder Fund prospectus of any increase in the rate of fees charged by Munder Capital Management for investment advisory services even though such fees will be rebated to the Client Plans.

19. Any authorizations by an independent fiduciary regarding the investment of a Client Plan's assets in a Fund and the fees to be paid to Munder and Comerica Bank, including any future increases in rates of fees for Secondary Services, are or will be terminable at will by the independent fiduciary, without penalty to the Client Plan, upon receipt by Comerica Bank of written notice of termination. Comerica states that a termination form expressly providing an election to terminate the authorization will be supplied to the independent fiduciary upon initial authorization. Instructions on the use of the Termination Form will be supplied to the independent fiduciary no less than annually. The instructions for the termination form include the following information:

(a) The authorization is terminable at will by the Client Plan, without penalty to the Client Plan, upon receipt by Comerica Bank of written notice from the independent fiduciary; and

(b) Failure to return the form will result in continued authorization of Comerica Bank to engage in the subject transactions on behalf of the Client Plan.

(c) Additional Termination Forms are available at any time from Comerica Bank upon request.

The Termination Form may be used to notify Comerica Bank in writing to effect a termination by selling the shares of the Funds held by the Client Plan requesting such termination within one business day following receipt by Comerica Bank of the form. Comerica states that if, due to circumstances beyond its control, the sale cannot be executed within one business day, it will complete the sale within the next business day.

20. Comerica represents that any disclosure of information regarding a proposed increase in the rate of any fees for Secondary Services will be accompanied by an additional Termination Form with instructions on the use of the form as described above. Therefore, the independent fiduciary will have prior notice of the proposed increase and an opportunity to withdraw from the Funds in advance of the date the increase becomes effective. Although the independent fiduciary will also have notice of any increase in the rates of fees charged by Munder to the Funds for investment advisory services, through an updated prospectus or otherwise, such notice will not be accompanied by a Termination Form since all increases in investment advisory fees will be rebated by Comerica Bank to the Client Plans and will be subject to an annual reauthorization as described above.

21. Comerica states that the independent fiduciary always receives a current prospectus for each Munder Fund and a written statement giving full disclosure of the fee structure prior to any investment in the Funds. The disclosure statement explains why

[7] With respect to increases in fees, the Department notes that an increase in the amount of a fee for an existing Secondary Service (other than through an increase in the value of the underlying assets in the Funds) or the imposition of a fee for a newly established Secondary Service shall be considered an increase in the rate of such fees. However, in the event a Secondary Service fee has already been described in writing to the Second Fiduciary and the Second Fiduciary has provided authorization for the fee, and such fee was temporarily waived, no further action by Comerica would be required in order for Comerica to receive such fee at a later time. Thus, for example, no further disclosure would be necessary if Comerica had received authorization for a fee for custodial services from Plan investors and subsequently determined to waive the fee for a period of time in order to attract new investors but later charged the fee.

Comerica believes that the investment of assets of the Client Plan in the Fund is appropriate. The disclosure statement also describes any limitations on Comerica with respect to which Client Plan assets may be invested in shares of the Munder Funds and the nature of such limitations.[8] Comerica provides further that the independent fiduciary receives an updated prospectus for each Fund at least annually and annual financial reports for each Fund. Comerica Bank also provides monthly reports to the independent fiduciary of all transactions engaged in by the Client Plan, including purchases and sales of Fund shares.

22. In summary, Comerica represents that the transactions described above satisfy the statutory criteria of section 408(a) of the Act and section 4975(c)(2) of the Code because: (a) The Funds provide the Client Plans with a more effective investment vehicle than collective investment funds maintained by Comerica Bank without any increase in investment management, advisory or similar fees paid to Comerica; (b) Comerica Bank's automated system of fee rebates and its controls and auditing procedures for protecting the system and periodically verifying the accuracy of rebates to Client Plans will insure that the proper rebates are credited to the Client Plans; (c) with respect to any investments in a Fund by the Client Plans and the payment of any fees by the Fund to Comerica Bank for services, an independent fiduciary receives full written disclosure of information concerning the Fund, including a current prospectus and a statement describing the fee structure, and authorizes in writing the investment of the Client Plan's assets in the Munder Fund and the fees paid by the Fund to Comerica Bank; (d) any authorizations made by a Client Plan regarding investments in a Fund and fees paid to Munder, or any increases in the rates of fees for secondary services which are retained by Comerica Bank, are or will be terminable at will by the Client Plan, without penalty to the Client Plan, upon receipt by Comerica Bank of written notice of termination from the independent fiduciary; (e) no commissions or redemption fees are paid by the Client Plan in connection with either the acquisition or sale of Fund shares; (f) Comerica Bank does not receive any fees payable pursuant to Rule 12b–1 under the 1940 Act in connection with transactions in Fund shares for Client Plans; and (g) all dealing between the Client Plans, the Funds and Comerica Bank, are on a basis which is at least as favorable to the Client Plans as such dealings are with other shareholders of the Munder Funds.

Notice to Interested Persons

Notice of the proposed exemption shall be given to all Second Fiduciaries of Client Plans that are currently invested in the Funds, as of the date the notice of the proposed exemption is published in the **Federal Register**, where Comerica Bank provides services to the Funds and receives fees that would be covered by the exemption, if granted. Notice to interested persons shall be provided by first class mail within fifteen (15) days following publication of the proposed exemption in the **Federal Register**. Such notice shall include a copy of the notice of proposed exemption as published in the **Federal Register** and a supplemental statement (see 29 CFR 2570.43(b)(2)) which informs all interested persons of their right to comment on and/or request a hearing with respect to the proposed exemption. Comments and requests for a public hearing are due within forty-five (45) days following publication of the proposed exemption in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Ms. Wendy McColough of the Department, telephone (202) 693–8561. This is not a toll-free number.

Linda Ann Smith, M.D. Profit Sharing Plan and Trust (the Plan), Located in Albuquerque, NM

[Application No. D–11223]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32836, August 10, 1990).[9] If the exemption is granted, the restrictions of sections 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the proposed exchange of an unimproved tract of land located in Nathrop, Colorado (Lot 154), which is owned by the Plan and allocated to the individually-directed account (the Account) in the Plan of Linda Ann Smith, M.D., for one unimproved tract of land (Lot 85) located in San Pedro Creek Estates, New Mexico, which is owned jointly by Dr. Smith, and her spouse, Mr. Harold G. Field (the Applicants).

This proposed exemption is subject to the following conditions:

(a) The exchange of Lot 154 by the Account for Lot 85 owned by the Applicants is a one-time transaction.

(b) The fair market value of Lot 154 and Lot 85 is determined by qualified, independent appraisers, who will update their appraisal reports at the time the exchange is consummated.

(c) For purposes of the exchange, Lot 85 has a fair market value that is more than the fair market value of Lot 154.

(d) The terms and conditions of the exchange are at least as favorable to the Account as those obtainable in an arm's length transaction with an unrelated party.

(e) The exchange does not involve more than 25 percent of the Account's assets.

(f) Dr. Smith is the only participant in the Plan whose Account is affected by the exchange and she desires that the transaction be consummated.

(g) The Account does not pay any real estate fees or commissions in conjunction with the exchange.

Summary of Facts and Representations

1. Dr. Smith, a surgeon, is the sole practitioner in the Linda Ann Smith, M.D., LLC (the Employer). Her medical practice, which employs three full-time employees and four part-time employees, is located in Albuquerque, New Mexico.

2. The Plan is a profit sharing plan that was established by the Employer, effective February 1, 1993, for the benefit of Dr. Smith's employees. As of December 31, 2003, which is the date the most recent financial information is available, the Plan had 3 participants and assets having an aggregate fair market value of $946,888. Of this total, the Account had total assets of approximately of $847,393.

3. The trustee of the Plan (the Trustee) is Harold G. Field, the husband of Dr. Smith. Mr. Field does not have an individually-directed account in the Plan. Pursuant to provisions of the Plan, each participant has the right to direct investments under the Plan for his or her own respective account. In such instances, the investments are

[8] *See* section II(d) of PTE 77–4 requires, in pertinent part, that an independent plan fiduciary receive a current prospectus issued by the investment company and a full and detailed written disclosure of the investment advisory and other fees charged to or paid by the plan and the investment company, including a discussion of whether there are any limitations on the fiduciary/investment adviser with respect to which plan assets may be invested in shares of the investment company and, if so, the nature of such limitations.

[9] For purposes of this proposed exemption, references to specific provisions of the Title I of Act, unless otherwise specified, refer also to the corresponding provisions of the Code.

earmarked for the accounts of the participants directing such investments.

4. Among the assets in Dr. Smith's Account in the Plan is Lot 154. Lot 154 is an unimproved parcel of land located at 3 Mesa Antero Subdivision Nathrop, Colorado. Lot 154, which consists of approximately 3.7 acres, was acquired by the Account in 1996 for investment purposes from an unrelated third party. The Account paid $29,007.90 for Lot 154. The consideration was paid in cash. Lot 154 is also located in close proximity to another property, which is jointly owned by the Applicants. Since the time of acquisition, the only expenses associated with the Account's ownership of Lot 154 have been real estate taxes, totaling $6,682.58. These expenses have been paid by the Applicants.

5. Lot 154 has been appraised by Ms. Judee Nuechter, CRA, a qualified, independent appraiser. Ms. Nuechter is affiliated with the real estate appraisal firm of Mountain Appraisal Associates, Inc. of Salida, Colorado. In an appraisal report dated November 5, 2003, Ms. Nuechter placed the fair market value of a fee simple interest in Lot 154 at $160,000 as of November 24, 2003 on an ''as is'' basis. In valuing Lot 154, Ms. Nuechter utilized the Sales Comparison Approach because she believed this method would yield the most reliable indication of fair market value since other valuation methods were not applicable to the unimproved vacant lots in the subject neighborhood.

6. In addition, on June 9, 2004, Ms. Nuechter assessed the unique value of Lot 154 since the Applicants own a lot adjacent to the subject lot. According to Ms. Nuechter, the value of each lot is separate from any other lot because each lot is considered a single family residential site. Ownership of an individual lot or parcel is considered a separate unit, which is unable to be combined for building purposes, and neither lot impacts the value of the other, regardless of lot ownership of record. Ms. Nuechter explained that each lot located within vicinity of Lot 154 is valued as a single parcel that offers the same amenities and potential for development only as a single family residential site. Therefore, Ms. Nuechter concludes that ownership of an adjacent parcel would have no impact on the valuation of other parcels within Lot 154's vicinity. On the basis of Ms. Nuechter's appraisal, Lot 154 currently represents approximately 19% of the Account's assets.

7. Lot 85 is presently owned jointly by the Applicants. This unimproved parcel of land is located in San Pedro Creek Estates, New Mexico, approximately 25 miles northeast of Albuquerque in the foothills of the Sandia Mountains. Lot 85, which consists of about 10 acres of land, was acquired in March 27, 1997 by the Applicants for investment purposes. The seller was the Campbell Farming Corporation, an unrelated third party and the original developer of the subdivision. The Applicants paid $98,268 in cash for Lot 85. Since 1997, all expenses associated with Lot 85 have been paid by the Applicants. These costs have included $450 for a septic tank, $1,200 for a transformer, and $4,456.19 in real estate taxes.

8. Lot 85 has been appraised by Mr. Darrell Ratchner, SRA, a qualified, independent appraiser, who is affiliated with the appraisal firm of Darrell Ratchner & Associate of Salida, Colorado. In an appraisal report dated August 23, 2003, Mr. Ratchner placed the fair market value of a fee simple interest in Lot 85 at $175,000 also as of August 23, 2003. In valuing Lot 85, Mr. Ratchner utilized the Sales Comparison Approach. Mr. Ratchner noted that sales of vacant sites in the subject subdivision where Lot 85 is located have continued at a steady pace, with modest price increases over the past several years. According to Mr. Ratchner, Lot 85's good access, topography, location and vegetation all support a market estimate near the mid to upper end of the range.

9. Because the Applicants own a parcel of real property adjacent to Lot 154, they wish to avoid engaging in a future prohibited transaction by inadvertently using Lot 154. Therefore, the Applicant's legal representative has suggested that the Applicant's exchange the aforementioned unimproved real estate property (*i.e.*, Lot 154) for Lot 85, which is owned by the Account in a like-kind exchange under section 1031 of the Code.[10] Thus, the Applicants have requested an administrative exemption from the Department to exchange Lot 85 for Lot 154. Following the exchange, Lot 154 will represent approximately 21% of the Account's assets.

10. The exchange will be a one-time transaction between the Applicants and the Account. For purposes of the exchange, the fair market value of Lot 154 and Lot 85 will be updated on the date of the transaction by the independent appraisers who previously valued the properties. Moreover, the Account will not be required to pay any real estate fees or commissions in connection with the transaction.

11. In summary, it is represented that the proposed transaction will satisfy the statutory requirement for an exemption under section 408(a) of the Act because:

(a) The exchange of Lot 154 by the Account for Lot 85 owned by the Applicants will be a one-time transaction.

(b) The fair market value of Lot 154 and Lot 85 will be determined by qualified, independent appraisers who will update their appraisal reports at the time the exchange is consummated.

(c) For purposes of the exchange, Lot 85 will have a fair market value that will be more than the fair market value of Lot 154.

(d) The terms and conditions of the exchange will be at least as favorable to the Account as those obtainable in an arm's length transaction with an unrelated party.

(e) The exchange will not involve more than 25 percent of the Account's assets.

(f) Dr. Smith is the only participant in the Plan whose Account will be affected by the exchange and she desires that the transaction be consummated.

(g) The Account will not pay any real estate fees or commissions in conjunction with the exchange.

Notice To Interested Persons

Because Dr. Smith is the only participant in the Plan whose Account will be affected by the proposed transaction, it has been determined that there is no need to distribute the notice of proposed exemption to interested persons. Therefore, comments and requests for a hearing are due 30 days after publication of the notice of pendency in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Mr. Arjumand A. Ansari of the Department at (202) 693–8566. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve

[10] Section 1031 of the Code, which covers like-kind exchanges (*i.e.*, 1031 Exchanges), refers to the exchange of business or investment property solely for business or investment property of a like-kind. No gain or loss is recognized under section 1031 of the Code. If, as part of a 1031 Exchange, one also receives other property or money, gain is recognized to the extent of the other property and money received, but a loss is not recognized. Section 1031 of the Code does not apply to exchanges of inventory, stocks, bonds, notes, other securities or evidence of indebtedness, or certain other assets. Properties eligible for a 1031 Exchange are of the same nature or character, even if they differ in grade or quality. Personal property of a like-class are permissible for the purpose of a 1031 Exchange. The terms concerning the subject 1031 Exchange are listed in the exchange agreement.

a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(b) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries, and protective of the rights of participants and beneficiaries of the plan;

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 7th day of September, 2004.

Ivan Strasfeld,

Director of Exemption Determinations, Employee Benefits Security Administration, U.S. Department of Labor.

[FR Doc. 04–20537 Filed 9–9–04; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

[Prohibited Transaction Exemption 2004–13; Exemption Application No. D–11213 et al.]

Grant of Individual Exemptions; The Prudential Insurance Company of America

AGENCY: Employee Benefits Security Administration, Labor.

ACTION: Grant of individual exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

A notice was published in the **Federal Register** of the pendency before the Department of a proposal to grant such exemption. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, DC. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicant has represented that it has complied with the requirements of the notification to interested persons. No requests for a hearing were received by the Department. Public comments were received by the Department as described in the granted exemption.

The notice of proposed exemption was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978, 5 U.S.C. App. 1 (1996), transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990) and based upon the entire record, the Department makes the following findings:

(a) The exemption is administratively feasible;

(b) The exemption is in the interests of the plan and its participants and beneficiaries; and

(c) The exemption is protective of the rights of the participants and beneficiaries of the plan.

The Prudential Insurance Company of America, Located in Newark, NJ

[Prohibited Transaction Exemption 2004–13; Exemption Application No. D–11213]

Exemption

The Prudential Insurance Company of America and its current and future affiliates (collectively, Prudential) shall not be precluded, as of November 21, 2003, from functioning as a ''qualified professional asset manager'' (QPAM), pursuant to Prohibited Transaction Class Exemption 84–14 (PTCE 84–14), 49 FR 9494 (March 13, 1984), solely because of a failure to satisfy Section I(g) of PTCE 84–14, as a result of Prudential's affiliation with an entity convicted of violating a dual-penalty law of Korea, Japan or Taiwan.

This exemption is subject to the following conditions:

(a) The affiliate convicted under a dual-penalty law does not provide fiduciary or QPAM services to employee benefit plans covered by the Employee Retirement Income Security Act of 1974 (ERISA) or otherwise exercise discretionary control over ERISA assets.

(b) ERISA-covered assets are not involved in the misconduct that is the subject of the affiliate's conviction(s).

(c) Prudential imposes its internal procedures, controls, and protocols on the affiliate to reduce the likelihood of any recurrence of misconduct to the extent permitted by local law.

(d) This exemption is not applicable if Prudential, or any affiliate (other than affiliates convicted of violating a dual-penalty law of Korea, Japan or Taiwan) is convicted of any of the crimes described in Section I(g) of PTCE 84–14.

(e) Prudential maintains records that demonstrate that the conditions of the exemption have been and continue to be met for at least six years following the conviction of an affiliate under the dual-penalty laws of Korea, Japan or Taiwan.

(f) The criminal acts in question are neither authorized nor condoned by Prudential.

(g) Prudential complies with the other conditions of PTCE 84–14, combined with the procedures it adopts to afford ample protection of the interests of participants and beneficiaries of employee benefit plans.

Effective Date: This exemption is effective as of November 21, 2003.

Written Comments

During the comment period, the Department received one written comment with respect to the proposed exemption, and no requests for public hearing. The comment, which was submitted by Prudential, is a request to expand the relief proposed by the Department. In this regard, Prudential notes that the operative language of the proposed exemption provides relief only to Prudential. However, Prudential states that the relief requested in its application to the Department also included relief for Prudential's current and future affiliates that provide QPAM services to ERISA plans. Prudential explains that without such relief for its current affiliates, any time an affiliate of Prudential is convicted of violating a Korean, Japanese or Taiwanese dual-penalty law, and all conditions of the exemption are met, the QPAM status of every Prudential affiliate that provides QPAM services (other than the affiliate convicted of violating a dual-penalty law) would be jeopardized. Therefore, Prudential states that every Prudential affiliate providing QPAM services (other than the affiliate convicted of violating a dual-penalty law) would be required to seek relief through the individual exemption process, or via authorization made pursuant to PTCE 96–62 (61 FR 39988, July 31, 1996), in order to maintain its QPAM status following the dual-penalty law conviction.

In addition, Prudential notes that QPAM services are currently provided by Prudential itself and its affiliate, Prudential Investment Management Services LLC. Prudential requests that the exemption be made flexible enough to allow Prudential to restructure the delivery of its QPAM services in the future as business needs and circumstances evolve. It is Prudential's view that without relief that extends to the current and future affiliates of Prudential that provide QPAM services, the usefulness and flexibility of the exemption would be significantly compromised over time.

In response to this comment, the Department has revised the operative language of the final exemption in order to extend relief to Prudential's current and future affiliates that provide QPAM services.

Accordingly, after giving full consideration to the entire record, including the comment letter, the Department has determined to grant the exemption as modified herein. For further information regarding the comment and other matters discussed herein, interested persons are encouraged to obtain copies of the exemption application file (Exemption Application No. D–11213) the Department is maintaining in this case. The complete application file, as well as all supplemental submissions received by the Department, are made available for public inspection in the Public Disclosure Room of the Employee Benefits Security Administration, Room N–1513, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Ms. Anna M. N. Mpras of the Department, telephone (202) 693–8565. (This is not a toll-free number.)

Les Olson Company, Inc. Profit Sharing Plan (the Plan), Located in Salt Lake City, Utah

[Prohibited Transaction Exemption 2004–14; Exemption Application No. D–11225]

Exemption

The restrictions of sections 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to: (i) The series of loans (the Loans), originated within the five-year period, by the Plan to REVCO Leasing Company, LLC (Revco), a party in interest with respect to the Plan; and (ii) a guarantee of the Loans (the Guarantee) by Les Olson Company, Inc. (the Employer), a party in interest with respect to the Plan, provided that the following conditions are met:

(a) The total amount of the outstanding Loans under this exemption and PTE 2000–03 do not, in the aggregate, exceed 20 percent (20%) of the Plan's total assets at any time during the transactions;

(b) Each Loan entered into by the Plan is made pursuant to the terms and conditions of a loan agreement (the Loan Agreement) executed by the parties and signed on behalf of the Plan by the Plan's duly-appointed independent, qualified fiduciary (the I/F);

(c) All terms and conditions of the Loans are at least as favorable to the Plan as those the Plan could obtain in an arms-length transaction with an unrelated third party;

(d) Each Loan is: (i) For a maximum term of five (5) years pursuant to terms and conditions of the Loan Agreement; (ii) fully amortized and payable in equal monthly installments of principal and interest; (iii) used exclusively by Revco to purchase office equipment (the Equipment) from the Employer, which Revco will lease to the Employer's customers (in the ordinary course of its business); and (iv) secured by duly perfected security interests in the new and used Equipment, and by certain leases of Equipment (Equipment Leases) where such Equipment Leases are assigned and pledged as collateral for the Loans, which is at all times equal to 200% of the outstanding principal balance of such Loan;

(e) New Equipment is valued for collateralization purposes at 80 percent (80%) of the invoice price paid by Revco to purchase such Equipment less taxes and transportation expenses. Used Equipment and any Equipment Lease pledged as collateral for the Loans is valued by an independent, qualified appraiser;

(f) Prior to the approval of each Loan, the I/F determines, on behalf of the Plan, that each Loan is prudent and in the best interests of the Plan, and protective of the Plan and its participants and beneficiaries;

(g) The I/F conducts a review of all terms and conditions of the exemption, and the Loans, including: (i) The applicable interest rate; (ii) the sufficiency of the collateral pledged for each Loan; (iii) the financial condition of the Employer, in connection with the Guarantee, on at least a quarterly basis; and (iv) compliance with the 20% limitation for the Plan's maximum total Loan amount prior to approving each disbursement under the Loan Agreement; and

(h) The I/F takes whatever action is necessary to protect the Plan's interests, throughout the duration of the exemption, with respect to any Loan entered into under the exemption.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on May 4, 2004 at 69 FR 24676.

Temporary Nature of Exemption

The exemption will be temporary and will expire five (5) years from the date of publication in the **Federal Register** of the final grant of this exemption. Subsequent to the expiration of the exemption, the Plan may hold any Loans originated during this five-year period until the Loans are repaid or otherwise terminated.

FOR FURTHER INFORMATION CONTACT: Ekaterina A. Uzlyan of the Department at (202) 693–8540. (This is not a toll-free number.)

The Employees' Retirement Plan of Storytown U.S.A., Inc. and Participating Affiliated Companies (the Plan), Located in Glen Falls, New York

[Prohibited Transaction Exemption 2004–15; Exemption Application No. D–11251]

Exemption

The restrictions of sections 406(a), 406(b)(1) and (b)(2) of the Act (or ERISA) and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply, effective July 29, 2004, to: (1) The making of a loan (the Loan) to the Plan in an original principal amount sufficient to cover the Plan's unfunded liability upon termination, by Storytown U.S.A., Inc. (Storytown), the Plan sponsor and a party in interest with respect to the Plan; (2) the assignment (the Assignment) by the Plan to Storytown of all rights, title and interest the Plan has in claims (the Claims) against certain investment advisers (the Responsible Parties), in connection with losses the Plan incurred during 2003 and 2004; and (3) the potential repayment, by the Plan to Storytown, of the Loan obligation from proceeds recovered on the Claims against the Responsible Parties.

This exemption is subject to the following conditions:

(a) The Plan pays no interest in connection with the Loan.

(b) The Loan proceeds are utilized only to satisfy the Plan's unfunded liability.

(c) None of the assets of the Plan are pledged to secure the Loan amount.

(d) The Loan is a non-recourse obligation of the Plan.

(e) The Plan is properly terminated and Mr. Charles Wood, the principal shareholder of Storytown, agrees to waive any benefits he would have received on the termination of the Plan.

(f) The Plan's rights to any Claims that are not resolved before final distributions are completed and assigned by the Plan to Storytown under the terms of the Assignment.

(g) The Assignment is deemed a repayment in full of the Loan by the Plan. As a result, the Plan has no liability for the Loan and no interest in the Claims. However,

(1) If the net amount recovered on the Claims against the Responsible Parties after the Assignment, from any judgment or settlement of any arbitration proceeding, is equal to or less than the amount of the Loan, the balance due on the Loan will be automatically forgiven and such unpaid balance will be treated by Storytown as an employer contribution to the Plan; or

(2) If the net amount recovered on the Claims against the Responsible Parties from any judgment or settlement of arbitration proceeding exceeds the amount of the Loan (the Excess Amount), such Excess Amount will be treated as a reversion paid by the Plan to Storytown pursuant to the Plan document.

(h) Notwithstanding the Assignment, the Plan does not release any claims, demands and/or causes of action which it may have against Storytown and/or its affiliates.

(i) The Plan incurs no expenses, commissions or transaction costs in connection with the contemplated transactions, all of which are one-time occurrences.

(j) All terms of the transactions are at least as favorable to the Plan as those which the Plan could obtain in similar transactions negotiated at arm's length with unrelated third parties.

(k) The subject transactions do not involve any risk of loss to either the Plan or to any of the participants and beneficiaries of the Plan.

(l) Prior to the Plan's entering the transactions, a qualified, independent fiduciary (the I/F), which is acting on behalf of the Plan and which is unrelated to Storytown and/or its affiliates,

(1) Reviews, negotiates and approves the terms and conditions of the Loan and the Assignment exclusively (but does not monitor legal proceedings against the Responsible Parties following the Assignment);

(2) Determines that such transactions are prudent and in the interest of the Plan and its participants and beneficiaries; and

(3) Confirms that the Loan amount is sufficient to satisfy all Plan liabilities, including the Plan's unfunded liability, and permits the Plan to terminate on a standard termination basis.

(m) If the I/F resigns, is removed, or for any reason unable to serve as I/F, prior to the Plan's entering into the transactions, such I/F is replaced by a successor I/F:

(1) Who is appointed immediately upon the occurrence of such event;

(2) Who is independent of Storytown and its affiliates;

(3) Who is qualified to serve as the I/F; and

(4) Who assumes the duties and responsibilities of the predecessor I/F.

The Department is also provided written notification of such change in I/F.

Effective Date: This exemption is effective from July 29, 2004.

For a more complete statement of the facts and representations supporting the Department's decisions to grant this exemption, refer to the notice of proposed exemption published on July 20, 2004 at 69 FR 43447.

Written Comments

The Department received one written comment with respect to the proposed exemption and no requests for a public hearing. The comment, which was submitted on behalf of Storytown and the Plan, informed the Department that the Loan was made by Storytown to the Plan on July 29, 2004 and that the last distributions were processed from the Plan on July 30, 2004 pursuant to the Plan Termination Loan and Assignment Agreement. The comment also stated that the Plan has currently paid out all participants, with the exception of Mr. Wood, who previously executed a waiver of all benefits under the Plan upon the Plan's termination.

In response to this comment, the Department has revised the operative language of the exemption by making the exemption effective as of July 30, 2004. In addition, after giving full consideration to the entire record, including the written comment, the Department has decided to grant the exemption, as modified herein.

For further information regarding the comment and other matters described therein, interested persons are encouraged to obtain copies of the exemption application file (Exemption Application No. D–11251) the Department is maintaining in this case. The complete application file, as well as all supplemental submissions received by the Department, are made available for public inspection in the Public Disclosure Room of the Employee Benefits Security Administration, Room N–1513, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Ms. Shelly Mui of the Department, telephone (202) 693–8530. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and

beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) This exemption is supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transactional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(3) The availability of this exemption is subject to the express condition that the material facts and representations contained in the application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 7th day of September, 2004.

Ivan Strasfeld,

Director of Exemption Determinations, Employee Benefits Security Administration, U.S. Department of Labor.

[FR Doc. 04–20536 Filed 9–9–04; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Employment Standards Administration

Wage and Hour Division; Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register,** or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon and Related Acts,'' shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department.

Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S–3014, Washington, DC 20210.

Modification to General Wage Determination Decisions

The number of the decisions listed to the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis-Bacon and related Acts'' being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

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General Wage Determination Publication

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Signed at Washington, DC, This 2nd Day of September 2004.

Terry Sullivan,

Acting Chief, Branch of Construction Wage Determinations.

[FR Doc. 04–20353 Filed 9–9–04; 8:45 am]

BILLING CODE 4510–27–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 030–35059; License No. 34–06943–02; EA–03–204]

In the Matter of U.S. Inspection Services, Dayton, OH; Order Imposing Civil Monetary Penalty

I

Materials License No. 34–06943–02 was issued by the Nuclear Regulatory Commission (NRC or Commission) to U.S. Inspection Services (Licensee) on August 31, 1999. The license authorizes the Licensee to receive, acquire, possess, and transfer iridium-192 and cobalt-60 in sealed sources for use in industrial radiography and depleted uranium for shielding in industrial radiography equipment in accordance with the conditions specified therein. The license was renewed in its entirety on June 22, 2004, with Amendment No. 7 and is to expire on September 30, 2011.

II

An inspection of the Licensee's activities was conducted on September 12, 2003. The results of this inspection indicated that the Licensee had not conducted its activities in full compliance with NRC requirements. A written Notice of Violation and Proposed Imposition of Civil Penalty (Notice) was served upon the Licensee by letter dated June 15, 2004. The Notice states the nature of the violations, the provisions of the NRC's requirements that the Licensee had violated, and the amount of the civil penalty proposed for the violations.

The Licensee responded to the Notice in a letter dated July 12, 2004. In its response, the Licensee did not deny the violations, in whole or in part, did not dispute the severity level assigned to the violations, and did not contest the application of enforcement discretion to increase the amount of the civil penalty. The amount of the civil penalty was increased because of a lack of management oversight of the radiation safety program that significantly contributed to the conditions leading to the overexposure event described in the June 15, 2004, letter and Notice. However, the Licensee protested the proposed imposition of a civil monetary penalty in the amount of $19,200 indicating that the civil penalty adjustment factor for *Identification* was applied incorrectly. The Licensee also claimed that credit was not given for the corrective actions the Licensee had implemented.

III

After considering the Licensee's response and the statements of fact, explanation, and argument for mitigation contained therein, the NRC staff has determined, as set forth in the Appendix to this Order, that the violations occurred as stated and that the civil penalty of $19,200 proposed for the violations designated in the Notice should be imposed.

IV

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205, *It Is Hereby Ordered That:*

The Licensee pay a civil penalty in the amount of $19,200 within 30 days of the date of this Order, in accordance with NUREG/BR–0254. In addition, at the time of making the payment, the Licensee shall submit a statement indicating when and by what method payment was made, to the Director, Office of Enforcement, U.S. Nuclear

Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852–2738.

V

The Licensee may request a hearing within 30 days of the date of this Order. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and include a statement of good cause for the extension. A request for a hearing should be clearly marked as a ''Request for an Enforcement Hearing, EA–03–204'' and shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, ATTN: Rulemakings and Adjudications Staff, Washington, DC 20555. Copies also shall be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, to the Assistant General Counsel for Materials Litigation and Enforcement at the same address, and to the Regional Administrator, NRC Region III, 2443 Warrenville Road, Suite 210, Lisle, IL 60532–4351, Because of continuing disruptions in delivery of mail to United States Government offices, it is requested that requests for hearing be transmitted to the Secretary of the Commission either by means of facsimile transmission to (301) 415–1101 or by e-mail to *hearingdocket@nrc.gov* and also to the Office of the General Counsel either by means of facsimile transmission to (301) 415–3725 or by e-mail to *OGCMailCenter@nrc.gov*.

If a hearing is requested, the Commission will issue an Order designating the time and place of the hearing. If the Licensee fails to request a hearing within 30 days of the date of this Order (or if written approval of an extension of time in which to request a hearing has not been granted), the provisions of this Order shall be effective without further proceedings. If payment has not been made by that time, the matter may be referred to the Attorney General for collection.

In the event the Licensee requests a hearing as provided above, the issues to be considered at such hearing shall be, whether, on the basis of the violations admitted by the Licensee, this Order should be sustained.

For the Nuclear Regulatory Commission.

Dated this 1st day of September 2004.

Frank J. Congel,

Director, Office of Enforcement.

APPENDIX—Evaluation and Conclusion

A response to the Notice was provided by U.S. Inspection Services (Licensee) in a letter dated July 12, 2004. In its response, the Licensee did not deny the violations, in whole or in part, and the Licensee did not contest the severity level assigned to the violations. The Licensee also did not dispute the use of enforcement discretion to increase the amount of the civil penalty. The amount of the civil penalty was increased due to a lack of management oversight of the radiation safety program which significantly contributed to the conditions leading to the overexposure event. However, the Licensee protested the proposed imposition of a civil monetary penalty in the amount of $19,200 because the Licensee believed that the civil penalty adjustment factor for *Identification* was incorrectly applied and credit was not given for the corrective actions taken by the Licensee.

Licensee's Request for Recission or Mitigation of the Civil Penalty

In the response to the Notice, the Licensee contended that the NRC incorrectly applied the civil penalty assessment process described in Section VI.C.2 of the ''General Statement of Policy and Procedures for NRC Enforcement Actions'' (Enforcement Policy), NUREG–1600. In its presentation, the Licensee indicated that a prior escalated enforcement action, EA–02–201, that occurred within two years or two inspections of the current enforcement actions should be withdrawn. With EA–02–201 withdrawn, the Licensee contended that the Licensee would no longer have an escalated enforcement history within the prior two years or two inspections; therefore, the NRC Staff was not required to assess the civil penalty adjustment factor for *Identification* in accordance with Section VI.C.2.b(1) of the Enforcement Policy. In requesting that EA–02–201 be withdrawn, the Licensee argued that 10 CFR 34.41, the regulation cited in the Notice associated with EA–02–201, does not require that radiographic personnel be in direct line-of-site with each other; rather, the radiographic personnel present on August 29, 2002, maintained contact with each other by radio which is sufficient to meet the requirements of 10 CFR 34.41.

The Licensee also contended that credit was not given for the *Corrective Action* civil penalty adjustment factor.

NRC Evaluation of Licensee's Request for Recission or Mitigation of the Civil Penalty

A. The Licensee is correct that the previous escalated enforcement action, EA–02–201, should not have been considered in determining the application of the civil penalty adjustment factor for *Identification*. Section VI.C.2.b(1) of the Enforcement Policy provides that the NRC will consider the civil penalty adjustment factor for *Identification* for the second non-willful Severity Level III violation within a period of two years or two inspections, whichever is longer. The violations in the current escalated enforcement action, EA–03–204, were categorized as a Severity Level II problem.

In accordance with Section VI.C.2.b(1) of the Enforcement Policy the NRC Staff is not required to consider a Licensee's enforcement history in assessing the civil penalty adjustment process for a Severity Level II violation. Since the current violations are categorized as a Severity Level II problem, the NRC Staff was not required to consider a previous escalated enforcement action to assess the *Identification* civil penalty adjustment factor. Therefore, the existence of EA–02–201 is not a factor in assessing the civil penalty adjustment factor for *Identification*.

The NRC Staff concludes that the civil penalty adjustment factor for *Identification* was properly assessed in accordance with the Enforcement Policy and consideration of the previous escalated enforcement action, EA–02–201, was not required by the Enforcement Policy to complete that assessment. Since the NRC Staff identified the violation, no credit for the *Identification* factor was warranted.

B. As part of its argument regarding the civil penalty adjustment factor for *Identification*, the Licensee contended that the prior enforcement action, EA–02–201, should be withdrawn. On November 29, 2002, the NRC issued a Severity Level III violation associated with the Licensee's failure to have two qualified individuals present during radiographic operations on August 29, 2002, at a field location in Indianapolis, Indiana, in violation of 10 CFR 34.41(a), ''Conducting Industrial Radiographic Operations.'' The Licensee contends that 10 CFR 34.41(a) does not require radiographic personnel to maintain direct visual line-of-site contact. Rather, the Licensee personnel used radios on August 29, 2002, to maintain communications at the temporary site in Indianapolis, Indiana, and the use of radios improved their ability to provide immediate assistance to prevent unauthorized entry into the radiation field. Therefore, EA–02–201 should be withdrawn.

The Commission's regulations at 10 CFR 34.41 provide that during field radiography, the radiographer must be accompanied by at least one other qualified individual and the other qualified individual must observe operations and be capable of providing immediate assistance to prevent unauthorized entry. Additionally, 10 CFR 20.1902, ''Posting Requirements,'' provides, in part, that the Licensee will post each radiation area with a conspicuous sign or signs marking the radiation hazard.

A ''radiation area'' is defined in 10 CFR 20.1003 as an area, accessible to individuals, in which radiation levels could result in an individual receiving a dose equivalent in excess of 0.005 rem in 1 hour at 30 centimeters or 30 centimeters from any surface that the radiation penetrates. For the purposes of 10 CFR 20.1003, individual means any human being. Measurements and assessments of the radiation level at the Indianapolis, Indiana, job site indicated a level of 25 milliroentgen per hour, exterior to the building, at 65 feet from the exposure device containing 41 curies of iridium-192, assuming a point source, a gamma constant

of 5.2 roentgen per hour per curie at 30 centimeters, and considering shielding inherent to the facility including structures and equipment.

On August 29, 2002, a radiographer and a radiographer's assistant were assigned by the Licensee to conduct field radiographic operations at a temporary job site in Indianapolis, Indiana. The radiography consisted of eight exposures, including uncollimated panoramic exposures, of a heat exchanger inside of a building. The radiographer and the radiographer's assistant did not conspicuously post the radiation area exterior to the building to warn of the radiation area created during the radiographic exposures. While the radiographer remained inside the building to observe the radiographic operation, the radiographer's assistant was to stay outside of the building to warn anyone approaching the area of the radiation hazard.

One section of the radiation area was behind a wooden fence and that area was accessible to the public. That section was not posted as a radiation area and the fence blocked the view of that area for the radiographer's assistant. Therefore, neither the radiographer nor the radiographer's assistant could provide immediate assistance to prevent unauthorized entry into the radiation area because the radiographer's view of the area was blocked by the building wall.

While controlling access outside of the building to prevent unauthorized entry into another section of the radiation area, the radiographer's assistant was approached by the owner of an adjacent building with questions about potential radiation hazards in that person's building. The radiograph's assistant left the radiation area where he was posted to control access to prevent unauthorized access and went to the near-by building to answer questions about potential radiation hazards. While inside the adjacent building, the radiographer's assistant could not view the radiation area and the radiographer could not maintain visual surveillance of the area because of the intervening building wall. The absence of a qualified individual to maintain surveillance to prevent unauthorized access to a radiation area and the failure to post warnings of the radiation hazard are violations of 10 CFR 34.41(a) and 10 CFR 20.1902.

The NRC Staff concludes that the radiographer's assistant could not observe a section of the radiation area at the temporary job site in Indianapolis, Indiana, and therefore could not observe radiographic operations or provide assistance to prevent unauthorized entry into a radiation area and the area was not marked as a radiation area. The NRC Staff also concluded that the radiographer's assistant left another section of the radiation area unattended and the radiation area was not posted; therefore, no means existed to warn individuals of the presence of a radiation area or to prevent unauthorized entry into that area. The use of radios between Licensee personnel would not have adequately compensated for the absence of the radiographer's assistant or appropriate postings to warn of the radiation hazard.

Since qualified individuals could not observe the radiation area exterior to the building while radiographic operations were taking place, they were not in a position or capable of providing immediate assistance to prevent unauthorized entry into the radiation area exterior to the building, and radio communication would not have provided any assistance to prevent unauthorized entry into the radiation area. Therefore, EA–02–201 remains valid and will not be withdrawn.

C. The Licensee contended that the NRC did not give credit for the civil penalty adjustment factor associated with *Corrective Action*. As explained in the June 15, 2004, letter from the NRC, credit was warranted for the *Corrective Action* adjustment factor and no additional civil penalty was assessed for the *Corrective Action* factor.

The NRC gave appropriate credit to the Licensee for the corrective actions implemented by the Licensee, as described in the June 15, 2004, letter from the NRC to the Licensee.

Section VI.C of the Enforcement Policy, provides, in part, that management involvement, direct or indirect, may lead to an increase in the civil penalty. Section VII.A.1 of the Enforcement Policy provides for escalating the amount of the civil penalty by the base or twice the base civil penalty to ensure that the civil penalty reflects the significance of the circumstances. The NRC escalated the amount of the civil penalty by the base amount due to a lack of management oversight of the radiation safety program which significantly contributed to the conditions leading to the overexposure event described in the June 15, 2004, letter and Notice. The Licensee, however, did not contest this application of enforcement discretion in its July 12, 2004, response to the Notice.

NRC Conclusion

The NRC has concluded that the violations occurred as stated and neither an adequate basis for a reduction of the severity level nor for recission or mitigation of the civil penalty was provided by the Licensee. Consequently, the proposed civil penalty in the amount of $19,200 should be imposed.

[FR Doc. 04–20496 Filed 9–9–04; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–50311]

Order Granting Application for a Temporary Conditional Exemption Pursuant To Section 36(a) of the Exchange Act by the National Association of Securities Dealers, Inc. Relating to the Acquisition of an ECN by The Nasdaq Stock Market, Inc.

September 3, 2004.

I. Introduction

The National Association of Securities Dealers, Inc. (''NASD''), through its subsidiary, The Nasdaq Stock Market, Inc. (''Nasdaq''), filed with the Securities and Exchange Commission (''Commission''), pursuant to Rule 0–12 [1] under the Securities Exchange Act of 1934 (''Exchange Act''), an application for an exemption under Section 36(a)(1) of the Exchange Act [2] from the rule filing requirements of Section 19(b) of the Exchange Act [3] with respect to Nasdaq's acquisition of Brut, LLC, operator of the Brut ECN (''Brut''), a registered broker-dealer, and electronic communications network (''ECN''), as a wholly-owned subsidiary of Nasdaq.[4] This order temporarily grants the request for exemptive relief subject to NASD and Nasdaq satisfying certain conditions, which are outlined below.

II. Nasdaq's Application for Temporary Conditional Exemption From Section 19(b) Rule Filing Requirements

On August 25, 2004, Nasdaq requested that the Commission grant temporary exemptive relief, subject to certain conditions, from the rule filing procedures of Section 19(b) of the Exchange Act [5] with regard to Nasdaq's acquisition and operation of Brut as a wholly-owned subsidiary of Nasdaq.[6] According to Nasdaq's Exemption Request, Nasdaq entered into a definitive agreement to purchase Brut on May 25, 2004. Brut is currently an NASD member and participates in the Nasdaq Market Center execution system (formerly know as the ''Nasdaq National Market Execution System'' or ''SuperMontage'') as a Nasdaq Order-Delivery ECN.[7] Brut's current relationship with Nasdaq is limited to participating in the Nasdaq Market Center execution system in the same manner as other ECNs. Nasdaq currently has no ownership interest in Brut.[8]

Once acquired by Nasdaq, Brut would become a ''facility'' of a self-regulatory organization (''SRO'') pursuant to

[1] 17 CFR 240.0–12.

[2] 15 U.S.C. 78mm(a)(1).

[3] 15 U.S.C. 78s(b).

[4] On August 6, 2004, the NASD Board of Governors approved Nasdaq's proposal to seek the exemption. The obligation to file with the Commission proposed changes to the NASD rules concerning Nasdaq systems has been delegated to Nasdaq by the NASD, pursuant to the Plan of Allocation and Delegation of Functions by NASD to Subsidiaries (''Delegation Plan''). Nasdaq submitted this request for exemption pursuant to the Delegation Plan.

[5] *Id.*

[6] *See* letter from Edward S. Knight, Executive Vice President and General Counsel, Nasdaq, to Jonathan G. Katz, Secretary, Commission, dated August 25, 2004 (''Exemption Request'').

[7] *See* NASD Rule 4701(t).

[8] *See* Exemption Request, *supra* note 6.

Section 3(a)(2) of the Exchange Act[9] because Brut would be property of Nasdaq used for the purpose of effecting or reporting securities transactions.[10] As a result, NASD and, pursuant to the Delegation Plan, Nasdaq would be obligated, under Section 19(b) of the Exchange Act[11] to file with the Commission proposed rules governing the operation of Brut's trading system and subscriber fees.

Until transfer of ownership, Nasdaq and Brut remain legally separate entities, each of which, among other things, are engaged in and competing for, the business of facilitating securities transactions. Because Nasdaq and Brut are competitors, Nasdaq represents that it and Brut are limited in the amount and type of information that can be exchanged between them prior to the acquisition's consummation (*e.g.*, information about the technical specifications of Brut's execution algorithm, order types, and pricing).[12] Nasdaq represents that this information from Brut is a necessary and important component of any rule filing it may submit to the Commission related to Brut and that this information must be kept confidential by Brut, and cannot be shared with Nasdaq, prior to the closing of the transaction. Moreover, Nasdaq stated in its Exemption Request that without such information, it would be unable to prepare and submit rule filings regarding Brut's operation and fee structure prior to close of the transaction and the transfer of ownership of Brut to Nasdaq. In its Exemption Request, Nasdaq represented that upon assuming ownership of Brut, Nasdaq and Brut would be relieved of certain legal constraints in sharing information and would begin to share the previously restricted information so that, among other things, Nasdaq could draft rules governing Brut's functionality and fees (''Brut Filings'').

In its Exemption Request, Nasdaq asserted that without Commission approval of rules governing Brut's operation, it would not be able to operate Brut, thereby causing Brut to cease operations until the Brut Filings were approved by the Commission. Because Brut presently accounts for a significant portion of the share volume for Nasdaq-listed securities, the summary termination of its services could potentially harm investors and disrupt the functioning of a fair and orderly market. The requested exemption would allow Brut to continue to operate, subject to certain conditions, after it is acquired by Nasdaq, while NASD and Nasdaq undertake to comply with the procedures related to rule changes under Section 19(b) of the Exchange Act.[13] In addition, Nasdaq asserted that the requested exemption would be consistent with the protection of investors and the public interest, because it would allow Brut to continue to operate its ECN trading system during the period immediately after its purchase by Nasdaq.

The exemption would also provide Nasdaq a reasonable opportunity to fully analyze Brut's systems, operations, and fee structure to ensure an orderly integration of Brut and Nasdaq and to make accurate filings based on such information. In addition, Nasdaq stated that the exemption would not diminish the Commission's ability to monitor Nasdaq and Brut. In this regard, Nasdaq noted that to the extent it would undertake to make changes to its non-Brut systems during the exemption period, or thereafter, NASD and Nasdaq would remain subject to Section 19(b) and thus obligated to file proposed rule changes with the Commission. Further, in its Exemption Request, NASD and Nasdaq committed to satisfying certain conditions, which are outlined below. For example, as a condition to the exemption, Nasdaq would be required to submit proposed rule changes with respect to any material changes to Brut's functions during the exemption period. In this regard, Nasdaq noted in its Exemption Request that it currently anticipates making no material changes to Brut's ECN functionality during the exemption period.[14]

III. Order Granting Temporary Conditional Section 36 Exemption

In 1996, Congress gave the Commission greater flexibility to regulate trading systems, such as Brut, by granting the Commission broad authority to exempt any person from any of the provisions of the Exchange Act and to impose appropriate conditions on their operation.[15] Specifically, NSMIA added Section 36(a)(1) to the Exchange Act, which provides that ''the Commission, by rule, regulation, or order, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of [the Exchange Act] or of any rule or regulation thereunder, to the extent that such exemption is necessary or appropriate in the public interest, and is consistent with the protection of investors.''[16] In enacting Section 36, Congress indicated that it expected that ''the Commission will use this authority to promote efficiency, competition and capital formation.''[17] It particularly intended to give the Commission sufficient flexibility to respond to changing market and competitive conditions:

> The Committee recognizes that the rapidly changing marketplace dictates that effective regulation requires a certain amount of flexibility. Accordingly, the bill grants the SEC general exemptive authority under both the Securities Act and the Securities Exchange Act. This exemptive authority will allow the Commission the flexibility to explore and adopt new approaches to registration and disclosure. It will also enable the Commission to address issues relating to the securities markets more generally. For example, the SEC could deal with the regulatory concerns raised by the recent proliferation of electronic trading systems, which do not fit neatly into the existing regulatory framework.[18]

In recent years, the Commission has exercised its Section 36 exemptive authority to enhance competition as a means to meet the objectives of the Exchange Act.[19]

Section 19(b)(1) of the Exchange Act requires an SRO, including NASD, to

[9] *See* 15 U.S.C. 78c3(a)(2).

[10] *See* Exemption Request, *supra* note 6. *See also*, *supra* note 9.

[11] 15 U.S.C. 78s(b).

[12] Nasdaq represents that, as legally distinct entities, the exchange of sensitive information between Nasdaq and Brut pre-closing would subject them to Section 1 of the Sherman Antitrust Act, 15 U.S.C. 1, as well as to the ''gun jumping'' provisions of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, as amended, 15 U.S.C. 18a. *See* Section 1 of the Sherman Antitrust Act, 15 U.S.C. 1; Hart-Scott-Rodino Antitrust Improvements Act of 1976, 15 U.S.C. 18a. *See* Exemption Request, *supra* note 6.

[13] 15 U.S.C. 78s(b).

[14] If such changes become necessary as the result of continued competition, however, Nasdaq's commitment above to file proposed rule changes would provide the Commission the opportunity to review any such modifications. *See* Exemption Request, *supra* note 6.

[15] 15 U.S.C. 78mm(a). Section 36 of the Exchange Act was enacted as part of the National Securities Markets Improvements Act 1996, Pub. L. 104–290 (''NSMIA'').

[16] 15 U.S.C. 78mm(a).

[17] H.R. Rep. No. 104–622, 104th Cong., 2d Sess. 38 (1996).

[18] S. Rep. No. 104–293, 104th Cong., 2d Sess. 15 (1996).

[19] 15 U.S.C. 78mm. For example, the Commission issued an order pursuant to Section 36 of the Exchange Act, granting NASD a temporary exemption from Section 19(b), relating to the acquisition and operation by Nasdaq of a software development company. *See* Securities Exchange Act Release No. 42713 (April 24, 2000), 65 FR 25401 (May 1, 2000). *See also* Securities Exchange Act Release No. 49260 (February 17, 2004), 69 FR 8500 (February 24, 2004) (Order Granting Application for Exemptions Pursuant to Section 36(a) of the Exchange Act by the American Stock Exchange LLC, the International Securities Exchange, Inc., the Municipal Securities Rulemaking Board, the Pacific Exchange, Inc., the Philadelphia Stock Exchange, Inc., and the Boston Stock Exchange, Inc.).

file with the Commission its proposed rule changes accompanied by a concise general statement of the basis and purpose of the proposed rule change.[20] Once a proposed rule change has been filed with the Commission, the Commission is required to publish notice of it and provide an opportunity for public comment. The proposed rule change may not take effect unless approved by the Commission by order, unless the rule change is within the class of rule changes that are effective upon filing pursuant to Section 19(b)(3)(A) of the Act.[21]

Section 19(b)(1) of the Exchange Act[22] defines the term ''proposed rule change'' to mean ''any proposed rule or rule change in, addition to, or deletion from the rules of [a] self-regulatory organization.'' Pursuant to Section 3(a)(27) and 3(a)(28) of the Exchange Act, the term ''rules of a self-regulatory organization'' means (1) the constitution, articles of incorporation, bylaws and rules, or instruments corresponding to the foregoing, of an SRO, and (2) such stated policies, practices and interpretations of an SRO (other than the MSRB) as the Commission, by rule, may determine to be necessary or appropriate in the public interest or for the protection of investors to be deemed to be rules. Rule 19b–4(b) under the Exchange Act,[23] defines the term ''stated policy, practice, or interpretation'' to mean generally ''any material aspect of the operation of the facilities of the self-regulatory organization[24] or any statement made available to the membership, participants, or specified persons thereof that establishes or changes any standard, limit, or guideline with respect to rights and obligations of specified persons or the meaning, administration, or enforcement of an existing rule.''

The term ''facility'' is defined in Section 3(a)(2) of the Exchange Act, with respect to an exchange, to include ''its premises, tangible or intangible property whether on the premises or not, any right to use such premises or property or any service thereof for the purpose of effecting or reporting a transaction on an exchange (including, among other things, any system of communication to or from the exchange, by ticker or otherwise, maintained by or with the consent of the exchange), and any right of the exchange to the use of any property or service.''

In its Exemption Request, Nasdaq acknowledges that upon closing of the purchase transaction, Brut would become a facility of Nasdaq because the Brut trading system would be property of Nasdaq that is used for the purpose of effecting or reporting securities transactions. Section 19(b) of the Exchange Act and Rule 19b–4 thereunder, absent an exemption, would require NASD to file proposed rules with the Commission to allow Nasdaq to operate Brut as a facility. Further, Nasdaq represented in its Exemption Request that, due to legal constraints regarding information sharing, it would be unable to submit the Brut filings prior to close of the transaction and the transfer of ownership of Brut to Nasdaq. In its Exemption Request, Nasdaq represented that upon assuming ownership of Brut, Nasdaq and Brut would be permitted to share information so that Nasdaq could undertake to prepare and submit the Brut Filings in compliance with NASD's obligations under Section 19(b) of the Exchange Act and Rule 19b–4 thereunder.[25]

The Commission believes that it is appropriate to issue an exemption, subject to the conditions described below, to allow Nasdaq to operate Brut as a facility without being subject to the rule filing requirements of Section 19(b) of the Exchange Act for a temporary period. Accordingly, the Commission has determined to grant Nasdaq's request for an exemption, subject to certain conditions, not to exceed six months from the date Nasdaq acquires ownership of Brut. The Commission finds that the temporary conditional exemption from the provisions of Section 19(b) of the Exchange Act[26] is necessary and appropriate in the public interest and is consistent with the protection of investors. In particular, the Commission believes that this exemption provides a limited amount of time for NASD and Nasdaq to obtain the necessary information to undertake to comply with NASD's obligations under Section 19(b) of the Exchange Act relative to Nasdaq's acquisition of Brut. In addition, the Commission believes that the exemption should help promote efficiency and competition in the market by allowing Brut to continue to operate while the Brut filings are pending before the Commission. In this regard, the Commission believes that this exemption should help to avoid any potential negative consequences to investors that could result if Nasdaq was required to abruptly limit Brut's trading operations immediately upon consummation of its acquisition of Brut.

To provide the Commission the opportunity to review and act upon any proposal to change Brut's fees or to make material changes to Brut's operations as an ECN during the period covered by the exemption, as well as to ensure that the Commission's ability to monitor Nasdaq and Brut is not diminished by the exemption, the Commission is imposing the following conditions while the exemption is in effect.[27] The Commission believes such conditions are necessary and appropriate in the public interest for the protection of investors. Therefore, the Commission is granting to NASD a temporary exemption, pursuant to Section 36 of the Exchange Act, from the rule filing requirements imposed by Section 19(b) of the Exchange Act as set forth above provided that NASD and Nasdaq comply with the following conditions:

(1) Brut remains a registered broker-dealer under Section 15 of the Exchange Act and continues to operate as an ECN;

(2) Brut operates in compliance with the obligations set forth under Regulation ATS;

(3) Brut operates as a separate subsidiary of Nasdaq;

(4) Nasdaq files a proposed rule change under Section 19 of the Exchange Act if it seeks to make a material change to Brut's operations. A material change would include any changes to a stated policy, practice, or interpretation regarding the operation of Brut or any other event or action relating to Brut that would require the filing of a proposed rule change by an SRO or an SRO facility;[28]

(5) Nasdaq files a proposed rule change under Section 19 of the Exchange Act[29] if it seeks to modify Brut's fee schedule;

[20] 15 U.S.C. 78s(b)(1). This obligation also applies to Nasdaq, because Nasdaq has been delegated specific responsibilities related to rule changes affecting Nasdaq filed with the Commission pursuant to the Delegation Plan. *See also, supra* note 4.

[21] 15 U.S.C. 78s(b)(3)(A).

[22] 15 U.S.C. 78s(b)(1).

[23] 17 CFR 240.19b–4.

[24] The term ''facilities of the self-regulatory organization'' is not defined in the Exchange Act. The Commission, however, has found that Nasdaq generally performs the functions commonly performed by an exchange. *See* Securities Exchange Act Release No. 40760 (December 8, 1998), 63 FR 70844 (December 22, 1998) at nn. 58–61 and accompanying text.

[25] *See* Exemption Request, *supra* note 6.

[26] 26 15 U.S.C. 78s(b).

[27] *See* Exemption Request, *supra* note 6.

[28] *See* Section 19(b) of the Exchange Act and Rule 19b–4 thereunder. The Commission notes that a material change would include, among other things, changes to Brut's operating platform; the types of securities traded on Brut; Brut's types of subscribers; or the reporting venue for trading that takes place on Brut. The Commission also notes that the rule filings must set forth the operation of the Brut facility and its integration with Nasdaq sufficiently so that the Commission and the public can evaluate the proposed change.

[29] 15 U.S.C. 78s(b).

(6) Nasdaq treats Brut the same as other ECNs that participate in the Nasdaq Market Center, and, in particular, Nasdaq does not accord Brut preferential treatment in how Brut submits orders to the Nasdaq Market Center execution system or in the way its orders are displayed or executed; and

(7) Nasdaq submits rule filings under Section 19(b) of the Exchange Act [30] fully articulating its operation of Brut and Brut's integration with Nasdaq within sixty days of the date Nasdaq assumes ownership of Brut.[31]

In addition, the Commission notes that NASD is currently the Designated Examining Authority (''DEA'') for Brut. On August 6, Nasdaq applied for membership to the New York Stock Exchange (''NYSE'') on behalf of Brut. In its Exemption Request, Nasdaq commits to seek the Commission's approval pursuant to Rule 17d–1 under the Exchange Act [32] to have the NYSE appointed as Brut's DEA for financial responsibility rules upon approval of Brut's membership in the NYSE.

In granting the Commission broad exemptive authority in Section 36 of the Exchange Act,[33] Congress intended to incorporate flexibility into the Exchange Act's regulatory scheme to reflect a rapidly changing marketplace. Congress particularly intended for the Commission to use this flexibility to promote efficiency and competition. The Commission believes that the requested temporary conditional exemption will help achieve these goals, while upholding the regulatory objectives of the Exchange Act. In granting this relief, the Commission makes no finding regarding whether Nasdaq's operation of Brut as a facility would be consistent with the Exchange Act. Proposed rule changes regarding Nasdsaq's operation of Brut will be evaluated by the Commission in accordance with the procedures set forth under Section 19(b) of the Exchange Act.[34]

The Commission notes that without its approval of rules governing the operation of Brut, Nasdaq would be unable to operate Brut, thereby causing Brut to cease operations until the Brut Filings are approved by the Commission. Should Brut be required to abruptly cease operations, a significant source of liquidity would be lost, which could potentially disrupt the functioning of an orderly market and harm investors. This exemptive relief should facilitate competition in the market by allowing Brut to continue to provide liquidity and compete with other market centers, while also providing NASD and Nasdaq with a reasonable opportunity to comply with their obligations under Section 19(b) of the Exchange Act. Therefore, the Commission believes that this exemption strikes an appropriate balance between the Commission's interest to encourage competition in the rapidly changing market place and to uphold the procedural requirements under Section 19(b) of the Exchange Act, and thus is necessary and appropriate in the public interest and is consistent with the protection of investors.

For the reasons discussed above, the Commission finds that the temporary conditional exemptive relief requested by NASD and Nasdaq is necessary and appropriate in the public interest and is consistent with the protection of investors.

It is ordered, pursuant to Section 36 of the Exchange Act,[35] that the application for a temporary conditional exemption is granted for a period of six months following Nasdaq's acquisition of Brut.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. E4–2143 Filed 9–9–04; 8:45 am]

BILLING CODE 8010–01–P

[30] 15 U.S.C. 78s(b).

[31] *See* Exemption Request, *supra* note 6.

[32] 17 CFR 240.17d–1.

[33] 15 U.S.C. 78mm(a).

[34] *See supra* notes 20–23.

[35] 15 U.S.C. 78mm.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–50318; File No. SR–NASD–2004–127]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Extend the National Quotation Data Service Fee Pilot

September 3, 2004.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 23, 2004, the National Association of Securities Dealers, Inc. (''NASD''), through its subsidiary, The Nasdaq Stock Market, Inc. (''Nasdaq''), filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II, below, which Items have been prepared by Nasdaq. Nasdaq filed this proposal pursuant to Section 19(b)(3)(A) of the Act [3] and Rule 19b–4(f)(6) thereunder,[4] which renders the proposal effective upon filing with the Commission.[5] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Nasdaq proposes to extend for one year a pilot program under NASD Rule 7010(h) (''Pilot''), which reduced from $50 to $10 the monthly fee that non-professional users pay to receive National Quotation Data Service (''NQDS'').[6] Nasdaq proposes no substantive changes to the Pilot, other than to extend its operation through August 31, 2005. There is no new proposed rule language.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Nasdaq has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Nasdaq proposes to extend the Pilot that reduced from $50 to $10 the monthly fee that non-professional users pay to receive NQDS, which is set forth in NASD Rule 7010(h), through August 31, 2005. NQDS delivers market maker quotations, Nasdaq Level 1 [7] service (including calculation and display of the inside market), and last sale information that is dynamically updated on a real-time basis. NQDS data is used

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 7 CFR 240.19b–(f)(6).

[5] Nasdaq asked the Commission to waive both the five-day pre-filing notice requirement and the 30-day operative delay. *See* Rule 19b–4(f)(6)(iii). 17 CFR 240.19b–4(f)(6)(iii).

[6] *See* Securities Exchange Act Release No. 43190 (August 22, 2000), 65 FR 52460 (August 29, 2000) (SR–NASD–2000–47).

[7] Pursuant to NASD Rule 7010(e), Nasdaq separately distributes Level 1 data to non-professionals for a monthly fee of $1.00.

not only by firms, associated persons, and other market professionals, but also by non-professionals who receive the service through authorized vendors, including, for example, on-line brokerage firms. Before August 31, 2000, NQDS data was available through authorized vendors at a monthly rate of $50 for professionals and non-professional users alike. In August 2000, NASD, through Nasdaq, filed a proposed rule change to reduce from $50 to $10 the monthly fee that non-professional users pay to receive NQDS data. The Commission approved the pilot on August 22, 2000, and the fee reduction began on August 31, 2000 on a pilot basis.[8] On September 4, 2001, August 29, 2002, and August 15, 2003, Nasdaq filed proposed rule changes to extend the pilot for additional one-year periods.[9]

Nasdaq proposes to extend the Pilot for another year, beginning September 1, 2004 and running through August 31, 2005. Nasdaq proposes no other changes to the Pilot at this time.

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of Section 15A of the Act,[10] in general, and with Section 15A(b)(5) of the Act,[11] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which Nasdaq operates or controls, and it does not unfairly discriminate between customers, issuers, brokers or dealers.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received.

[8] *See* footnote 6, *supra*.

[9] *See* Securities Exchange Act Release Nos. 44788 (September 13, 2001), 66 FR 48303 (September 23, 2001) (SR–NASD–2001–56); 46446 (August 30, 2002), 67 FR 57260 (September 7, 2002) (SR–NASD–2002–117); and 48386 (August 21, 2003), 68 FR 51618 (August 27, 2003) (SR–NASD–2003–132).

[10] 15 U.S.C. 78o–3.

[11] 15 U.S.C. 78o–3(b)(5).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

(i) Significantly affect the protection of investors or the public interest;

(ii) Impose any significant burden on competition; and

(iii) Become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[12] and Rule 19b–4(f)(6) thereunder.[13] At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Nasdaq has asked that the Commission waive the five-day pre-filing notice requirement and the 30-day operative delay contained in Rule 19b–4(f)(6)(iii) under the Act.[14] The Commission believes such waivers are consistent with the protection of investors and the public interest, for they will allow the Pilot to operate without interruption through August 31, 2005. For these reasons, the Commission designates the proposal to be effective and operative upon filing with the Commission.[15]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form *(http://www.sec.gov/rules/sro.shtml);* or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–NASD–2004–127 on the subject line.

Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609.

All submissions should refer to File Number SR–NASD–2004–127. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site *(http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of such filing also will be available for inspection and copying at the principal office of NASD. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASD–2004–127 and should be submitted on or before October 1, 2004.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[16]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. E4–2160 Filed 9–9–04; 8:45 am]

BILLING CODE 8010–01–P

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(6).

[14] 17 CFR 240.19b–4(f)(6)(iii).

[15] For purposes only of accelerating the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[16] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3615]

State of Florida (Amendment #2)

In accordance with a notice received from the Department of Homeland Security—Federal Emergency Management Agency—effective August 30, 2004, the above numbered declaration is hereby amended to establish the incident period for this disaster as beginning August 11, 2004, and continuing through August 30, 2004.

All other information remains the same, *i.e.*, the deadline for filing applications for physical damage is

October 12, 2004 and for economic injury the deadline is May 13, 2005.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: September 1, 2004.

Cheri L. Cannon,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 04–20540 Filed 9–9–04; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Public Federal Regulatory Enforcement Fairness Hearing

The Small Business Administration Region IX Regulatory Fairness Board and the SBA Office of the National Ombudsman will hold a Public Hearing on Wednesday, September 29, 2004 at 1 p.m. at Maricopa Community College, Governing Board Room, 2411 West 14th Street, Tempe, AZ 85281, to receive comments and testimony from small business owners, small government entities, and small non-profit organizations concerning regulatory enforcement and compliance actions taken by federal agencies. This will be a bilingual hearing in English and Spanish.

Anyone wishing to attend or to make a presentation must contact Bruce Hodgman in writing or by fax, in order to be put on the agenda. Bruce Hodgman, Deputy District Director, SBA Arizona District Office, 2828 North Central Avenue, Phoenix, AZ 85004, phone (602) 745–7220, fax (603) 745–7210, e-mail: *bruce.hodgman@sba.gov*.

For more information, see our Web site at *http://www.sba.gov/ombudsman*.

Dated: September 1, 2004.

Peter Sorum,

Senior Advisor, Office of the National Ombudsman.

[FR Doc. 04–20541 Filed 9–9–04; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Privacy Act System of Records Notice

AGENCY: Small Business Administration.

ACTION: Notice of new system of records.

SUMMARY: The Small Business Administration (SBA) is adding a new system of records to the Agency's Privacy Act System of Records. The new system is called ''Servicing and Contract System/Minority Enterprise Development Headquarters Repository (SACS/MDHR). The first purpose is to collect confidential business and financial information used to determine if applicants and current 8(a) participants are in compliance with statutory and regulatory requirements for continued program participation. This electronic system uses information collected on SBA forms and other financial information such as participant and business net worth (collected from personal financial statements and business' balance sheets). The SBA forms have previously been approved by OMB and used as a vehicle to collect 8(a) participant information. Some of this information is entered into the SACS/MEDHR System.

DATES: The new system will be effective immediately without further notice unless comments are received that result in a need for modification.

ADDRESSES: Address comments to Michael P. McHale, Associate Administrator, HUBZone Program, Small Business Administration, 409 3rd Street, SW., Suite 5900, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Michael P. McHale, Associate Administrator, HUBZone Program, (202) 205–6731.

SMALL BUSINESS ADMINISTRATION

SYSTEM NAME:

Servicing and Contracts System/Minority Enterprise Development Headquarters Repository—SBA 180.

SYSTEM LOCATION:

SBA Headquarters and all SBA district offices. See Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM INCLUDE:

Applicants and program participants in SBA's 8(a) Business Development program (8(a)).

CATEGORIES OF RECORDS IN THE SYSTEM INCLUDE:

8(a) Business Development program applications, business development working files, business plan files and contract files containing personal and financial information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 100–656, Small Business Act 15 U.S.C. 636, section (j) (Technical and Management Assistance); Public Law 100–656, 15 U.S.C. 637, section 8(a) (Business Development).

PURPOSE:

To collect confidential business and financial information used to determine if applicants and current 8(a) participants are in compliance with statutory and regulatory requirements for continued eligibility for program participation. This information facilitates the Agency in carrying out the functions of the Office of 8(a) Business Development.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES, THESE RECORDS MAY BE USED, DISCLOSED, OR REFERRED:

a. To a Congressional office, when the office is inquiring on the individual's behalf; the Member's access rights are no greater than the individual's.

b. To Agency volunteers, interns, grantees, experts and contractors who have been engaged by the Agency to assist in the performance of a service related to this system or records and who need access to the records in order to perform this activity. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a.

c. To the Federal, state, local or foreign agency or professional organization which investigates, prosecutes, or enforces violation or potential violation of law, arising by general or program statute, or by regulation, rule, or order.

d. To the Department of Justice (DOJ) when any of the following is a party to litigation or has an interest in such litigation, and the use of such records by the DOJ is deemed by the agency to be relevant and necessary to the litigation, provided, however, that in each case, the agency determines the disclosure of the records to the DOJ is a use of the information contained in the records that is compatible with the purpose for which the records were collected:

(1) The agency, or any component thereof;

(2) Any employee of the agency in his or her official capacity;

(3) Any employee of the agency in his or her individual capacity where the DOJ has agreed to represent the employee; or

(4) The United States Government, where the agency determines that litigation is likely to affect the agency or any of its components.

e. In a proceeding before a court, or adjudicative body, or a dispute resolution body before which the agency is authorized to appear or before which any of the following is a party to litigation or has an interest in litigation, provided, however, that the agency determines that the use of such records is relevant and necessary to the litigation, and that, in each case, the agency determines that disclosure of the records to a court or other adjudicative body is a use of the information contained in the records that is compatible with the purpose for which the records were collected:

(1) The agency, or any component thereof;

(2) Any employee of the agency in his or her official capacity;

(3) Any employee of the agency in his or her individual capacity where the DOJ has agreed to represent the employee; or

(4) The United States Government, where the agency determines that litigation is likely to affect the agency or any of its components.

POLICIES AND PRACTICES FOR STORAGE, RETRIEVAL, ACCESS, RETENTION AND DISPOSAL OF RECORDS:

STORAGE:

Electronic database records reside on the SBA secured mainframe system.

RETRIEVAL:

Name of individual and business name.

SAFEGUARDS:

Access and use is limited to persons whose official duties designate such a need; personnel screening by password is used to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

The 8(a) Business Development program adheres to the SBA's Records Management Program's Standard Operating Procedures (SOP 00 41 2), in particular, Records Group 80. Records Group 80 states that 8(a) subcontracts are destroyed 6 years and 3 months after cutoff; 8(a) business plan files are destroyed 6 years and 3 months after cutoff; and miscellaneous business plan files (non-record subject material) are destroyed 2 years after cutoff.

SYSTEM MANAGER(S) AND ADDRESS:

PA Officer, Associate Administrator for 8(a) Business Development and the Field Office Systems Manager. See Appendix A.

NOTIFICATION PROCEDURES:

An individual, who is inquiring whether the System of Records contain information about him or her, may submit a record inquiry either in person or in writing to the PA Officer, Associate Administrator for 8(a) Business Development or, Field Office Systems Manager.

ACCESS PROCEDURES:

PA Officer or Field Office Systems Manager will determine procedures.

CONTESTING PROCEDURES:

Individuals seeking to contest or amend information contained in this system of records should contact the system manager listed above, state the reason(s) for contesting the record and the proposed amendment sought.

RECORD SOURCE CATEGORIES:

Small business concerns who have applied to or are participants in the 8(a) Business Development program.

Delorice P. Ford,

Senior Privacy Act Official.

[FR Doc. 04–20315 Filed 9–9–04; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice: 4827]

60-Day Notice of Proposed Information Collection: Generic Clearance Information Collection for ECA Evaluation Program, OMB No. 1405–XXXX

ACTION: Notice of request for public comments.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. The purpose of this notice is to allow 60 days for public comment in the **Federal Register** preceding submission to OMB. We are conducting this process in accordance with the Paperwork Reduction Act of 1995.

- *Title of Information Collection:* Generic Clearance Information Collection for ECA Evaluation Program.
- *OMB Control Number:* 1405–XXXX.
- *Type of Request:* New Collection.
- *Originating Office:* Bureau of Educational and Cultural Affairs (ECA), Office of Policy and Evaluation (ECA/P).
- *Form Number:* None.
- *Respondents:* Respondents of program evaluation and/or program monitoring activities under the proposed information collection may include U.S. and foreign applicants, current grantee exchange visitor participants (J–1 visa holders) and alumni of the Bureau of Educational and Cultural Affairs (ECA) exchange programs, domestic grantee organizations and program administrators, foreign partner organizations, domestic and foreign hosts of exchange visitor participants, and other similar types of respondents associated with ECA exchange programs.
- *Estimated Number of Respondents:* 2,617.
- *Estimated Number of Responses:* 2,617.
- *Average Hours Per Response:* 45 minutes.
- *Total Estimated Burden:* 1,962 hours.
- *Frequency:* Information may be collected annually, on occasion, and per evaluation project.
- *Obligation to Respond:* Voluntary.

DATES: The Department will accept comments from the public up to 60 days from September 10, 2004.

ADDRESSES: You may submit comments by any of the following methods:

- E-mail: *MartinTL1@state.gov.* You must include the DS form number (if applicable), information collection title, and OMB control number in the subject line of your message.
- Mail (paper, disk, or CD–ROM submissions): Tamara L. Martin, U.S. Department of State, Bureau of Educational and Cultural Affairs, Office of Policy and Evaluation (ECA/P), 301 4th Street SW, Room 336 (SA–44), Washington, DC 20547.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed information collection and supporting documents, to Tamara L. Martin, U.S. Department of State, Bureau of Educational and Cultural Affairs, Office of Policy and Evaluation (ECA/P), 301 4th Street SW., Room 336 (SA–44), Washington, DC 20547, who may be reached on (202) 205–1975.

SUPPLEMENTARY INFORMATION: We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper performance of our functions.
- Evaluate the accuracy of our estimate of the burden of the proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of technology.

Abstract of proposed collection: The information collection will facilitate the Bureau of Educational and Cultural Affairs' (ECA) ability to regularly collect critical and timely feedback data from a defined universe of respondents (customer base). The evaluation and performance measurement data obtained through the information collection will allow ECA to better assess and improve ECA's exchange programs, learn more about the results and effectiveness of ECA programs, and comply with reporting requirements established by Congress and the Office of Management and Budget. ECA's

exchange programs are critical to the Department of State's foreign policy mission and public diplomacy strategy as they are designed to help promote a balanced and accurate view of the United States and build partnerships around the world.

Methodology: Data collected through the information collection will be derived from customer/ respondent paper and on-line surveys, personal interviews and/or focus groups. The customer/respondent base includes applicants, participants, alumni, program administrators, hosts and grantee organizations involved in ECA exchange programs.

Dated: August 17, 2004.

Cathy Chikes,

Executive Director, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 04–20525 Filed 9–9–04; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 4816]

U.S. Advisory Commission on Public Diplomacy Notice of Meeting

The U.S. Advisory Commission on Public Diplomacy will hold a meeting at the U.S. Department of State at 2201 C Street, NW., Washington, DC on September 28, 2004 at 9 a.m. The Commissioners will release their 2004 annual report on public diplomacy programs.

The Commission was reauthorized pursuant to Public Law 106–113 (H.R. 3194, Consolidated Appropriations Act, 2000). The U.S. Advisory Commission on Public Diplomacy is a bipartisan Presidentially appointed panel created by Congress in 1948 to provide oversight of U.S. Government activities intended to understand, inform and influence foreign publics. The Commission reports its findings and recommendations to the President, the Congress and the Secretary of State and the American people. Current Commission members include Barbara M. Barrett of Arizona, who is the Chairman; Harold C. Pachios of Maine; Ambassador Penne Percy Korth of Washington, DC; Ambassador Elizabeth F. Bagley of Washington, DC; Charles ''Tre'' Evers III of Florida; Jay T. Snyder of New York; and Maria Sophia Aguirre of Washington, DC.

For more information, please contact Matt J. Lauer at (202) 203–7880.

Dated: September 3, 2004.

Matthew J. Lauer,

Executive Director, U.S. Advisory, Commission on Public Diplomacy, Department of State.

[FR Doc. 04–20524 Filed 9–9–04; 8:45 am]

BILLING CODE 4710–11–P

DEPARTMENT OF STATE

[Public Notice 4784]

Shipping Coordinating Committee

The Department of State's Subcommittee on Ocean Dumping of the Shipping Coordinating Committee will hold an open meeting on Tuesday, October 26, 2004, from 2 p.m. to 4 p.m. to obtain public comment on the issues to be addressed at the November 1–5, 2004, Twenty-sixth Consultative Meeting of Contracting Parties to the London Convention. The London Convention of 1972 is the global international treaty regulating ocean dumping. The meeting will also review the results of the Twenty-seventh Scientific Group Meeting of the London Convention that was held in Mombasa, Kenya from May 3–7, 2004.

In addition, participants at this meeting will discuss plans for ratification, by the United States, of the 1996 London Protocol. The Protocol is a treaty signed by the United States in 1998 that is separate from the London Convention. It sets forth a regime that is more comprehensive, more stringent, and more protective of the marine environment than the London Convention.

The public meeting will be held at the U.S. Environmental Protection Agency offices located at 1201 Constitution Avenue, NW., Washington, DC 20004 in Room 1117A. Interested members of the public are invited to attend, up to the capacity of the room. Please check in with the EPA security desk when you enter the building.

For further information, please contact: Patrick Cotter, Office of International Affairs, U.S. Environmental Protection Agency, Mail Code 2660R, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, telephone (202) 564–6414, e-mail *cotter.patrick@epa.gov*.

Dated: September 2, 2004.

Clayton Diamond,

Executive Secretary, Shipping Coordinating Committee, Department of State.

[FR Doc. 04–20523 Filed 9–9–04; 8:45 am]

BILLING CODE 4710–07–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Generalized System of Preferences (GSP): Initiation of a Review To Consider the Designation of Serbia and Montenegro as a Beneficiary Developing Country Under the GSP

AGENCY: Office of the United States Trade Representative.

ACTION: Notice and solicitation of public comment.

SUMMARY: This notice announces the initiation of a review to consider the designation of Serbia and Montenegro as a beneficiary developing country under the GSP program and solicits public comment relating to the designation criteria. Comments are due October 12, 2004 in accordance with the requirements for submissions, explained below.

ADDRESSES: Submit comments by electronic mail (e-mail) to: *FR0440@ustr.gov*. For assistance or if unable to submit comments by e-mail, contact the GSP Subcommittee, Office of the United States Trade Representative; USTR Annex, Room F–220; 1724 F Street, NW., Washington, DC 20508 (Tel. 202–395–6971).

FOR FURTHER INFORMATION CONTACT: Contact the GSP Subcommittee, Office of the United States Trade Representative; USTR Annex, Room F–220; 1724 F Street, NW.; Washington, DC 20508 (Telephone: 202–395–6971, Facsimile: 202–395–9481).

SUPPLEMENTARY INFORMATION: The GSP Subcommittee of the Trade Policy Staff Committee (TPSC) has initiated a review in order to make a recommendation to the President as to whether Serbia and Montenegro meets the eligibility criteria of the GSP statute, as set out below. After considering the eligibility criteria, the President is authorized to designate Serbia and Montenegro as a beneficiary developing country for purposes of the GSP.

Interested parties are invited to submit comments regarding the eligibility of Serbia and Montenegro for designation as a GSP beneficiary developing country. Documents should be submitted in accordance with the below instructions to be considered in this review.

Eligibility Criteria

The trade benefits of the GSP program are available to any country that the President designates as a GSP ''beneficiary developing country.'' In designating countries as GSP beneficiary developing countries, the President must consider the criteria in sections

502(b)(2) and 502(c) of the Trade Act of 1974, as amended (19 U.S.C. 2462(b)(2), 2462(c)) (''the Act''). Section 502(b)(2) provides that a country is ineligible for designation if:

1. Such country is a Communist country, unless—

(a) The products of such country receive nondiscriminatory treatment, (b) Such country is a WTO Member (as such term is defined in section 2(10) of the Uruguay Round Agreements Act) (19 U.S.C. 3501(10)) and a member of the International Monetary Fund, and (c) Such country is not dominated or controlled by international communism.

2. Such country is a party to an arrangement of countries and participates in any action pursuant to such arrangement, the effect of which is—

(a) To withhold supplies of vital commodity resources from international trade or to raise the price of such commodities to an unreasonable level, and (b) To cause serious disruption of the world economy.

3. Such country affords preferential treatment to the products of a developed country, other than the United States, which has, or is likely to have, a significant adverse effect on United States commerce.

4. Such country—

(a) Has nationalized, expropriated, or otherwise seized ownership or control of property, including patents, trademarks, or copyrights, owned by a United States citizen or by a corporation, partnership, or association which is 50 percent or more beneficially owned by United States citizens, (b) Has taken steps to repudiate or nullify an existing contract or agreement with a United States citizen or a corporation, partnership, or association which is 50 percent or more beneficially owned by United States citizens, the effect of which is to nationalize, expropriate, or otherwise seize ownership or control of property, including patents, trademarks, or copyrights, so owned, or (c) Has imposed or enforced taxes or other exactions, restrictive maintenance or operational conditions, or other measures with respect to property, including patents, trademarks, or copyrights, so owned, the effect of which is to nationalize, expropriate, or otherwise seize ownership or control of such property, unless the President determines that—

(i) Prompt, adequate, and effective compensation has been or is being made to the citizen, corporation, partnership, or association referred to above, (ii) Good faith negotiations to provide prompt, adequate, and effective compensation under the applicable provisions of international law are in progress, or the country is otherwise taking steps to discharge its obligations under international law with respect to such citizen, corporation, partnership, or association, or (iii) A dispute involving such citizen, corporation, partnership, or association over compensation for such a seizure has been submitted to arbitration under the provisions of the Convention for the Settlement of Investment Disputes, or in another mutually agreed upon forum, and the President promptly furnishes a copy of such determination to the Senate and House of Representatives.

5. Such country fails to act in good faith in recognizing as binding or in enforcing arbitral awards in favor of United States citizens or a corporation, partnership, or association which is 50 percent or more beneficially owned by United States citizens, which have been made by arbitrators appointed for each case or by permanent arbitral bodies to which the parties involved have submitted their dispute.

6. Such country aids or abets, by granting sanctuary from prosecution to, any individual or group which has committed an act of international terrorism or the Secretary of State makes a determination with respect to such country under section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. Appx. section 2405(j)(1)(A)) or such country has not taken steps to support the efforts of the United States to combat terrorism.

7. Such country has not taken or is not taking steps to afford internationally recognized worker rights to workers in the country (including any designated zone in that country).

8. Such country has not implemented its commitments to eliminate the worst forms of child labor.

Section 502(c) provides that, in determining whether to designate any country as a GSP beneficiary developing country, the President shall take into account:

1. An expression by such country of its desire to be so designated;

2. The level of economic development of such country, including its per capita gross national product, the living standards of its inhabitants, and any other economic factors which the President deems appropriate;

3. Whether or not other major developed countries are extending generalized preferential tariff treatment to such country;

4. The extent to which such country has assured the United States that it will provide equitable and reasonable access to the markets and basic commodity resources of such country and the extent to which such country has assured the United States that it will refrain from engaging in unreasonable export practices;

5. The extent to which such country is providing adequate and effective protection of intellectual property rights;

6. The extent to which such country has taken action to—

(a) Reduce trade distorting investment practices and policies (including export performance requirements); and (b) Reduce or eliminate barriers to trade in services; and

7. Whether or not such country has taken or is taking steps to afford to workers in that country (including any designated zone in that country) internationally recognized worker rights. Note that the Trade Act of 2002 amended paragraph (D) of the definition of the term '''internationally recognized worker rights,''' which now includes: (A) The right of association; (B) the right to organize and bargain collectively; (C) a prohibition on the use of any form of forced or compulsory labor; (D) a minimum age for the employment of children and a prohibition on the worst forms of child labor as defined in paragraph (6) of section 507(4) of the Act; and (E) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.

Requirements for Submissions

Comments must be submitted to the Chairman of the GSP Subcommittee, Trade Policy Staff Committee. Comments, in English, must be received no later than 5 p.m., October 12, 2004.

In order to facilitate prompt consideration of submissions, USTR strongly urges and prefers electronic mail (e-mail) submissions in response to this notice. If unable to provide submissions by e-mail, please contact the GSP Subcommittee to arrange for an alternative method of transmission. Hand delivered submissions and facsimile submissions will not normally be accepted.

Submissions by e-mail should not provide separate cover letters or messages in the message area of the e-mail; information that might appear in any cover letter should be included directly in the attached file containing the submission. The name and organization of the submitter, address, telephone and facsimile numbers, and e-mail address, should be included in the attached file itself.

The e-mail submissions should be a single copy transmission, in English, with the total submission, including attachments, not to exceed 50 double-

spaced, standard-size pages (8½ x 11 inch) in 12 point type as a digital file, not exceeding 1 megabyte in size, attached to an e-mail transmission.

Submissions by e-mail should use the following subject line: ''Serbia and Montenegro GSP Eligibility Review.'' Documents must be submitted as either WordPerfect (''.WPD''), MSWord (''.DOC''), or text (''.TXT'') files. Documents shall not be submitted as electronic image files or contain large imbedded images (for example, ''.JPG'', ''.PDF'', ''.BMP'', ''.TIF'', or ''.GIF''), as these types of files are generally excessively large.

Any supporting documentation submitted as spreadsheets is acceptable as Quattro Pro or Excel, preformatted for printing on 8½ x 11 inch paper. To the extent possible, any data attachments to the submission should be included in the same file as the submission itself and not as separate files, and should not cause the entire submission to exceed the 50 page and 1 megabyte size limits.

Information and comments submitted will be subject to public inspection by appointment with the staff of the USTR Public Reading Room, except for information granted ''business confidential'' status pursuant to 15 CFR 2003.6. If the submission contains business confidential information, a non-confidential version of the submission must also be submitted that indicates where confidential information was redacted by inserting asterisks where material was deleted. In addition, the confidential submission must be clearly marked ''BUSINESS CONFIDENTIAL'' at the top and bottom of each and every page of the document.

The public version that does not contain business confidential information must also be clearly marked at the top and bottom of each and every page (either ''PUBLIC VERSION'' or ''NONCONFIDENTIAL''). Documents that are submitted without any marking might not be accepted or will be considered public documents.

For any document containing business confidential information submitted as an electronic attached file to an e-mail transmission, the file name of the business confidential version should begin with the characters ''BC–'', and the file name of the public version should begin with the characters ''P–''. The ''P–'' or ''BC–'' should be followed by the name of the submitter.

Public versions of all documents relating to this review will be available for review approximately 30 days after the due date by appointment in the USTR public reading room, 1724 F Street NW., Washington, DC. Appointments may be made from 9:30 a.m. to noon and 1 p.m. to 4 p.m., Monday through Friday by calling (202) 395–6186.

Steven Falken,

Executive Director GSP; Chairman, GSP Subcommittee of the Trade Policy Staff Committee.

[FR Doc. 04–20477 Filed 9–9–04; 8:45 am]

BILLING CODE 3190–W4–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Request for Comments and Notice of Public Hearing on Potential Withdrawal of Tariff Concessions and Increase in Applied Duties in Response to European Union (EU) Enlargement and EU Changes to Its Rice Import Regime

AGENCY: Office of the United States Trade Representative.

ACTION: Request for comments and notice of public hearing concerning a list of goods for which tariff concessions may be withdrawn and duties may be increased in the event the United States cannot reach agreement with the European Union (EU) for adequate compensation owed under World Trade Organization (WTO) rules as a result of EU enlargement and EU changes to its rice import regime.

SUMMARY: The United States is continuing to negotiate with the EU regarding the EU's provision of adequate and permanent compensation to the United States for two recent EU actions that have increased duties on U.S. imports to EU markets above WTO bound rates of duty. On May 1, 2004, as part of its enlargement process, the EU raised tariffs above bound rates on some imports into the countries of Estonia, Latvia, Lithuania, Poland, Slovakia, the Czech Republic, Slovenia, Hungary, Cyprus and Malta. In addition, on September 1, 2004, the EU changed its rice import regime, raising tariffs on some rice imports above the maximum permissible WTO rate of duty. If either or both of these issues are not resolved, the United States may seek to exercise its rights under Article XXVIII of the *General Agreement on Tariffs and Trade 1994* (''GATT 1994'') to withdraw substantially equivalent concessions and raise tariffs on select goods primarily supplied by the EU. The Trade Policy Staff Committee (TPSC) seeks public comment on the attached list of goods for which U.S. tariff concessions may be withdrawn and applied duties may be raised. The TPSC will hold a public hearing on Friday, September 24, 2004, on the list which may be used for either or both of these issues.

DATES: Persons wishing to testify orally at the hearing must provide written notification of their intention, as well as a copy of their testimony, by noon on Friday, September 17, 2004. A hearing will be held in Washington, DC on Friday, September 24, 2004. Written comments are due by noon on Tuesday, September 28, 2004.

ADDRESSES: Submissions by electronic mail to *FR0443@ustr.eop.gov;* requests to testify should also be addressed to Anita Thomas, Secretary, Office of Europe and the Mediterranean, Office of the United States Trade Representative, at email: *anita_thomas@ustr.eop.gov.* Submissions by facsimile to: Anita Thomas at fax: (202) 395–3974. The public is strongly encouraged to submit documents electronically rather than by facsimile. (See requirements for submissions below).

FOR FURTHER INFORMATION CONTACT: For questions about participation in the hearings, contact Anita Thomas at (202) 395–3320. For procedural questions concerning written comments, contact Laurie Molnar, Director for European and Mediterranean Trade Issues, at (202) 395–3320. All other questions should be directed to: Laurie Molnar, (202) 395–3320; Sharon Sydow, Director Agricultural Trade Policy, (202) 395–5414; or Tiffany Smith, Director for Market Access (202) 395–5656; Office of the United States Trade Representative.

SUPPLEMENTARY INFORMATION: Under WTO rules, the United States is entitled to compensation from the EU resulting both from EU tariff changes as a result of EU enlargement and EU changes to its rice import regime. If agreement on compensation cannot be reached on either or both of these issues, the United States would be entitled to withdraw substantially equivalent concessions and apply increased duties on products of interest to the EU. In addition to the information presented below on these EU actions, relevant WTO rules, and domestic procedures, additional supplemental information on the EU enlargement tariff compensation negotiations and the rice margin of preference issues can be found on the Office of the U.S. Trade Representative's Web site at: *http://www.ustr.gov/World_Regions/Europe_Mediterranean/European_Union/Section_Index.html.*

Enlargement: With the accession to the EU of Estonia, Latvia, Lithuania, Poland, Slovakia, the Czech Republic, Slovenia, Hungary, Cyprus and Malta (''the new EU Member States''), the EU withdrew the entire WTO tariff schedules of the new EU Member States

and applied the common external tariff of the EU of fifteen to imports into the territory of the new EU Member States, resulting in increased tariffs on certain products.

Rice Import Regime Changes: As part of reforms to its Common Agricultural Policy, on September 1, 2004, the EU replaced its rice import regime, called the Margin of Preference, with a specific duty of 65 Euros/MT for husked (brown) rice. The United States is a major supplier of brown rice to the EU. Tariffs were also changed for milled rice.

Legal Background: Article XXVIII of the GATT 1994 establishes that a WTO Member may modify or withdraw a tariff concession bound in its WTO schedule by negotiation and agreement with certain affected Members, more specifically, those Members that initially negotiated the relevant concession or are determined to have a principal supplying interest or a substantial interest in the concession. Such affected Members are entitled to receive adequate compensation or, in the absence of successful compensation negotiations, to withdraw ''substantially equivalent concessions.'' Pursuant to Article XXIV:6 of the GATT 1994, where a WTO Member has modified or withdrawn a concession in the expansion of a customs union, the procedure under Article XXVIII also applies. The United States has negotiating and compensation rights on certain tariff concessions at issue under both of the EU actions described above.

Affected WTO Members' rights to withdraw substantially equivalent concessions under Article XXVIII are time-limited; these rights expire within six months of the EU's withdrawal or modification of concessions unless exercised or extended. WTO Members intending to withdraw substantially equivalent concessions must provide notice to the WTO of their intent at least thirty days prior to the effective date of such action.

Whenever a foreign country withdraws, suspends, or modifies the application of trade agreement obligations of benefit to the United States without granting adequate compensation, the President is authorized under section 125(d) of the Trade Act of 1974 (19 U.S.C. 2135) to withdraw, suspend or modify the application of any substantially equivalent trade agreement obligations of benefit and proclaim under section 125(c) such increased duties or other import restrictions as are appropriate to effect adequate compensation. Section 125(c) authorizes the President to proclaim increased duties or other import restrictions as he deems necessary or appropriate in order to exercise the rights of the United States whenever the United States, acting in pursuance of its rights or obligations under certain trade agreements, withdraws, suspends or modifies any obligation with respect to foreign trade. Section 125(f) provides that the President, normally before taking any action under section 125 to withdraw, suspend, or modify trade agreement obligations or to increase duties, must provide for a public hearing, at which time interested persons will be given an opportunity to be present, to produce evidence, and to be heard.

Pursuant to section 125(c), any new tariff rates proclaimed by the President would not exceed 50 percent above the rate set forth in rate column numbered 2 of the Tariff Schedules of the United States, as in effect on January 1, 1975, or 20 percent *ad valorem* above the rate existing on January 1, 1975, whichever is higher. If imposed, the increased duties would apply to imports from all countries that are subject to the rates of duty set forth in the Column 1 General rate of duty column of the Harmonized Tariff Schedule of the United States (HTSUS). The products affected by a suspension of concessions and duty increase would be drawn from the list of products set forth in the Annex to this notice. In recommending any action to the President under section 125, the TPSC will consider all comments and testimony by interested persons submitted in accordance with the procedures described below.

Public Comment on Potential Actions; Hearing Participation

Pursuant to section 125(f) of the Trade Act of 1974 (19 U.S.C. 2135), the TPSC, chaired by the Office of the United States Trade Representative, has scheduled a public hearing beginning at 9 a.m. on Friday, September 24, 2004, in Room 1, 1724 F Street, NW., Washington, DC, 20508. Further details on the hearing and submission of testimony is provided below. In lieu of or in addition to participation at the public hearing, parties may submit written comments to be received no later than noon, Tuesday, September 28, 2004.

Written comments and/or written or oral testimony of interested persons should be limited to the following issues: (1) The appropriateness of withdrawing WTO tariff concessions upon the products listed in the Annex to this notice; (2) the appropriateness of imposing increased duties upon the products listed in the Annex to this notice; (3) the levels at which U.S. customs duties should be set for particular items; and (4) the degree to which increased duties might have an adverse effect upon U.S. consumers of the products listed in the Annex.

Persons wishing to testify orally at the hearing must provide both a written notification of their intention and a copy of their testimony by noon on Friday, September 17, 2004. The notification should include: (1) The name, address, and telephone number, fax number, and firm or affiliation of the person wishing to testify; (2) a short (one or two paragraph) summary of the oral presentation; and (3) list of goods of interest (including HTSUS numbers). Remarks at the hearing should be limited to no more than five minutes to allow for possible questions from the TPSC.

Requirements for Submissions

In order to facilitate prompt processing of submissions, the TPSC strongly urges and prefers electronic (e-mail) submissions in response to this notice. In the event that an e-mail submission is impossible, submissions should be made by facsimile.

Persons making submissions by e-mail should use the following subject line: ''EU Enlargement/EU Rice Import Regime'' followed by (as appropriate) ''Written Comments,'' ''Notice of Testimony,'' or ''Testimony.'' Documents should be submitted as either Adobe PDF, WordPerfect, MSWord, or text (.TXT) files. Supporting documentation submitted as spreadsheets are acceptable as Quattro Pro or Excel. For any document containing business confidential information submitted electronically, the file name of the business confidential version should begin with the characters ''BC-'', and the file name of the public version should begin with the characters ''P-''. The ''P-'' or ''BC-'' should be followed by the name of the submitter. Persons who make submissions by e-mail should not provide separate cover letters; information that might appear in a cover letter should be included in the submission itself. Similarly, to the extent possible, any attachments to the submission should be included in the same file as the submission itself, and not as separate files.

Written comments, notices of testimony, and testimony will be placed in a file open to public inspection pursuant to 15 CFR 2003.5, except confidential business information exempt from public inspection in accordance with 15 CFR 2003.6. Confidential business information submitted in accordance with 15 CFR 2003.6 must be clearly marked

''BUSINESS CONFIDENTIAL'' at the top of each page, including any cover letter or cover page, and must be accompanied by a non-confidential summary of the confidential information. All public documents and non-confidential summaries shall be available for public inspection in the USTR Reading Room. The USTR Reading Room is open to the public, by appointment only, from 10 a.m. to 12 noon and 1 p.m. to 4 p.m., Monday through Friday. An appointment to review the file may be made by calling (202) 395–6186. Appointments must be scheduled at least 48 hours in advance.

General information concerning USTR may be obtained by accessing its Internet Web site (*http://www.ustr.gov*).

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Annex: Proposed Withdrawal of Concessions Tariff List

HTS#	Description	In Quota/ Out of Quota	MFN RATE 2004	MFN unit 2004	Proposed new tariff rate	Proposed new tariff rate unit
02032920	Frozen retail cuts of meat of swine, nesoi		1.40	cents/kg	2.21	cents/kg
02101200	Bellies (streaky) and cuts thereof of swine, salted, in brine, dried or smoked		1.40	cents/kg	2.21	cents/kg
02101900	Meat of swine other than hams, shoulders, bellies (streaky) and cuts thereof, salted, in brine, dried or smoked		1.40	cents/kg	2.21	cents/kg
04029970	Milk & cream (except condensed milk), concentrated in non-solid forms, sweetened, subject to add. US note 10 to Ch. 4	IQ	17.5%		55%	
04031090	Yogurt, not in dry form, whether or not flavored or containing add fruit or cocoa		17%		40%	
04039020	Fluid buttermilk		0.34	cents/liter	0.81	cents/liter
04041011	Modified whey (except protein conc.), wheth/not conc. or sweetened, subject to add US note 10 to Ch.4	IQ	13%		40%	
04041015	Modified whey (except protein conc.), wheth/not conc. or sweetened, not subject to gen. note 15 or	OQ	1.035	$/kg + 8.5%	40%	
04049028	Dairy products of nat. milk constituents (except protein conc.), descr. in add. US nte 1 to Ch. 4 and subj to GN 15		14.5%		55%	
04052080	Other dairy spreads, not butter substitutes or of a type provided for in chapter 4 additional US note 1	IQ	6%		40%	

04061014	Fresh (unripened/uncured) blue-mold cheese, cheese/subs for cheese cont or procd fr blue-mold cheese, subj to Ch4 US note 17, not GN15	IQ	10%		55%
04061048	Fresh (unripened/uncured) edam and gouda cheeses, cheese/subs for cheese cont or processed therefrom, not sub to Ch4 US note 20, not GN15	OQ	1.803	$/kg	55%
04061068	Fresh (unripened/uncured) Swiss/emmentaler cheeses exc eye formation, gruyere-process cheese and cheese cont or proc. from such, not subj ..	OQ	1.386	$/kg	55%
04061074	Fresh cheese, and substitutes for cheese,neosi, w/0.5% or less by wt. of butterfat, descr in add US note 23 to Ch 4, not GN15	IQ	10%		55%
04062010	Roquefort cheese, grated or powdered		8%		55%
04062015	Stilton cheese, grated or powdered, subject to add. US note 24 to Ch. 4	IQ	17%		55%
04062051	Romano, reggiano, provolone, provoletti, sbrinz and goya, made from cow's milk, grated or powdered, subject to add US note 21 to Ch.4	IQ	15%		55%
04062054	Reggiano, provolone, provoletti, sbrinz and goya cheeses, not made from cow's milk, grated or powdered		9.6%		55%
04062055	Cheeses made from sheep's milk, including mixtures of such cheeses, grated or powdered		9.6%		55%
04062057	Cheese containing or processed from bryndza, gjetost, gammelost, nokkelost or roquefort cheeses, grated or powdered		8.5%		55%
04062067	Cheese containing or processed from cheddar cheese, grated or powdered, not subject to add US note 18 to Ch. 4	OQ	1.23	$/kg	55%
04063018	Blue-veined cheese (except roquefort), processed, not grated or powdered, not subject to gen. note 15 or add. US note 17 to Ch. 4	OQ	2.27	$/kg	55%
04063042	Edam and gouda cheese, processed, not grated or powdered, subject to gen. note 15 of the HTS		15%		55%

04063044	Edam and gouda cheese, processed, not grated or powdered, subject to add. US note 20 to Ch. 4	IQ	15%		55%
04063053	Gruyere-process cheese, processed, not grated or powdered, not subject to gen note 15 or add. US note 22 to Ch. 4	OQ	1.386	$/kg	55%
04063061	Processed cheese cont/procd fr blue-veined cheese (ex roquefort), not grated/powdered, subject to add US note 17 to Ch. 4, not GN15	IQ	10%		55%
04063073	Processed cheese cont/procd fr edam or gouda, not grated/powdered, subject to add US note 20 to Ch. 4, not GN15	IQ	10%		55%
04063081	Processed cheese cont/procd from swiss, emmentaler or gruyere-process, n/grated/powdered, subject to add US note 22 to Ch. 4, not GN15	IQ	10%		55%
04063083	Processed cheese cont/procd from swiss/emmentaler/gruyere-process, n/grated/powdered, not subject to add US note 22 to Ch. 4, not GN15	OQ	1.386	$/kg	55%
04064044	Stilton cheese, nesoi, in original loaves, subject to add. US note 24 to Ch. 4	IQ	13%		55%
04064054	Blue-veined cheese, nesoi, in original loaves, subject to add. US note 17 to Ch. 4	IQ	13%		55%
04064058	Blue-veined cheese, nesoi, not in original loaves, subject to add. US note 17 to Ch. 4	IQ	20%		55%
04064070	Blue-veined cheese, nesoi, not subject to gen. note 15 of the HTS or to add. US note 17 to Ch. 4	OQ	2.269	$/kg	55%
04069005	Bryndza cheese, not grated or powdered, not processed		7%		55%
04069061	Cheeses & substitutes for cheese (incl.mixtures) w/romano/reggiano/parmesan/provolone/etc from cows milk, subj. to gen. note 15		7%		55%

04069063	Cheeses & substitutes for cheese (incl.mixtures) not cont.romano/reggiano/parmesan/provolone/etc from cows milk, subj. to gen. note 15		10%		**	
04069072	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/ or from blue-veined cheese, subj. to add. US note 17 to Ch.4, not GN15	IQ	10%		**	
05111000	Bovine semen		0		30%	
06011015	Tulip bulbs, dormant		89.60	cents/1000	900	cents/1000
06011030	Hyacinth bulbs, dormant		38.40	cents/1000	600	cents/1000
06011045	Lily bulbs, dormant		55.70	cents/1000	900	cents/1000
06011060	Narcissus bulbs, dormant		1.34	$/1000	9	$/1000
06011075	Crocus corms, dormant		19.20	cents/1000	300	cents/1000
06011085	Lily of the valley pips, dormant		1.44	$/1000	9	$/1000
07031030	Pearl onions not over 16 mm in diameter, fresh or chilled		0.96	cents/kg	1.70	cents/kg
07052100	Witloof chicory, fresh or chilled		0.15	cents/kg	1.36	cents/kg
07052900	Chicory, other than witloof chicory, fresh or chilled		0.15	cents/kg	1.36	cents/kg
07108065	Brussels sprouts, uncooked or cooked by steaming or boiling in water, frozen, not reduced in size		13%		75%	
07112018	Olives, n/pitted, green, in saline sol., in contain. > 8 kg, drained wt, for repacking or sale, subject to add. US note 5 to Ch. 7	IQ	3.70	cents/kg on drained weight	**	
07112028	Olives, n/pitted, green, in saline sol., in contain. > 8 kg, drained wt, for repacking or sale, not subject to add. US note 5 to Ch. 7	OQ	5.90	cents/kg on drained weight	**	
07112040	Olives, pitted or stuffed, provisionally preserved but unsuitable in that state for immediate consumption		8.60	cents/kg on drained weight	**	
07129074	Tomatoes, dried in powder		9%		55%	
09042020	Paprika, dried or crushed or ground		3.00	cents/kg	3.40	cents/kg
09102000	Saffron		0		20%	
10019020	Wheat & meslin other than durum or seed wheat		0.35	cents/kg	2.32	cents/kg
10020000	Rye		0		0.89	cents/kg
10040000	Oats		0		1.66	cents/kg
11081300	Potato starch		0.56	cents/kg	1.70	cents/kg
11082000	Inulin		3%		**	
12091000	Sugar beet seed of a kind used for sowing		0		2%	

12121000	Locust beans, including locust bean seeds, fresh, chilled, frozen or dried, whether or not ground		0		2%	
13021300	Saps and extracts of hops		89.00	cents/kg	163.29	cents/kg
13022000	Pectic substances, pectinates and pectates		0		16.33	cents/kg
15079020	Pharmaceutical grade soybean oil meeting FDA requirements for use in intravenous fat emulsions, valued over $5 per kg		0		3%	
15100020	Olive oil, including blends, and their fractions, not chemically modified, rendered unfit for use as food		0		2%	
16010020	Pork sausages and similar products of pork, pork offal or blood; food preparations based on these products		0.80	cents/kg	2.21	cents/kg
16024940	Prepared or preserved pork, not containing cereals or vegetables, nesi		1.40	cents/kg	2.21	cents/kg
16030010	Clam juice		9%		55%	
18061010	Cocoa powder, sweetened, w/less than 65% by dry wt. sugar, subject to add US note 1 to Ch. 18		0		60%	
18062034	Chocolate, ov 2kg, cont. milk solids, not in blocks 4.5 kg or more, not ov 5.5 pc bf, subj. to add US note 3 to Ch. 18, not GN15		5%		60%	
18062078	Chocolate/oth preps with cocoa, ov 2kg but n/o 4.5 kg, o/65% by wt of sugar, neosi		9%		40%	
18062082	Chocolate/oth preps w/cocoa, o/2kg but n/o4.5 kg (dairy prod. of Ch4 US note 1), n/o 65% sugar, less th 21% milk solid, not GN15		37.20	cents/kg + 8.5%	40%	
18062085	Low-fat chocoate crumb, n/o 65% by wt of sugar, ov 2kg but n/o 4.5 kg, subject to add US note 3 to Ch. 18, not GN15	IQ	10%		60%	
18069005	Cocoa preps, (dairy prod. descr. in add US note 1 to Ch.4), not in blocks, slabs or bars, subj. to add. US note 10 to Ch 4, not GN15	IQ	4%		60%	
18069008	Cocoa preps, (dairy prod. descr. in add US note 1 to Ch.4), less than 21% milk solids, not in blocks, slabs or bars, not GN15	OQ	37.20	cents/kg + 6%	60%	

18069025	Cocoa preps, cont. milk solids, n/o 5.5% butterfat by wt, not in blocks/slabs/bars, subj. to add US note 3 to Ch. 18, not GN15	IQ	4%		60%
19011035	Preps for infant use (dairy prod. of add US note 1 to Ch.4), for retail sale, o/10% milk solids, subject to Ch4 US note 10, not GN15	IQ	18%		55%
19011040	Preps for infant use (dairy prod. of add US note 1 to Ch.4), for retail sale, o/10% milk solids, not subject to add US note 10 to Ch. 4	OQ	1.04	$/kg + 14.9%	55%
19011055	Preps for infant use, for retail sale, n/o 10% milk solids, subject to gen. note 15		18%		55%
19012005	Mixes for bakers wares (dairy prod. of Ch4 US note 1), o/25% by wt butterfat, not retail, subj. to add. US nte 10 to Ch.4, not GN15	IQ	10%		40%
19019028	Dry mix. w/less than 31% bf & 17.5% or more sodium caseinate, bf, whey solids o/5.5% b'fat & dry whole milk, n/cntng dry milk/whey/b'fat		0.37	cents/kg	55%
20019025	Artichokes, prepared or preserved by vinegar or acetic acid		10%		55%
20019035	Pimientos, prepared or preserved by vinegar or acetic acid		8%		**
20032000	Truffles, prepared or preserved otherwise than by vinegar or acetic acid		0		20%
20049010	Antipasto, prepared or preserved otherwise than by vinegar or acetic acid, frozen		3%		50%
20057004	Olives, green, not pitted, in saline, ripe, in containers holding 13 kg or less, aggregate quantity exceeding 730 m ton/yr	OQ	3.70	cents/kg on drained weight	**
20057008	Olives, green, not pitted, in saline, not ripe, in containers holding o/8 kg for repkg, not subject to add. US note 4 to Ch. 20	OQ	3.70	cents/kg on drained weight	**
20057012	Olives, green, not pitted, in saline, not ripe		3.70	cents/kg on drained weight	**
20057016	Olives, green, in saline, place packed, stuffed, in containers holding n/o 1 kg, aggregate quantity n/o 2700 m ton/yr	IQ	5.40	cents/kg on drained weight	**

20057018	Olives, green, in saline, place packed, stuffed, in containers holding n/o 1 kg, aggregate quantity o/2700 m ton/yr	IQ	6.90	cents/kg on drained weight	**	
20057023	Olives, green, in saline, place packed, stuffed, not in containers holding 1 kg or less		6.90	cents/kg on drained weight	**	
20057070	Olives (not green), in a saline solution, in airtight containers of glass or metal but not canned		9.90	cents/kg on drained weight	**	
20059030	Sauerkraut, prepared or preserved otherwise than by vinegar or acetic acid, not frozen		5%		75%	
20059050	Pimientos, prepared or preserved otherwise than by vinegar or acetic acid, not frozen		8%		**	
20059080	Artichokes, prepared or preserved otherwise than by vinegar or acetic acid, not frozen		15%		55%	
20079935	Peach jam		7%		55%	
20087010	Nectarines, otherwise prepared or preserved, not elsewhere specified or included		16%		55%	
21011129	Extracts, essences and concentrates of coffee other than unflavored instant coffee		0		2.04	cents/kg
21011248	Preparation ov 65% sugar (Ch17 add US note 2) w/ basis of extract, essence or concentrate or w/ basis of coffee, ov Ch17 add US note 9 quota	IQ	30.50	cents/kg + 8.5%	40%	
21012032	Preparations with a basis of extracts, essences or concentrates or with a basis of tea or mate, subject to general note 15 (outside quota)	??gen note 15	10%		40%	
21069015	Compound alcoholic preparations used in the manufacture of beverages, cont. over 20% not over 50% of alcohol by weight		8.40	cents/kg + 1.9%	**	
21069039	Artificially sweetened cough drops		0		34.02	¢ /kg. but not less than 25%
21069091	Blended syrups, neosi, n/o/10% milk solids, descr. in add US note 4 to Ch 17: not subject to add US note 9 to Ch. 17, not GN15	OQ	28.80	cents/kg + 8.5%	40%	

22042120	Effervescent grape wine, in containers holding 2 liters or less		19.80	cents/liter	40%	
22042130	Tokay wine (not carbonated) not over 14% alcohol, in containers not over 2 liters		6.30	cents/liter	40%	
22042160	Marsala wine, over 14% vol. alcohol, in containers holding 2 liters or less		5.30	cents/liter	198.13	cents/liter
22042940	Grape wine, other than sparkling, over 14% vol. alcohol, in containers holding over 2 but not over 4 liters		22.40	cents/liter	40%	
23099028	Animal feeds w/milk or milk derivatives, o/10% by wt of milk solids, not subject to gen note 15 or add note 2 to Ch. 23		80.40	cents/kg + 6.4%	40%	
23099060	Animal feeds containing egg, other than mixed feeds or mixed feed ingredients, not containing milk or milk derivatives		2%		40%	
24039120	Homogenized or "reconstituted" tobacco suitable for use as wrapper tobacco		62.00	cents/kg	199.01	
24039145	Homogenized or "reconstituted" tobacco, not suitable for use as wrapper tobacco, to be used in cigarettes, des. in addl US note 5 to chap	IQ	19.90	cents/kg	37.42	
24039930	Other manufactured tobacco, tobacco substitutes, tobacco extracts or essences, other, to be used in products other than cigarettes		24.70	cents/kg	37.42	
24039960	Other manufactured tobacco, tobacco substitutes, tobacco extracts or essences, to be used in cigarettes, described in addl US note 5 to chap	IQ	24.70	cents/kg	37.42	
29054300	Mannitol		5%		75%	
33013000	Resinoids		0		20%	
35040010	Protein isolates		5%		40%	
35040050	Peptones and their derivatives; protein substances and their derivatives, nesoi; hide powder		4%		**	
38029010	Bone black		5.8%		40%	

38099350	Finishing agents, dye carriers and other preparations used in leather and like industries, <5% by weight aromoatic (mod.) substances	6%	55%
38111110	Antiknock preparations based on tetraethyl lead or on a mixture of tetraethyl lead and tetramethyl lead	0	45%
40024100	Chloroprene (chlorobutadiene) rubber (CR), latex, in primary forms or in plates, sheets or strip .	0	40%
43019000	Heads, tails, paws and other pieces or cuttings of raw furskins, suitable for furriers' use	0	20%
44160060	Wooden staves and hoops; tight barrelheads of softwood	0	20%
45041010	Vulcanized sheets and slas wholly of agglomerated ground or pulverized cork and rubber	0	45%
51021980	Fur, prepared for hatters' use, not carded or combed	0	55%
51022000	Coarse animal hair, not carded or combed	0	20%
52010012	Cotton, n/carded or combed, having a staple length < 28.575 mm (1-1/8 inches), n/harsh or rough, described in gen. note 15	0	20%
52029100	Cotton garnetted stock	4%	25%
53012900	Flax, hackled or otherwise processed, except broken or scutched but not spun	4%	40%
70023200	Glass tubes (o/than fused quartz/silica), w/linear coefficient of expansion n/o 5x10-6 per Kelvin in range of 0-300 degrees C, unworked	6%	97.5%
70133120	Glassware for table or kitchen purposes (o/than drinking glasses), of lead crystal, valued over $1 but n/over $3 each	14%	90%
70133130	Glassware for table or kitchen purposes (o/than drinking glasses), of lead crystal, valued over $3 but n/over $5 each	10.5%	90%
70133240	Glassware for table or kitchen purposes (o/than drinking glasses), of low coefficient of heat expansion, over $5 each	7.2%	90%
70139130	Glassware for toilet/office/indoor decor. & similar purposes, of lead	10.5%	90%

	crystal, valued over $3 but n/over $5 each		
70151000	Glasses, curved, bent, hollowed, or the like (but not optically worked), for corrective spectacles	0	60%
71022130	Industrial diamonds (other than miners' diamonds), simply sawn, cleaved or bruted	0	50%
71141130	Spoons and ladles with handles of sterling silver	3.3%	97.5%
84201020	Calendering or similar rolling machines for making paper pulp, paper or paperboard	0	55%
84211100	Cream separators	0	45%
84531000	Machinery for preparing, tanning or working hides, skins or leather	0	55%
84631000	Draw-benches for bars, tubes, profiles, wire or the like, for working metal or cermets, without removing material	4.4%	55%

** Actual rates to be released on the Office of the U.S. Trade Representative's Web site at: *http://www.ustr.gov/World_Regions/Europe_Mediterranean/European_Union/Section_Index.html.* Tariff rates would not exceed 50 percent above the rate set forth in rate column numbered 2 of the Tariff Schedules of the United States, as in effect on January 1, 1975, or 20 percent ad valorem above the rate existing on January 1, 1975, whichever is higher.

Carmen Suro-Bredie,

Chairman, Trade Policy Staff Committee.

[FR Doc. 04–20543 Filed 9–9–04; 8:45 am]

BILLING CODE 3191–W4–C

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent to Request Renewal From the Office of Management and Budget (OMB) of Three Current Public Collections of Information

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the FAA invites public comment on three currently approved public information collections which will be submitted to OMB for renewal.

DATES: Comments must be received on or before November 9, 2004.

ADDRESSES: Comments may be mailed or delivered to the FAA at the following address: Ms. Judy Street, Room 613, Federal Aviation Administration, Standards and Information Division, APF–100, 800 Independence Ave., SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Ms. Judy Street at the above address or on (202) 267–9895.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. Therefore the FAA solicits comments on the following current collections of information in order to evaluate the necessity of the collection, the accuracy of the agency's estimate of the burden, the quality, utility, and clarity of the information to be collected, and possible ways to minimize the burden of the collection in preparation for submission to renew the clearance of the following information collections:

1. 2120–0005: General Operating and Flight Rules—FAR 91. Part A of Subtitle VII of the Revised Title 49 USC authorizes the issuance of regulations governing the use of navigable airspace. 14 CFR part 91 prescribes regulations governing the general operation and flight of aircraft. Information is collected to determine compliance. Respondents are individual airmen, State or local governments, and businesses. The current estimated annual reporting burden is 231,064 hours.

2. 2120–0517: Airport Noise Compatibility Planning. The respondents are those airport operators voluntarily submitting noise exposure maps and noise compatibility programs to the FAA for review and approval. FAA approval makes airport operators' noise compatibility programs eligible for discretionary grant funds set aside under the FAA Airport Improvement Program for that purpose. The current estimated annual reporting burden is 50,400 hours.

3. 2120–0675: Certification of Airports, 14 CFR part 139 (Final Rule). This rule revises the current airport certification regulations and establishes certification requirements for airports serving scheduled air carrier operations in aircraft with 10–30 seats. The changes to 14 CFR part 139 result in additional information collections from respondents. The current estimated annual reporting burden is 52,993 hours.

Issued in Washington, DC, on September 1, 2004.

Judith D. Street,

FAA Information Collection Clearance Officer, APF–100.

[FR Doc. 04–20493 Filed 9–9–04; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Special Committee 172: Future Air-Ground Communications in the Very High Frequency (VHF) Aeronautical Data Band (118–137 MHz)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of RTCA Special Committee 172 meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of RTCA Special Committee 172: Future Air-Ground Communications in the VHF Aeronautical Data Band (118–137 MHz).

DATES: The meeting will be held September 21–22, 2004 from 9 a.m. to 5 p.m.

ADDRESSES: The meeting will be held at RTCA, Inc., 1828 L St., NW., Suite 805, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: RTCA Secretariat, 1828 L St., SW., Washington, DC 20036; telephone (202) 833–9339; fax (202) 833–9434; Web site *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for a Special Committee 172 meeting. The agenda will include:

- *September 21:*
- Opening Plenary Session (Welcome and Introductory Remarks, Review of Agenda, Review Summary of Previous Meeting).
- Convene Working Group-2.
- Review Working Papers.
- Draft DO–224B, *Signal-in-Space Minimum Aviation System Performance Standard (MASPS) for Advanced VHF Digital Data Communications Including Compatibility with Digital Voice Status* and proposed changes to working papers.
- Draft Appendix, Standard and Recommended Practices (SARPS) to draft DO–224B cross reference.
- *September 22:*
- Reconvene WG–2 as necessary, per above.
- Convene Working Group-3.
- DO–281 Section 2.2.1.1.3 Tuning Time.
- DO–271 Audio Level Test Vector.
- Load Mismatch Voltage Standing Wave Radio (VSWR) Sections 2.2.1.3.9 & 2.4.4.2.9.
- DO–281 changes needed due to International Civil Aviation Organization (ICAO) Amendment Proposals.
- DO–186a/ED23B difference resolution.
- Reconvene Plenary.
- Review relevant activities.
- ICAO Aeronautical Mobile Communications Panel work.
- NEXCOM activities.
- EUROCAE WG–47 status and issues.
- Others as appropriate.
- Future work for SC–172.
- Closing Plenary Session (Other Business, Date and Place of Next Meeting, Adjourn).

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on August 27, 2004.

Robert Zoldos,

FAA System Engineer, RTCA Advisory Committee.

[FR Doc. 04–20490 Filed 9–9–04; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application 04–02–U–00–COU To Use the Revenue From a Passenger Facility Charge (PFC) at Columbia Regional Airport, Columbia, MO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to use the revenue from a PFC at Columbia Regional Airport under the provisions of the 49 U.S.C. 40117 and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before October 12, 2004.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: ATTN: ACE–610B, 901 Locust, Kansas City, Missouri 64106.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to William E. Boston, III, Airport Manager, for the City of Columbia at the following address: 701 E. Broadway, Columbia, MO 65201.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the City of Columbia under section 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Lorna K. Sandridge, PFC Program Manager, 901 Locust, Kansas City, MO 64106, (816) 329–2641. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to use the revenue from a PFC at Columbia Regional Airport under the provisions of the 49 U.S.C. 40117 and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On September 2, 2004, the FAA determined that the applicaiotn to use the revenue from a PFC submitted by the City of Columbia, Missouri, was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than December 19, 2004.

The following is a brief overview of the application.

Proposed charge expiration date: October 1, 2012.

Level of the PFC: $4.50.

Total estimated PFC revenue: $7,759.

Brief description of proposed project(s): Replacement of snow plow/spreader truck.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA regional Airports office located at: 901 Locust, Kansas City, MO 64106.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Columbia Regional Airport.

Issued in Kansas City, Missouri on September 2, 2004.

George A. Hendon,

Manager, Airports Division, Central Region.

[FR Doc. 04–20491 Filed 9–9–04; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent to Rule on Applications to Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Francisco C. Ada/Saipan International, Rota International, and Tinian International Airports, MP

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on applications.

SUMMARY: The FAA proposes to rule and invites public comment on the applications to impose and use the revenue from a PFC at Francisco C. Ada/Saipan International (GSN), Rota International (GRO), and Tinian International (TNI) Airports under the provisions of the 49 United States Code (U.S.C.) 40117 and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before October 12, 2004.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration, Airports Division, 15000 Aviation Blvd., Room 3012, Lawndale, CA 90261, or Honolulu Airports District Office, Box 50244, 300 Ala Moana Blvd., Room 7–128, Honolulu, HI 96850. In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Carlos H. Salas, Executive Director, Commonwealth Ports Authority, at the following address: Saipan International Airport, P.O. Box 501055, Saipan, MP 96950–1055. Air carriers and foreign air carriers may submit copies of written comments previously provided to the Commonwealth Ports Authority under section 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Gordon K. Wong, Civil Engineer, Honolulu Airports District Office, 300 Ala Moana Blvd., Room 7–128, Honolulu, HI 96850, Telephone: (808) 541–3565. The applications may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the applications to impose and use the revenue from a PFC at the Francisco C. Ada/Saipan International, Rota International, and Tinian International Airports under the provisions of the 49 United States Code (U.S.C.) 40117 and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On July 23, 2004, the FAA determined that the application to impose and use the revenue from a PFC submitted by the Commonwealth Ports Authority, was substantially complete within the requirements of section 158.25 of part 158. The FAa will approve or disapprove the applications, in whole or in part, no later than October 21, 2004.

The following is a brief overview of the impose and use applications Nos. 04–01–C–00–GSN; 04–01–C–00–GRO; 40–01–C–00–TNI:

Level of proposed PFC: $4.50.

Proposed charge effective date: January 1, 2005.

Proposed charge expiration date: August 1, 2016.

Total estimated PFC revenue: $33,442,548.

Brief description of the proposed projects: At GSN: Electrical Upgrade/Generator, Conversion of Restaurant to Holding Room Sewerline Connection, Enclosure and Air Conditioning of Terminal Corridor, Environmental Assessment for Taxilane/Hardstand, Connecting Taxiway, Storm Drainage Master Plan, Parallel Taxiway, Aircraft Waste Disposal, Perimeter Fencing, New Aircraft Rescue and Firefighting (ARFF) Vehicle, Environmental Assessment for taxiways, Flight Information Display, Radio Communications Upgrade, Runway 7/25 Rehabilitation—Phase I and II, ARFF Training Facility (Burn Pit), Noise Mitigation, Airport Security Enhancement, ARFF Training Facility (Classroom), Airport Terminal Roof Replacement, Airport Runway Safety Area Improvement, PFC Implementation and Administration, Terminal Modernization Program Phase 1; at GRO: Aprom Expansion, Air Conditioning Arrival Area, Runway

Rehabilitation, Airport Visual Guidance System, Environmental Assessment for Runway 9/27 Extension, Design and Construct Runway 9/27 Extension; at TNI: New Runway Improvement, ARFF Vehicle.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: None.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA Regional Airports Division located at: Federal Aviation Administration, Airports Division, 15000 Aviation Blvd., Room 3012, Lawndale, CA 90261. In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Commonwealth Ports Authority.

Issued in Lawndale, California, on August 16, 2004.

Jaime Durán,

Acting Manager, Planning and Programming Branch, Western-Pacific Region.

[FR Doc. 04–20494 Filed 9–9–04; 8:45 am]

BILLING CODE 4901–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application To Impose and Use a Passenger Facility Charge (PFC) at Phoenix Sky Harbor International Airport, Phoenix, AZ.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Phoenix Sky Harbor International Airport under the provisions of the 49 United States Code (U.S.C.) 40117 and Part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before October 12, 2004.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration, Airports Division, 15000 Aviation Blvd., Room 3012, Lawndale, CA 90261. In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. David Cavazos, Acting Director, City of Phoenix Aviation Department, 3400 Sky Harbor Blvd., Phoenix, AZ 95034.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the city of Phoenix under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Mike Agaibi, Arizona Standards Section Supervisor, FAA Airports Division, 15000 Aviation Blvd., Room 3012, Lawndale, CA 90261. Telephone : (310) 725–3632. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Phoenix Sky Harbor International Airport under the provisions of the 49 United States Code (U.S.C.) 40117 and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On July 23, 2004, the FAA determined that the application to impose and use a PFC submitted by the city of Phoenix was substantially complete within the requirements of section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than October 26, 2004.

The following is a brief overview of the application No. 04–07–C–00–PHX.

Level of proposed PFC: $4.50.

Proposed charge effective date: January 1, 2005.

Proposed charge expiration date: July 1, 2007.

Total estimated PFC revenue: $200,500,000.

Brief description of the proposed projects: Community Noise Reduction Program (Voluntary Land Acquisition/Property Exchange), Terminal 4 Expansion, Airside Reconstruction, Automated People Mover Design Completion, and Capital Security Improvements.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Nonscheduled/On-Demand Air Carriers filing FAA form 1800–31 and Commuters or Small Certificated Air Carriers filing DOT form 298–C T1 or E1.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA Regional Airports Division located at: Federal Aviation Administration, Airports Division, 15000 Aviation Blvd., Room 3012, Lawndale, CA 90261. In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Commonwealth Ports Authority.

Issued in Lawndale, California, on August 16, 2004.

Jaime Duran,

Acting Manager, Planning and Programming Branch, Western-Pacific Region.

[FR Doc. 04–20492 Filed 9–9–04; 8:45 am]

BILLING CODE 4901–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Kane, Kendall, and Grundy Counties, IL

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared for a proposed project in Kane, Kendall, and Grundy Counties, Illinois. The planned EIS will evaluate potential transportation improvement alternatives for serving north-south travel between Interstate 88 and Interstate 80.

FOR FURTHER INFORMATION CONTACT:

Norman R. Stoner, P.E., Division Administrator, Federal Highway Administration, 3250 Executive Park Drive, Springfield, Illinois 62703, Phone: (217) 492–4600.

John P. Kos, P.E., District Engineer, Illinois Department of Transportation, 700 East Norris Drive, Ottawa, Illinois 61350–0697, Phone: (815) 434–6131.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Illinois Department of Transportation will prepare an Environmental Impact Statement (EIS) on potential transportation improvements to serve north-south travel between Interstate 88 and Interstate 80 in Kane, Kendall, and Grundy Counties. The project is commonly referred to as the Prairie Parkway project. The study area will include Kendall County (all), Kane County (townships within the area south of IL 64) and Grundy County (townships north of the Illinois River). The study area also will include portions of bordering counties, including: Will County (townships south of I–88 and west of I–55); La Salle County (townships adjacent to the eastern county limits and north of the Illinois River); and DeKalb County (townships adjacent to the eastern county limits and south of IL 64.

The proposed project is intended to improve regional mobility, address local road system deficiencies, improve access to regional jobs, and improve

safety. Primary environmental resources that may be affected are: agricultural land, wetlands, and strems. Compatibility with local development plans and context sensitivity are important considerations.

Alternatives under consideration include the no action, transportation system management (TSM)/travel demand management (TDM), new freeway/expressway, existing arterial improvement, and transit alternatives. The mode, project type, location, and length of the alternatives evaluated will be identified based on the results of alternatives studies.

The scoping process undertaken as part of this proposed project will include distribution of a scoping information packet, coordination with appropriate Federal, State, and local agencies, including an agency scoping meeting to be held on October 13, 2004 at 10 a.m. at the Illinois Department of Transportation, 700 East Norris Drive, Ottawa, Illinois. A study group comprised of local officials, environmental organizations, and other community interest groups has been established to provide input during the development of the purpose and need and alternatives analyses. Further details of the proposed project and a scoping information packet may be obtained from one of the contact persons listed above.

To help ensure that the full range of issues related to this proposed project are identified and all substantive issues are addressed, a comprehensive public involvement program is underway. It includes meetings with advisory committees, resource agencies, local officials, and interest groups; public informational meetings and workshops; newsletters; an Internet web site; and focus groups. Public notice will be given of the time and the place of all public meetings and the public hearing. The Draft EIS will be available for public review, and comments and suggestions are invited from all interested parties.

Comments or questions concerning this proposed project and the Draft EIS should be directed to the FHWA or the Illinois Department of Transportation at the addresses provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Dated: September 3, 2004.

J.D. Stevenson,

Environmental Programs Engineer, Federal Highway Administration, Springfield, Illinois.

[FR Doc. 04–20519 Filed 9–9–04; 8:45 am]

BILLING CODE 4910–22–M

Federal Register

Friday,
September 10, 2004

Part II

Environmental Protection Agency

40 CFR Parts 85, 86, 90, et al.

Test Procedures for Testing Highway and Nonroad Engines and Omnibus Technical Amendments; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 85, 86, 89, 90, 91, 92, 94, 1039, 1048, 1051, 1065, and 1068

[AMS–FRL–7803–7]

RIN 2060–AM35

Test Procedures for Testing Highway and Nonroad Engines and Omnibus Technical Amendments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed regulation aims to revise and harmonize test procedures from the various EPA programs for controlling engine emissions. It will not address emission standards, nor is it intended to change the emission reductions expected from these EPA programs. Rather, it proposes to amend the regulations, which contain laboratory specifications for equipment and test fuels, instructions for preparing engines and running tests, calculations for determining final emission levels from measured values, and instructions for running emission tests using portable measurement devices outside the laboratory. These regulations currently apply to land-based nonroad diesel engines, land-based nonroad spark-ignition engines over 19 kilowatts, and recreational vehicles. These proposed revisions will update the regulations to deal more effectively with the more stringent standards recently promulgated by EPA and will also clarify and better define certain elements of the required test procedures. In particular, the proposed amendments will better specify the procedures applicable to field testing under the regulations.

This action also proposes to apply the regulations to highway heavy-duty diesel engine regulations. This action is appropriate because EPA has historically drafted a full set of testing specifications for each vehicle or engine category subject to emission standards as each program was developed over the past three decades. This patchwork approach has led to some variation in test parameters across programs, which we hope to address by adopting a common set of test requirements. The primary goal of this effort is to create unified testing requirements for all engines, which when implemented will streamline laboratory efforts for EPA and industry.

This action will also include other technical changes intended to clarify and better define requirements for several different EPA engine programs. These changes are relatively minor and are technical in scope.

DATES: *Comments:* Send written comments on this proposed rule by October 29, 2004. See Section IV of the **SUPPLEMENTARY INFORMATION** section for more information about written comments.

Hearings: We will hold an informal public workshop in Ann Arbor on October 1, 2004. If anyone requests a public hearing , we will hold it on September 27, 2004. To request a public hearing, send a request to the contact in **FOR FURTHER INFORMATION CONTACT** by September 20, 2004. See Section III for more information about public workshops and hearings.

ADDRESSES: You may submit comments, identified by docket number OAR–2004–0017, by any of the following methods:

Federal Rulemaking Portal: *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.

Agency Web site: *http://www.epa.gov/edocket.* Follow the instructions for submitting comments. Note that this is not available until after this proposal is published in the **Federal Register**.

E-mail: *testamendments@epa.gov.* Specify docket number OAR–2004–0017 in the body of the message.

Fax: (202) 260–4400.

Mail or Hand Delivery: Environmental Protection Agency, Air Docket, Mailcode 6102T, 1200 Pennsylvania Ave., NW., Washington, DC, 20460.

Hand Delivery or Courier: EPA Docket Center, (EPA/DC) EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC., Attention Docket ID No. A–2001–28. Such deliveries are only accepted during the Docket's normal hours of operation from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

Instructions: Include the agency name and docket number in all submissions for this rulemaking. All comments received will be posted without change to *http://www.epa.gov/edocket,* including any personal information provided. For detailed instructions on submitting comments and additional information on the rulemaking process, see the ''Public Participation'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to read background documents or comments received, go to the Web site at the URL identified above or to the Air Docket at the address identified above.

FOR FURTHER INFORMATION CONTACT: Alan Stout, U.S. EPA, Voice-mail (734) 214–4636; E-mail: *stout.alan@epa.gov*

SUPPLEMENTARY INFORMATION:

A. Regulated Entities

This proposed action would affect companies that manufacture or sell engines. Regulated categories and entities include:

Category	NAICS Codes [a]	Examples of potentially regulated entities
Industry	333618	Manufacturers of new engines.

[b] North American Industry Classification System (NAICS).

This list is not intended to be exhaustive, but rather provides a guide regarding entities likely to be regulated by this action. To determine whether particular activities may be regulated by this action, you should carefully examine the proposed regulations. You may direct questions regarding the applicability of this action to the person listed in **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Copies of This Document and Other Related Information?

1. *Docket.* EPA has established an official public docket for this action under Docket ID No. OAR–2004–0017. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Documents in the official public docket are listed in the index list in EPA's electronic public docket and comment system, EDOCKET. Documents may be available either electronically or in hard copy. Electronic documents may be viewed through EDOCKET. Hard copy documents may be viewed at the EPA

Docket Center, (EPA/DC) EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. Docket in The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744.

This proposal relies in part on information related to our November 2002 final rule, which can be found in Public Docket A–2000–01. This docket is incorporated by reference into the docket for this action, OAR–2004–0017.

2. *Electronic Access.* You may access this **Federal Register** document electronically through the EPA Internet under the **Federal Register** listings at *http://www.epa.gov/fedrgstr/* Or you can go to the federal-wide eRulemaking site at *http://www.regulations.gov.*

An electronic version of the public docket is available through EDOCKET. You may use EDOCKET at *http://www.epa.gov/edocket/* to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select ''search,'' then key in the appropriate docket identification number.

Certain types of information will not be placed in the EDOCKET. Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. To the extent feasible, publicly available docket materials will be made available in EPA's electronic public docket. When a document is selected from the index list in EDOCKET, the system will identify whether the document is available for viewing in EPA's electronic public docket. Publicly available docket materials that are not available electronically may be viewed at the docket facility identified in Unit I.B. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

For public commenters, it is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EPA's electronic public docket as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EPA's electronic public docket. The entire printed comment, including the copyrighted material, will be available in the public docket.

Public comments submitted on computer disks that are mailed or delivered to the docket will be transferred to EPA's electronic public docket. Public comments that are mailed or delivered to the Docket will be scanned and placed in EPA's electronic public docket. Where practical, physical objects will be photographed, and the photograph will be placed in EPA's electronic public docket along with a brief description written by the docket staff.

C. How and to Whom Do I Submit Comments?

We are opening a formal comment period by publishing this document. We will accept comments for the period indicated under **DATES** above. If you have an interest in the program described in this document, we encourage you to comment on any aspect of this rulemaking.

Your comments will be most useful if you include appropriate and detailed supporting rationale, data, and analysis. If you disagree with parts of the proposal, we encourage you to suggest and analyze alternate approaches to meeting the air quality goals described in this proposal. You should send all comments, except those containing proprietary information, to our Air Docket (see **ADDRESSES**) before the end of the comment period.

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate docket identification number in the body of your comment. Submit your comments within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments. If you wish to submit CBI or information that is otherwise protected by statute, please follow the instructions in Section IX.D. Do not use EPA Dockets or e-mail to submit CBI or information protected by statute.

1. Electronically

If you submit an electronic comment as prescribed below, we recommend that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment and allows us to contact you if we cannot read your comment or if we need further information on the substance of your comment. Our policy is that we will not edit your comment; any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket and made available in EPA's electronic public docket. If we cannot read your comment due to technical difficulties and cannot contact you for clarification, we may not be able to consider your comment.

i. EPA Dockets

To submit comments on EPA's electronic public docket, go directly to EPA Dockets at *http://www.epa.gov/edocket* and follow the online instructions for submitting comments. To access EPA's electronic public docket from the EPA Internet Home Page, select ''Information Sources,'' ''Dockets,'' and ''EPA Dockets.'' Once in the system, select ''Quick Search,'' and then key in Docket ID No. OAR–2004–0017. The system is an ''anonymous access'' system, which means we will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

ii. E-Mail

Comments may be sent by electronic mail to *testamendments@epa.gov.* In contrast to EPA's electronic public docket, EPA's e-mail system is not an ''anonymous access'' system. If you send a comment via electronic mail directly to the Docket without going through EPA's electronic public docket, the e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured are included and made available as part of the comment that is placed in the official public docket.

iii. Disk or CD ROM

You may submit comments on a disk or CD ROM that you send to the mailing address identified in Section IX.A.2 below. Avoid the use of special software, characters, and any form of encryption.

2. By Mail

Send your comments to: Air Docket, Environmental Protection Agency,

Mailcode: 6102T, 1200 Pennsylvania Ave., NW., Washington, DC, 20460.

3. By Hand Delivery or Courier

Deliver your comments to: EPA Docket Center, (EPA/DC) EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC., Attention Docket ID No. A–2001–28. Such deliveries are only accepted during the Docket's normal hours of operation from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

D. How Should I Submit CBI to the Agency?

Do not submit information that you consider to be CBI electronically through EPA's electronic public docket or by e-mail. Send or deliver information identified as CBI only to the following address: U.S. Environmental Protection Agency, Assessment and Standards Division, 2000 Traverwood Drive, Ann Arbor, MI, 48105, Attention Docket No. OAR–2004–0017. You may claim information that you submit to EPA as CBI by marking any part or all of that information as CBI (if you submit CBI on disk or CD ROM, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket and EPA's electronic public docket. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and EPA's electronic public docket without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

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I. Modified Test Procedures for Highway and Nonroad Engines

A. Incorporation of Nonroad Test Procedures for Heavy Duty Highway Engines

As part of our initiative to update the content, organization and writing style of our regulations, we are proposing revisions to our test procedures.[1] We have grouped all of our engine dynamometer and field testing test procedures into one part entitled, ''Part 1065: Test Procedures.'' For each engine or vehicle sector for which we have recently promulgated standards (such as land-based nonroad diesel engines or recreational vehicles), we identified an individual part as the standard-setting part for that sector. These standard-setting parts then refer to one common set of test procedures in part 1065. We intend in this rule to continue this process of having all our engine programs refer to a common set of procedures by applying part 1065 to all heavy-duty highway engines.

In the past, each engine or vehicle sector had its own set of testing procedures. There are many similarities in test procedures across the various sectors. However, as we introduced new regulations for individual sectors, the more recent regulations featured test procedure updates and improvements that the other sectors did not have. As this process continued, we recognized that a single set of test procedures would allow for improvements to occur simultaneously across engine and vehicle sectors. A single set of test procedures is easier to understand than trying to understand many different sets of procedures, and it is easier to move toward international test procedure harmonization if we only have one set of test procedures. We note that procedures that are particular for different types of engines or vehicles, for example, test schedules designed to reflect the conditions expected in use for particular types of vehicles or engines, will remain separate and would be reflected in the standard-setting parts of the regulations.

In addition to reorganizing and rewriting the test procedures for improved clarity, we are proposing to make a variety of changes to improve the content of the testing specifications, including the following:

- Writing specifications and calculations in international units
- Adding procedures by which manufacturers can demonstrate that alternate test procedures are equivalent to specified procedures.
- Including specifications for new measurement technology that has been shown to be equivalent or more accurate than existing technology; procedures that improve test repeatability, calculations that simplify emissions determination; new procedures for field testing engines, and a more comprehensive set of definitions, references, and symbols.
- Defining calibration and accuracy specifications that are scaled to the applicable standard, which allows us to adopt a single specification that applies to a wide range of engine sizes and applications.

Some emission-control programs already rely on the test procedures in part 1065. These programs regulate land-based nonroad diesel engines, recreational vehicles, and nonroad spark-ignition engines over 19 kW.

In this document, we are proposing to adopt the lab-testing and field-testing specifications in part 1065 for all heavy-duty highway engines, as described in Section II.J. These procedures would replace those currently published in subpart N in 40 CFR part 86. We are proposing a gradual transition from the part 86 procedures. We will allow the use of part 1065 procedures beginning in the 2006 model year. By the 2008 model year, part 1065 procedures will be required for any new testing. For all testing completed for 2007 and earlier model years, manufacturers may continue to rely on carryover test data based on part 86 procedures to certify engine families in later years. In addition, other subparts in part 86, as well as regulations for many different nonroad engines refer to the test procedures in part 86. We are including updated references for all these other programs to refer instead to the appropriate cite in part 1065.

Part 1065 is also advantageous for in-use testing because it specifies the same procedures for all common parts of field testing and laboratory testing. It also contains new provisions that help

[1] For an overview of our new regulatory organization, refer to our fact sheet entitled, ''Plain-Language Format of Emission Regulations for Nonroad Engines'' EPA420–F–02–046, September 2002 *http://www.epa.gov/otag/largesi.htm*.

ensure that engines are tested in a laboratory in a way that is consistent with how they operate in use. These new provisions will ensure that engine dynamometer lab testing and field testing are conducted in a consistent way.

In the future, we may propose to apply the test procedures specified in part 1065 to other types of engines, so we encourage companies involved in producing or testing other engines to stay informed of developments related to these test procedures. We also request comment on whether we should make part 1065 applicable for light-duty vehicles, light-duty trucks, motorcycles, and aircraft in the future. Although light-duty vehicles, light-duty trucks, and motorcycles are tested on chassis dynamometers, rather than engine dynamometers, there are several aspects of testing that are common. For example, emission sampling systems, dilution systems, gas analyzers, PM measurement equipment, some test sequences, fuels, analytical gas standards, and specifications related to oxygenated fuels are all similar. However, there are differences, such as chassis dynamometer specifications, vehicle intake air, exhaust system, and coolant specifications, some test sequences such as evaporative and refueling tests, vehicle preparation, and some emission calculations (*e.g.*, g/mi vs g/kW-hr) that would have to be addressed in any future decision to apply part 1065 to these engines.

Although testing aircraft engines requires some special provisions, there are several aspects of testing that are common, such as emission sampling systems, dilution systems, gas analyzers, PM measurement equipment, some test sequences, fuels, analytical gas standards, and specifications related to oxygenated fuels.

B. Revisions to Part 1065

Part 1065 was originally adopted on November 8, 2002 (67 FR 68242), and was initially applicable to standards regulating large nonroad spark-ignition engines and recreational vehicles under 40 CFR parts 1048 and 1051. The recent rulemaking adopting emission standards for nonroad diesel engines has also made part 1065 optional for Tier 2 and Tier 3 standards and required for Tier 4 standards. The test procedures currently in part 1065 are sufficient to conduct testing, but we are proposing to reorganize and add content to improve these procedures. In particular, we propose to reorganize part 1065 by subparts as shown below:

Subpart A: General provisions; global information on applicability, alternate procedures units of measure, *etc.*
Subpart B: equipment specifications; required hardware for testing
Subpart C: measurement instruments
Subpart D: calibration and performance checks; for measurement systems
Subpart E: engine selection, preparation, and maintenance
Subpart F: test protocols; step-by-step sequences for testing and test validation.
Subpart G: calculations and required information
Subpart H: fuels, fluids, and analytical gases
Subpart I: oxygenated fuels; special test procedures
Subpart J: field testing
Subpart K: definitions, references, and symbols

We propose to scale specifications for test equipment and measurement instruments by parameters such as engine power, engine speed and the emission standards to which an engine must comply. That way a single set of specifications will cover the full range of engine sizes and our full range of emission standards and our regulations will therefore specify equipment and instruments that are appropriate for a given engine size and emission standard. Manufacturers will be able to use these specifications to determine what range of engines and emission standards may be tested using a given laboratory or field testing system.

The new content that we are proposing for part 1065 is mostly a combination of content from our most recent updates to other test procedures and from test procedures specified by the International Organization for Standardization (ISO). In some cases, however, new content is proposed that never existed in previous regulations. This new content addresses very recent issues such as measuring very low concentrations of emissions, using new measurement technology, and performing field testing. A full description of the changes is in the Technical Support Document that accompanies this proposal (this document is available in the docket for this rulemaking).

The new content we are proposing also reflects a shift in our philosophy for specifying measurement performance. In the past we specified numerous calibration accuracies for individual measurement instruments, and we specified some performance checks for individual components, such as NO_2 to NO converters. We have shifted our focus away from individual instruments and toward the overall performance of complete measurement systems. We did this for several reasons. First, some of what we specified in the past precluded the implementation of new measurement technologies. These new technologies, sometimes called ''smart analyzers'', combine signals from multiple instruments to compensate for interferences that were previously tolerable at higher emissions levels. These analyzers are useful for detecting low concentrations of emissions. They are also useful for detecting emissions from raw exhaust, which can contain high concentrations of interferences, such as water vapor. This is particularly important for field testing, which will most likely rely upon raw exhaust measurements. Second, this new ''systems approach'' challenges complete measurement systems with a series of periodic performance checks, which we feel will provide a more robust assurance that a measurement system as a whole is operating properly. Third, the systems approach provides a direct pathway to demonstrate that a field test system performs similarly to a laboratory system. This is explained in more detail in item 10., below. Finally, we feel that our systems approach will lead to a more efficient way of assuring measurement performance in the laboratory and in the field. We believe that this efficiency will stem from less frequent individual instrument calibrations, and higher confidence that a complete measurement system is operating properly.

We organized the new content relating to measurement performance into subparts C, D, F, and J. We specified measurement instruments in subpart C and periodic performance checks in subpart D. These two subparts apply to both laboratory and field testing. We organized content specific to laboratory testing in subpart F, and specific to field testing in subpart J.

In subpart C we specified the types of acceptable instruments, but we only recommend individual instrument performance. We provided these recommendations as guidance for procuring new instruments. We feel that the periodic performance checks that we required in subpart D will sufficiently evaluate the individual instruments as part of an overall measurement system. In subpart F we specified measurement performance validations that must be conducted as part of every laboratory test. In subpart J we specified similar measurement performance validations for field testing that must be conducted as part of every field test. We feel that the periodic performance checks in subpart D and the validations in subparts F and J that are required for every test ensure that complete measurement systems are operating properly.

In subpart J we also specified an additional overall performance check for a field test system. This check is a comprehensive comparison of a field test system versus a laboratory, and it may take several days of laboratory time to set up, run, and evaluate. We propose that this performance check must be performed at least once for a given make, model, and configuration of a field test system. We request comment on whether or not we should additionally require that this check be performed on every individual field test system at least once. We request comment on whether or not we should require the end-user of a field test system to perform this overall check. We believe that the performance checks in subpart D and the test validations in subpart J will ensure that an individual field test system is operating properly, however, we request comment on whether or not this comprehensive overall check must also be required to completely ensure proper operation of an individual field test system.

Below is a brief description of the content of each subpart, highlighting some of the new content.

1. Subpart A General Provisions

In Subpart A we identify the applicability of part 1065 and describe how procedures other than those in part 1065 may be used to comply with a standard-setting part. We specify that testing must be conducted in a way that represents in-use engine operation, such that in the rare case where provisions in part 1065 result in unrepresentative testing, other procedures would be used. In subpart A we indicate the conventions we use regarding units and certain measurements and we discuss recordkeeping. We also provide an overview of how emissions and other information are used to determine final emission results. The regulations in § 1065.15 include a figure illustrating the different ways we allow brake-specific emissions to be calculated.

In Subpart A we describe how continuous and batch sampling may be used to determine total emissions. We also describe the two ways of determining total work. Note that the figure indicates our default procedures and those procedures that would require additional approval before we would allow them for use.

2. Subpart B Equipment Specifications

Subpart B first describes engine and dynamometer related systems. Many of these specifications are scaled to an engine's size, speed, torque, exhaust flow rate, *etc.* We specify the use of in-use engine subsystems such as air intake systems wherever possible in order to best represent in-use operation when an engine is tested in a laboratory.

Subpart B next describes sampling dilution systems. These include specifications for the allowable components, materials, pressures, and temperatures. We describe how to sample crankcase emissions. We also propose to allow limited use of partial-flow dilution for PM sampling. We request comment on whether or not our specifications for partial-flow dilution and our specifications for proportional-sampling validation (*i.e.*, § 1065.140(d) and § 1065.545) are sufficient for us to allow partial-flow dilution for all PM sampling without requiring alternate system approval.

Subpart B also specifies environmental conditions for PM filter stabilization and weighing. Although these provisions mostly come from our recent update to part 86, subpart N, we also describe some new aspects in detail.

The regulations in § 1065.101 include a diagram illustrating all the available equipment for measuring emissions.

3. Subpart C Measurement Instruments

Subpart C specifies the requirements for the measurement instruments used for testing. In subpart C we recommend accuracy, repeatability, noise, and response time specifications for individual measurement instruments, but note that we require that overall measurement systems meet the calibration and performance checks in Subpart D.

In some cases we allow new instrument types to be used where we previously did not allow them. For example, we propose to allow the use of a nonmethane cutter for NMHC measurement, we propose to allow the use of non-dispersive ultra-violet analyzers for NO_X measurement, we propose to allow the use of zirconia sensors for NO_X and O_2 measurement, we propose to allow various raw exhaust flow meters for laboratory and field testing measurement, and we propose to allow ultrasonic flow meters for CVS systems.

4. Subpart D Calibration and Performance Checks

Subpart D describes what we mean when we specify accuracy, repeatability and other performance parameters. We propose calibration and performance checks that scale with engine size and the emission standards to which an engine is certified. We propose to replace some of what we have called ''calibrations'' in the past with a series of performance checks, such as a linearity check, that essentially checks the calibration of an instrument without specifying how the instrument must be initially calibrated. Because new instruments have built-in routines that linearize signals and compensate for various interferences, our typical calibration specifications sometimes conflicted with an instrument manufacturer's instructions. In addition we propose new performance checks in subpart D to ensure that the new instruments we specified in Subpart C are used correctly.

5. Subpart E Engine Selection, Preparation, and Maintenance

Subpart E describes how to select, prepare, and maintain a test engine. We updated these provisions to include both gasoline and diesel engines. This subpart is relatively short, and we did not make many changes to its original content.

6. Subpart F Test Protocols

Subpart F describes the step-by-step protocols for engine mapping, test cycle generation, test cycle validation, pre-test preconditioning, engine starting, emission sampling, and post-test validations. We propose an improved way to map and generate cycles for constant-speed engines. The constant-speed mapping procedure we propose better represents in-use engine operation. We propose a more streamlined set of test cycle and proportional validation criteria. We propose to allow modest corrections for noise and drift of emission analyzer signals within a certain range. We also propose a recommended procedure for weighing PM samples.

7. Subpart G Calculations and Required Information

Subpart G describes all of the calculations that are required in part 1065. We propose definitions of statistical quantities such as mean, standard deviation, slope, intercept, t-test, F-test, *etc.* By defining these quantities mathematically we intend to resolve any potential mis-communication when we discuss these quantities in other subparts. We propose all of the calculations for calibrations and emission calculations in international units to comply with 15 CFR 1170, which removes the voluntary aspect of the conversion to international units for Federal agencies. Furthermore, Executive Order 12770 (56 FR 35801, July 29, 1991) reinforces this policy by providing Presidential authority and direction for the use of the metric system of measurement by Federal agencies and departments. For our

standards that are not completely in international units (*i.e.* grams/horsepower-hour, grams/mile), we specify in part 1065 the correct use of internationally recognized conversion factors.

We also propose to calculate emissions based on molar quantities for flow rates, instead of volume or mass. This change eliminates the frequent confusion caused by the use of different reference points for standard pressure and standard temperature. Instead of declaring standard densities at standard pressure and standard temperature to convert volumetric concentration measurements to mass-based units, we declare molar masses for individual elements and compounds. Since these values are independent of all other parameters, they are known to be constant.

8. Subpart H Fuels, Fluids, and Analytical Gases

Subpart H specifies test fuels, lubricating oils and coolants, and analytical gases for testing. Because standard-setting parts for diesel engines now refer to part 1065, we are proposing diesel fuel specifications in part 1065. These fuel specifications are consistent with those previously adopted, with one exception. We propose to eliminate the Cetane Index specification for all diesel fuels because the existing specification for Cetane Number sufficiently determines the cetane levels of diesel test fuels. We propose to eliminate any detailed specification for service accumulation fuel. Instead, we propose that service accumulation fuel may be a commercially available in-use fuel. This change helps ensure that testing is representative of in-use engine operation. We propose to scale analytical gas specifications with the standards, which an engine must meet.

In addition, we request comment on whether or not we should consider revising our specifications for ultra low-sulfur diesel test fuel to reflect the expected lower distillation range relative to fuels with higher sulfur levels. We request comment on whether or not widening the distillation ranges by lowering the lower limit by 5 °C would better reflect in-use diesel fuels with sulfur concentrations below 15 ppm. The following table shows alternative distillation temperatures for ultralow-sulfur diesel test fuel, with the lower end of the distillation ranges lowered by 5 °C.

ALTERNATE DISTILLATION RANGE FOR ULTRA LOW-SULFUR DIESEL FUEL

Distillation range	Value
Initial Boiling Point	(166 to 204) °C.
10% point, °C	(199 to 238) °C.
50% point, °C	(238 to 282) °C.
90% point, °C	(288 to 332) °C.
End point, °C	(316 to 366) °C.

9. Subpart I Oxygenated Fuels

Subpart I describes special procedures for measuring certain hydrocarbons whenever oxygenated fuels are used. We updated the calculations for these procedures in Subpart G. This subpart is relatively short, and we did not make many changes to its original content. We request comment on whether or not we should provide additional guidance for testing with oxygenated fuels. For example, the regulations currently include a general reference to 40 CFR part 86 for sampling procedures related to oxygenated fuels. We request comment on the degree to which any specific provisions in part 86 should be included in Subpart I.

10. Subpart J Field Testing

Although Subpart J Field Testing existed prior to this proposal, we are proposing many changes to this subpart. We are proposing that in general, field testing equipment and measurement instruments meet the same specifications and performance checks that laboratory instruments must meet, according to subparts B, C, and D. However, for field testing instruments, we propose to allow certain deviations from the laboratory specifications. In addition to meeting many of the laboratory system requirements, we propose that a field test system meet an overall performance check versus a laboratory. This check involves repeating a duty cycle several times. The duty cycle itself must have several individual field test intervals (*e.g.*, NTE events) against which the field test system is compared to the laboratory system. This is a comprehensive check of the field test system. We also propose a procedure for preparing and conducting a field test, and we propose additional drift and noise allowances for emission analyzers. Given the evolving state of portable emissions measurement technology, the proposed field testing procedures provide for a number of known measurement techniques. We request comment on the relative efficacy of these approaches and/or the need to consider additional methods. We plan to expand on this topic in an upcoming memo to the docket.

11. Subpart K Definitions, References, and Symbols

In Subpart K we propose some new and revised definitions of vocabulary that we frequently use in part 1065. For example we have revised our definitions of ''brake power'', ''constant-speed engine'', and ''aftertreatment'' to provide more clarity, and we have added new definitions for things such as ''300 series stainless steel'', ''barometric pressure'', and ''operator demand''. We propose definitions such as ''duty cycle'' and ''test interval'' to distinguish the difference between a single interval over which brake-specific emissions are calculated and the complete cycle over which emissions are evaluated in a laboratory. We also propose a thorough and consistent set of symbols, abbreviations, and acronyms. We propose to update our references to include references of the National Institute of Standards and Technology and the International Organization for Standardization (ISO).

II. Technical Amendments

A. Definitions and Penalties

We are proposing to revise several definitions that apply over more than one part of our regulations. These changes are designed to harmonize our regulations.

We are proposing to change the definition of Marine engine and Marine vessel to harmonize our approach to amphibious vehicles and clarify other issues. We have treated amphibious vehicles differently whether they had a diesel engine or a spark-ignition engine. We are proposing to harmonize our treatment of amphibious vehicles by consistently treating these as land-based products. We are also adding a provision defining amphibious vehicles are those that are designed primarily for operation on land to clarify that we don't consider hovercraft to be amphibious vehicles. See the Technical Support Document for additional information related to these definitions. In particular, note that we describe our interpretation of what it means for an engine to be ''installed in a marine vessel.'' Manufacturers have raised several questions related to this issue, especially as it relates to portable engines installed on barges.

We are also considering changes to the definition for Spark-ignition and Compression-ignition. We define Compression-ignition as relating to reciprocating internal-combustion engines that are not spark-ignition engines. We limit these definitions to reciprocating engines to avoid including gas turbines under the definition of

Compression-ignition. We currently do not have emission standards for gas turbines. A question has come up regarding how we should treat rotary engines, such as the Wankel engine. We request comment regarding whether the definition of Compression ignition should refer to ''reciprocating and rotary engines'' to clarify that rotary engines not meeting the definition for Spark-ignition engines would fall under our provisions for compression ignition engines.

We currently define Spark-ignition as follows:

> Spark-ignition means relating to a gasoline-fueled engine or any other type of engine with a spark plug (or other sparking device) and with operating characteristics significantly similar to the theoretical Otto combustion cycle. Spark-ignition engines usually use a throttle to regulate intake air flow to control power during normal operation.

This definition has left some confusion regarding natural gas engines that have a throttle, but perhaps do not clearly have operating characteristics that are significantly similar to the theoretical Otto combustion cycle. As an alternative, we are considering the following definition to remove this ambiguity:

> Spark-ignition means relating to a gasoline-fueled engine or any other type of engine with a spark plug (or other sparking device). Engines that use diesel fuel are not spark-ignition engines.

Such a simple approach would be very clear, but could have the effect of defining some natural gas engines that have operating characteristics that are significantly similar to the theoretical diesel combustion cycle as spark-ignition engines. This may be appropriate, but it would represent a change from our existing policy for these engines. We are also considering another definition, as follows:

> Spark-ignition means relating to a gasoline-fueled engine or any other type of engine with a spark plug (or other sparking device) and with operating characteristics similar to the theoretical Otto combustion cycle. Spark-ignition engines usually burn a premixed charge of air and fuel. Engines that use diesel fuel are not spark-ignition engines.

This definition aims for consistency with the existing policy, but focuses on premixed combustion instead of the throttle to indicate whether natural gas engines are more appropriately regulated as compression-ignition or spark-ignition engines.

We welcome comment on all of these possible definitions of spark-ignition, as well as other possible approaches to this definition.

The Clean Air Act specifies maximum penalty amounts corresponding to each prohibited Act. These maximum penalty amounts are periodically adjusted for inflation, based on the provisions of the Debt Collection Improvement Act. These maximum penalties have been updated under 40 CFR part 19. The new maximum penalties are $32,500 for introducing noncompliant engines into commerce for manufacturers guilty of tampering, and $2,750 for non-manufacturers guilty of tampering. In addition, the maximum penalty we can recover using administrative procedures is $270,000. We are proposing to extend these revised penalties into each of our emission-control programs.

B. Nonroad General Compliance Provisions (40 CFR Part 1068)

In addition to the changing test procedures described above, we are proposing or considering changes that would affect multiple engine categories.

We are proposing several amendments to the provisions of 40 CFR part 1068, which currently apply to land-based nonroad diesel engines, recreational vehicles, and nonroad spark-ignition engines over 19 kW. We encourage manufacturers of other engines to take note of these changes, since we intend eventually to apply the provisions of part 1068 to all engines subject to EPA emission standards. Note that we are not requesting comment on the whole range of provisions in part 1068, but rather on those items that are included in this proposal. These changes include the following:

- Section 1068.10: Clarify confidentiality provisions to address how we treat information that we collect from on-site visits or testing, as opposed to information that manufacturers send to us.
- Section 1068.30: Add or correct definitions to coordinate with the standard-setting parts and clarify various terms.
- Section 1068.105: Expand paragraph (a) to better explain requirements for equipment manufacturers to use current model-year engines. This relates especially to the existing provision that allows equipment manufacturers to use up their normal inventories of engines from previous model years in cases where a new emission standard takes effect. We propose to change § 1068.101(a)(1) to reflect these changes.
- Section 1068.110: Clarify that the manufacturers' warranty obligation includes all expenses related to diagnosing and repairing or replacing emission-related parts. This is not intended to include incidental expenses (such as replacement units during warranty service), consequential damage (such as damage caused by engine malfunction), or opportunity costs (such as foregone revenue from engine downtime).
- Section 1068.115: Add text to paragraph (a) to provide a complete list of reasons for manufacturers to deny warranty claims. This clarifies that the list of reasons given in paragraph (b) is descriptive, and is not intended to be comprehensive.
- Section 1068.245: Clarify that manufacturers applying for hardship must use the provisions of § 1068.250 (if applicable) before applying for hardship under § 1068.245. This is necessary to remove the ambiguity resulting from the current approach, which specifies that both §§ 1064.245 and 1068.250 are provisions of last resort.
- Section 1068.260: Clarify that including the cost of separately shipped components means that the cost of shipping must also be addressed.
- Section 1068.265: Add provisions that clarify what manufacturers must do when they are required to meet emission standards for engines that are not certified. A typical example would be an exemption that applies to new engines that replace an old engine that was certified to emission standards. We already require these engines to have the same degree of emission control as the replaced engine. We do not want manufacturers to certify these engines, but we are proposing to add requirements to clarify how manufacturers can show that the new engines meet an older set of emission standards. This involves either using an engine that is the same as one that was certified in an earlier model year, or performing tests to show that the engines meet the specified emission levels. In any case, manufacturers would not need to go through the process or pay the fees associated with certification. We recently adopted these same provisions for nonroad diesel engines and are proposing to extend them to the other engine categories covered by part 1068.
- Section 1068.315: Reduce the ownership requirement for the identical configuration exemption from one year to six months; also, change the qualifying criterion from ''the same as'' to ''identical to.''
- Section 1068.410: Add provisions allowing manufacturers to test engines up to three times total if an engine family reaches a fail decision under selective enforcement auditing, consistent with the provisions that apply under most of our programs.

• Section 1068.510: Clarify that manufacturers must describe the qualifications of repair personnel, rather than simply stating that they are qualified.

C. Land-based Nonroad Diesel Engines (40 CFR Parts 89 and 1039)

We recently adopted a new tier of emission standards for nonroad diesel engines, codifying these standards in 40 CFR part 1039. This rulemaking led us to make several regulatory changes to the existing tiers of standards for these engines in 40 CFR part 89. In cases where we discovered the need for changes after publishing the proposed rule, but we did not make those changes to part 89 in the final rule out of concern that the public had not had an opportunity for comment. Similarly, we are proposing some adjustments to part 1039, based on information that surfaced late in that rulemaking. We are proposing the following changes in part 89 and part 1039:

• Section 89.102: Clarify that equipment manufacturers using allowances under this section may use lower-emitting engines than we currently require.

• Section 89.110 and § 89.1009: Allow manufacturers to identify a different company's name and trademark on the emission control information label, with additional provisions to ensure that operators take certain steps to ensure that operators have the full benefit of the emission-related warranty.

• Section 89.130: Refer to the nearly identical provisions for rebuilding engines in § 1068.120.

• Section 89.410: Allow manufacturers to use ramped-modal testing, as specified for engines that must meet the Tier 4 standards.

• Appendix A to subpart F: Correct the ranges of values to address an unintentional gap for sales volumes between 300 and 500.

• Section 89.603: Clarify that standards applicable to Independent Commercial Importers (ICIs) are those of the year in which the imported engine was originally produced, for up to five engines per year. See the Technical Support Document and the discussion below related to highway engines and vehicles for additional information.

• Sections 89.913 and 89.914: Allow engine and equipment manufacturers to use the engine-dressing provisions in §§ 1039.605 and 1039.610.

• Section 89.1003: Clarify that engine manufacturers may ensure that the replaced engine is destroyed instead of taking possession of it; add a new label requirement for replacement engines that are allowed to meet a less stringent set of standards that are in effect when the replacement engine is built (to address the case where the engine being replaced was subject to emission standards less stringent than the current standards).

• Section 89.1003: Clarify that violating the requirements to rebuild an engine to its original configuration is considered tampering with respect to the applicable penalties.

• Section 89.1 and § 1039.5: Allow manufacturers to include marine auxiliary engines in an engine family certified under part 89 or 1039, subject to certain limitations.

• Section 1039.1: Clarify that residence-time limits do not apply to engines used in stationary applications if they have been certified to nonroad emission standards.

• Section 1039.104, 1039.625, and 1039.655: Change cross-reference from § 1039.260 to § 1068.265.

• Section 1039.125: Clarify that a manufacturer's obligation to pay for scheduled maintenance under certain situations is limited to the useful life of the engine.

• Section 1039.225: Include a modified FEL as the basis for a change to the application for certification, consistent with current practice.

• Section 1039.240: Adding section references that were inadvertently omitted.

• Section 1039.510: Remove provisions that are covered by part 1065.

• Section 1039.605 and § 1039.610: Clarify the ABT responsibilities relative to engines or vehicles that are certified under the motor-vehicle program and used in nonroad applications.

• Section 1039.705: Add a constraint for averaging, banking, and trading to prevent manufacturers from including credits earned in California if there would ever be a situation where they are required to meet separate standards in California (or another state).

• Section 1039.740: Correct the provisions allowing the use of emission credits to from previous tiers of emission standards to include an item that was inadvertently omitted from the Tier 4 final rule, as described in the preamble to that final rule.

• Section 1039.801: Update various definitions to reflect the change to move the full text of these definitions to part 1068.

In the Tier 4 final rule, we adopted a revised provision allowing manufacturers to request a useful life shorter than that specified for engines generally. Our recent experience with a similar provision for marine diesel engines has shown that it can be difficult to implement. The main difficulty relates to the extent and quality of the information manufacturers must supply to establish an alternate useful-life period. As a result, we are interested in changing this provision. A similar provision has been in place in part 89 since the beginning of emission standards, but we are not aware of anyone requesting a shorter useful life for any particular application. In the similar consideration of this provision for nonroad spark-ignition engines, the only manufacturers that we would expect to consider a shorter useful life would be for engines used in concrete saws, concrete pumps or similar severe-duty applications. To establish a shorter useful life for a set of engines, manufacturers would need to establish a separate engine family and pay the associated fees for certification. It is not clear that any manufacturer of nonroad diesel engines would make the extra effort or face the extra expense of segregating a family for a shorter useful life. We therefore request comment on removing this provision. We also request comment on the approach under consideration for spark-ignition engines, namely to remove the current approach of requesting a shorter useful life and replacing it with a useful life of 1500 hours for engines used in concrete saws, concrete pumps, and similar severe-duty engines. The useful life in years would be the same for all engines.

During the Tier 4 rulemaking, equipment manufacturers raised a concern regarding diesel engines certified to meet Tier 4 standards based on the use of catalyst technology relying on ultra low-sulfur fuel, where those engines are exported to countries with a higher sulfur content in diesel fuel. Many pieces of equipment may be designed and manufactured for the U.S. domestic market and eventually sold to an end-user that may use the equipment outside of the United States. The resulting damage to the emission-control system after extended exposure to the higher sulfur fuel could permanently reduce the effectiveness of emission controls. One possible solution would be to require that engines exported from the United States have the engine label and the aftertreatment removed before shipping the engine. This in effect invalidates the engine's certification, which would make it illegal to continue to use the engine in the United States, or to later import the engine back into the United States. Two potential drawbacks include reconciling the total balance of emission credits under the averaging, banking, and

trading program and reconciling the use of the engine in an existing flexibility program. Alternatively, we could require tracking engines and documenting end-use status once it has been placed in equipment. We seek comment on the use of such a provision to prevent re-importation of engines that are exposed to fuel sulfur levels that would be considered tampering if it occurred in the United States.

D. Marine Diesel Engines (40 CFR Part 94)

We are proposing several changes to our diesel marine engine program, in 40 CFR part 94. These changes are intended to clarify several aspects of the program. These changes, which are described in more detail in the Technical Support Document, are as follows:

- Section 94.2: Modify the definitions of ''marine engine'' and ''marine vessel'' and add a new definition of ''amphibious vehicle'' to clarify what kinds of amphibious vehicles are not considered marine vessels; modify the definition of ''United States'' to remove the reference to the Trust Territories of the Pacific Islands.
- Section 94.904: Allow the sale of an exempted or excluded engine if it is certified or identical to a certified engine.
- Section 94.907: Allow vessel manufacturers to take advantage of the engine dresser provisions; clarify the reporting requirement to specify that the total number of dressed engines produced by all companies dressing that base engine for use in a marine vessel is less than 50 percent of total annual sales for the base engine; add language clarifying the requirements related to generating and using emission credits with these engines.
- Section 94.912: Exempt marine auxiliary engines from the part 94 requirements as long as they are included in an engine family certified under part 1039 or 89, subject to certain limitations.
- Section 94.1001: Revise applicability to clarify that the provisions in Subpart K apply to manufacturers, owners, and operators of marine vessels that contain engines with per-cylinder displacement of at least 2.5 liters.
- Section 94.1103: Clarify that the engine manufacturer may ensure that the replaced engine is destroyed instead of taking possession of it; add a new label requirement for replacement engines that are allowed to meet a less stringent set of standards than are in effect when the replacement engine is built (to address the case where the engine being replaced was subject to less stringent emission standards).

The Technical Support Document also clarifies the conditions under which an auxiliary engine used on a marine vessel will be considered a marine auxiliary engine and be subject to 40 CFR 94.

E. Small Nonroad Spark-Ignition Engines (40 CFR Part 90)

We are proposing to add a new section 90.913 to better define the responsibilities for manufacturers choosing to certify their engines below 19 kW to the emission standards for Large SI engines in 40 CFR part 1048. We are also revising section 90.1 to cross-reference provisions in parts 86, 1048, and 1051 that allow highway motorcycle engines and nonroad engines above 19 kW to meet the requirements in part 90 under certain conditions.

We have adopted a new approach to define maximum engine power in 40 CFR part 1039 for nonroad diesel engines for purposes of defining the applicability of standards. This definition includes a detailed procedure for determining this value. The current approach for Small SI engines is to rely on a definition of ''gross power'' that describes generally how to characterize an engine's maximum power. We request comment on adopting the new definition of maximum engine power in 40 CFR part 90. This would have the advantage of harmonizing our treatment of this basic tool to characterize engines and would allow for consistent treatment across programs. See the Technical Support Document for more information.

In addition, we are updating current references to test procedures in 40 CFR part 86 by pointing instead to 40 CFR part 1065. Manufacturers are also encouraged to review the proposed provisions in 40 CFR part 1065, since we intend eventually to apply those same procedures to Small SI engines. In particular, we have noted that the equations in § 90.426(b) and (d) for calculating mass flow rate and dilution factor differ from the comparable equations in part 1065, subpart G. We request comment on applying the equations from part 1065, subpart G, to Small SI engines for calculating these values.

F. Marine Spark-Ignition Engines (40 CFR Part 91)

We are proposing only minimal changes for marine SI engines in 40 CFR part 91. These changes are primarily to update current references to test procedures in 40 CFR part 86 by pointing instead to 40 CFR part 1065. We are also updating various definitions, as described in Section II.A. Manufacturers are also encouraged to review the proposed provisions in 40 CFR part 1065, since we intend eventually to apply those same procedures to marine SI engines.

G. Large Nonroad Spark-Ignition Engines (40 CFR Part 1048)

We adopted emission standards for nonroad spark-ignition engines over 19 kW in November 2002 (67 FR 68242). The regulations in 40 CFR part 1048 were our first attempt to draft emission-control regulations in plain-language format. In the recent final rule for nonroad diesel engines, we went through a similar process, including extensive interaction with a different set of manufacturers. This process led us to adopt regulatory provisions in 40 CFR part 1039 that differ somewhat from those in part 1048. Since the process of meeting standards, applying for certificates, and complying with other emission-related requirements has a lot of commonality across programs, we have a strong interest in adopting consistent provisions and uniform terminology where possible. As a result, we are proposing extensive changes in part 1048 to align with the regulations in part 1039. Many of these changes reflect minor wording differences. The more significant changes to part 1048 include the following:

- Section 1048.105: Exclude marine fuel tanks from the standards for evaporative emissions. This is appropriate, because the fuel-hose requirements are incompatible with Coast Guard requirements and because we are developing a separate emission-control program that would apply to all fuel tanks associated with marine spark-ignition engines.
- Section 1048.135: Add a requirement for manufacturers to supply duplicate labels. This corresponds with the recently adopted provisions of 40 CFR 1068.105(c) that ensure that equipment manufacturers will take steps to prevent the misuse of duplicate labels.
- Section 1048.135: Allow manufacturers to identify a different company's name and trademark on the emission control information label, with additional provisions to ensure that manufacturers take certain steps to ensure that operators have the full benefit of the emission-related warranty.
- Section 1048.145: Add detailed provisions to the family-banking provisions to better define the qualifying criteria and the process for using this provision. For example, we

establish a date by which manufacturers must begin production of early-compliant engines to avoid giving credits for marginal early production, we clarify that the late-complying engines must continue to meet the Tier 1 standards, and we add a requirement that manufacturers report the number of engines they produce under this provision to allow us to verify compliance.

- Section 1048.310: Clarify that the maximum testing rate of 1 percent for production-line testing applies only after testing the minimum number of engines specified.
- Section 1048.501: Allow an optional procedure for measuring diurnal emissions from plastic fuel tanks. This addresses the fact that we intended to control diurnal emissions from fuel tanks, not permeation emissions. This will have minimal environmental impact, since plastic fuel tanks are rarely used with industrial spark-ignition engines. While we may consider adding permeation controls in the future, we are proposing to adopt procedures that would not require upgrades to plastic fuel tanks at this time.
- Section 1048.505: Allow manufacturers to use ramped-modal testing for simplified measurement of steady-state emission results. See the Technical Support Document for additional discussion or ramped-modal testing.

For discussion of additional changes, see the Technical Support Document.

In the November 2002 final rule, we adopted a provision allowing manufacturers to request a useful life shorter than that specified for engines generally. Our recent experience with a similar provision for marine diesel engines has shown that it can be difficult to implement. The main difficulty relates to the extent and quality of the information manufacturers must supply to establish an alternate useful-life period. As a result, we are interested in changing this provision. As far as we are aware, the only manufacturers that might reasonably consider a shorter useful life would be for engines used in severe-duty applications. To establish a shorter useful life for a set of engines, manufacturers would need to establish a separate engine family and pay the associated fees for certification. During the rulemaking, manufacturers of these engines suggested that their engines rarely operate longer than 1500 hours. We therefore request comment on removing the current approach of requesting a shorter useful life and replacing it with a useful life of 1500 hours for severe-duty engines. The useful life in years would be the same for all engines.

Starting in the 2007 model year, manufacturers must show that they meet emission standards over a transient duty cycle. The specified transient duty cycles were based on real-world operation from in-use engines. While these duty cycles were extensively tested with a variety of engines over the course of the rulemaking, we have learned that certain high-speed engines may not be able to sufficiently match the speed-load trace in the duty cycle to meet cycle-validation criteria. The cycle was developed with engines that were designed with governed speeds around 3000 rpm. For example, for engines with governed speeds of 3600 rpm or higher, the denormalized duty cycle may have exaggerated acceleration rates that exceed an engine's capability.[2] In this situation, manufacturers would be able to use a modified duty cycle under the provisions for special test procedures in 40 CFR 1065.10. We request comment on the need for using the provision for special test procedures to address this situation. We also request comment on whether it would be appropriate to make cycle-related adjustments in the regulation. This could take the form of relaxed values for cycle validation criteria, limits to cap acceleration rates, using different maximum-speed and maximum-torque values for denormalizing, or other approaches.

H. Recreational Vehicles (40 CFR Part 1051)

We are proposing to make several adjustments and clarifications to the regulations for recreational vehicles in part 1051, including the following:

- Clarify the characteristics for evaporative emission families to include items we inadvertently omitted from the November 2002 final rule, and make it clearer how evaporative and exhaust emission families relate to each other.
- Clarify the evaporative test procedures regarding steps to seal the fuel tank.
- Define ''Fuel lines'' to remove uncertainty related to which products are subject to permeation standards.
- Specify a maximum 8-hour time period between refueling and starting the permeation test run and clarify that extending permeation testing from two weeks to four weeks depends on establishing a linear change in emissions based on daily measurements.
- Clarify that youth-model ATVs and off-highway motorcycles count toward meeting the phase-in requirements.
- Remove the ATV FEL cap for carbon monoxide, which was inadvertently left in the final regulations.
- Specify that the warranty period may be based on hours of engine operation in addition to odometer readings.
- Allow rounding of Normalized Emission Rates to one decimal place, rather than to the nearest whole number, and adding additional equations for smaller engines.
- Change the minimum useful life for youth-model ATVs and off-highway motorcycles to 5,000 kilometers and 500 hours.
- Allow all ATVs certifying to J1088 to use the raw gas sampling provisions of Part 91 for engine testing through the 2008 model year, which was intended in the November 2002 final rule.
- Allows manufacturers to test engines based on an engine's maximum power if that better represents in-use operation, rather than using the specified procedure to establish maximum test speed.
- Adopt a speed threshold to exclude low-speed all-terrain vehicles from part 1051. For example, low-speed amphibious vehicles not meeting the definition of offroad utility vehicles would be covered by part 90 instead of part 1051.

These provisions are all discussed in more detail in the Technical Support Document. In addition, we request comment regarding whether it is appropriate to adopt a ramped-modal test method as an alternative for the steady-state tests applicable to recreational vehicles under § 1051.505 and § 1051.615. This is also discussed in more detail in the Technical Support Document.

We adopted emission standards for recreational vehicles in November 2002 (67 FR 68242). The regulations in 40 CFR part 1051 were our first attempt to draft emission-control regulations in plain-language format. In the recent final rule for nonroad diesel engines, we went through a similar process, including extensive interaction with a different set of manufacturers. This process led us to adopt regulatory provisions in 40 CFR part 1039 that differ from those in part 1051. Since the process of meeting standards, applying for certificates, and complying with other emission-related requirements has a lot of commonality across programs,

[2] The prescribed duty cycle is a normalized sequence of speeds and loads expressed as a percentage of an engine's maximum values. Before testing, these percentage values must be denormalized into rpm and N-m values that are specific to the test engine based on its maximum speed and torque capabilities.

we have a strong interest in adopting consistent provisions and uniform terminology as much as possible. As a result, we are proposing extensive changes in part 1051 to align with the regulations in part 1039. Many of these changes reflect minor wording differences. The more significant changes to part 1051 include the following:

- Section 1051.135: Allow manufacturers to identify a different company's name and trademark on the emission control information label, with additional provisions to ensure that operators take certain steps to ensure that operators have the full benefit of the emission-related warranty.
- Section 1051.135: Add a requirement for manufacturers to supply duplicate labels. This corresponds with the recently adopted provisions of 40 CFR 1068.105(c) that ensure that equipment manufacturers will take steps to prevent the misuse of duplicate labels.
- Section 1051.135: Add a requirement to include the hang-tag label with normalized emission rates in the application for certification.
- Section 1051.225: For situations where the Family Emission Limit changes during a model year, the manufacturer calculates the credit balance for the family based on the FEL that applies for the corresponding production volume. This allows manufacturers to generate more credits (or use fewer credits), but this is consistent with the fact that manufacturers are liable for the emission-control performance of each engine relative to the FEL that applied at the point of production.
- Section 1051.501: Add ''or add'' in paragraph (b)(2) to clarify that the addition of fuel would not be allowed after the first weight measurement is taken in the permeation test run.
- Section 1051.705: Add a constraint for averaging, banking, and trading to prevent manufacturers from including credits earned in California if there would ever be a situation where they are required to meet separate standards in California (or another state).
- Section 1051.505 and 1051.615: We request comment on adding an option to allow manufacturers to conduct steady-state testing using ramped-modal cycles, as described in the Technical Support Document.

We request comment on all these changes to part 1051.

I. Locomotives (40 CFR Part 92)

We are proposing a variety of changes for our locomotive regulations in 40 CFR part 92 to make correct various technical references and typographical errors. See the Technical Support Document and the proposed regulations for additional information.

In addition, we are requesting comment on a few additional items. The Engine Manufacturers Association recommended several revisions to the locomotive regulations.[3] We are proposing many of these changes, and are requesting comment on those that we are not proposing. We are especially interested in comments related to EMA's request to revise the accuracy specifications found in §§ 92.104(b)(1)(i), 92.105(d), 92.106(b)(1)(ii), 92.107(a)(1), and 92.126(b)(3). These comments generally express a concern that the adopted specifications require too much precision or accuracy. We request further comment on the achievable level of precision and accuracy for these specifications, and on the degree to which we should change the specified values.

The standards for locomotive engines currently do not apply to engines used in locomotives if they have a maximum power below 750 kW. These engines are generally designed and manufactured for other applications, so they are excluded from locomotive standards and procedures. We have received a request that we allow engines below 750 kW that are used in locomotives to optionally certify to locomotive standards instead of the otherwise applicable requirements of 40 CFR part 89.[4] This commenter suggested the following addition to the regulations in 40 CFR part 92:

The manufacturer or remanufacturer of a vehicle propelled by an engine rated less than 750 kW, but that otherwise meets all the requirements of this definition may elect to have it treated under this part rather than under part 89 by giving written notice of such election to the Administrator. All of the provisions of this part shall apply to vehicles for which such an election is made.

We continue to believe that engines below 750 kW should be regulated as nonroad diesel engines under part 89. However, we request comment on this suggestion to allow manufacturers to optionally meet the standards in part 92 instead. We also request comment regarding the applicability of the line-haul emission standards to these low-power locomotive engines. Finally, we request comment on alternate calculations to address the equivalent tractive horsepower of hybrid locomotives.

J. Highway Engines and Vehicles (40 CFR Part 86)

1. Light-duty Vehicles

a. Calculation Method for Nonmethane Hydrocarbons. Text changes are proposed to properly align EPA and CARB calculation methods for measuring nonmethane hydrocarbons from gasoline, diesel, methanol, ethanol, and liquefied petroleum gas fueled light-duty vehicles. Harmonization of EPA and CARB testing and calculation practices, including proper accounting for the methane response of the total hydrocarbon FID, was anticipated when Tier 2 regulations were developed. Modifying the language in 86.121–90(d) and 86.144–94(c)(8)(vi) to explicitly require the use of a *measured* methane response factor, as opposed to the current CFR text which specifies an assumed methane response factor of 1.0, will align the calculation methods. Calculating nonmethane hydrocarbon using a measured methane response factor is the technically correct calculation and measurement method.

b. Correction to Tier 2 Regulations. On December 6, 2002, we made some minor technical amendments to EPA's Tier 2/Gasoline Sulfur regulations (67 FR 72821, December 6, 2002). However, those actions mistakenly reversed a prior correction to Table S04–2 in § 86.1811–04(c)(6) that was made on February 28, 2000 (65 FR 10598, February 28, 2000). We are now reestablishing the correct version of that table. Specifically, in § 86.1811–04(c)(6), in Table S04–2, the ''Notes'' entry corresponding with ''Bin No. 9'' should read ''a b e f g h''.

c. Correction to Supplemental Federal Test Procedure Regulations. We propose to make the following corrections to regulatory references, spelling, and the like with these technical amendments:

- An incorrect regulatory reference is corrected in section 86.158–00;
- Revision to section 86.161–00 inserts the correct humidity tolerance of plus-or-minus 5 grains of water/pound of dry air; and
- Revision to the equation in section 86.164–00 adds plus (''+'') signs that were omitted in the regulations.

d. Correction to National Low Emission Vehicle Regulations. In several places in the National Low Emission Vehicle (NLEV) emissions standards

[3] ''Recommended Technical Amendments to EPA Tier 0/1/2 Locomotive Rule,'' Handout from the Engine Manufacturers Association, October 2003 (Docket #OAR–2004–0017–0002).

[4] ''Inclusion of the Railpower Green Goat Hybrid Locomotive 40 CFR 92 Averaging, Trading, and Banking'' e-mail from Christopher Weaver, Railpower, May 7, 2004 (Docket #OAR–2004–0017–0003).

there are typographical errors affecting emission standards and testing provisions which require correction:

- Incorrect in-use formaldehyde standards for light-duty vehicles in tables R99–5 and R99–6 (§ 86.1708–99).
- Incorrect model year applicability of in-use standards for light-duty trucks (§ 86.1709–99(c)(1)).
- Missing standards for light-duty trucks from 0–3750 loaded vehicle weight in Table R99–14.2 (§ 86.1709–99).
- Correction of fleet average NMOG standards for calculating credits for 1997 and 1998 model years in the Northeast Trading Region (§ 86.1710–99(c)(8)).
- Correcting a reference to 86.1705–99(e)(4) that should have been to 86.1707–99(d)(4) (§ 86.1711–99).

2. Highway Motorcycles

a. Highway Motorcycle Labeling Requirements. On January 15, 2004, we finalized new emission standards for highway motorcycles (69 FR 2398, January 15, 2004). These new standards are implemented in two stages: a ''Tier 1'' that is effective in the 2006 through 2009 model years, and a ''Tier 2'' that takes effect starting with the 2010 model year. These standards are generally harmonized with California emission standards that take effect two years earlier. Under the new standards, Class III motorcycles must comply with a new $HC+NO_X$ emission standard on a corporate average basis. This new flexibility allows manufacturers to market motorcycles that produce more pollution than the designated average standard as long as they are balanced out by sales of less-polluting models such that the manufacturers' sales-weighted corporate average remains below the standard. Averaging is also optionally allowed for Class I and II motorcycles.

Since publishing the final rule, however, we realized that the labeling language for highway motorcycles is not helpful in the context of the new averaging standard. The current federal labeling language (*see* 40 CFR 86.413–78) only requires that a motorcycle label indicate compliance with EPA standards for a given model year. This is all that is needed when there is no uncertainty regarding what the applicable emission standards are. In the context of the type of averaging program we finalized, however, the manufacturers essentially choose their own emission standard (up to a cap) for each engine family. The manufacturer-selected emission standard is known as a ''Family Emission Limit,'' or FEL. For example, a manufacturer with two engine families might market one meeting a standard of 2.2 grams/mile $HC+NO_X$ and another one meeting a standard of 0.5 grams/mile $HC+NO_X$. If these are equally-selling engine families, then the manufacturer will meet the required Tier 1 average of 1.4 grams/mile $HC+NO_X$.

In the case described above, a label with only the model year will not provide adequate information regarding the applicable emission standard. Historically both EPA and ARB have required labels that identify the specific applicable FEL for vehicles certified under averaging programs. Therefore, we are amending the labeling requirements with two goals in mind. First, the label must provide sufficient information regarding the applicable emission standard and model year, as well as specific tune-up information. Second, the label requirements should be aligned with ARB to the greatest degree possible to prevent a situation where the manufacturer has to apply two labels to a motorcycle to meet two different sets of requirements. The new labeling language in 40 CFR 86.413–2006 accomplishes both of these goals.

b. Highway Motorcycle Fuel Specifications. In our final rule setting new emission standards for highway motorcycles (69 FR 2398, January 15, 2004) we updated the fuel specifications for motorcycle emission testing to be consistent with the fuel specifications finalized on February 10, 2000, as part of our ''Tier 2 Motor Vehicle Emissions Standards and Gasoline Sulfur Control Requirements'' (65 FR 6697, February 10, 2000). This was necessary to ensure that motorcycles are tested using fuels consistent with those available in the marketplace. We received no negative comments on making this change. It is necessary at this time to correct some errors that were made in updating the motorcycle test fuel specification. The specific corrections are:

- Changing the volume percent of aromatics from ''35 minimum'' to ''35 maximum'';
- Changing the phosphorous g/liter specification from 0.005 g/liter to 0.0013 g/liter (the alternative specification is 0.005 g/U.S. gallon);
- Changing the sulfur weight percent from 0.08 maximum to 0.008 maximum; and
- Changing the volatility test procedure from ''ASTM D 3231'' to ''ASTM D 323.''

c. Highway Motorcycles with engines below 50 cc. We are proposing modified language in § 86.447 and § 86.448 to clarify various aspects of the provision allowing manufacturers to use products certified to nonroad emission standards instead of the standards for highway motorcycles under part 86. These changes include the following:

—Clarify the requirement related to the number of engines that may be certified under nonroad programs.
—Define the requirements related to generating and using emission credits with these engines.
—Add language to better define the legal responsibilities for companies involved in producing motorcycles under this provision.

3. Heavy-Duty Highway Engines

As discussed above, we are proposing to adopt the lab-testing and field-testing specifications in part 1065 for heavy-duty highway engines, including both diesel and Otto-cycle engines. These procedures replace those currently published in 40 CFR part 86 subpart N. We are proposing a gradual transition from the part 86 procedures over a period of two model years in order to fully migrate to part 1065, no later than model year 2008. Manufacturers would not need to conduct new testing if they are able to use carryover data, but any new testing for 2008 and later model years would be done using the part 1065 procedures. Migrating heavy-duty highway engines to the part 1065 procedures allows us to include all the testing-related improvements in the HD2007 rule, including those we have adopted through guidance.[5] In addition, part 1065 incorporates revisions based on updated procedures for sampling low concentrations of PM.

We are also proposing to require manufacturers to use ramped-modal testing to show that they meet steady-state emission standards using the Supplemental Emissions Test (SET), which will be required for model year 2007 and later engines. The conventional approach for steady-state testing is to measure emissions separately for each mode. Ramped-modal testing involves a single, continuous emission measurement as the engine operates over the test modes in a defined sequence, including short transition segments between modes. Ramped-modal testing offers several advantages, primarily that of increased accuracy for measuring very low levels of PM emissions. See the Technical Support Document for additional information on the advantages of ramped-modal testing.

We are also clarifying that certain data requirements related to Supplemental Emission Testing are required only

[5] ''Guidance Regarding Test Procedures for Heavy-Duty On-Highway and Non-Road Engines,'' December 3, 2002.

when engines are subject to Maximum Allowable Emission Limits.

Part 1065 bases the denormalized duty cycle on ''maximum test speed,'' which differs somewhat from the traditional approach from part 86 of relying on rated speed. We request comment on whether or not we need to adjust how maximum test speed is applied to heavy-duty highway diesel engines to better represent in-use operation. Specifically, we request comment on whether or not we should specify that maximum test speed should be equal to the 112% speed from the duty cycle for this particular sequence. This would shift the prescribed speeds that are in excess of 100% speed to be no greater than 99.92% of maximum test speed. This adjustment would prevent excessive speeds, while ensuring our intent to specify maximum test speed to test an engine over its complete operating range.

We are proposing a minor adjustment to the phase-in process for the HD2007 standards to allow manufacturers to make their compliance demonstration either on the basis of model years or calendar years. This increases the flexibility for manufacturers to define their model year without affecting their ability to show that they meet their phase-in obligations. Because the phase-in period is three years under either approach, we believe this adjustment would not harm the environmental objectives of the program.

In the recently finalized Nonroad Diesel Tier 4 final rule, we included new regulatory provisions allowing engine manufacturers to ship engines and aftertreatment separately to equipment manufacturers, provided several criteria were met (69 FR 39308, June 29, 2004). These criteria were based on two main principles. First, the engine manufacturer is responsible to ensure that equipment manufacturers are fully aware of their responsibilities for proper installation of the engine and catalyst system. Second, the engine manufacturer has the primary responsibility for ensuring the engine and catalyst are properly installed. While the engine manufacturer has the primary responsibility, we may also find the equipment manufacturer liable under certain circumstances. We request comment on applying similar provisions to allow separate shipment of engines and aftertreatment for heavy-duty highway engine manufactures, including both gasoline and diesel engines. In addition, we request information that would indicate to what extent the heavy-duty highway engine/catalysts/vehicle manufacturer business relationships are similar to those for nonroad diesel engines, and whether the same provisions should apply to the companies producing highway engines and vehicles as we have adopted for the nonroad diesel engines and equipment.

We are taking this opportunity to clarify an aspect of the information reporting requirements described in a recently proposed rule making for manufacturer in-use testing of heavy-duty vehicles. The Notice of Proposed Rule Making (NPRM) for the manufacturer-run in-use testing program (FR Cite) was issued June 3, 2004. Section K in the preamble provides a non-exhaustive example of the types of engine parameters commonly stored in the engine's on-board computer and requires manufacturers to report those parameters which are readily available. We want to be clear that not only should those parameters be reported to EPA, but that they also must be reported to and stored by any portable emissions measurement system used to meet the testing requirements described in the NPRM. Because the proposed regulatory language in 40 CFR part 1065, subpart J contained in today's notice does not contain all of the parameters we intended to be required in the manufacturer in-use testing program, we expect that section 86.1920(a)(4)(xii) in the final in-use testing regulations will contain language that will better reflect this intent and make explicit the types of parameters that may be subject to the reporting requirements. Specifically, the current language in 86.1920(a)(4)(xii) states:

> Recorded one-hertz test data for all the parameters specified in 40 CFR part 1065, subpart J, including any other relevant parameters electronically sensed, measured, calculated, or otherwise stored by the engine's onboard computer. This also includes any parameters used to modulate the emission-control system.

The final language would state:

> Recorded one-hertz test data for all the parameters specified in 40 CFR part 1065, subpart J, and any other relevant parameters electronically sensed, measured, calculated, or otherwise stored by the engine's onboard computer, including but not limited to engine speed, engine torque, engine coolant temperature, intake manifold temperature, manifold absolute pressure, barometric pressure (altitude), ambient temperature, brake specific fuel consumption, exhaust temperature upstream of aftertreatment, and elapsed time, any parameter needed to demonstrate the engine is within the NTE or an approved carve-out or deficiency region. The one-hertz test data must also include any parameters used to modulate the emission-control system.

We request comment on this revision.

Similarly, Subpart K of the preamble requests comment on the whether engine manufacturers should be required to design the on-board engine computer to explicitly identify when an engine is operating in an approved NTE carve-out or deficiency. We want to make clear that the request for comment also more broadly covers whether the engine's on-board computer should identify when the engine is operating within the NTE. Under the proposal, manufacturers are required, at a minimum, to provide information from the engine's on-board computer or some other readily available source that will enable EPA to make these NTE determinations.

4. Importation of Nonconforming Highway Engines and Vehicles

The Agency is proposing revisions to 40 CFR part 85, subpart P regarding the applicable emission standards for imported nonconforming highway vehicles and engines, including light-duty vehicles (passenger cars), light-duty trucks, heavy-duty vehicles, heavy-duty engines, and motorcycles. This proposal clarifies that these nonconforming vehicles and engines are required to meet the emission standards in effect when the vehicle or engine was originally produced, not the emission standards in effect when the vehicle or engine is modified. This approach is consistent with the requirements for light-duty Independent Commercial Importers (ICIs) which have been in effect since 1996 (61 FR 5842, February 14, 1996).

Most of the issues related to this proposal were previously addressed in the 1996 rule. An excerpt from that 1996 rule provides a brief summary of the basis for this proposal. Section I.A of the 1996 final rule reads in part:

> As proposed, EPA is eliminating the requirement that nonconforming light-duty vehicles and Light-duty trucks imported pursuant to 40 CFR 85.1501 or 85.1509 meet the part 86 emission standards in effect at the time of modification. These vehicles, with a few exceptions, will instead be required to meet emission standards (with applicable deterioration factors applied) that were in effect at the time of original vehicle production, using currently applicable testing procedures.
>
> The specific standards applicable to these vehicles are contained in a new § 85.1515 * * *.
>
> As discussed in the proposal (Supplementary Document pp. 27–28, Docket No. A–89–20), when EPA promulgated the prior requirement to meet standards applicable at the time of modification, the Agency had no data or evidence suggesting that older vehicles could not be modified to meet current year emission standards. Since that rulemaking, EPA has obtained evidence suggesting that many older vehicles cannot be modified to meet current year standards

without extraordinary cost, which makes the conversion financially unfeasible for many owners of such vehicles. Today's rule would give owners of older vehicles a way to import their vehicles. In addition, it would have been significantly more difficult and costly for importers to modify vehicles to comply with the current model year standards beginning in January, 1996, when the standards applicable to small volume manufacturers became substantially more stringent. EPA agrees with the statements submitted by ICIs after the close of the comment period that the expense of such modifications would have a serious deleterious effect on their businesses and would not justify the costs.

Although the intent of the 1996 rule was clear, we are proposing to make regulation changes to make the regulation language consistent with the intent of the 1996 rule. The 1996 final rule added 40 CFR 85.1515, which provided a list of the emission standards applicable to imported light-duty vehicles and light-duty trucks based on the original production (OP) year of the vehicle. Tables 1 and 2 in 40 CFR 85.1515 correctly indicate that the emission standards applicable for pre-1994 imported light-duty vehicles and light-duty trucks are based on the original production year of the vehicle. Tables 1 and 2 also correctly indicate (in a footnote) that 1994 and later imported light-duty vehicles and light-duty trucks are required to meet the applicable emission standards as ''Specified in 40 CFR part 86 for the OP year of the vehicle, per 85.1515(c).'' However § 85.1515(c)(1) incorrectly indicates that ''Nonconforming motor vehicles or motor vehicle engines of 1994 OP model year and later conditionally imported pursuant to § 85.1505 or § 85.1509 shall meet all of the emission standards specified in 40 CFR part 86 for the model year in which the motor vehicle or motor vehicle engine *is modified*.'' (emphasis added)

This ambiguity in the regulations was unfortunately not corrected after the 1996 rule changes became effective. Nor was it corrected when Interim non-Tier 2 and Tier 2 requirements were adopted for import vehicles (65 FR 6698, February 10, 2000). Although the 2000 rulemaking did not intend to change the highway engine or vehicle importation process, the regulations continued to indicate that nonconforming motor vehicles and motor vehicle engines must meet the emission standards in the model year in which the motor vehicle or motor vehicle engine is modified; see 40 CFR 85.1515(c)(2)(ii) through (d). We have now received several petitions from light duty ICIs to correct the regulations to permit vehicles imported by ICIs to meet OP year standards.

In summary, for the reasons discussed in the provisions of 61 FR 5842, February 14, 1996, we are proposing changes to correct the regulations for nonconforming highway vehicles so they are consistent with the intent of the 1996 final rule. This proposal will require imported highway vehicles to meet the emission standards in effect the year the vehicle was *originally produced*, not the emission standards in effect in the year the vehicle or engine *is modified*. We are, however, concerned that ICI provisions which apply OP year standards could be used as a way to circumvent our Tier 2 light duty standards and our new more stringent motorcycle standards. Thus we are proposing to cap each ICI's annual production of vehicles meeting OP year standards when OP year standards are less stringent than the standards that apply during the year of modification. We are proposing a cap of a total of 50 light duty vehicles and trucks and 50 motorcycles. This does not impact the number of vehicles an ICI may produce that are certified to the standards that apply during the year of modification.

While we have never had an ICI for highway HDEs, we are also proposing, consistent with the above, to make clear that the applicable standards for HDEs imported by an ICI would be those of the year of original production. For HDEs, we are proposing an annual cap of five on an ICI's production of engines certified to OP year standards that are less stringent than those that apply during the year of modification. This will address the possibility that ICIs could provide an avenue by which truck purchasers could avoid the additional costs of new trucks with engines meeting aftertreatment-based engine standards. We are proposing a similar amendment for nonroad diesel engines, as described elsewhere in this document.

We believe it is appropriate to have different caps on the quantity of vehicles and engines that can be certified to OP year standards, where OP year standards are less stringent than those that apply during the year of modification. The sales of light-duty vehicles and trucks are many times greater than those of heavy-duty highway engines and nonroad diesel engines combined. Further, we believe that the caps for light-duty vehicles, light-duty trucks, and motorcycles should be larger than those for nonroad and highway engines to accommodate an industry that has grown up around the light-duty ICI program. The light-duty and motorcycle ICIs can provide additional consumer choice and also provide an avenue by which (for a price) someone who has lived outside of the United States, including returning U.S. military personnel, can bring a used personal vehicle they acquired overseas into conformity with U.S. emission requirements. No such ICI industry exists for highway or nonroad engines. Where OP year standards are applied to highway and nonroad engines, we are proposing a lower cap. We believe it will be appropriate to limit the activities of engine ICIs, when previous model year engines are involved, to those specialized trucks or pieces of equipment for which demand is so low that normal certification didn't occur or might not occur. While we want to provide an opportunity for the importation of highly specialized vehicles or equipment that might otherwise be unavailable in the United States, we do not want to develop an industry that simply provides older equipment that would most likely be built with engines meeting significantly less stringent standards.

5. Revisions and Corrections to Dynamometer Driving Schedules

a. SC03 and US06 driving cycles. This rule proposes to correct errors in the SC03 driving cycle and to reconcile several discrepancies between the CFR language and the second-by-second US06 and SC03 drive cycle traces in the appendices to part 86.

The SC03 cycle in Appendix I, paragraph (h) is proposed to be lengthened to 600 seconds by the addition of six seconds of zero miles per hour after 594 seconds. This change and additional language changes would eliminate confusion in how to execute the requirements in sections 86.160–00(c)(12) and 86.159–00(f)(2)(ix). Sections 86.159–00(f)(2)(ix) and 86.160–00(c)(12) both state that the engine is turned off 2 seconds after the end of the deceleration (which occurs at 594 seconds and driving stops at 596 seconds).

With respect to the SC03 drive trace, section 86.160–00(c)(10) reads ''Twenty seconds after the engine starts, begin the initial vehicle acceleration of the driving schedule.'' However, this is incorrect. The printed driving schedule in Appendix I, paragraph (h), correctly shows eighteen seconds of idle. The regulatory language is proposed to be modified to reflect eighteen seconds of idle, rather than twenty.

Section 86.160–00(c)(12) currently reads ''Turn the engine off 2 seconds after the end of the last deceleration,'' but the Appendix I, paragraph (h), drive schedule has no idle seconds at the end of the SC03 cycle. Idle speed values are proposed to be added to the end of the

SC03 drive schedule to make it consistent with the regulatory language. The impact of these changes would clarify that the first non-zero speed value to be at trace time t=19 seconds. This section is proposed to be amended to clarify that driving stops at trace time t=596 seconds.

The US06 drive schedule has a similar discrepancy. Section 86.159–00(f)(2)(ix) reads ''Turn the engine off 2 seconds after the end of the last deceleration.'' However, the drive schedule in Appendix I (g) has six idle seconds at the end of the US06 cycle. We proposed to amend this section to clarify that driving stops at trace time t=596 seconds.

b. Urban Dynamometer Driving Schedule. We are also proposing to take action to correct two minor errors in the Appendix I, paragraph (a), Urban Dynamometer Driving Schedule (UDDS) that have existed since the 1970's. Originally published in the **Federal Register** on November 10, 1970 (35 FR 17311), the UDDS is the driving cycle that is the basis of the Federal Test Procedure. Since it was published, however, two speed values in the UDDS were erroneously modified. Specifically, the speed value at t=961 seconds was changed from 5.3 mph to 5.0 mph in 1972, and the speed value at t=1345 seconds was changed from 18.3 mph to 18.8 sometime between 1973 and 1977. The speed value of 5.0 mph at t=961 creates an acceleration of 3.6 mph/sec to 8.6 mph at t=962, which is inconsistent with the acknowledged 3.3 mph/sec maximum acceleration rate due to dynamometer limitations. The speed value of 18.8 mph at t=1345 is inconsistent with what should be a gradually decreasing acceleration rate from t=1343 to t=1347 seconds. This rule proposes to revert these values back to the speed values as they were published in 1970. It is important to note that the regulated industry and EPA have been using the correct speed values since 1970, despite the error in the Code of Federal Regulations (CFR).

In addition, a dynamometer manufacturer commented to EPA that the CFR has several errors in the Appendix I, paragraph (b), version of the UDDS that is expressed in kilometers per hour. EPA has verified that these errors are not rounding errors when converting from miles per hour, but are more likely the result of errors in typing. The table below indicates the correct mile per hour and kilometer per hour values, as well as the incorrect value. This rule proposes to make these corrections.

Time (seconds)	Incorrect KPH	Correct KPH	Correct MPH
363	52.3	52.8	32.8
405	14.5	14.8	9.2
453	31	31.9	19.8
491	55.8	55.5	34.5
577	21.4	27.4	17.0
662	43.9	42.0	26.1
663	43.1	42.2	26.2
664	42.3	42.2	26.2
932	40.3	40.2	25.0

III. Public Participation

We request comment on all aspects of this proposal. The comment period for this rule will end on October 29, 2004.

We will hold an informal public workshop on October 1, 2004 at the National Vehicle and Fuel Emissions Laboratory, which is located at 2000 Traverwood Drive, Ann Arbor, Michigan 48105. The workshop will start at 9 a.m. with an opportunity for any individuals to raise questions or comments related to the proposed technical amendments. Following this, the rest of the day will be devoted to discussions of the proposed changes to the test procedures in 40 CFR part 1065.

If you would like a public hearing in addition to the planned workshop, contact us by September 20, 2004 as described above in **DATES**. If a public hearing is requested, we will hold it on September 27, 2004 starting at 9 a.m. EDT. Contact us for updated information about the possibility of a public hearing.

If you would like to present testimony at a public hearing, we ask that you notify the contact person listed above at least ten days beforehand. You should estimate the time you will need for your presentation and identify any needed audio/visual equipment. We suggest that you bring copies of your statement or other material for the EPA panel and the audience. It would also be helpful if you send us a copy of your statement or other materials before the hearing.

We will arrange for a written transcript of the hearing and keep the official record of the hearing open for 30 days to allow you to submit supplementary information. You may make arrangements for copies of the transcript directly with the court reporter.

IV. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

Under Executive Order 12866 the Agency must determine whether the regulatory action is ''significant'' and therefore subject to review by the Office of Management and Budget (OMB) and the requirements of this Executive Order. The Executive Order defines a ''significant regulatory action'' as any regulatory action that is likely to result in a rule that may:

- Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, Local, or Tribal governments or communities;
- Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or
- Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Because the rule merely revises the measurement methods and makes a variety of technical amendments to existing programs, it is not a significant regulatory action and is not subject to the requirements of Executive Order 12866. Any new costs associated with this rule will be minimal. In addition, some of the changes will substantially reduce the burden associated with testing, as described in the Regulatory Support Document.

B. Paperwork Reduction Act

This rule does not include any new collection requirements, as it merely revises the measurement methods and makes a variety of technical amendments to existing programs.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impacts of this final rule on small entities, a small entity is defined as: (1) A small business as defined by the Small Business Administration (SBA) by category of business using North America Industrial Classification System (NAICS) and codified at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or

special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of today's proposed rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. The small entities directly regulated by this proposed rule are small businesses that produce nonroad engines. We have determined that no small entities will experience more than incidental costs as a result of this rule. This rule merely revises the measurement methods and makes a variety of technical amendments to existing programs. This proposed rule, therefore, does not require a regulatory flexibility analysis.

Although this proposed rule will not have a significant economic impact on a substantial number of small entities, EPA nonetheless has tried to reduce the impact of this rule on small entities. For example, most of the proposed changes clarify existing requirements, which will reduce the time needed to comply, and added flexibility, which may allow for a simpler effort to comply.

We continue to be interested in the potential impacts of the proposed rule on small entities and welcome comments on issues related to such impacts.

D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for federal agencies to assess the effects of their regulatory actions on state, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''federal mandates'' that may result in expenditures to state, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective, or least burdensome alternative if the Administrator publishes with the final rule an explanation of why that alternative was not adopted.

Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

This rule contains no federal mandates for state, local, or tribal governments as defined by the provisions of Title II of the UMRA. The rule imposes no enforceable duties on any of these governmental entities. Nothing in the rule would significantly or uniquely affect small governments. We have determined that this rule contains no federal mandates that may result in expenditures of more than $100 million to the private sector in any single year. This rule merely revises the measurement methods and makes a variety of technical amendments to existing programs. The requirements of UMRA therefore do not apply to this action.

E. Executive Order 13132: Federalism

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.''

Under Section 6 of Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law, unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

Section 4 of the Executive Order contains additional requirements for rules that preempt State or local law, even if those rules do not have federalism implications (*i.e.*, the rules will not have substantial direct effects on the States, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government). Those requirements include providing all affected State and local officials notice and an opportunity for appropriate participation in the development of the regulation. If the preemption is not based on express or implied statutory authority, EPA also must consult, to the extent practicable, with appropriate State and local officials regarding the conflict between State law and Federally protected interests within the agency's area of regulatory responsibility.

This proposed rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 6, 2000), requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.''

This rule does not have tribal implications as specified in Executive Order 13175. This rule will be implemented at the Federal level and impose compliance costs only on engine manufacturers and ship builders. Tribal governments will be affected only to the extent they purchase and use equipment with regulated engines. Thus, Executive Order 13175 does not apply to this rule.

G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

Executive Order 13045, ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997) applies to any rule that (1) is determined to be ''economically

significant'' as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, Section 5–501 of the Order directs the Agency to evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This proposed rule is not subject to the Executive Order because it does not involve decisions on environmental health or safety risks that may disproportionately affect children.

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This rule is not a ''significant energy action'' as defined in Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355 (May 22, 2001)), because it is not likely to have a significant effect on the supply, distribution, or use of energy.

I. National Technology Transfer Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (''NTTAA''), Public Law 104–113, section 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless doing so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This proposed rule involves technical standards. The International Organization for Standardization (ISO) has a voluntary consensus standard that can be used to test engines. However, the test procedures in this proposal reflect a level of development that goes substantially beyond the ISO or other published procedures. The proposed procedures incorporate new specifications for transient emission measurements, measuring PM emissions at very low levels, measuring emissions using field-testing procedures. The procedures we adopt in this rule will form the working template for ISO and national and state governments to define test procedures for measuring engine emissions. As such, we have worked extensively with the representatives of other governments, testing organizations, and the affected industries.

EPA welcomes comments on this aspect of the proposed rulemaking.

V. Statutory Provisions and Legal Authority

Statutory authority for the engine controls proposed today can be found in 42 U.S.C. 7401–7671q.

List of Subjects

40 CFR Part 85

Confidential business information, Imports, Labeling, Motor vehicle pollution, Reporting and recordkeeping requirements, Research, Warranties.

40 CFR Part 86

Administrative practice and procedure, Confidential business information, Labeling, Motor vehicle pollution, Reporting and recordkeeping requirements.

40 CFR Part 89

Environmental protection, Administrative practice and procedure, Confidential business information, Imports, Labeling, Motor vehicle pollution, Reporting and recordkeeping requirements, Research, Vessels, Warranties.

40 CFR Part 90

Environmental protection, Administrative practice and procedure, Air pollution control, Confidential business information, Imports, Labeling, Reporting and recordkeeping requirements, Research, Warranties.

40 CFR Part 91

Environmental protection, Administrative practice and procedure, Air pollution control, Confidential business information, Imports, Labeling, Penalties, Reporting and recordkeeping Requirements, Warranties

40 CFR Part 92

Administrative practice and procedure, Air pollution control, Confidential business information, Imports, Labeling, Railroads, Reporting and recordkeeping requirements, Warranties

40 CFR Part 94

Environmental protection, Administrative practice and procedure, Air pollution control, Confidential business information, Imports, Incorporation by reference, Penalties, Reporting and recordkeeping requirements, Vessels, Warranties.

40 CFR Part 1039, 1048, and 1051

Environmental protection, Administrative practice and procedure, Air pollution control, Confidential business information, Imports, Incorporation by reference, Labeling, Penalties, Reporting and recordkeeping requirements, Warranties.

40 CFR Part 1065

Environmental protection, Administrative practice and procedure, Incorporation by reference, Reporting and recordkeeping requirements, Research.

40 CFR Part 1068

Environmental protection, Administrative practice and procedure, Confidential business information, Imports, Motor vehicle pollution, Penalties, Reporting and recordkeeping requirements, Warranties.

Dated: August 16, 2004.

Michael O. Leavitt,

Administrator.

For the reasons set out in the preamble, title 40, chapter I of the Code of Federal Regulations is proposed to be amended as follows:

PART 85—CONTROL OF AIR POLLUTION FROM MOBILE SOURCES

1. The authority citation for part 85 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

2. Section 85.1502 is amended by revising paragraph (a)(14) to read as follows:

§ 85.1502 Definitions.

(a) * * *

(14) *United States.* United States includes the States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, and the U.S. Virgin Islands.

* * * * *

3. Section 85.1503 is amended by revising the section heading and adding paragraphs (c), (d), and (e) to read as follows:

§ 85.1503 General requirements for importation of nonconforming vehicles and engines.

* * * * *

(c) In any one certificate year (*e.g.*, the current model year), an ICI may finally admit no more than the following numbers of nonconforming vehicles or engines into the United States under the provisions of § 85.1505 and § 85.1509,

except as allowed by paragraph (e) of this section:

(1) 5 heavy-duty engines.

(2) A total of 50 light-duty vehicles, light-duty trucks, and medium-duty passenger vehicles.

(3) 50 highway motorcycles.

(d) For ICIs owned by a parent company, the importation limits in paragraph (c) of this section include importation by the parent company and all its subsidiaries.

(e) An ICI may exceed the limits outlined in paragraphs (c) and (d) of this section, provided that any vehicles/engines in excess of the limits meet the emission standards and other requirements outlined in the provisions of § 85.1515 for the model year in which the motor vehicle/engine is modified (instead of the emission standards and other requirements applicable for the OP year of the vehicle/engine).

4. Section 85.1513 is amended by revising paragraph (d) to read as follows:

§ 85.1513 Prohibited acts; penalties.

* * * * *

(d) Any importer who violates section 203(a)(1) of the Act is subject to a civil penalty under section 205 of the Act of not more than $32,500 for each vehicle or engine subject to the violation. In addition to the penalty provided in the Act, where applicable, under the exemption provisions of § 85.1511(b), or under § 85.1512, any person or entity who fails to deliver such vehicle or engine to the U.S. Customs Service is liable for liquidated damages in the amount of the bond required by applicable Customs laws and regulations.

* * * * *

5. Section 85.1515 is amended by revising paragraphs (c)(1) and (c)(2) to read as follows:

§ 85.1515 Emission standards and test procedures applicable to imported nonconforming motor vehicles and motor vehicle engines.

* * * * *

(c)(1) Nonconforming motor vehicles or motor vehicle engines of 1994 OP model year and later conditionally imported pursuant to § 85.1505 or § 85.1509 shall meet all of the emission standards specified in 40 CFR part 86 for the OP year of the vehicle or motor vehicle engine. At the option of the ICI, the nonconforming motor vehicle may comply with the emissions standards in 40 CFR 86.1708–99 or 86.1709–99, as applicable to a light-duty vehicle or light light-duty truck, in lieu of the otherwise applicable emissions standards specified in 40 CFR part 86 for the OP year of the vehicle. The provisions of 40 CFR 86.1710–99 do not apply to imported nonconforming motor vehicles. The useful life specified in 40 CFR part 86 for the OP year of the motor vehicle or motor vehicle engine is applicable where useful life is not designated in this subpart.

(2)(i) Nonconforming light-duty vehicles and light light-duty trucks (LDV/LLDTs) originally manufactured in OP years 2004, 2005 or 2006 must meet the FTP exhaust emission standards of bin 9 in Tables S04–1 and S04–2 in 40 CFR 86.1811–04 and the evaporative emission standards for light-duty vehicles and light light-duty trucks specified in 40 CFR 86.1811–01(e)(5).

(ii) Nonconforming LDT3s and LDT4s (HLDTs) and medium-duty passenger vehicles (MDPVs) originally manufactured in OP years 2004 through 2006 must meet the FTP exhaust emission standards of bin 10 in Tables S04–1 and S04–2 in 40 CFR 86.1811–04 and the applicable evaporative emission standards specified in 40 CFR 86.1811–04(e)(5). For 2004 OP year HLDTs and MDPVs where modifications commence on the first vehicle of a test group before December 21, 2003, this requirement does not apply to the 2004 OP year. ICIs opting to bring all of their 2004 OP year HLDTs and MDPVs into compliance with the exhaust emission standards of bin 10 in Tables S04–1 and S04–2 in 40 CFR 86.1811–04, may use the optional higher NMOG values for their 2004–2006 OP year LDT2s and 2004–2008 LDT4s.

(iii) Nonconforming LDT3s and LDT4s (HLDTs) and medium-duty passenger vehicles (MDPVs) originally manufactured in OP years 2007 and 2008 must meet the FTP exhaust emission standards of bin 8 in Tables S04–1 and S04–2 in 40 CFR 86.1811–04 and the applicable evaporative standards specified in 40 CFR 86.1811–04(e)(5).

(iv) Nonconforming LDV/LDTs originally manufactured in OP years 2007 and later and nonconforming HLDTs and MDPVs originally manufactured in OP years 2009 and later must meet the FTP exhaust emission standards of bin 5 in Tables S04–1 and S04–2 in 40 CFR 86.1811–04, and the evaporative standards specified in 40 CFR 86.1811(e)(1) through (e)(4).

(v) ICIs are exempt from the Tier 2 and the interim non-Tier 2 phase-in intermediate percentage requirements for exhaust, evaporative, and refueling emissions described in 40 CFR 86.1811–04.

(vi) In cases where multiple standards exist in a given model year in 40 CFR part 86 due to phase-in requirements of new standards, the applicable standards for motor vehicle engines required to be certified to engine-based standards are the least stringent standards applicable to the engine type for the OP year.

* * * * *

6. Section 85.2111 is amended by revising the introductory text and adding paragraph (d) to read as follows:

§ 85.2111 Warranty enforcement.

The following acts are prohibited and may subject a manufacturer to up to a $32,500 civil penalty for each offense, except as noted in paragraph (d) of this section:

* * * * *

(d) The maximum penalty value listed in this section is shown for calendar year 2004. Maximum penalty limits for later years may be adjusted based on the Consumer Price Index. The specific regulatory provisions for changing the maximum penalties, published in 40 CFR part 19, reference the applicable U.S. Code citation on which the prohibited action is based.

7. Appendix II to subpart V is amended by revising section 1 of part A to read as follows:

Appendix II to Subpart V of Part 85—Arbitration Rules

Part A—Pre-Hearing

Section 1: Initiation of Arbitration

Either party may commence an arbitration under these rules by filing at any regional office of the American Arbitration Association (the AAA) three copies of a written submission to arbitrate under these rules, signed by either party. It shall contain a statement of the matter in dispute, the amount of money involved, the remedy sought, and the hearing locale requested, together with the appropriate administrative fee as provided in the Administrative Fee Schedule of the AAA in effect at the time the arbitration is filed. The filing party shall notify the MOD Director in writing within 14 days of when it files for arbitration and provide the MOD Director with the date of receipt of the bill by the part manufacturer.

Unless the AAA in its discretion determines otherwise and no party disagrees, the Expedited Procedures (as described in Part E of these Rules) shall be applied in any case where no disclosed claim or counterclaim exceeds $32,500, exclusive of interest and arbitration costs. Parties may also agree to the Expedited Procedures in cases involving claims in excess of $32,500.

All other cases, including those involving claims not in excess of $32,500 where either party so desires, shall be administered in accordance with Parts A through D of these Rules.

PART 86—CONTROL OF EMISSIONS FROM NEW AND IN-USE HIGHWAY VEHICLES AND ENGINES

8. The authority citation for part 86 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

9. Section 86.004–16 is amended by revising paragraph (d) to read as follows:

§ 86.004–16 Prohibition of defeat devices.

* * * * *

(d) For vehicle and engine designs designated by the Administrator to be investigated for possible defeat devices:

(1) *General.* The manufacturer must show to the satisfaction of the Administrator that the vehicle or engine design does not incorporate strategies that reduce emission control effectiveness exhibited during the applicable Federal emissions test procedures when the vehicle or engine is operated under conditions which may reasonably be expected to be encountered in normal operation and use, unless one of the specific exceptions set forth in the definition of ''defeat device'' in § 86.004–2 has been met.

(2) *Information submissions required.* The manufacturer will provide an explanation containing detailed information (including information which the Administrator may request to be submitted) regarding test programs, engineering evaluations, design specifications, calibrations, on-board computer algorithms, and design strategies incorporated for operation both during and outside of the applicable Federal emission test procedure.

10. Section 86.004–26 is amended by revising paragraph (c)(4) to read as follows:

§ 86.004–26 Mileage and service accumulation; emission measurements.

* * * * *

(c) * * *

(4) The manufacturer shall determine, for each engine family, the number of hours at which the engine system combination is stabilized for emission-data testing. The manufacturer shall maintain, and provide to the Administrator if requested, a record of the rationale used in making this determination. The manufacturer may elect to accumulate 125 hours on each test engine within an engine family without making a determination. Any engine used to represent emission-data engine selections under § 86.094–24(b)(2) shall be equipped with an engine system combination that has accumulated at least the number of hours determined under this paragraph. Complete exhaust emission tests shall be conducted for each emission-data engine selection under § 86.094–24(b)(2). Evaporative emission controls must be connected, as described in 40 CFR part 1065, subpart F. The Administrator may determine under § 86.094–24(f) that no testing is required.

* * * * *

11. Section 86.007–11 is amended by revising paragraphs (a)(2) and (a)(3)(i) and adding paragraph (g)(6) to read as follows:

§ 86.007–11 Emission standards and supplemental requirements for 2007 and later model year heavy-duty engines and vehicles.

* * * * *

(a) * * *

(2) The standards set forth in paragraph (a)(1) of this section refer to the exhaust emitted over the duty cycle specified in paragraphs (a)(2)(i) through (iii) of this section, where exhaust emissions are measured and calculated as specified in paragraphs (a)(2)(iv) and (v) of this section in accordance with the procedures set forth in 40 CFR part 1065, except as noted in § 86.007–23(c)(2):

(i) Perform the test interval set forth in paragraph (f)(2) of Appendix I of this part with a cold-start according to 40 CFR part 1065, subpart F. This is the cold-start test interval.

(ii) Shut down the engine after completing the test interval and allow 20 minutes to elapse. This is the hot-soak.

(iii) Repeat the test interval. This is the hot-start test interval.

(iv) Calculate the total emission mass of each constituent, *m*, and the total work, *W*, over each test interval according to 40 CFR 1065.650.

(v) Determine your engine's brake-specific emissions using the following calculation, which weights the emissions from the cold-start and hot-start test intervals:

$$\text{brake}-\text{specific emissions} = \frac{m_{\text{cold-start}} + 6 \cdot m_{\text{hot-start}}}{W_{\text{cold-start}} + 6 \cdot W_{\text{hot-start}}}$$

(3) * * *

(i) Exhaust emissions, as determined under § 86.1360–2007(b) pertaining to the supplemental emission test cycle, for each regulated pollutant shall not exceed 1.0 times the applicable emission standards or FELs specified in paragraph (a)(1) of this section.

* * * * *

(g) * * *

(6) Manufacturers may determine the number of engines and vehicles that are allowed to certify to the NO_X plus NMHC standard in § 86.004–11 based on calendar years 2007, 2008, and 2009, rather than model years 2007, 2008, and 2009.

* * * * *

12. Section 86.007–21 is amended by revising paragraph (o) to read as follows:

§ 86.007–21 Application for certification.

* * * * *

(o) For diesel heavy-duty engines, the manufacturer must provide the following additional information pertaining to the supplemental emission test conducted under § 86.1360–2007:

(1) Weighted brake-specific emissions data (*i.e.*, in units of g/bhp-hr), calculated according to 40 CFR 1065.650 for all pollutants for which an emission standard is established in § 86.004–11(a) or subsequent sections;

(2) For engines subject to the MAEL (*see* § 86.007–11(a)(3)(ii)), brake specific gaseous emission data for each of the 12 non-idle test points (identified under § 86.1360–2007(b)(1)) and the 3 EPA-selected test points (identified under § 86.1360–2007(b)(2));

(3) For engines subject to the MAEL (see § 86.007–11(a)(3)(ii)), concentrations and mass flow rates of all regulated gaseous emissions plus carbon dioxide;

(4) Values of all emission-related engine control variables at each test point;

(5) Weighted break-specific particulate matter (*i.e.*, in units of g/bhp-hr);

(6) A statement that the test results correspond to the test engine selection criteria in 40 CFR 1065.401. The manufacturer also must maintain records at the manufacturer's facility which contain all test data, engineering analyses, and other information which provides the basis for this statement, where such information exists. The manufacturer must provide such

information to the Administrator upon request;

(7) For engines subject to the MAEL (see § 86.007–11(a)(3)(ii)), a statement that the engines will comply with the weighted average emissions standard and interpolated values comply with the Maximum Allowable Emission Limits specified in § 86.007–11(a)(3) for the useful life of the engine where applicable. The manufacturer also must maintain records at the manufacturer's facility which contain a detailed description of all test data, engineering analyses, and other information which provides the basis for this statement, where such information exists. The manufacturer must provide such information to the Administrator upon request.

* * * * *

PART 86—[AMENDED]

13. Part 86 is amended by removing the first § 86.008–10, which was added on October 6, 2000.

14. Section 86.084–2 is amended by revising the definition for ''Curb-idle'' to read as follows:

§ 86.084–2 Definitions.

* * * * *

Curb-idle means:

(1) For manual transmission code light-duty trucks, the engine speed with the transmission in neutral or with the clutch disengaged and with the air conditioning system, if present, turned off. For automatic transmission code light-duty trucks, curb-idle means the engine speed with the automatic transmission in the Park position (or Neutral position if there is no Park position), and with the air conditioning system, if present, turned off.

(2) For manual transmission code heavy-duty engines, the manufacturer's recommended engine speed with the clutch disengaged. For automatic transmission code heavy-duty engines, curb idle means the manufacturer's recommended engine speed with the automatic transmission in gear and the output shaft stalled. (Measured idle speed may be used in lieu of curb-idle speed for the emission tests when the difference between measured idle speed and curb idle speed is sufficient to cause a void test under 40 CFR 1065.530 but not sufficient to permit adjustment in accordance with 40 CFR part 1065, subpart E.

* * * * *

15. Section 86.096–38 is amended by revising paragraph (g)(19)(iii) to read as follows:

§ 86.096–38 Maintenance instructions.

* * * * *

(g) * * *

(19) * * *

(iii) Any person who violates a provision of this paragraph (g) shall be subject to a civil penalty of not more than $32,500 per day for each violation. This maximum penalty is shown for calendar year 2004. Maximum penalty limits for later years may be set higher based on the Consumer Price Index, as specified in 40 CFR part 19. In addition, such person shall be liable for all other remedies set forth in Title II of the Clean Air Act, remedies pertaining to provisions of Title II of the Clean Air Act, or other applicable provisions of law.

16. Section 86.121–90 is amended by revising paragraph (d) introductory text to read as follows:

§ 86.121–90 Hydrocarbon analyzer calibration.

* * * * *

(d) *FID response factor to methane.* When the FID analyzer is to be used for the analysis of gasoline, diesel, methanol, ethanol, liquefied petroleum gas, and natural gas-fueled vehicle hydrocarbon samples, the methane response factor of the analyzer must be established. To determine the total hydrocarbon FID response to methane, known methane in air concentrations traceable to the National Institute of Standards and Technology (NIST) must be analyzed by the FID. Several methane concentrations must be analyzed by the FID in the range of concentrations in the exhaust sample. The total hydrocarbon FID response to methane is calculated as follows:

r_{CH4} = FIDppm/SAMppm

Where:

* * * * *

17. Section 86.144–94 is amended by revising paragraph (c)(8)(vi) to read as follows:

§ 86.144–94 Calculations; exhaust emissions.

* * * * *

(c) * * *

(8) * * *

(vi) r_{CH4} = HC FID response to methane as measured in § 86.121(d).

* * * * *

18. Section 86.158–00 is amended by revising the introductory text to read as follows:

§ 86.158–00 Supplemental Federal Test Procedures; overview.

The procedures described in §§ 86.158–00, 86.159–00, 86.160–00, and 86.162–00 discuss the aggressive driving (US06) and air conditioning (SC03) elements of the Supplemental Federal Test Procedures (SFTP). These test procedures consist of two separable test elements: A sequence of vehicle operation that tests exhaust emissions with a driving schedule (US06) that tests exhaust emissions under high speeds and accelerations (aggressive driving); and a sequence of vehicle operation that tests exhaust emissions with a driving schedule (SC03) which includes the impacts of actual air conditioning operation. These test procedures (and the associated standards set forth in subpart S of this part) are applicable to light-duty vehicles and light-duty trucks.

* * * * *

19. Section 86.159–00 is amended by revising paragraph (f)(2)(ix) to read as follows:

§ 86.159–00 Exhaust emission test procedure for US06 emissions.

* * * * *

(f) * * *

(2) * * *

(ix) Turn the engine off 2 seconds after the end of the last deceleration (i.e., engine off at 596 seconds).

* * * * *

20. Section 86.160–00 is amended by revising the first sentence of paragraph (a), and paragraphs (c)(10), (c)(12), (d)(10), and (d)(13) to read as follows:

§ 86.160–00 Exhaust emission test procedure for SC03 emissions.

(a) *Overview.* The dynamometer operation consists of a single, 600 second test on the SC03 driving schedule, as described in appendix I, paragraph (h), of this part. * * *

* * * * *

(c) * * *

(10) Eighteen seconds after the engine starts, begin the initial vehicle acceleration of the driving schedule.

* * * * *

(12) Turn the engine off 2 seconds after the end of the last deceleration (*i.e.*, engine off at 596 seconds).

* * * * *

(d) * * *

(10) Turn the engine off 2 seconds after the end of the last deceleration (*i.e.*, engine off at 596 seconds).

* * * * *

(13) Immediately after the end of the sample period, turn off the cooling fan, disconnect the exhaust tube from the vehicle tailpipe(s), and drive the vehicle from dynamometer.

* * * * *

21. Section 86.161–00 is amended by revising paragraph (b)(1) to read as follows:

§ 86.161–00 Air conditioning environmental test facility ambient requirements.

* * * * *

(b) * * *

(1) Ambient humidity is controlled, within the test cell, during all phases of the air conditioning test sequence to an average of 100 +/-5 grains of water/pound of dry air.

* * * * *

22. Section 86.164–00 is amended by revising paragraph (c)(1)(i) introductory text to read as follows:

§ 86.164–00 Supplemental federal test procedure calculations.

* * * * *

(c)(1) * * *

(i) $Y_{WSFTP} = 0.35(Y_{FTP}) + 0.37(Y_{SC03}) + 0.28(Y_{US06})$

Where:

* * * * *

23. A new § 86.413–2006 is added to read as follows:

§ 86.413–2006 Labeling.

(a)(1) The manufacturer of any motorcycle shall, at the time of manufacture, affix a permanent, legible label, of the type and in the manner described below, containing the information hereinafter provided, to all production models of such vehicles available for sale to the public and covered by a certificate of conformity.

(2) A permanent, legible label shall be affixed in a readily accessible position. Multi-part labels may be used.

(3) The label shall be affixed by the vehicle manufacturer who has been issued the certificate of conformity for such vehicle, in such a manner that it cannot be removed without destroying or defacing the label, and shall not be affixed to any part which is easily detached from the vehicle or is likely to be replaced during the useful life of the vehicle.

(4) The label shall contain the following information lettered in the English language in block letters and numerals, which shall be of a color that contrasts with the background of the label:

(i) The label heading shall read: ''Vehicle Emission Control Information'';

(ii) Full corporate name and trademark of the manufacturer;

(iii) Engine displacement (in cubic centimeters or liters) and engine family identification;

(iv) Engine tuneup specifications and adjustments, as recommended by the manufacturer, including, if applicable: idle speed, ignition timing, and the idle air-fuel mixture setting procedure and value (*e.g.*, idle CO, idle air-fuel ratio, idle speed drop). These specifications shall indicate the proper transmission position during tuneup, and which accessories should be in operation and which systems should be disconnected during a tuneup;

(v) Any specific fuel or engine lubricant requirements (*e.g.*, lead content, research octane number, engine lubricant type);

(vi) Identification of the exhaust emission control system, using abbreviations in accordance with SAE J1930, June 1993, including the following abbreviations for items commonly appearing on motorcycles:

OC Oxidation catalyst;
TWC Three-way catalyst;
AIR Secondary air injection (pump);
PAIR Pulsed secondary air injection
DFI Direct fuel injection;
O2S Oxygen sensor;
HO2S Heated oxygen sensor;
EM Engine modification;
CFI Continuous fuel injection;
MFI Multi-port (electronic) fuel injection; and
TBI Throttle body (electronic) fuel injection.

(viii) An unconditional statement of conformity to U.S. EPA regulations which includes the model year; for example, ''This Vehicle Conforms to U.S. EPA Regulations Applicable to _____ Model Year New Motorcycles'' (the blank is to be filled in with the appropriate model year). For all Class III motorcycles and for Class I and Class II motorcycles demonstrating compliance with the averaging provisions in 40 CFR 86.449 the statement must also include the phrase ''is certified to an $HC+NO_X$ emission standard of _____ grams/mile'' (the blank is to be filled in with the Family Emission Limit determined by the manufacturer).

(b) The provisions of this section shall not prevent a manufacturer from also reciting on the label that such vehicle conforms to any other applicable Federal or State standards for new motorcycles or any other information that such manufacturer deems necessary for, or useful to, the proper operation and satisfactory maintenance of the vehicle.

24. Section 86.447–2006 is revised to read as follows:

§ 86.447–2006 What provisions apply to motorcycle engines below 50 cc that are certified under the Small SI program or the Recreational-vehicle program?

(a) *General provisions.* If you are an engine manufacturer, this section allows you to introduce into commerce a new highway motorcycle (that is, a motorcycle that is a motor vehicle) if it has an engine below 50 cc that is already certified to the requirements that apply to engines or vehicles under 40 CFR part 90 or 1051 for the appropriate model year. If you comply with all the provisions of this section, we consider the certificate issued under 40 CFR part 90 or 1051 for each engine or vehicle to also be a valid certificate of conformity under this part 86 for its model year, without a separate application for certification under the requirements of this part 86. See § 86.448–2006 for similar provisions that apply to vehicles that are certified to chassis-based standards under 40 CFR part 1051.

(b) *Vehicle-manufacturer provisions.* If you are not an engine manufacturer, you may produce highway motorcycles using nonroad engines below 50 cc under this section as long as the engine has been properly labeled as specified in paragraph (d)(5) of this section and you do not make any of the changes described in paragraph (d)(2) of this section. If you modify the nonroad engine in any of the ways described in paragraph (d)(2) of this section for installation in a highway motorcycle, we will consider you a manufacturer of a new highway motorcycle. Such engine modifications prevent you from using the provisions of this section.

(c) *Liability.* Engines for which you meet the requirements of this section, and vehicles containing these engines, are exempt from all the requirements and prohibitions of this part, except for those specified in this section. Engines and vehicles exempted under this section must meet all the applicable requirements from 40 CFR part 90 or 1051. This applies to engine manufacturers, vehicle manufacturers who use these engines, and all other persons as if these engines were used in recreational vehicles or other nonroad applications. The prohibited acts of 40 CFR part 85 apply to these new highway motorcycles; however, we consider the certificate issued under 40 CFR part 90 or 1051 for each engine to also be a valid certificate of conformity under this part 86 for its model year. If we make a determination that these engines do not conform to the regulations during their useful life, we may require you to recall them under 40 CFR part 86, 90, or 1068.

(d) *Specific requirements.* If you are an engine manufacturer and meet all the following criteria and requirements regarding your new engine, the highway motorcycle is eligible for an exemption under this section:

(1) Your engine must be below 50 cc and must be covered by a valid certificate of conformity for Class II engines issued under 40 CFR part 90 or

for recreational vehicles under 40 CFR part 1051.

(2) You must not make any changes to the certified engine that could reasonably be expected to increase its exhaust emissions for any pollutant, or its evaporative emissions, if applicable. For example, if you make any of the following changes to one of these engines, you do not qualify for this exemption:

(i) Change any fuel system or evaporative system parameters from the certified configuration.

(ii) Change, remove, or fail to properly install any other component, element of design, or calibration specified in the engine manufacturer's application for certification. This includes aftertreatment devices and all related components.

(iii) Modify or design the engine cooling system so that temperatures or heat rejection rates are outside the original engine manufacturer's specified ranges.

(3) You must show that fewer than 50 percent of the engine model's total sales for the model year, from all companies, are used in highway motorcycles, as follows:

(i) If you are the original manufacturer of the engine, base this showing on your sales information.

(ii) In all other cases, you must get the original manufacturer of the engine to confirm this based on its sales information.

(4) You must ensure that the engine has the label we require under 40 CFR part 90 or 1051.

(5) You must add a permanent supplemental label to the engine in a position where it will remain clearly visible after installation in the equipment. In the supplemental label, do the following:

(i) Include the heading: ''HIGHWAY MOTORCYCLE ENGINE EMISSION CONTROL INFORMATION''.

(ii) Include your full corporate name and trademark. You may instead include the full corporate name and trademark of another company you choose to designate.

(iii) State: ''THIS ENGINE WAS ADAPTED FOR HIGHWAY USE WITHOUT AFFECTING ITS EMISSION CONTROLS.''.

(iv) State the date you finished installation (month and year), if applicable.

(6) Send the Designated Compliance Officer a signed letter by the end of each calendar year (or less often if we tell you) with all the following information:

(i) Identify your full corporate name, address, and telephone number.

(ii) List the engine models you expect to produce under this exemption in the coming year.

(iii) State: ''We produce each listed engine model for nonroad application without making any changes that could increase its certified emission levels, as described in 40 CFR 1048.605.''.

(e) *Failure to comply.* If your highway motorcycles do not meet the criteria listed in paragraph (d) of this section, they will be subject to the standards, requirements, and prohibitions of this part 86 and the certificate issued under 40 CFR part 90 or 1051 will not be deemed to also be a certificate issued under this part 86. Introducing these engines into commerce without a valid exemption or certificate of conformity under this part violates the prohibitions in 40 CFR part 85.

(f) *Data submission.* We may require you to send us emission test data on any applicable nonroad duty cycles.

(g) *Participation in averaging, banking and trading.* Engines adapted for recreational use under this section may not generate or use emission credits under this part 86. These engines may generate credits under the ABT provisions in 40 CFR part 90 or 1051. These engines must use emission credits under 40 CFR part 90 or 1051 if they are certified to an FEL that exceeds an applicable standard.

25. Section 86.448–2006 is revised to read as follows:

§ 86.448–2006 What provisions apply to vehicles certified under the Recreational-vehicle program?

(a) *General provisions.* If you are a highway-motorcycle manufacturer, this section allows you to introduce into commerce a new highway motorcycle with an engine below 50 cc if it is already certified to the requirements that apply to recreational vehicles under 40 CFR parts 1051. A highway motorcycle is a motorcycle that is a motor vehicle. If you comply with all of the provisions of this section, we consider the certificate issued under 40 CFR part 1051 for each recreational vehicle to also be a valid certificate of conformity for the motor vehicle under this part 86 for its model year, without a separate application for certification under the requirements of this part 86. See § 86.447–2006 for similar provisions that apply to nonroad engines produced for highway motorcycles.

(b) *Nonrecreational-vehicle provisions.* If you are not a recreational-vehicle manufacturer, you may produce highway motorcycles from recreational vehicles with engines below 50 cc under this section as long as the highway motorcycle has the labels specified in paragraph (d)(5) of this section and you do not make any of the changes described in paragraph (d)(2) of this section. If you modify the recreational vehicle or its engine in any of the ways described in paragraph (d)(2) of this section for installation in a highway motorcycle, we will consider you a manufacturer of a new highway motorcycle. Such modifications prevent you from using the provisions of this section.

(c) *Liability.* Vehicles for which you meet the requirements of this section are exempt from all the requirements and prohibitions of this part, except for those specified in this section. Engines and vehicles exempted under this section must meet all the applicable requirements from 40 CFR part 1051. This applies to engine manufacturers, vehicle manufacturers, and all other persons as if the highway motorcycles were recreational vehicles. The prohibited acts of 40 CFR part 85 apply to these new highway motorcycles; however, we consider the certificate issued under 40 CFR part 1051 for each recreational vehicle to also be a valid certificate of conformity for the highway motorcycle under this part 86 for its model year. If we make a determination that these engines or vehicles do not conform to the regulations during their useful life, we may require you to recall them under 40 CFR part 86 or 40 CFR 1068.505.

(d) *Specific requirements.* If you are a recreational-vehicle manufacturer and meet all the following criteria and requirements regarding your new highway motorcycle and its engine, the highway motorcycle is eligible for an exemption under this section:

(1) Your motorcycle must have an engine below 50 cc and it must be covered by a valid certificate of conformity as a recreational vehicle issued under 40 CFR part 1051.

(2) You must not make any changes to the certified recreational vehicle that we could reasonably expect to increase its exhaust emissions for any pollutant, or its evaporative emissions if it is subject to evaporative-emission standards. For example, if you make any of the following changes, you do not qualify for this exemption:

(i) Change any fuel system parameters from the certified configuration.

(ii) Change, remove, or fail to properly install any other component, element of design, or calibration specified in the vehicle manufacturer's application for certification. This includes aftertreatment devices and all related components.

(iii) Modify or design the engine cooling system so that temperatures or

heat rejection rates are outside the original vehicle manufacturer's specified ranges.

(3) You must show that fewer than 50 percent of the total sales as a highway motorcycle or a recreational vehicle, from all companies, are used in highway motorcycles, as follows:

(i) If you are the original manufacturer of the vehicle, base this showing on your sales information.

(ii) In all other cases, you must get the original manufacturer of the vehicle to confirm this based on their sales information.

(4) The highway motorcycle must have the vehicle emission control information we require under 40 CFR part 1051.

(5) You must add a permanent supplemental label to the highway motorcycle in a position where it will remain clearly visible. In the supplemental label, do the following:

(i) Include the heading: ''HIGHWAY MOTORCYCLE ENGINE EMISSION CONTROL INFORMATION''.

(ii) Include your full corporate name and trademark. You may instead include the full corporate name and trademark of another company you choose to designate.

(iii) State: ''THIS VEHICLE WAS ADAPTED FOR HIGHWAY USE WITHOUT AFFECTING ITS EMISSION CONTROLS.''.

(iv) State the date you finished modifying the vehicle (month and year), if applicable.

(6) Send the Designated Compliance Officer a signed letter by the end of each calendar year (or less often if we tell you) with all the following information:

(i) Identify your full corporate name, address, and telephone number.

(ii) List the highway motorcycle models you expect to produce under this exemption in the coming year.

(iii) State: ''We produced each listed highway motorcycle without making any changes that could increase its certified emission levels, as described in 40 CFR 86.448–2006.''.

(e) *Failure to comply.* If your highway motorcycles do not meet the criteria listed in paragraph (d) of this section, they will be subject to the standards, requirements, and prohibitions of this part 86 and 40 CFR part 85, and the certificate issued under 40 CFR part 1051 will not be deemed to also be a certificate issued under this part 86. Introducing these motorcycles into commerce without a valid exemption or certificate of conformity under this part violates the prohibitions in 40 CFR part 85.

(f) *Data submission.* We may require you to send us emission test data on the duty cycle for Class I motorcycles.

(g) *Participation in averaging, banking and trading.* Recreational vehicles adapted for use as highway motorcycles under this section may not generate or use emission credits under this part 86. These engines may generate credits under the ABT provisions in 40 CFR part 1051. These engines must use emission credits under 40 CFR part 1051 if they are certified to an FEL that exceeds an applicable standard.

25a. In § 86.513–2004, Table 1 in paragraph (a)(1) is amended to read as follows:

§ 86.513–2004 Fuel and engine lubricant specifications.

* * * * *

(a) * * *

(1) * * *

TABLE 1 OF § 86.513–2004.—GASOLINE TEST FUEL SPECIFICATIONS

Item	Procedure	Value
Distillation Range:		
1. Initial boiling point, °C	ASTM D 86–97	[1] 23.9–35.0
2. 10% point, °C	ASTM D 86–97	48.9–57.2
3. 50% point, °C	ASTM D 86–97	93.3–110.0
4. 90% point, °C	ASTM D 86–97	148.9–162.8
5. End point, °C	ASTM D 86–97	212.8
Hydrocarbon composition:		
1. Olefins, volume %	ASTM D 1319–98	10 maximum.
2. Aromatics, volume %	ASTM D 1319–98	35 maximum.
3. Saturates	ASTM D 1319-98	Remainder.
Lead (organic), g/liter	ASTM D 3237	0.013 maximum.
Phosphorous, g/liter	ASTM D 3231	0.0013 maximum.
Sulfur, weight %	ASTM D 1266	0.008 maximum.
Volatility (Reid Vapor Pressure), kPa	ASTM D 323	[1] 55.2 to 63.4.

[1] For testing at altitudes above 1,219 m, the specified volatility range is 52 to 55 kPa and the specified initial boiling point range is (23.9 to 40.6) °C.

* * * * *

26. Section 86.884–8 is amended by revising paragraph (c) introductory text to read as follows:

§ 86.884–8 Dynamometer and engine equipment.

* * * * *

(c) An exhaust system with an appropriate type of smokemeter placed 10 to 32 feet from the exhaust manifold(s), turbocharger outlet(s), exhaust aftertreatment device(s), or crossover junction (on Vee engines), whichever is farthest downstream. The smoke exhaust system shall present an exhaust backpressure within +0.2 inch Hg of the upper limit at maximum rated horsepower, as established by the engine manufacturer in his sales and service literature for vehicle application. The following options may also be used:

* * * * *

27. Section 86.884–10 is amended by revising paragraph (a) introductory text to read as follows:

§ 86.884–10 Information.

* * * * *

(a) *Engine description and specifications.* A copy of the information specified in this paragraph must accompany each engine sent to the Administrator for compliance testing. If the engine is submitted to the Administrator for testing under subpart N of this part or 40 CFR part 1065, only the specified information need accompany the engine. The manufacturer need not record the information specified in this paragraph for each test if the information, with the exception of paragraphs (a)(3), (a)(12), and (a)(13) of this section, is included in the manufacturer's part I.

* * * * *

28. Section 86.884–12 is amended by revising paragraph (c)(2) to read as follows:

§ 86.884–12 Test run.

* * * * *

(c) * * *

(2) Warm up the engine by the procedure described in 40 CFR 1065.530.

* * * * *

29. Section 86.1005–90 is amended by revising paragraphs (a)(1)(i), (a)(1)(ii), (a)(2)(vi)(A), and (a)(2)(vi)(B) to read as follows:

§ 86.1005–90 Maintenance of records; submittal of information.

(a) * * *

(1) * * *

(i) If testing heavy-duty gasoline-fueled or methanol-fueled Otto-cycle engines, the equipment requirements specified in 40 CFR part 1065, subparts B and C;

(ii) If testing heavy-duty petroleum-fueled or methanol-fueled diesel engines, the equipment requirements specified in 40 CFR part 1065, subparts B and C;

* * * * *

(2) * * *

(vi) * * *

(A) If testing gasoline-fueled or methanol-fueled Otto-cycle heavy-duty engines, the record requirements specified in 40 CFR 1065.695;

(B) If testing petroleum-fueled or methanol-fueled diesel heavy-duty engines, the record requirements specified in 40 CFR 1065.695;

* * * * *

30. Section 86.1108–87 is amended by revising paragraphs (a)(1)(i), (a)(1)(ii), (a)(2)(vi)(A), and (a)(2)(vi)(B) to read as follows:

§ 86.1108–87 Maintenance of records.

(a) * * *

(1) * * *

(i) If testing heavy-duty gasoline engines, the equipment requirements specified in 40 CFR part 1065, subparts B and C;

(ii) If testing heavy-duty diesel engines, the equipment requirements specified in 40 CFR part 1065, subparts B and C;

* * * * *

(2) * * *

(vi) * * *

(A) If testing heavy-duty gasoline engines, the record requirements specified in 40 CFR 1065.695;

(B) If testing heavy-duty diesel engines, the record requirements specified in 40 CFR 1065.695;

* * * * *

30a. A new § 86.1213–08 is added to read as follows:

§ 86.1213–08 Fuel specifications.

The test fuels listed in 40 CFR part 1065, subpart H, shall be used for evaporative emission testing.

31. Section 86.1301–90 is redesignated as § 86.1301 and revised to read as follows:

§ 86.1301 Scope; applicability.

This subpart specifies gaseous emission test procedures for Otto-cycle and diesel heavy-duty engines, and particulate emission test procedures for diesel heavy-duty engines, as follows:

(a) For model years 1990 through 2003, manufacturers must use the test procedures specified in § 86.1305–90.

(b) For model years 2004 and 2005, manufacturers must use the test procedures specified in § 86.1305–2004.

(c) For model years 2006 and 2007, manufacturers may use the test procedures specified in § 86.1305–2004 or § 86.1305–2008.

(d) For model years 2008 and later, manufacturers must use the test procedures specified in § 86.1305–2008.

(e) As allowed under subpart A of this part, manufacturers may use carryover data from previous model years to demonstrate compliance with emission standards, without regard to the provisions of this section.

32. Section 86.1304–90 is redesignated as § 86.1304 and amended by revising paragraph (a) to read as follows:

§ 86.1304 Section numbering; construction.

(a) *Section numbering.* The model year of initial applicability is indicated by the section number. The digits following the hyphen designate the first model year for which a section is applicable. The section continues to apply to subsequent model years unless a later model year section is adopted. (*Example:* § 86.13xx–2004 applies to the 2004 and subsequent model years. If a § 86.13xx–2007 is promulgated it would apply beginning with the 2007 model year; § 86.13xx–2004 would apply to model years 2004 through 2006.)

* * * * *

14. A new § 86.1305–2008 is added to read as follows:

§ 86.1305–2008 Introduction; structure of subpart.

(a) This subpart specifies the equipment and procedures for performing exhaust-emission tests on Otto-cycle and diesel-cycle heavy-duty engines. Subpart A of this part sets forth the emission standards and general testing requirements to comply with EPA certification procedures.

(b) Use the applicable equipment and procedures for spark-ignition or compression-ignition engines in 40 CFR part 1065 to determine whether engines meet the duty-cycle emission standards in subpart A of this part. Measure the emissions of all regulated pollutants as specified in 40 CFR part 1065. Note that we generally do not allow partial-flow sampling for measuring PM emissions on a laboratory dynamometer for transient testing. Use the duty cycles and procedures specified in § 86.1358–2007, § 86.1360–2007, and § 86.1362–2007. Adjust emission results from engines using aftertreatment technology with infrequent regeneration events as described in § 86.004–28.

(c) The provisions in § 86.1370–2007 and § 86.1372–2007 apply for determining whether an engine meets the applicable not-to-exceed emission standards.

(d) Measure smoke using the procedures in subpart I of this part for evaluating whether engines meet the smoke standards in subpart A of this part.

(e) Use the fuels specified in 40 CFR part 1065 to perform valid tests, as follows:

(1) For service accumulation, use the test fuel or any commercially available fuel that is representative of the fuel that in-use engines will use.

(2) For diesel-fueled engines, use the ultra low-sulfur diesel fuel specified in 40 CFR part 1065 for emission testing.

(f) You may use special or alternate procedures to the extent we allow them under 40 CFR 1065.10.

(g) This subpart is addressed to you as a manufacturer, but it applies equally to anyone who does testing for you.

33. Section 86.1321–90 is amended by revising paragraph (a)(3)(ii) to read as follows:

§ 86.1321–90 Hydrocarbon analyzer calibration.

* * * * *

(a) * * *

(3) * * *

(ii) The HFID optimization procedures outlined in § 86.331–79(c).

* * * * *

34. Section 86.1321–94 is amended by revising paragraph (a)(3)(ii) to read as follows:

§ 86.1321–94 Hydrocarbon analyzer calibration.

* * * * *

(a) * * *

(3) * * *

(ii) The procedure listed in § 86.331–79(c).

* * * * *

35. Section 86.1360–2007 is amended by revising paragraph (b), removing and reserving paragraphs (c) and (e), and

removing paragraphs (h), and (i) to read as follows:

§ 86.1360–2007 Supplemental emission test; test cycle and procedures.

* * * * *

(b) *Test cycle.* (1) Perform testing as described in § 86.1362–2007 for determining whether an engine meets the applicable standards when measured over the supplemental emission test.

(2) For engines not certified to a NO_X standard or FEL less than 1.5 g/bhp-hr, EPA may select, and require the manufacturer to conduct the test using, up to three discrete test points within the control area defined in paragraph (d) of this section. EPA will notify the manufacturer of these supplemental test points in writing in a timely manner before the test. Emission sampling for these discrete test modes must include all regulated pollutants except particulate matter.

* * * * *

35a. A new § 86.1362–2007 is added to read as follows:

§ 86.1362–2007 How do I measure emissions using ramped-modal procedures?

This section describes how to test engines under steady-state conditions.

(a) Perform steady-state testing with ramped-modal cycles. Start sampling at the beginning of the first mode and continue sampling until the end of the last mode. Calculate emissions as described in 40 CFR 1065.650 and cycle statistics as described in 40 CFR 1065.514.

(b) Measure emissions by testing the engine on a dynamometer with the following duty cycle to determine whether it meets the applicable steady-state emission standards:

RMC mode	Time in mode (seconds)	Engine speed [1, 2]	Torque (percent) [2, 3]
1a Steady-state	170	Warm Idle	0
1b Transition	20	Linear Transition	Linear Transition
2a Steady-state	170	A	100
2b Transition	20	A	Linear Transition.
3a Steady-state	102	A	25
3b Transition	20	A	Linear Transition.
4a Steady-state	100	A	75
4b Transition	20	A	Linear Transition.
5a Steady-state	103	A	50
5b Transition	20	Linear Transition	Linear Transition.
6a Steady-state	194	B	100
6b Transition	20	B	Linear Transition.
7a Steady-state	219	B	25
7b Transition	20	B	Linear Transition.
8a Steady-state	220	B	75
8b Transition	20	B	Linear Transition.
9a Steady-state	219	B	50
9b Transition	20	Linear Transition	Linear Transition.
10a Steady-state	171	C	100
10b Transition	20	C	Linear Transition.
11a Steady-state	102	C	25
11b Transition	20	C	Linear Transition.
12a Steady-state	100	C	75
12b Transition	20	C	Linear Transition.
13a Steady-state	102	C	50
13b Transition	20	Linear Transition	Linear Transition.
14 Steady-state	168	Warm Idle	0

[1] Speed terms are defined in 40 CFR part 1065.
[2] Advance from one mode to the next within a 20-second transition phase. During the transition phase, command a linear progression from the speed or torque setting of the current mode to the speed or torque setting of the next mode.
[3] The percent torque is relative to maximum torque at the commanded engine speed.

(c) During idle mode, operate the engine with the following parameters:

(1) Hold the speed within your specifications.

(2) Set the engine to operate at its minimum fueling rate.

(3) Keep engine torque under 5 percent of maximum test torque.

(d) For full-load operating modes, operate the engine at its maximum fueling rate.

(e) See 40 CFR part 1065 for detailed specifications of tolerances and calculations.

(f) Perform the ramped-modal test with a warmed-up engine. If the ramped-modal test follows directly after testing over the Federal Test Procedure, consider the engine warm. Otherwise, operate the engine to warm it up as described in 40 CFR part 1065, subpart F.

36. Section 86.1509–84 is amended by revising paragraphs (c) and (d) to read as follows:

§ 86.1509–84 Exhaust gas sampling system.

* * * * *

(c) A CVS sampling system with bag or continuous analysis as specified in 40 CFR part 1065 is permitted as applicable. The inclusion of an additional raw carbon dioxide (CO_2) analyzer as specified in 40 CFR part 1065 is required if the CVS system is used, in order to accurately determine the CVS dilution factor. The heated sample line specified in 40 CFR part 1065 for raw emission requirements is not required for the raw CO_2 measurement.

(d) A raw exhaust sampling system as specified in 40 CFR part 1065 is permitted.

37. Section 86.1511–84 is amended by revising paragraphs (a)(1) and (b) to read as follows:

§ 86.1511–84 Exhaust gas analysis system.

(a) * * *

(1) The analyzer used shall conform to the accuracy provisions of 40 CFR part 1065, subparts C, D, and F.

* * * * *

(b) The inclusion of a raw CO_2 analyzer as specified in 40 CFR part 1065 is required in order to accurately determine the CVS dilution factor.

38. Section 86.1513–90 is revised to read as follows:

§ 86.1513–90 Fuel specifications.

The requirements of this section are set forth in § 86.1313–94 for heavy-duty engines, and in § 86.113–90(a) for light-duty trucks.

39. Section 86.1513–94 is revised to read as follows:

§ 86.1513–94 Fuel specifications.

The requirements of this section are set forth in 40 CFR part 1065, subpart H, for heavy-duty engines and in § 86.113–94 for light-duty trucks.

40. Section 86.1514–84 is amended by revising paragraphs (b) and (c) to read as follows:

§ 86.1514–84 Analytical gases.

* * * * *

(b) If the raw CO sampling system specified in 40 CFR part 1065 is used, the analytical gases specified in 40 CFR part 1065, subpart H, shall be used.

(c) If a CVS sampling system is used, the analytical gases specified in 40 CFR part 1065, subpart H, shall be used.

41. Section 86.1519–84 is revised to read as follows:

§ 86.1519–84 CVS calibration.

If the CVS system is used for sampling during the idle emission test, the calibration instructions are specified in 40 CFR part 1065, subpart D, for heavy-duty engines, and § 86.119–78 for light-duty trucks.

42. Section 86.1524–84 is revised to read as follows:

§ 86.1524–84 Carbon dioxide analyzer calibration.

(a) The calibration requirements for the dilute-sample CO_2 analyzer are specified in 40 CFR part 1065, subpart D, for heavy-duty engines and § 86.124–78 for light-duty trucks.

(b) The calibration requirements for the raw CO_2 analyzer are specified in 40 CFR part 1065, subpart D.

43. Section 86.1530–84 is amended by revising paragraph (b) to read as follows:

§ 86.1530–84 Test sequence; general requirements.

* * * * *

(b) Ambient test cell conditions during the test shall be those specified in § 86.130–78 or 40 CFR part 1065, subpart F.

44. Section 86.1537–84 is amended by revising paragraphs (c), (e)(6), and (f) to read as follows:

§ 86.1537–84 Idle test run.

* * * * *

(c) Achieve normal engine operating condition. The transient engine or chassis dynamometer test is an acceptable technique for warm-up to normal operating condition for the idle test. If the emission test is not performed prior to the idle emission test, a heavy-duty engine may be warmed-up according to 40 CFR part 1065, subpart F. A light-duty truck may be warmed up by operation through one Urban Dynamometer Driving Schedule test procedure (see § 86.115–78 and appendix I to this part).

* * * * *

(e) * * *

(6) For bag sampling, sample idle emissions long enough to obtain a sufficient bag sample, but in no case shorter than 60 seconds nor longer than 6 minutes. Follow the sampling and exhaust measurements requirements of 40 CFR part 1065, subpart F, for conducting the raw CO_2 measurement.

* * * * *

(f) If the raw exhaust sampling and analysis technique specified in 40 CFR part 1065 is used, the following procedures apply:

(1) Warm up the engine or vehicle per paragraphs (c) and (d) of this section. Operate the engine or vehicle at the conditions specified in paragraph (e)(4) of this section.

(2) Follow the sampling and exhaust measurement requirements of 40 CFR part 1065, subpart F. The idle sample shall be taken for 60 seconds minimum, and no more than 64 seconds. The chart reading procedures of 40 CFR part 1065, subpart F, shall be used to determine the analyzer response.

* * * * *

45. Section 86.1540–84 is amended by revising paragraphs (b) and (c) to read as follows:

§ 86.1540–84 Idle exhaust sample analysis.

* * * * *

(b) If the CVS sampling system is used, the analysis procedures for dilute CO and CO_2 specified in 40 CFR part 1065 apply. Follow the raw CO_2 analysis procedure specified in 40 CFR part 1065, subpart F, for the raw CO_2 analyzer.

(c) If the continuous raw exhaust sampling technique specified in 40 CFR part 1065 is used, the analysis procedures for CO specified in 40 CFR part 1065, subpart F, apply.

46. Section 86.1542–84 is amended by revising paragraph (a) introductory text to read as follows:

§ 86.1542–84 Information required.

(a) General data—heavy-duty engines. Information shall be recorded for each idle emission test as specified in 40 CFR part 1065, subpart G. The following test data are required:

* * * * *

47. Section 86.1544–84 is amended by revising paragraphs (b)(1), (b)(2), and (c) to read as follows:

§ 86.1544–84 Calculation; idle exhaust emissions.

* * * * *

(b) * * *

(1) Use the procedures, as applicable, in 40 CFR 1065.650 to determine the dilute wet-basis CO and CO_2 in percent.

(2) Use the procedure, as applicable, in 40 CFR 1065.650 to determine the raw dry-basis CO_2 in percent.

* * * * *

(c) If the raw exhaust sampling and analysis system specified in 40 CFR part 1065 is used, the percent for carbon monoxide on a dry basis shall be calculated using the procedure, as applicable, in 40 CFR 1065.650.

48. Section 86.1708–99 is amended by revising Tables R99–5 and R99–6 to read as follows:

§ 86.1708–99 Exhaust emission standards for 1999 and later light-duty vehicles.

* * * * *

(c) * * *

(2) * * *

TABLE R99–5.—INTERMEDIATE USEFUL LIFE (50,000 MILE) IN-USE STANDARDS (G/MI) FOR LIGHT-DUTY VEHICLES

Vehicle emission category	Model year	NMOG	CO	NO_X	HCHO
LEV	1999	0.100	3.4	0.3	0.015
ULEV	1999–2002	0.055	2.1	0.3	0.008

TABLE R99–6.—FULL USEFUL LIFE (100,000 MILE) IN-USE STANDARDS (G/MI) FOR LIGHT-DUTY VEHICLES

Vehicle emission category	Model year	NMOG	CO	NO_X	HCHO
LEV	1999	0.125	4.2	0.4	0.018
ULEV	1999–2002	0.075	3.4	0.4	0.011

* * * * *

49. Section 86.1709–99 is amended by revising paragraph (c)(1) introductory text and by revising Table R99–14.2, to read as follows:

§ 86.1709–99 Exhaust emission standards for 1999 and later light light-duty trucks.

* * * * *

(c) * * *

(1) 1999 model year light light-duty trucks certified as LEVs and 1999 through 2002 model year light light-duty trucks certified as ULEVs shall meet the applicable intermediate and full useful life in-use standards in paragraph (c)(2) of this section, according to the following provisions:

* * * * *

(e) * * *

(2) * * *

TABLE R99–14.2.—SFTP EXHAUST EMISSION STANDARDS (G/MI) FOR LEVS AND ULEVS

Loaded vehicle weight (lbs)	US06 Test		A/C Test	
	NMHC + NO_X	CO	NMHC + NO_X	CO
0–3750	0.14	8.0	0.20	2.7
3751–5750	0.25	10.5	0.27	3.5

* * * * *

50.Section 86.1710–99 is amended by revising paragraph (c)(8) introductory text to read as follows:

§ 86.1710–99 Fleet average non-methane organic gas exhaust emission standards for light-duty vehicles and light light-duty trucks.

* * * * *

(c) * * *

(8) Manufacturers may earn and bank credits in the NTR for model years 1997 and 1998. In states without a Section 177 Program effective in model year 1997 or 1998, such credits will be calculated as set forth in paragraphs (a) and (b) of this section, except that the applicable fleet average NMOG standard shall be 0.25 g/mi NMOG for the averaging set for light light-duty trucks from 0–3750 lbs LVW and light-duty vehicles or 0.32 g/mi NMOG for the averaging set for light light-duty trucks from 3751–5750 lbs LVW. In states that opt into National LEV and have a Section 177 Program effective in model year 1997 or 1998, such credits will equal the unused credits earned in those states.

* * * * *

51.Section 86.1711–99 is amended by revising the section heading and paragraph (a) to read as follows:

§ 86.1711–99 Limitations on sale of Tier 1 vehicles and TLEVs.

(a) In the 2001 and subsequent model years, manufacturers may sell Tier 1 vehicles and TLEVs in the NTR only if vehicles with the same engine families are certified and offered for sale in California in the same model year, except as provided under § 86.1707(d)(4).

* * * * *

52. Section 86.1808–01 is amended by revising paragraph (f)(19)(iii) to read as follows:

§ 86.1808–01 Maintenance instructions.

* * * * *

(f) * *

(19) * *

(iii) Any person who violates a provision of this paragraph (f) shall be subject to a civil penalty of not more than $32,500 per day for each violation. This maximum penalty is shown for calendar year 2004. Maximum penalty limits for later years may be set higher based on the Consumer Price Index, as specified in 40 CFR part 19. In addition, such person shall be liable for all other remedies set forth in Title II of the Clean Air Act, remedies pertaining to provisions of Title II of the Clean Air Act, or other applicable provisions of law.

53. Section 86.1811–04 is amended by revising Table SO4–2 in paragraph (c)(6) to read as follows;

§ 86.1811–04 Emission standards for light-duty vehicles, light-duty trucks and medium-duty passenger vehicles.

* * * * *

(c) * * *

(6) * * *

TABLE S04–2.—TIER 2 AND INTERIM NON-TIER 2 INTERMEDIATE USEFUL LIFE (50,000 MILE) EXHAUST MASS EMISSION STANDARDS (GRAMS PER MILE)

Bin No.	NO_X	NMOG	CO	HCHO	PM	Notes
11	0.6	0.195	5.0	0.022		a c f h
10	0.4	0.125/0.160	3.4/4.4	0.015/0.018		a b d f g h
9	0.2	0.075/0.140	3.4	0.015		a b e f g h
8	0.14	0.100/0.125	3.4	0.015		b f h i
7	0.11	0.075	3.4	0.015		f h
6	0.08	0.075	3.4	0.015		f h
5	0.05	0.075	3.4	0.015		f h

NOTES:

[a] This bin deleted at end of 2006 model year (end of 2008 model year for HLDTs and MDPVs).

[b] Higher NMOG, CO and HCHO values apply for HLDTs and MDPVs only.

[c] This bin is only for MDPVs.

[d] Optional NMOG standard of 0.195 g/mi applies for qualifying LDT4s and qualifying MDPVs only.
[e] Optional NMOG standard of 0.100 g/mi applies for qualifying LDT2s only.
[f] The full useful life PM standards from Table S04–1 also apply at intermediate useful life.
[g] Intermediate life standards of this bin are optional for diesels.
[h] Intermediate life standards are optional for vehicles certified to a useful life of 150,000 miles.
[i] Higher NMOG standard deleted at end of 2008 model year.

* * * * *

22. In Appendix I to Part 86 paragraph (a) is amended by revising the table entries for ''961'' and ''1345'', paragraph (b) is amended by revising the table entries for ''363,'' ''405,'' ''453,'' ''491,'' ''577,'' ''662,'' ''663,'' ''664,'' and ''932'', and paragraph (h) is amended by adding table entries for ''595,'' ''596,'' ''597,'' ''598,'' ''599,'' and ''600'' in numerical order to read as follows:

Appendix I to Part 86—Urban Dynamometer Schedules

(a) EPA Urban Dynamometer Driving Schedule for Light-Duty Vehicles and Light-Duty Trucks.

EPA URBAN DYNAMOMETER DRIVING SCHEDULE

[Speed versus time sequence]

Time (sec.)	Speed (m.p.h.)
* * * * *	
961	5.3
* * * * *	
1345	18.3
* * * * *	

(b) EPA Urban Dynamometer Driving Schedule for Light-Duty Vehicles, Light-Duty Trucks, and Motorcycles with engine displacements equal to or greater than 170 cc (10.4 cu. in.).

SPEED VERSUS TIME SEQUENCE

Time (seconds)	Speed (kilometers per hour)
* * * * *	
363	52.8
* * * * *	
405	14.8
* * * * *	
453	31.9
* * * * *	
491	55.5
* * * * *	
577	27.4
* * * * *	
662	42.0
663	42.2
664	42.2

SPEED VERSUS TIME SEQUENCE—Continued

Time (seconds)	Speed (kilometers per hour)
* * * * *	
932	40.2
* * * * *	

* * * * *

(h) EPA SC03 Driving Schedule for Light-Duty Vehicles and Light-Duty Trucks.

EPA SC03 DRIVING SCHEDULE

[Speed versus time sequence]

Time (sec)	Speed (mph)
* * * * *	
595	0.0
596	0.0
597	0.0
598	0.0
599	0.0
600	0.0

PART 89—CONTROL OF EMISSIONS FROM NEW AND IN-USE NONROAD COMPRESSION-IGNITION ENGINES

54. The authority citation for part 89 is revised to read as follows:

Authority: 42 U.S.C. 7401–7671q.

55. Section 89.1 is amended by revising paragraph (b)(4)(ii) to read as follows:

§ 89.1 Applicability.

* * * * *

(b) * *

(4) * *

(ii) Are exempted from the requirements of 40 CFR part 94 by exemption provisions of 40 CFR part 94 other than those specified in 40 CFR 94.907 or 94.912.

* * * * *

56. Section 89.2 is amended by removing the definitions for ''Marine diesel engine'' and ''Vessel'', revising the definition of ''United States'', and adding definitions for ''Amphibious vehicle'', ''Marine engine'', and ''Marine vessel'' to read as follows:

§ 89.2 Definitions.

* * * * *

Amphibious vehicle means a vehicle with wheels or tracks that is designed primarily for operation on land and secondarily for operation in water.

* * * * *

Marine engine means a nonroad engine that is installed or intended to be installed on a marine vessel. This includes a portable auxiliary marine engine only if its fueling, cooling, or exhaust system is an integral part of the vessel. There are two kinds of marine engines:

(1) Propulsion marine engine means a marine engine that moves a vessel through the water or directs the vessel's movement.

(2) Auxiliary marine engine means a marine engine not used for propulsion.

Marine vessel has the meaning given in 1 U.S.C. 3, except that it does not include amphibious vehicles. The definition in 1 U.S.C. 3 very broadly includes every craft capable of being used as a means of transportation on water.

* * * * *

United States means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, and the U.S. Virgin Islands.

* * * * *

57. Section 89.102 is amended by revising paragraph (d)(1)(i) to read as follows:

§ 89.102 Effective dates, optional inclusion, flexibility for equipment manufacturers.

* * * * *

(d) * * *

(1) * * *

(i) Equipment rated at or above 37 kW. For nonroad equipment and vehicles with engines rated at or above 37 kW, a manufacturer may take any of the actions identified in § 89.1003(a)(1) for a portion of its U.S.-directed production volume of such equipment and vehicles during the seven years immediately following the date on which Tier 2 engine standards first apply to engines used in such equipment and vehicles, provided that the seven-year sum of these portions in each year, as expressed as a percentage for each year, does not exceed 80, and provided that all such equipment and vehicles or equipment contain Tier 1 or Tier 2 engines;

* * * * *

58. Section 89.110 is amended by revising paragraph (b)(2) to read as follows:

§ 89.110 Emission control information label.

* * * * *

(b) * * *

(2) The full corporate name and trademark of the manufacturer; though the label may identify another company and use its trademark instead of the manufacturer's if the provisions of § 89.1009 are met.

* * * * *

59. Section 89.112 is amended by revising paragraph (f)(3) to read as follows:

§ 89.112 Oxides of nitrogen, carbon monoxide, hydrocarbon, and particulate matter exhaust emission standards.

* * * * *

(f) * * *

(3) *Test procedures.* NO_X, NMHC, and PM emissions are measured using the procedures set forth in 40 CFR part 1065, in lieu of the procedures set forth in subpart E of this part. CO emissions may be measured using the procedures set forth either in 40 CFR part 1065 or in Subpart E of this part. Manufacturers may use an alternate procedure to demonstrate the desired level of emission control if approved in advance by the Administrator. Engines meeting the requirements to qualify as Blue Sky Series engines must be capable of maintaining a comparable level of emission control when tested using the procedures set forth in paragraph (c) of this section and subpart E of this part. The numerical emission levels measured using the procedures from subpart E of this part may be up to 20 percent higher than those measured using the procedures from 40 CFR part 1065 and still be considered comparable.

60. Section 89.130 is revised to read as follows:

§ 89.130 Rebuild practices.

The provisions of 40 CFR 1068.120 apply to rebuilding of engines subject to the requirements of this part 89.

61. Section 89.301 is amended by revising paragraph (d) to read as follows:

§ 89.301 Scope; applicability.

* * * * *

(d) Additional information about system design, calibration methodologies, and so forth, for raw gas sampling can be found in 40 CFR part 1065. Examples for system design, calibration methodologies, and so forth, for dilute exhaust gas sampling can be found in 40 CFR part 1065.

62. Section 89.319 is amended by revising paragraphs (b)(2)(i) and (c) introductory text to read as follows:

§ 89.319 Hydrocarbon analyzer calibration.

(b) * * *

(2) * * *

(i) The HFID optimization procedures outlined in 40 CFR part 1065, subpart D.

* * * * *

(c) *Initial and periodic calibration.* Prior to introduction into service, after any maintenance which could alter calibration, and monthly thereafter, the FID or HFID hydrocarbon analyzer shall be calibrated on all normally used instrument ranges using the steps in this paragraph (c). Use the same flow rate and pressures as when analyzing samples. Calibration gases shall be introduced directly at the analyzer, unless the ''overflow'' calibration option of 40 CFR part 1065, subpart F, for the HFID is taken. New calibration curves need not be generated each month if the existing curve can be verified as continuing to meet the requirements of paragraph (c)(3) of this section.

* * * * *

63. Section 89.320 is amended by revising paragraph (d) to read as follows:

§ 89.320 Carbon monoxide analyzer calibration.

* * * * *

(d) The initial and periodic interference, system check, and calibration test procedures specified in 40 CFR part 1065 may be used in lieu of the procedures specified in this section.

64. Section 89.321 is amended by revising paragraph (d) to read as follows:

§ 89.321 Oxides of nitrogen analyzer calibration.

* * * * *

(d) The initial and periodic interference, system check, and calibration test procedures specified in 40 CFR part 1065 may be used in lieu of the procedures specified in this section.

65. Section 89.322 is amended by revising paragraph (b) to read as follows:

§ 89.322 Carbon dioxide analyzer calibration.

* * * * *

(b) The initial and periodic interference, system check, and calibration test procedures specified in 40 CFR part 1065 may be used in lieu of the procedures in this section.

66. Section 89.410 is amended by adding paragraph (e) to read as follows:

§ 89.410 Engine test cycle.

* * * * *

(e) Manufacturers may optionally use the ramped-modal duty cycles corresponding to the discrete-mode duty cycles specified in this section, as described in 40 CFR 1039.505.

67. Section 89.419 is amended by revising paragraphs (a) introductory text, (a)(3)(i), (b)(1) introductory text, (b)(2)(i), (b)(2)(v)(B), (b)(4)(ii), and (b)(4)(iii) to read as follows:

§ 89.419 Dilute gaseous exhaust sampling and analytical system description.

(a) *General.* The exhaust gas sampling system described in this section is designed to measure the true mass of gaseous emissions in the exhaust of petroleum-fueled nonroad compression-ignition engines. This system utilizes the CVS concept (described in 40 CFR part 1065, subparts A and B) of measuring mass emissions of HC, CO, and CO_2. A continuously integrated system is required for HC and NO_X measurement and is allowed for all CO and CO_2 measurements. The mass of gaseous emissions is determined from the sample concentration and total flow over the test period. As an option, the measurement of total fuel mass consumed over a cycle may be substituted for the exhaust measurement of CO_2. General requirements are as follows:

* * * * *

(3) * * *

(i) Bag sampling (see 40 CFR part 1065) and analytical capabilities (see 40 CFR part 1065), as shown in Figure 2 and Figure 3 in appendix A to this subpart; or

* * * * *

(b) * * *

(1) *Exhaust dilution system.* The PDP–CVS shall conform to all of the requirements listed for the exhaust gas PDP–CVS in 40 CFR part 1065. The CFV–CVS shall conform to all of the requirements listed for the exhaust gas CFV–CVS in 40 CFR part 1065. In addition, the CVS must conform to the following requirements:

* * * * *

(2) * * *

(i) The continuous HC sample system (as shown in Figure 2 or 3 in appendix A to this subpart) uses an ''overflow'' zero and span system. In this type of system, excess zero or span gas spills out of the probe when zero and span checks of the analyzer are made. The ''overflow'' system may also be used to calibrate the HC analyzer according to 40 CFR part 1065, subpart F, although this is not required.

* * * * *

(v) * * *

(B) Have a wall temperature of 191 °C ±11 °C over its entire length. The temperature of the system shall be demonstrated by profiling the thermal characteristics of the system where possible at initial installation and after any major maintenance performed on the system. The profiling shall be accomplished using the insertion thermocouple probing technique. The system temperature will be monitored continuously during testing at the locations and temperature described in 40 CFR 1065.145.

* * * * *

(4) * * *

(ii) The continuous NO_X, CO, or CO_2 sampling and analysis system shall conform to the specifications of 40 CFR 1065.145 with the following exceptions and revisions:

(A) The system components required to be heated by 40 CFR 1065.145 need only be heated to prevent water condensation, the minimum component temperature shall be 55 °C.

(B) The system response shall meet the specifications in 40 CFR part 1065, subpart C.

(C) Alternative NO_X measurement techniques outlined in 40 CFR part 1065, subpart D, are not permitted for NO_X measurement in this subpart.

(D) All analytical gases must conform to the specifications of § 89.312.

(E) Any range on a linear analyzer below 155 ppm must have and use a calibration curve conforming to § 89.310.

(iii) The chart deflections or voltage output of analyzers with non-linear calibration curves shall be converted to concentration values by the calibration curve(s) specified in § 89.313 before flow correction (if used) and subsequent integration takes place.

68. Section 89.421 is amended by revising paragraphs (b) and (c) to read as follows:

§ 89.421 Exhaust gas analytical system; CVS bag sample.

* * * * *

(b) *Major component description.* The analytical system, Figure 4 in appendix A to this subpart, consists of a flame ionization detector (FID) (heated for petroleum-fueled compression-ignition engines to 191 °C ±6 °C) for the measurement of hydrocarbons, nondispersive infrared analyzers (NDIR) for the measurement of carbon monoxide and carbon dioxide, and a chemiluminescence detector (CLD) (or HCLD) for the measurement of oxides of nitrogen. The exhaust gas analytical system shall conform to the following requirements:

(1) The CLD (or HCLD) requires that the nitrogen dioxide present in the sample be converted to nitric oxide before analysis. Other types of analyzers may be used if shown to yield equivalent results and if approved in advance by the Administrator.

(2) If CO instruments are used which are essentially free of CO_2 and water vapor interference, the use of the conditioning column may be deleted. (*See* 40 CFR part 1065, subpart D.)

(3) A CO instrument will be considered to be essentially free of CO_2 and water vapor interference if its response to a mixture of 3 percent CO_2 in N_2, which has been bubbled through water at room temperature, produces an equivalent CO response, as measured on the most sensitive CO range, which is less than 1 percent of full scale CO concentration on ranges above 300 ppm full scale or less than 3 ppm on ranges below 300 ppm full scale. (*See* 40 CFR part 1065, subpart D.)

(c) *Alternate analytical systems.* Alternate analysis systems meeting the specifications of 40 CFR part 1065, subpart A, may be used for the testing required under this subpart. Heated analyzers may be used in their heated configuration.

* * * * *

69. Section 89.424 is amended by revising the note at the end of paragraph (d)(3) to read as follows:

§ 89.424 Dilute emission sampling calculations.

* * * * *

(d) * * *

(3) * * *

(**Note:** If a CO instrument that meets the criteria specified in 40 CFR part 1065, subpart C, is used without a sample dryer according to 40 CFR 1065.145, CO_{em} must be substituted directly for CO_e and CO_{dm} must be substituted directly for CO_d.)

* * * * *

70. Appendix A to Subpart F is amended by revising Table 1 to read as follows:

Appendix A to Subpart F of Part 89—Sampling Plans for Selective Enforcement Auditing of Nonroad Engines

TABLE 1.—SAMPLING PLAN CODE LETTER

Annual engine family sales	Code letter
20–50	AA[1]
20–99	A
100–299	B
300–499	C
500 or greater	D

[1] A manufacturer may optionally use either the sampling plan for code letter "AA" or sampling plan for code letter "A" for Selective Enforcement Audits of engine families with annual sales between 20 and 50 engines. Additionally, the manufacturer may switch between these plans during the audit.

* * * * *

71. Section 89.603 is amended by adding paragraph (e) to read as follows:

§ 89.603 General requirements for importation of nonconforming nonroad engines.

* * * * *

(e)(1) The applicable emission standards for engines imported by an ICI under this subpart are the emission standards applicable to the Original Production (OP) year of the engine.

(2) Where engine manufacturers have choices in emission standards for one or more pollutants in a given model year, the standard that applies to the ICI is the least stringent standard for that pollutant applicable to the OP year for the appropriate power category.

(3) ICIs may not generate, use or trade emission credits or otherwise participate in any way in the averaging, banking and trading program.

(4) An ICI may import no more than a total of 5 engines under the certificate(s) it receives under this part for any given model year, except as allowed by paragraph (e)(5) of this section. For ICIs owned by a parent company, the importation limit includes importation by the parent company and all its subsidiaries.

(5) An ICI may exceed the limit outlined in paragraph (e)(4) of this section, provided that any engines in excess of the limit meet the emission standards and other requirements outlined in the applicable provisions of Part 89 or 1039 of this chapter for the model year in which the engine is modified (instead of the emission standards and other requirements applicable for the OP year of the vehicle/engine).

72. Section 89.612 is amended by revising paragraph (d) to read as follows:

§ 89.612 Prohibited acts; penalties.

* * * * *

(d) An importer who violates section 213(d) and section 203 of the Act is subject to the provisions of section 209 of the Act and is also subject to a civil penalty under section 205 of the Act of

not more than $32,500 for each nonroad engine subject to the violation. In addition to the penalty provided in the Act, where applicable, a person or entity who imports an engine under the exemption provisions of § 89.611(b) and, who fails to deliver the nonroad engine to the U.S. Customs Service is liable for liquidated damages in the amount of the bond required by applicable Customs laws and regulations. The maximum penalty value listed in this paragraph (d) is shown for calendar year 2004. Maximum penalty limits for later years may be adjusted based on the Consumer Price Index. The specific regulatory provisions for changing the maximum penalties, published in 40 CFR part 19, reference the applicable U.S. Code citation on which the prohibited action is based.

* * * * *

73. A new § 89.913 is added to subpart J to read as follows:

§ 89.913 What provisions apply to engines certified under the motor-vehicle program?

You may use the provisions of 40 CFR 1039.605 to introduce new nonroad engines into commerce if they are already certified to the requirements that apply to compression-ignition engines under 40 CFR parts 85 and 86. For the purposes of this section, all references in 40 CFR 1039.605 to 40 CFR part 1039 or sections in that part are replaced by references to this part 89 or the corresponding sections in this part 89.

74. A new § 89.914 is added to subpart J to read as follows:

§ 89.914 What provisions apply to vehicles certified under the motor-vehicle program?

You may use the provisions of 40 CFR 1039.610 to introduce new nonroad engines or equipment into commerce if the vehicle is already certified to the requirements that apply under 40 CFR parts 85 and 86. For the purposes of this section, all references in 40 CFR 1039.610 to 40 CFR part 1039 or sections in that part are replaced by references to this part 89 or the corresponding sections in this part 89.

75. Section 89.1003 is amended by removing and reserving paragraphs (b)(5) and (b)(6), redesignating (b)(7)(iv) as (b)(7)(vii), revising paragraphs (a)(3)(iii), (b)(7)(ii), and (b)(7)(iii), and adding paragraphs (b)(7)(iv) and (b)(7)(viii) to read as follows:

§ 89.1003 Prohibited acts.

(a) * * *

(3) * * *

(iii) For a person to deviate from the provisions of § 89.130 when rebuilding an engine (or rebuilding a portion of an engine or engine system). Such a deviation violates paragraph (a)(3)(i) of this section.

* * * * *

(b) * * *

(7) * * *

(ii) The engine manufacturer or its agent takes ownership and possession of the engine being replaced or confirms that the engine has been destroyed; and

(iii) If the engine being replaced was not certified to any emission standards under this part, the replacement engine must have a permanent label with your corporate name and trademark and the following language, or similar alternate language approved by the Administrator:

THIS ENGINE DOES NOT COMPLY WITH U.S. EPA NONROAD OR HIGHWAY EMISSION REQUIREMENTS. SELLING OR INSTALLING THIS ENGINE FOR ANY PURPOSE OTHER THAN TO REPLACE A NONROAD ENGINE BUILT BEFORE JANUARY 1, [Insert appropriate year reflecting when the earliest tier of standards began to apply to engines of that size and type] MAY BE A VIOLATION OF FEDERAL LAW SUBJECT TO CIVIL PENALTY.

(iv) If the engine being replaced was certified to emission standards less stringent than those in effect when you produce the replacement engine, the replacement engine must have a permanent label with your corporate name and trademark and the following language, or similar alternate language approved by the Administrator:

THIS ENGINE COMPLIES WITH U.S. EPA NONROAD EMISSION REQUIREMENTS UNDER THE PROVISIONS OF 40 CFR 89.1003(b)(7). SELLING OR INSTALLING THIS ENGINE FOR ANY PURPOSE OTHER THAN TO REPLACE A NONROAD ENGINE BUILT BEFORE JANUARY 1, [Insert appropriate year reflecting when the next tier of emission standards began to apply] MAY BE A VIOLATION OF FEDERAL LAW SUBJECT TO CIVIL PENALTY.

* * * * *

(viii) The provisions of this section may not be used to circumvent emission standards that apply to new engines under this part.

76. Section 89.1006 is amended by revising paragraphs (a)(1), (a)(2), (a)(5), and (c)(1) and adding paragraph (a)(6) to read as follows:

§ 89.1006 Penalties.

(a) * * *

(1) A person who violates § 89.1003(a)(1), (a)(4), or (a)(6), or a manufacturer or dealer who violates § 89.1003(a)(3)(i), is subject to a civil penalty of not more than $32,500 for each violation.

(2) A person other than a manufacturer or dealer who violates § 89.1003(a)(3)(i) or any person who violates § 89.1003(a)(3)(ii) is subject to a civil penalty of not more than $2,750 for each violation.

* * * * *

(5) A person who violates § 89.1003(a)(2) or (a)(5) is subject to a civil penalty of not more than $32,500 per day of violation.

(6) The maximum penalty values listed in this section are shown for calendar year 2004. Maximum penalty limits for later years may be adjusted based on the Consumer Price Index. The specific regulatory provisions for changing the maximum penalties, published in 40 CFR part 19, reference the applicable U.S. Code citation on which the prohibited action is based.

* * * * *

(c) * * *

(1) Administrative penalty authority. In lieu of commencing a civil action under paragraph (b) of this section, the Administrator may assess any civil penalty prescribed in paragraph (a) of this section, except that the maximum amount of penalty sought against each violator in a penalty assessment proceeding shall not exceed $270,000, unless the Administrator and the Attorney General jointly determine that a matter involving a larger penalty amount is appropriate for administrative penalty assessment. Any such determination by the Administrator and the Attorney General is not subject to judicial review. Assessment of a civil penalty shall be by an order made on the record after opportunity for a hearing held in accordance with the procedures found at part 22 of this chapter. The Administrator may compromise, or remit, with or without conditions, any administrative penalty which may be imposed under this section.

* * * * *

77. A new § 89.1009 is added to subpart K to read as follows:

§ 89.1009 What special provisions apply to branded engines?

The following provisions apply if you identify the name and trademark of another company instead of your own on your emission control information label, as provided by § 89.110(b)(2):

(a) You must have a contractual agreement with the other company that obligates that company to take the following steps:

(1) Meet the emission warranty requirements that apply under this part. This may involve a separate agreement involving reimbursement of warranty-related expenses.

(2) Report all warranty-related information to the certificate holder.

(b) In your application for certification, identify the company whose trademark you will use and describe the arrangements you have made to meet your requirements under this section.

(c) You remain responsible for meeting all the requirements of this chapter, including warranty and defect-reporting provisions.

PART 90—CONTROL OF EMISSIONS FROM NONROAD SPARK-IGNITION ENGINES AT OR BELOW 19 KILOWATTS

78. The authority citation for part 90 is revised to read as follows:

Authority: 42 U.S.C. 7401–7671q.

79. Section 90.1 is amended by removing and reserving paragraph (d)(4), revising paragraphs (b) and (d)(5), and adding paragraph (c) to read as follows:

§ 90.1 Applicability.

* * * * *

(b) In certain cases, the regulations in this part 90 also apply to new engines with a gross power output above 19 kW that would otherwise be covered by 40 CFR part 1048 or 1051. See 40 CFR 1048.615 or 1051.145(a)(3) for provisions related to this allowance.

(c) In certain cases, the regulations in this part 90 apply to new engines below 50 cc used in motorcycles that are motor vehicles. See 40 CFR 86.447–2006 or 86.448–2006 for provisions related to this allowance.

* * * * *

(d) * * *

(5) Engines certified to meet the requirements of 40 CFR part 1048, subject to the provisions of § 90.913.

* * * * *

80. Section 90.3 is amended by revising the definitions for ''Marine engine'', ''Marine vessel'', and ''United States'' and adding definitions for ''Amphibious vehicle'' and ''Maximum engine power'' in alphabetical order to read as follows:

§ 90.3 Definitions.

* * * * *

Amphibious vehicle means a vehicle with wheels or tracks that is designed primarily for operation on land and secondarily for operation in water.

* * * * *

Marine engine means a nonroad engine that is installed or intended to be installed on a marine vessel. This includes a portable auxiliary marine engine only if its fueling, cooling, or exhaust system is an integral part of the vessel. There are two kinds of marine engines:

(1) Propulsion marine engine means a marine engine that moves a vessel through the water or directs the vessel's movement.

(2) Auxiliary marine engine means a marine engine not used for propulsion.

Marine vessel has the meaning given in 1 U.S.C. 3, except that it does not include amphibious vehicles. The definition in 1 U.S.C. 3 very broadly includes every craft capable of being used as a means of transportation on water.

Maximum engine power means gross power.

* * * * *

United States means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, and the U.S. Virgin Islands.

* * * * *

81. Section 90.301 is amended by revising paragraphs (c) and (d) to read as follows:

§ 90.301 Applicability.

* * * * *

(c) Additional information about system design, calibration methodologies, and so forth, for raw gas sampling can be found in 40 CFR part 1065. Examples for system design, calibration methodologies, and so forth, for dilute exhaust gas sampling can be found in 40 CFR part 1065.

(d) For Phase 2 Class I, Phase 2 Class I–B, and Phase 2 Class II natural gas fueled engines, use the procedures of 40 CFR part 1065 to measure nonmethane hydrocarbon (NMHC) exhaust emissions from Phase 2 Class I, Phase 2 Class I–B, and Phase 2 Class II natural gas fueled engines.

82. Section 90.308 is amended by revising paragraph (b)(1) to read as follows:

§ 90.308 Lubricating oil and test fuels.

* * * * *

(b) * * *

(1) The manufacturer must use gasoline having the specifications, or substantially equivalent specifications approved by the Administrator, as specified in Table 3 in Appendix A of this subpart for exhaust emission testing of gasoline fueled engines. As an option, manufacturers may use the fuel specified in 40 CFR part 1065, subpart H, for gasoline-fueled engines.

* * * * *

83. Section 90.316 is amended by revising paragraphs (b)(2)(ii) and (c) introductory text to read as follows:

§ 90.316 Hydrocarbon analyzer calibration.

* * * * *

(b) * * *

(2) * * *

(ii) The HFID optimization procedures outlined in 40 CFR part 1065, subpart D.

* * * * *

(c) *Initial and periodic calibration.* Prior to initial use and monthly thereafter, or within one month prior to the certification test, the FID or HFID hydrocarbon analyzer must be calibrated on all normally used instrument ranges using the steps in this paragraph. Use the same flow rate and pressures as when analyzing samples. Introduce calibration gases directly at the analyzer. An optional method for dilute sampling described in 40 CFR part 1065, subpart F, may be used.

* * * * *

84. Section 90.318 is amended by revising paragraph (d) to read as follows:

§ 90.318 Oxides of nitrogen analyzer calibration.

* * * * *

(d) The initial and periodic interference, system check, and calibration test procedures specified in 40 CFR part 1065, subpart D, may be used in lieu of the procedures specified in this section.

85. Section 90.320 is amended by revising paragraph (b) to read as follows:

§ 90.320 Carbon dioxide analyzer calibration.

* * * * *

(b) The initial and periodic interference, system check, and calibration test procedures specified in 40 CFR part 1065, subparts C and D, may be used in lieu of the procedures in this section.

86. Section 90.401 is amended by revising paragraph (d) to read as follows:

§ 90.401 Applicability.

* * * * *

(d) For Phase 2 Class I, Phase 2 Class I–B, and Phase 2 Class II natural gas fueled engines, use the equipment specified in 40 CFR part 1065, subparts D and E, to measure nonmethane hydrocarbon (NMHC) exhaust emissions from Phase 2 Class I, Phase 2 Class I–B, and Phase 2 Class II natural gas fueled engines.

87. Section 90.421 is amended by revising paragraph (b) introductory text,

(b)(4)(ii), and (b)(4)(iii) to read as follows:

§ 90.421 Dilute gaseous exhaust sampling and analytical system description.

* * * * *

(b) *Component description.* The components necessary for exhaust sampling must meet the following requirements:

* * * * *

(4) * * *

(ii) Conform to the continuous NO_X, CO, or CO_2 sampling and analysis system to the specifications of 40 CFR 1065.145, with the following exceptions and revisions:

(A) Heat the system components requiring heating only to prevent water condensation, the minimum component temperature is 55 °C.

(B) Coordinate analysis system response time with CVS flow fluctuations and sampling time/test cycle offsets to meet the time-alignment and dispersion specifications in 40 CFR part 1065, subpart C.

(C) Use only analytical gases conforming to the specifications of 40 CFR 1065.750 for calibration, zero and span checks.

(D) Use a calibration curve conforming to 40 CFR part 1065, subparts C and D, for CO, CO_2, and NO_X for any range on a linear analyzer below 155 ppm.

(iii) Convert the chart deflections or voltage output of analyzers with non-linear calibration curves to concentration values by the calibration curve(s) specified in 40 CFR part 1065, subpart D, before flow correction (if used) and subsequent integration takes place.

88. Section 90.613 is amended by revising paragraph (d) to read as follows:

§ 90.613 Prohibited acts; penalties.

* * * * *

(d) An importer who violates section 213(d) and section 203 of the Act is subject to a civil penalty under section 205 of the Act of not more than $32,500 for each engine subject to the violation. In addition to the penalty provided in the Act, where applicable, under the exemption provisions of § 90.612(b), a person or entity who fails to deliver the engine to the U.S. Customs Service is liable for liquidated damages in the amount of the bond required by applicable Customs laws and regulations. The maximum penalty value listed in this paragraph (d) is shown for calendar year 2004. Maximum penalty limits for later years may be adjusted based on the Consumer Price Index. The specific regulatory provisions for changing the maximum penalties, published in 40 CFR part 19, reference the applicable U.S. Code citation on which the prohibited action is based.

89. A new § 90.913 is added to subpart J to read as follows:

§ 90.913 Exemption for engines certified to standards for Large SI engines.

(a) An engine is exempt from the requirements of this part if it is in an engine family that has a valid certificate of conformity showing that it meets emission standards and other requirements under 40 CFR part 1048 for the appropriate model year.

(b) The only requirements or prohibitions from this part that apply to an engine that is exempt under this section are in this section.

(c) If your engines do not have the certificate required in paragraph (a) of this section, they will be subject to the provisions of this part. Introducing these engines into commerce without a valid exemption or certificate of conformity violates the prohibitions in § 90.1003.

(d) Engines exempted under this section are subject to all the requirements affecting engines under 40 CFR part 1048. The requirements and restrictions of 40 CFR part 1048 apply to anyone manufacturing these engines, anyone manufacturing equipment that uses these engines, and all other persons in the same manner as if these were nonroad spark-ignition engines above 19 kW.

(e) Engines exempted under this section may not generate or use emission credits under this part 90.

90. Section 90.1006 is amended by revising paragraphs (a)(1), (a)(2), (a)(5), and (c)(1) and adding paragraph (a)(6) to read as follows:

§ 90.1006 Penalties.

(a) * * *

(1) A person who violates § 90.1003(a)(1), (a)(4), or (a)(5), or a manufacturer or dealer who violates § 90.1003(a)(3)(i), is subject to a civil penalty of not more than $32,500 for each violation.

(2) A person other than a manufacturer or dealer who violates § 90.1003(a)(3)(i) or any person who violates § 90.1003(a)(3)(ii) is subject to a civil penalty of not more than $2,750 for each violation.

* * * * *

(5) A person who violates § 90.1003(a)(2) or (a)(6) is subject to a civil penalty of not more than $32,500 per day of violation.

(6) The maximum penalty values listed in this section are shown for calendar year 2004. Maximum penalty limits for later years may be adjusted based on the Consumer Price Index. The specific regulatory provisions for changing the maximum penalties, published in 40 CFR part 19, reference the applicable U.S. Code citation on which the prohibited action is based.

* * * * *

(c) * * *

(1) Administrative penalty authority. In lieu of commencing a civil action under paragraph (b) of this section, the Administrator shall assess any civil penalty prescribed in paragraph (a) of this section, except that the maximum amount of penalty sought against each violator in a penalty assessment proceeding can not exceed $270,000, unless the Administrator and the Attorney General jointly determine that a matter involving a larger penalty amount is appropriate for administrative penalty assessment. Any such determination by the Administrator and the Attorney General is not subject to judicial review. Assessment of a civil penalty is made by an order made on the record after opportunity for a hearing held in accordance with the procedures found at part 22 of this chapter. The Administrator may compromise, or remit, with or without conditions, any administrative penalty which may be imposed under this section.

* * * * *

PART 91—CONTROL OF EMISSIONS FROM MARINE SPARK-IGNITION ENGINES

91. The authority citation for part 91 is revised to read as follows:

Authority: 42 U.S.C. 7401—7671q.

92. Section 91.3 is amended by revising the definitions for ''Marine spark-ignition engine'', ''Marine vessel'', and ''United States'', adding definitions for ''Amphibious vehicle'', ''Marine engine'', and ''Spark-ignition'' in alphabetical order to read as follows:

§ 91.3 Definitions.

* * * * *

Amphibious vehicle means a vehicle with wheels or tracks that is designed primarily for operation on land and secondarily for operation in water.

* * * * *

Marine engine means a nonroad engine that is installed or intended to be installed on a marine vessel. This includes a portable auxiliary marine engine only if its fueling, cooling, or exhaust system is an integral part of the vessel. There are two kinds of marine engines:

(1) Propulsion marine engine means a marine engine that moves a vessel through the water or directs the vessel's movement.

(2) Auxiliary marine engine means a marine engine not used for propulsion.

Marine spark-ignition engine means a spark-ignition marine engine that propels a marine vessel.

* * * * *

Marine vessel has the meaning given in 1 U.S.C. 3, except that it does not include amphibious vehicles. The definition in 1 U.S.C. 3 very broadly includes every craft capable of being used as a means of transportation on water.

* * * * *

Spark-ignition means relating to a gasoline-fueled engine or any other type of engine with a spark plug (or other sparking device) and with operating characteristics significantly similar to the theoretical Otto combustion cycle. Spark-ignition engines usually use a throttle to regulate intake air flow to control power during normal operation.

* * * * *

United States means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, and the U.S. Virgin Islands.

* * * * *

93. Section 91.301 is amended by revising paragraph (c) to read as follows:

§ 91.301 Scope; applicability.

* * * * *

(c) Additional information about system design, calibration methodologies, and so forth, for raw gas sampling can be found in 40 CFR part 1065. Examples for system design, calibration methodologies, and so forth, for dilute sampling can be found in 40 CFR part 1065.

94. Section 91.316 is amended by revising paragraphs (b)(2)(ii) and (c) introductory text to read as follows:

§ 91.316 Hydrocarbon analyzer calibration.

* * * * *

(b) * * *

(2) * * *

(ii) The HFID optimization procedures outlined in 40 CFR part 1065, subpart D.

* * * * *

(c) *Initial and periodic calibration.* Prior to introduction into service and monthly thereafter, or within one month prior to the certification test, calibrate the FID or HFID hydrocarbon analyzer on all normally used instrument ranges, using the steps in this paragraph. Use the same flow rate and pressures as when analyzing samples. Introduce calibration gases directly at the analyzer. An optional method for dilute sampling described in 40 CFR part 1065, subpart F, may be used.

* * * * *

95. Section 91.318 is amended by revising paragraph (d) to read as follows:

§ 91.318 Oxides of nitrogen analyzer calibration.

* * * * *

(d) The initial and periodic interference, system check, and calibration test procedures specified in 40 CFR part 1065, subparts C and D, may be used in lieu of the procedures specified in this section.

96. Section 91.320 is amended by revising paragraph (b) to read as follows:

§ 91.320 Carbon dioxide analyzer calibration.

* * * * *

(b) The initial and periodic interference, system check, and calibration test procedures specified in 40 CFR part 1065, subparts C and D, may be used in lieu of the procedures in this section.

97. Section 91.419 is amended by revising the entry defining ''M_{HCexh}'' in paragraph (b) to read as follows:

§ 91.419 Raw emission sampling calculations.

* * * * *

(b) * * *

M_{HCexh} = Molecular weight of hydrocarbons in the exhaust; see the following equation:

$$M_{HCexh} = 12.01 + 1.008 \times \alpha$$

* * * * *

98. Section 91.421 is amended by revising paragraph (b)(4)(ii) and (b)(4)(iii) to read as follows:

§ 91.421 Dilute gaseous exhaust sampling and analytical system description.

* * * * *

(b) * * *

(4) * * *

(ii) Conform to the continuous NO_X, CO_2, or CO_2 sampling and analysis system to the specifications of 40 CFR 1065.145, with the following exceptions and revisions:

(A) Heat the system components requiring heating only to prevent water condensation, the minimum component temperature is 55 °C.

(B) Coordinate analysis system response time with CVS flow fluctuations and sampling time/test cycle offsets to meet the time-alignment and dispersion specifications in 40 CFR part 1065, subpart C.

(C) Use only analytical gases conforming to the specifications of 40 CFR 1065.750 for calibration, zero, and span checks.

(D) Use a calibration curve conforming to 40 CFR part 1065, subparts C and D, for CO, CO_2, and NO_X for any range on a linear analyzer below 155 ppm.

(iii) Convert the chart deflections or voltage output of analyzers with non-linear calibration curves to concentration values by the calibration curve(s) specified in 40 CFR part 1065, subpart D, before flow correction (if used) and subsequent integration takes place.

* * * * *

99. Section 91.705 is amended by revising paragraph (d) to read as follows:

§ 91.705 Prohibited acts; penalties.

* * * * *

(d) An importer who violates § 91.1103(a)(1), section 213(d) and section 203 of the Act is subject to a civil penalty under § 91.1106 and section 205 of the Act of not more than $32,500 for each marine engine subject to the violation. In addition to the penalty provided in the Act, where applicable, a person or entity who imports an engine under the exemption provisions of § 91.704(b) and, who fails to deliver the marine engine to the U.S. Customs Service by the end of the period of conditional admission is liable for liquidated damages in the amount of the bond required by applicable Customs laws and regulations. The maximum penalty value listed in this paragraph (d) is shown for calendar year 2004. Maximum penalty limits for later years may be adjusted based on the Consumer Price Index. The specific regulatory provisions for changing the maximum penalties, published in 40 CFR part 19, reference the applicable U.S. Code citation on which the prohibited action is based.

100. Section 91.1106 is amended by revising paragraphs (a)(1), (a)(2), (a)(5), and (c)(1) and adding paragraph (a)(6) to read as follows:

§ 91.1106 Penalties.

(a) * * *

(1) A person who violates § 91.1103 (a)(1), (a)(4), or (a)(5), or a manufacturer or dealer who violates § 91.1103(a)(3)(i), is subject to a civil penalty of not more than $32,500 for each violation.

(2) A person other than a manufacturer or dealer who violates § 91.1103(a)(3)(i) or any person who violates § 91.1103(a)(3)(ii) is subject to a civil penalty of not more than $2,750 for each violation.

* * * * *

(5) A person who violates § 91.1103 (a)(2) or (a)(6) is subject to a civil penalty of not more than $32,500 per day of violation.

(6) The maximum penalty values listed in this section are shown for calendar year 2004. Maximum penalty limits for later years may be adjusted based on the Consumer Price Index. The specific regulatory provisions for changing the maximum penalties, published in 40 CFR part 19, reference the applicable U.S. Code citation on which the prohibited action is based.

* * * * *

(c) * * *

(1) Administrative penalty authority. In lieu of commencing a civil action under paragraph (b) of this section, the Administrator shall assess any civil penalty prescribed in paragraph (a) of this section, except that the maximum amount of penalty sought against each violator in a penalty assessment proceeding can not exceed $270,000, unless the Administrator and the Attorney General jointly determine that a matter involving a larger penalty amount is appropriate for administrative penalty assessment. Any such determination by the Administrator and the Attorney General is not subject to judicial review. Assessment of a civil penalty is made by an order made on the record after opportunity for a hearing held in accordance with the procedures found at part 22 of this chapter. The Administrator may compromise, or remit, with or without conditions, any administrative penalty which may be imposed under this section.

* * * * *

PART 92—CONTROL OF AIR POLLUTION FROM LOCOMOTIVES AND LOCOMOTIVE ENGINES

101. The authority citation for part 92 is revised to read as follows:

Authority: 42 U.S.C. 7401–7671q.

102. Section 92.1 is amended by revising paragraphs (a) introductory text, (b)(3), and (b)(4) and adding paragraph (d) to read as follows:

§ 92.1 Applicability.

(a) Except as noted in paragraphs (b) and (d) of this section, the provisions of this part apply to manufacturers, remanufacturers, owners and operators of:

* * * * *

(b) * * *

(3) Locomotive engines which provide only hotel power (*see* 40 CFR parts 89 and 1039 to determine if such engines are subject to EPA emission requirements); or

(4) Nonroad vehicles excluded from the definition of locomotive in § 92.2, and the engines used in such nonroad vehicles (*see* 40 CFR parts 86, 89, and 1039 to determine if such vehicles or engines are subject to EPA emission requirements).

* * * * *

(d) The provisions of subpart L of this part apply to all persons.

103. Section 92.2 is amended in paragraph (b) by revising the definitions for *Calibration*, paragraph (5) of the definition for *New locomotive or new locomotive engine*, *Repower*, and *United States* to read as follows:

§ 92.2 Definitions.

* * * * *

(b) * * *

* * * * *

Calibration means the set of specifications, including tolerances, specific to a particular design, version, or application of a component, or components, or assembly capable of functionally describing its operation over its working range. This definition does apply to Subpart B of this part.

* * * * *

New locomotive or *new locomotive engine* means: * * *

(5) Notwithstanding paragraphs (1) through (3) of this definition, locomotives and locomotive engines which are owned by a small railroad and which have never been manufactured or remanufactured into a certified configuration are not new.

* * * * *

Repower means replacement of the engine in a previously used locomotive with a freshly manufactured locomotive engine. Replacing a locomotive engine with a freshly manufactured locomotive engine in a locomotive that has a refurbished or reconditioned chassis such that less than 25 percent of the parts of the locomotive were previously used (as weighted by dollar value) is not repowering.

* * * * *

United States means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, and the U.S. Virgin Islands.

* * * * *

104. Section 92.109 is amended by revising paragraph (c)(3) to read as follows:

§ 92.109 Analyzer specifications.

* * * * *

(c) * * *

(3) *Alcohols and Aldehydes.* The sampling and analysis procedures for alcohols and aldehydes, where applicable, shall be approved by the Administrator prior to the start of testing. Procedures are allowed if they are consistent the general requirements of 40 CFR part 1065, subpart I, for sampling and analysis of alcohols and aldehydes, and with good engineering practice.

* * * * *

105. Section 92.114 is amended by revising paragraphs (d)(2) introductory text and (e)(1) to read as follows:

§ 92.114 Exhaust gas and particulate sampling and analytical system.

* * * * *

(d) * * *

(2) For engine testing, either a locomotive-type or a facility-type exhaust system (or a combination system) may be used. The exhaust backpressure for engine testing shall be set between 90 and 100 percent of the maximum backpressure that will result with the exhaust systems of the locomotives in which the engine will be used. Backpressure less than 90 percent of the maximum value is also allowed, provided the backpressure is within 0.07 psi of the maximum value. The facility-type exhaust system shall meet the following requirements:

* * * * *

(e) * * *

(1) Dilution of the exhaust prior to sampling is allowed for gaseous emissions. The equipment and methods used for dilution, sampling and analysis shall comply with the requirements of 40 CFR part 1065, with the following exceptions and additional requirements:

(i) Proportional sampling and heat exchangers are not required;

(ii) Larger minimum dimensions for the dilution tunnel(s) shall be specified by the Administrator;

(iii) Other modifications may be made with written approval from the Administrator.

* * * * *

106. Section 92.123 is amended by revising paragraph (a)(2)(ii) to read as follows:

§ 92.123 Test procedure; general requirements.

(a) * * *

(2) * * *

(ii) None of the measured opacity values for the stack tested are greater than three-quarters of the level allowed by any of the applicable smoke standards.

* * * * *

107. Section 92.124 is amended by revising paragraph (f) to read as follows:

§ 92.124 Test sequence; general requirements.

* * * * *

(f) The required test sequence is described in Table B124–1 of this section, as follows:

TABLE B124–1.—TEST SEQUENCE FOR LOCOMOTIVES AND LOCOMOTIVE ENGINES

Mode Number	Notch setting	Time in notch	Emissions measured**	Power, and fuel consumption measured
Warmup	Notch 8	5 ± 1 min	None	None.
Warmup	Lowest Idle	15 min maximum (after engine speed reaches lowest idle speed).	None	None.
1a	Low Idle*	6 min minimum	All	Both.
1	Normal Idle	6 min minimum	All	Both.
2	Dynamic Brake*	6 min minimum	All	Both.
3	Notch 1	6 min minimum	All	Both.
4	Notch 2	6 min minimum	All	Both.
5	Notch 3	6 min minimum	All	Both.
6	Notch 4	6 min minimum	All	Both.
7	Notch 5	6 min minimum	All	Both.
8	Notch 6	6 min minimum	All	Both.
9	Notch 7	6 min minimum	All	Both.
10	Notch 8	15 min minimum	All	Both.

* Omit if not so equipped.

** The EPA test sequence for locomotives and locomotive engines may be performed once, with gaseous, particulate and smoke measurements performed simultaneously, or it may be performed twice with gaseous, and particulate measurements performed during one test sequence and smoke measurements performed during the other test sequence.

108. Section 92.132 is amended by revising paragraphs (b)(3)(iii)(D)(*2*) and (d) to read as follows:

§ 92.132 Calculations.

* * * * *

(b) * * *

(3) * * *

(iii) * * *

(D) * * *

(*2*) If a CO instrument that meets the criteria specified in 40 CFR part 1065, subpart C, is used without a sample dryer according to 40 CFR 1065.145, CO_{em} must be substituted directly for CO_e and CO_{dm} must be substituted directly for CO_d.

* * * * *

(d) $_{NOX}$ correction factor. (1) NO_X emission rates ($M_{NOx\ mode}$) shall be adjusted to account for the effects of humidity and temperature by multiplying each emission rate by K_{NOx}, which is calculated from the following equations:

$K_{NOx} = (K)(1 + (0.25(\log K)^2)^{1/2})$

$K = (K_H)(K_T)$

$K_H = [C_1+C_2\exp((-0.0143)(10.714))]/[C_1+C_2\exp((-0.0143)(1000H))]$

$C_1 = -8.7 +164.5\exp(-0.0218(A/F)_{wet})$

$C_2 = 130.7 +3941\exp(-0.0248(A/F)_{wet})$

Where:

$(A/F)_{wet}$ = Mass of moist air intake divided by mass of fuel intake.

$K_T = 1/[1–0.0107(T_{30}-T_A)]$ for tests conducted at ambient temperatures below 30°C.

$K_T = 1.00$ for tests conducted at ambient temperatures at or above 30°C.

T_{30} = The measured intake manifold air temperature in the locomotive when operated at 30°C (or 100°C, where intake manifold air temperature is not available).

T_A = The measured intake manifold air temperature in the locomotive as tested (or the ambient temperature (°C), where intake manifold air temperature is not available).

* * * * *

109. Section 92.203 is amended by revising paragraph (d)(1)(i) to read as follows:

§ 92.203 Application for certification.

* * * * *

(d) *Required content.* Each application must include the following information:

(1)(i) A description of the basic engine design including, but not limited to, the engine family specifications, the provisions of which are contained in § 92.204;

* * * * *

110. Section 92.205 is amended by revising paragraph (a) introductory text to read as follows:

§ 92.205 Prohibited controls, adjustable parameters.

(a) Any system installed on, or incorporated in, a new locomotive or new locomotive engine to enable such locomotive or locomotive engine to conform to standards contained in this part:

* * * * *

111. Section 92.208 is amended by revising paragraph (a) to read as follows:

§ 92.208 Certification.

(a) Paragraph (a) of this section applies to manufacturers of new locomotives and new locomotive engines. If, after a review of the application for certification, test reports and data acquired from a freshly manufactured locomotive or locomotive engine or from a development data engine, and any other information required or obtained by EPA, the Administrator determines that the application is complete and that the engine family meets the requirements of the Act and this part, he/she will issue a certificate of conformity with respect to such engine family except as provided by paragraph (c)(3) of this section. The certificate of conformity is valid for each engine family from the date of issuance by EPA until 31 December of the model year or calendar year for which it is issued and upon such terms and conditions as the Administrator deems necessary or appropriate to assure that the production locomotives or engines covered by the certificate will meet the requirements of the Act and of this part.

* * * * *

112. Section 92.210 is amended by revising paragraphs (b)(1), (b)(2), (d)(2), and (d)(3) to read as follows:

§ 92.210 Amending the application and certificate of conformity.

* * * * *

(b) A manufacturer's or remanufacturer's request to amend the application or the existing certificate of

conformity shall include the following information:

(1) A full description of the change to be made in production, or of the locomotives or engines to be added;

(2) Engineering evaluations or data showing that the locomotives or engines as modified or added will comply with all applicable emission standards; and

* * * * *

(d) * * *

(2) If the Administrator determines that the change or new locomotive(s) or engine(s) meets the requirements of this part and the Act, the appropriate certificate of conformity shall be amended.

(3) If the Administrator determines that the changed or new locomotive(s) or engine(s) does not meet the requirements of this part and the Act, the certificate of conformity will not be amended. The Administrator shall provide a written explanation to the manufacturer or remanufacturer of the decision not to amend the certificate. The manufacturer or remanufacturer may request a hearing on a denial.

* * * * *

113. Section 92.212 is amended by revising paragraphs (b)(2)(v)(G), (c)(2)(v)(A), and(c)(2)(v)(D)(2) to read as follows:

§ 92.212 Labeling.

* * * * *

(b) * * *

(2) * * *

(v) * * *

(G) The standards and/or FELs to which the locomotive was certified.

(c) * * *

(2) * * *

(v) * * *

(A) The label heading: Engine Emission Control Information.

* * * * *

(D) * * *

(2) This locomotive and locomotive engine conform to U.S. EPA regulations applicable to locomotives and locomotive engines originally manufactured on or after January 1, 2002 and before January 1, 2005; or

* * * * *

114. Section 92.215 is amended by revising paragraphs (a)(2)(i)(A) and (b) to read as follows:

§ 92.215 Maintenance of records; submittal of information; right of entry.

(a) * * *

(2) * * *

(i) * * *

(A) In the case where a current production engine is modified for use as a certification engine or in a certification locomotive, a description of the process by which the engine was selected and of the modifications made. In the case where the certification locomotive or the engine for a certification locomotive is not derived from a current production engine, a general description of the buildup of the engine (*e.g.*, whether experimental heads were cast and machined according to supplied drawings). In the cases in the previous two sentences, a description of the origin and selection process for fuel system components, ignition system components, intake-air pressurization and cooling-system components, cylinders, pistons and piston rings, exhaust smoke control system components, and exhaust aftertreatment devices as applicable, shall be included. The required descriptions shall specify the steps taken to assure that the certification locomotive or certification locomotive engine, with respect to its engine, drivetrain, fuel system, emission-control system components, exhaust aftertreatment devices, exhaust smoke control system components or any other devices or components as applicable, that can reasonably be expected to influence exhaust emissions will be representative of production locomotives or locomotive engines and that either: all components and/or locomotive or engine, construction processes, component inspection and selection techniques, and assembly techniques employed in constructing such locomotives or engines are reasonably likely to be implemented for production locomotives or engines; or that they are as close as practicable to planned construction and assembly process.

* * * * *

(b) The manufacturer or remanufacturer of any locomotive or locomotive engine subject to any of the standards prescribed in this part shall submit to the Administrator, at the time of issuance by the manufacturer or remanufacturer, copies of all instructions or explanations regarding the use, repair, adjustment, maintenance, or testing of such locomotive or engine, relevant to the control of crankcase, or exhaust emissions issued by the manufacturer or remanufacturer, for use by other manufacturers or remanufacturers, assembly plants, distributors, dealers, owners and operators. Any material not translated into the English language need not be submitted unless specifically requested by the Administrator.

* * * * *

§ 92.216 [Amended]

115. Section 92.216 is amended by removing and reserving paragraph (a)(2).

116. Section 92.512 is amended by revising paragraph (e) to read as follows:

§ 92.512 Suspension and revocation of certificates of conformity.

* * * * *

(e) The Administrator shall notify the manufacturer or remanufacturer in writing of any suspension or revocation of a certificate of conformity in whole or in part; a suspension or revocation is effective upon receipt of such notification or thirty days from the time an engine family is deemed to be in noncompliance under §§ 92.508(d), 92.510(a), 92.510(b) or 92.511(f), whichever is earlier, except that the certificate is immediately suspended with respect to any failed locomotives or locomotive engines as provided for in paragraph (a) of this section.

* * * * *

117. Section 92.906 is amended by revising paragraph (a) introductory text to read as follows:

§ 92.906 Manufacturer-owned, remanufacturer-owned exemption and display exemption.

(a) Any manufacturer-owned or remanufacturer-owned locomotive or locomotive engine is exempt from § 92.1103, without application, if the manufacturer complies with the following terms and conditions:

* * * * *

118. Section 92.1106 is amended by revising paragraphs (a)(1), (a)(2), (a)(5), and (c)(1) and adding paragraph (a)(6) to read as follows:

§ 92.1106 Penalties.

(a) * * *

(1) A person who violates § 92.1103 (a)(1), (a)(4), or (a)(5), or a manufacturer, remanufacturer, dealer or railroad who violates § 92.1103(a)(3)(i) or (iii) is subject to a civil penalty of not more than $32,500 for each violation.

(2) A person other than a manufacturer, remanufacturer, dealer, or railroad who violates § 92.1103(a)(3)(i) or any person who violates § 92.1103(a)(3)(ii) is subject to a civil penalty of not more than $2,750 for each violation.

* * * * *

(5) A person who violates § 92.1103(a)(2) is subject to a civil penalty of not more than $32,500 per day of violation.

(6) The maximum penalty values listed in this section are shown for calendar year 2004. Maximum penalty limits for later years may be adjusted based on the Consumer Price Index. The

specific regulatory provisions for changing the maximum penalties, published in 40 CFR part 19, reference the applicable U.S. Code citation on which the prohibited action is based.

* * * * *

(c) * * *

(1) *Administrative penalty authority.* In lieu of commencing a civil action under paragraph (b) of this section, the Administrator may assess any civil penalty prescribed in paragraph (a) of this section, except that the maximum amount of penalty sought against each violator in a penalty assessment proceeding shall not exceed $270,000, unless the Administrator and the Attorney General jointly determine that a matter involving a larger penalty amount is appropriate for administrative penalty assessment. Any such determination by the Administrator and the Attorney General is not subject to judicial review. Assessment of a civil penalty shall be by an order made on the record after opportunity for a hearing held in accordance with the procedures found at part 22 of this chapter. The Administrator may compromise, or remit, with or without conditions, any administrative penalty which may be imposed under this section.

* * * * *

119. Appendix IV to part 92 is amended by revising paragraph (d)(1) to read as follows:

Appendix IV to Part 92—Guidelines for Determining Equivalency Between Emission Measurement Systems

* * * * *

(d) *Minimum number of tests.* The recommended minimum number of tests with each system necessary to determine equivalency is:

(1) Four 10-mode locomotive or locomotive engine tests, conducted in accordance with the provisions of Subpart B of this part; or

* * * * *

PART 94—CONTROL OF AIR POLLUTION FROM MARINE COMPRESSION-IGNITION ENGINES

120. The authority citation for part 94 is revised to read as follows:

Authority: 42 U.S.C. 7401—7671q.

121. Section 94.2 is amended in paragraph (b) by revising the definitions of *marine engine*, *Marine vessel*, and *United States* and adding a definition of ''Amphibious vehicle'' in alphabetical order to read as follows:

§ 94.2 Definitions.

* * * * *

Amphibious vehicle means a vehicle with wheels or tracks that is designed primarily for operation on land and secondarily for operation in water.

* * * * *

Marine engine means a nonroad engine that is installed or intended to be installed on a marine vessel. This includes a portable auxiliary marine engine only if its fueling, cooling, or exhaust system is an integral part of the vessel. There are two kinds of marine engines:

(1) Propulsion marine engine means a marine engine that moves a vessel through the water or directs the vessel's movement.

(2) Auxiliary marine engine means a marine engine not used for propulsion.

Marine vessel has the meaning given in 1 U.S.C. 3, except that it does not include amphibious vehicles. The definition in 1 U.S.C. 3 very broadly includes every craft capable of being used as a means of transportation on water.

* * * * *

United States means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, and the U.S. Virgin Islands.

* * * * *

122. Section 94.107 is amended by revising paragraph (b) to read as follows:

§ 94.107 Determination of maximum test speed.

* * * * *

(b) *Generation of lug curve.* Prior to beginning emission testing, generate maximum measured brakepower versus engine speed data points using the applicable method specified in 40 CFR 1065.510. These data points form the lug curve. It is not necessary to generate the entire lug curve. For the portion of the curve where power increases with increasing speed, it is not necessary to generate points with power less than 90 percent of the maximum power value. For the portion of the curve where power decreases with increasing speed, it is not necessary to generate points with power less than 75 percent of the maximum power value.

* * * * *

123. Section 94.109 is amended by revising paragraph (b) to read as follows:

§ 94.109 Test procedures for Category 3 marine engines.

* * * * *

(b) Analyzers meeting the specifications of either 40 CFR part 1065, subpart C, or ISO 8178–1 (incorporated by reference in § 94.5) shall be used to measure THC and CO.

* * * * *

124. Section 94.904 is amended by adding a new paragraph (c) to read as follows:

§ 94.904 Exemptions.

* * * * *

(c) If you want to take an action with respect to an exempted or excluded engine that is prohibited by the exemption or exclusion, such as selling it, you need to certify the engine. We will issue a certificate of conformity if you send us an application for certification showing that you meet all the applicable requirements from this part 94 and pay the appropriate fee. Also, in some cases, we may allow manufacturers to modify the engine as needed to make it identical to engines already covered by a certificate. We would base such an approval on our review of any appropriate documentation. These engines must have emission control information labels that accurately describe their status.

125. Section 94.907 is amended by revising paragraphs (a), (b), (c), (d) introductory text, (d)(1)(ii), (d)(2), (d)(3)(i), (d)(4), and (g) and adding introductory text to paragraph (h) to read as follows:

§ 94.907 Engine dressing exemption.

(a) *General provisions.* If you are an engine manufacturer, this section allows you to introduce new marine engines into commerce if they are already certified to the requirements that apply to compression-ignition engines under 40 CFR parts 85 and 86 or 40 CFR part 89, 92 or 1039 for the appropriate model year. If you comply with all the provisions of this section, we consider the certificate issued under 40 CFR part 86, 89, 92, or 1039 for each engine to also be a valid certificate of conformity under this part 94 for its model year, without a separate application for certification under the requirements of this part 94.

(b) *Boat builder provisions.* If you are not an engine manufacturer, you may install an engine certified for the appropriate model year under 40 CFR part 86, 89, 92, or 1039 in a marine vessel as long as the engine has been properly labeled as specified in paragraph (d)(5) of this section and you do not make any of the changes described in paragraph (d)(3) of this section. If you modify the non-marine engine in any of the ways described in paragraph (d)(3) of this section, we will consider you a manufacturer of a new marine engine. Such engine modifications prevent you from using the provisions of this section.

(c) *Liability*. Engines for which you meet the requirements of this section are exempt from all the requirements and prohibitions of this part, except for those specified in this section. Engines exempted under this section must meet all the applicable requirements from 40 CFR parts 85 and 86 or 40 CFR part 89, 92, or 1039. This paragraph (c) applies to engine manufacturers, boat builders who use such an engine, and all other persons as if the engine were used in its originally intended application. The prohibited acts of § 94.1103(a)(1) apply to these new engines and vessels; however, we consider the certificate issued under 40 CFR part 86, 89, 92, or 1039 for each engine to also be a valid certificate of conformity under this part 94 for its model year. If we make a determination that these engines do not conform to the regulations during their useful life, we may require you to recall them under this part 94 or under 40 CFR part 85, 89, 92, or 1039.

(d) *Specific requirements*. If you are an engine manufacturer and meet all the following criteria and requirements regarding your new marine engine, the engine is eligible for an exemption under this section:

(1) * * *

(ii) Land-based nonroad diesel engines (40 CFR part 89 or 1039).

* * * * *

(2) The engine must have the label required under 40 CFR part 86, 89, 92, or 1039.

* * * * *

(3) * * *

(i) Change any fuel system parameters from the certified configuration, or change, remove, or fail to properly install any other component, element of design, or calibration specified in the engine manufacturer's application for certification. This includes aftertreatment devices and all related components.

* * * * *

(4) You must show that fewer than 50 percent of the engine model's total sales for the model year, from all companies, are used in marine applications, as follows:

(i) If you are the original manufacturer of the engine, base this showing on your sales information.

(ii) In all other cases, you must get the original manufacturer of the engine to confirm this based on its sales information.

* * * * *

(g) *Failure to comply*. If your engines do not meet the criteria listed in paragraph (d) of this section, they will be subject to the standards, requirements, and prohibitions of this part 94 and the certificate issued under 40 CFR part 86, 89, 92, or 1039 will not be deemed to also be a certificate issued under this part 94. Introducing these engines into commerce without a valid exemption or certificate of conformity under this part violates the prohibitions in 40 CFR 94.1103(a)(1).

(h) *Data submission*. * * *

* * * * *

(i) *Participation in averaging, banking and trading*. Engines adapted for marine use under this section may not generate or use emission credits under this part 94. These engines may generate credits under the ABT provisions in 40 CFR part 86, 89, 92, or 1039, as applicable. These engines must use emission credits under 40 CFR part 86, 89, 92, or 1039 as applicable if they are certified to an FEL that exceeds an applicable standard.

126. A new § 94.912 is added to subpart J to read as follows:

§ 94.912 Optional certification to land-based standards for auxiliary marine engines.

(a) If an engine meets all the following criteria, it is exempt from the requirements of this part:

(1) The marine engines must be identical in all material respects to a land-based engine covered by a valid certificate of conformity for the appropriate model year showing that it meets emission standards for engines of that power rating under 40 CFR part 89 or 1039.

(2) The engines may not be used as propulsion marine engines.

(3) The engines must have the emission control information label we require in 40 CFR 89.110 or 40 CFR 1039.135, including additional information to identify the engine as certified also for auxiliary marine applications.

(4) The number of auxiliary marine engines from the engine family must be smaller than the number of land-based engines from the engine family.

(5) In your application for certification, you must identify your plans to produce engines for both land-based and auxiliary marine applications, including projected sales of marine engines. If the projected marine sales are substantial, we may ask for the year-end report of production volumes to include actual auxiliary marine engine sales.

(b) The only requirements or prohibitions from this part that apply to an engine that is exempt under this section are in this section.

(c) If your engines do not meet the criteria listed in paragraph (a) of this section, they will be subject to all the requirements and prohibitions of this part. Introducing these engines into commerce without a valid exemption or certificate of conformity violates the prohibitions in § 94.1103.

(d) Engines exempted under this section are subject to all the requirements affecting engines under 40 CFR part 89 or 1039. The requirements and restrictions of 40 CFR part 89 or 1039 apply to anyone manufacturing these engines, anyone manufacturing equipment that uses these engines, and all other persons in the same manner as if these were land-based nonroad diesel engines.

(e) If you produce marine engines under the provisions of this section, include them in your emission-credit calculations in 40 CFR part 89 or 1039, as applicable. Do not count these marine engines in emission-credit calculations under 40 CFR part 94.

(f) The requirements for vessel manufacturers, owners, and operators in subpart K of this part apply to these engines whether they are certified under this part 94 or another part as allowed by this section.

127. Section 94.1001 is revised to read as follows:

§ 94.1001 Applicability.

The requirements of this subpart are applicable to manufacturers, owners, and operators of marine vessels that contain engines with per-cylinder displacement of at least 2.5 liters subject to the provisions of subpart A of this part, except as otherwise specified.

128. Section 94.1103 is amended by redesignating (b)(3)(iv) as (b)(3)(vii), revising paragraph (b)(3)(ii) and (b)(3)(iii), and adding paragraphs (b)(3)(iv) and (b)(3)(viii) to read as follows:

§ 94.1103 Prohibited acts.

* * * * *

(b) * * *

(3) * * *

(ii) The engine manufacturer or its agent takes ownership and possession of the engine being replaced or confirms that the engine has been destroyed; and

(iii) If the engine being replaced was not certified to any emission standards under this part, the replacement engine must have a permanent label with your corporate name and trademark and the following language, or similar alternate language approved by the Administrator:

THIS ENGINE DOES NOT COMPLY WITH U.S. EPA MARINE EMISSION REQUIREMENTS. SELLING OR INSTALLING THIS ENGINE FOR ANY PURPOSE OTHER THAN TO REPLACE A MARINE ENGINE BUILT BEFORE

JANUARY 1, [Insert appropriate year reflecting when the earliest tier of standards began to apply to engines of that size and type] MAY BE A VIOLATION OF FEDERAL LAW SUBJECT TO CIVIL PENALTY.

(iv) If the engine being replaced was certified to emission standards less stringent than those in effect when you produce the replacement engine, the replacement engine must have a permanent label with your corporate name and trademark and the following language, or similar alternate language approved by the Administrator:

THIS ENGINE COMPLIES WITH U.S. EPA MARINE EMISSION REQUIREMENTS UNDER THE PROVISIONS OF 40 CFR 94.1103(b)(3). SELLING OR INSTALLING THIS ENGINE FOR ANY PURPOSE OTHER THAN TO REPLACE A MARINE ENGINE BUILT BEFORE JANUARY 1, [Insert appropriate year reflecting when the next tier of emission standards began to apply] MAY BE A VIOLATION OF FEDERAL LAW SUBJECT TO CIVIL PENALTY.

* * * * *

(viii) The provisions of this section may not be used to circumvent emission standards that apply to new engines under this part.

129. Section 94.1106 is amended by revising the introductory text and paragraphs (a)(1), (a)(2), (c)(1), and (d) to read as follows:

§ 94.1106 Penalties.

This section specifies actions that are prohibited and the maximum civil penalties that we can assess for each violation. The maximum penalty values listed in paragraphs (a) and (c) of this section are shown for calendar year 2004. As described in paragraph (d) of this section, maximum penalty limits for later years are set forth in 40 CFR part 19.

(a) * * *

(1) A person who violates § 94.1103(a)(1), (a)(4), (a)(5), (a)(6), or (a)(7)(iv) or a manufacturer or dealer who violates § 94.1103(a)(3)(i) or (iii) or § 94.1103(a)(7) is subject to a civil penalty of not more than $32,500 for each violation.

(2) A person other than a manufacturer or dealer who violates § 94.1103(a)(3)(i) or (iii) or § 94.1103(a)(7)(i), (ii), or (iii) or any person who violates § 94.1103(a)(3)(ii) is subject to a civil penalty of not more than $2,750 for each violation.

* * * * *

(c) * * *

(1) Administrative penalty authority. Subject to 42 U.S.C. 7524(c), in lieu of commencing a civil action under paragraph (b) of this section, the Administrator may assess any civil penalty prescribed in paragraph (a) of this section, except that the maximum amount of penalty sought against each violator in a penalty assessment proceeding shall not exceed $270,000, unless the Administrator and the Attorney General jointly determine that a matter involving a larger penalty amount is appropriate for administrative penalty assessment. Any such determination by the Administrator and the Attorney General is not subject to judicial review. Assessment of a civil penalty shall be by an order made on the record after opportunity for a hearing held in accordance with the procedures found at part 22 of this chapter. The Administrator may compromise, or remit, with or without conditions, any administrative penalty which may be imposed under this section.

* * * * *

(d) The maximum penalty values listed in paragraphs (a) and (c) of this section are shown for calendar year 2004. Maximum penalty limits for later years may be adjusted based on the Consumer Price Index. The specific regulatory provisions for changing the maximum penalties, published in 40 CFR part 19, reference the applicable U.S. Code citation on which the prohibited action is based.

PART 1039—CONTROL OF EMISSIONS FROM NEW AND IN–USE NONROAD COMPRESSION–IGNITION ENGINES

130. The authority citation for part 1039 is revised to read as follows:

Authority: 42 U.S.C. 7401–7671q.

131. Section 1039.1 is amended by revising paragraph (c) to read as follows:

§ 1039.1 Does this part apply for my engines?

* * * * *

(c) The definition of nonroad engine in 40 CFR 1068.30 excludes certain engines used in stationary applications. These engines are not required to comply with this part, except for the requirements in § 1039.20. In addition, if these engines are uncertified, the prohibitions in 40 CFR 1068.101 restrict their use as nonroad engines.

* * * * *

132. Section 1039.5 is amended by revising paragraphs (b)(1)(iii) and (b)(2) to read as follows:

§ 1039.5 Which engines are excluded from this part's requirements?

* * * * *

(b) *Marine engines.* (1) * * *

(iii) Engines that are exempt from the standards of 40 CFR part 94 pursuant to the provisions of 40 CFR part 94 (except for the provisions of 40 CFR 94.907 or 94.912). For example, an engine that is exempt under 40 CFR 94.906 because it is a manufacturer-owned engine is not subject to the provisions of this part 1039.

* * * * *

(2) Marine engines are subject to the provisions of this part 1039 if they are exempt from 40 CFR part 94 based on the engine-dressing provisions of 40 CFR 94.907 or the common-family provisions of 40 CFR 94.912.

* * * * *

133. Section 1039.10 is amended by revising the introductory text to read as follows:

§ 1039.10 How is this part organized?

The regulations in this part 1039 contain provisions that affect both engine manufacturers and others. However, the requirements of this part are generally addressed to the engine manufacturer. The term ''you'' generally means the engine manufacturer, as defined in § 1039.801. This part 1039 is divided into the following subparts:

* * * * *

134. Section 1039.104 is amended by revising paragraph (a)(4)(iii) to read as follows:

§ 1039.104 Are there interim provisions that apply only for a limited time?

* * * * *

(a) * * *

(4) * * *

(iii) All other offset-using engines must meet the standards and other provisions that apply in model year 2011 for engines in the 19–130 kW power categories, in model year 2010 for engines in the 130–560 kW power category, or in model year 2014 for engines above 560 kW. Show that engines meet these emission standards by meeting all the requirements of § 1068.265. You must meet the labeling requirements in § 1039.135, but add the following statement instead of the compliance statement in § 1039.135(c)(12): ''THIS ENGINE MEETS U.S. EPA EMISSION STANDARDS UNDER 40 CFR 1039.104(a).'' For power categories with a percentage phase-in, these engines should be treated as phase-in engines for purposes of determining compliance with phase-in requirements.

* * * * *

135. Section 1039.125 is amended by revising paragraph (g) introductory text to read as follows:

§ 1039.125 What maintenance instructions must I give to buyers?

* * * * *

(g) *Payment for scheduled maintenance.* Owners are responsible for properly maintaining their engines. This generally includes paying for scheduled maintenance. However, manufacturers must pay for scheduled maintenance during the useful life if it meets all the following criteria:

* * * * *

136. Section 1039.130 is amended by revising paragraph (b)(3) to read as follows:

§ 1039.130 What installation instructions must I give to equipment manufacturers?

* * * * *

(b) * * *

(3) Describe the instructions needed to properly install the exhaust system and any other components. Include instructions consistent with the requirements of § 1039.205(u).

* * * * *

137. Section 1039.225 is amended by revising the section heading and adding paragraphs (a)(3) and (f) to read as follows:

§ 1039.225 How do I amend my application for certification to include new or modified engines or to change an FEL?

* * * * *

(a) * * *

(3) Modify an FEL for an engine family, as described in paragraph (f) of this section.

* * * * *

(f) You may ask to change your FEL in the following cases:

(1) You may ask to raise your FEL after the start of production. You may not apply the higher FEL to engines you have already introduced into commerce. Use the appropriate FELs with corresponding sales volumes to calculate your average emission level, as described in subpart H of this part. In your request, you must demonstrate that you will still be able to comply with the applicable average emission standards as specified in subparts B and H of this part.

(2) You may ask to lower the FEL for your engine family after the start of production only when you have test data from production engines indicating that your engines comply with the lower FEL. You may create a separate subfamily with the lower FEL. Otherwise, you must use the higher FEL for the family to calculate your average emission level under subpart H of this part.

(3) If you change the FEL during production, you must include the new FEL on the emission control information label for all vehicles produced after the change.

138. Section 1039.240 is amended by revising paragraphs (a) and (b) to read as follows:

§ 1039.240 How do I demonstrate that my engine family complies with exhaust emission standards?

(a) For purposes of certification, your engine family is considered in compliance with the applicable numerical emission standards in § 1039.101(a) and (b), § 1039.102(a) and (b), § 1039.104, or § 1039.105 if all emission-data engines representing that family have test results showing deteriorated emission levels at or below these standards. (Note: if you participate in the ABT program in subpart H of this part, your FELs are considered to be the applicable emission standards with which you must comply.)

(b) Your engine family is deemed not to comply if any emission-data engine representing that family has test results showing a deteriorated emission level above an applicable FEL or emission standard from § 1039.101, § 1039.102, § 1039.104, or § 1039.105 for any pollutant.

* * * * *

§ 1039.510 [Amended]

139. Section 1039.510 is amended by removing paragraphs (c) and (d).

140. Section 1039.605 is amended by revising the section heading and adding paragraph (g) to read as follows:

§ 1039.605 What provisions apply to engines certified under the motor-vehicle program?

* * * * *

(g) *Participation in averaging, banking and trading.* Engines adapted for nonroad use under this section may not generate or use emission credits under this part 1039. These engines may generate credits under the ABT provisions in 40 CFR part 86. These engines must use emission credits under 40 CFR part 86 if they are certified to an FEL that exceeds an applicable standard under 40 CFR part 86.

141. Section 1039.610 is amended by revising the section heading and adding paragraph (g) to read as follows:

§ 1039.610 What provisions apply to vehicles certified under the motor-vehicle program?

* * * * *

(g) *Participation in averaging, banking and trading.* Vehicles adapted for nonroad use under this section may not generate or use emission credits under this part 1039. These vehicles may generate credits under the ABT provisions in 40 CFR part 86. These vehicles must be included in the calculation of the applicable fleet average in 40 CFR part 86.

142. Section 1039.625 is amended by revising paragraph (j) to read as follows:

§ 1039.625 What requirements apply under the program for equipment-manufacturer flexibility?

* * * * *

(j) *Provisions for engine manufacturers.* As an engine manufacturer, you may produce exempted engines as needed under this section. You do not have to request this exemption for your engines, but you must have written assurance from equipment manufacturers that they need a certain number of exempted engines under this section. Send us an annual report of the engines you produce under this section, as described in § 1039.250(a). For engines produced under the provisions of paragraph (a)(2) of this section, you must certify the engines under this part 1039. For all other exempt engines, the engines must meet the emission standards in paragraph (e) of this section and you must meet all the requirements of § 1068.265. If you show under § 1068.265(c) that the engines are identical in all material respects to engines that you have previously certified to one or more FELs above the standards specified in paragraph (e) of this section, you must supply sufficient credits for these engines. Calculate these credits under subpart H of this part using the previously certified FELs and the alternate standards. 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 MEETS U.S. EPA EMISSION STANDARDS UNDER 40 CFR 1039.625. SELLING OR INSTALLING THIS ENGINE FOR ANY PURPOSE OTHER THAN FOR THE EQUIPMENT FLEXIBILITY PROVISIONS OF 40 CFR 1039.625 MAY BE A VIOLATION OF FEDERAL LAW SUBJECT TO CIVIL PENALTY.

* * * * *

143. Section 1039.655 is amended by revising paragraph (a)(3) to read as follows:

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

(a) * * *

(3) You meet all the requirements of § 1068.265.

* * * * *

144. Section 1039.705 amended by adding text to paragraph (c)(4) to read as follows:

§ 1039.705 How do I generate and calculate emission credits?

* * * * *

(c) * * *

(4) Engines for which the location of first retail sale is in a state that has applicable emission regulations for that model year. For example, you may not include engines sold in California if it has emission standards for these engines, and you may not include engines sold in other states that adopt California's emission standards under Clean Air Act section 209(e)(2)(B).

* * * * *

145. Section 1039.740 amended by adding paragraph (b)(4) to read as follows:

§ 1039.740 What restrictions apply for using emission credits?

* * * * *

(b) * * *

(4) If the maximum power of an engine generating credits under the Tier 2 standards in 40 CFR part 89 is at or above 37 kW and below 75 kW, you may use those credits for certifying engines under the Option #1 standards in § 1039.102.

* * * * *

146. Section 1039.801 is amended by revising the definitions for Aftertreatment, Brake power, Constant-speed operation, Exempted, Good engineering judgment, Marine engine, Marine vessel, Motor vehicle, Revoke, Suspend, United States, and Void and adding a definition for Amphibious vehicle to read as follows:

§ 1039.801 What definitions apply to this part?

* * * * *

Aftertreatment means relating to a catalytic converter, particulate filter, or any other system, component, or technology mounted downstream of the exhaust valve (or exhaust port) whose design function is to decrease emissions in the engine exhaust before it is exhausted to the environment. Exhaust-gas recirculation (EGR) and turbochargers are not aftertreatment.

* * * * *

Amphibious vehicle means a vehicle with wheels or tracks that is designed primarily for operation on land and secondarily for operation in water.

* * * * *

Brake power means the usable power output of the engine, not including power required to fuel, lubricate, or heat the engine, circulate coolant to the engine, or to operate aftertreatment devices.

* * * * *

Constant-speed operation means engine operation with a governor that controls the operator input to maintain an engine at a reference speed, even under changing load. For example, an isochronous governor changes reference speed temporarily during a load change, then returns the engine to its original reference speed after the engine stabilizes. Isochronous governors typically allow speed changes up to 1.0%. Another example is a speed-droop governor, which has a fixed reference speed at zero load and allows the reference speed to decrease as load increases. With speed-droop governors, speed typically decreases (3 to 10)% below the reference speed at zero load, such that the minimum reference speed occurs near the engine's point of maximum power.

* * * * *

Exempted has the meaning we give in 40 CFR 1068.30.

* * * * *

Good engineering judgment has the meaning we give in 40 CFR 1068.30. See 40 CFR 1068.5 for the administrative process we use to evaluate good engineering judgment.

* * * * *

Marine engine means a nonroad engine that is installed or intended to be installed on a marine vessel. This includes a portable auxiliary marine engine only if its fueling, cooling, or exhaust system is an integral part of the vessel. There are two kinds of marine engines:

(1) Propulsion marine engine means a marine engine that moves a vessel through the water or directs the vessel's movement.

(2) Auxiliary marine engine means a marine engine not used for propulsion.

Marine vessel has the meaning given in 1 U.S.C. 3, except that it does not include amphibious vehicles. The definition in 1 U.S.C. 3 very broadly includes every craft capable of being used as a means of transportation on water.

* * * * *

Motor vehicle has the meaning we give in 40 CFR 85.1703(a). In general, motor vehicle means any vehicle that EPA deems to be capable of safe and practical use on streets or highways that has a maximum ground speed above 40 kilometers per hour (25 miles per hour) over level, paved surfaces.

* * * * *

Revoke has the meaning we give in 40 CFR 1068.30.

* * * * *

Suspend has the meaning we give in 40 CFR 1068.30.

* * * * *

United States has the meaning we give in 40 CFR 1068.30.

* * * * *

Void has the meaning we give in 40 CFR 1068.30.

* * * * *

PART 1048—CONTROL OF EMISSIONS FROM NEW, LARGE NONROAD SPARK-IGNITION ENGINES

147. The authority citation for part 1048 is revised to read as follows:

Authority: 42 U.S.C. 7401—7671q.

148. The heading for subpart A is revised to read as follows:

Subpart A—Overview and Applicability

149. Section 1048.1 is revised to read as follows:

§ 1048.1 Does this part apply to me?

(a) The regulations in this part 1048 apply for all new, spark-ignition nonroad engines (defined in § 1048.801) with maximum engine power above 19 kW, except as provided in § 1048.5.

(b) This part 1048 applies for engines built on or after January 1, 2004. You need not follow this part for engines you produce before January 1, 2004. See §§ 1048.101 through 1048.115, § 1048.145, and the definition of model year in § 1048.801 for more information about the timing of new requirements.

(c) The definition of nonroad engine in 40 CFR 1068.30 excludes certain engines used in stationary applications. These engines are not required to comply with this part, except for the requirements in § 1048.20. In addition, if these engines are uncertified, the prohibitions in 40 CFR 1068.101 restrict their use as nonroad engines.

(d) In certain cases, the regulations in this part 1048 apply to engines with maximum engine power at or below 19 kW that would otherwise be covered by 40 CFR part 90. *See* 40 CFR 90.913 for provisions related to this allowance.

150. Section 1048.5 is revised to read as follows:

§ 1048.5 Which engines are excluded from this part's requirements?

This part does not apply to the following nonroad engines:

(a) Engines that are certified to meet the requirements of 40 CFR part 1051, or are otherwise subject to 40 CFR part 1051 (for example, engines used in snowmobiles and all-terrain vehicles).

(b) Propulsion marine engines. See 40 CFR part 91. This part applies with respect to auxiliary marine engines.

151. Section 1048.10 is revised to read as follows:

§ 1048.10 How is this part organized?

The regulations in this part 1048 contain provisions that affect both engine manufacturers and others. However, the requirements of this part are generally addressed to the engine manufacturer. The term ''you'' generally means the engine manufacturer, as defined in § 1048.801. This part 1048 is divided into the following subparts:

(a) Subpart A of this part defines the applicability of part 1048 and gives an overview of regulatory requirements.

(b) Subpart B of this part describes the emission standards and other requirements that must be met to certify engines under this part. Note that § 1048.145 discusses certain interim requirements and compliance provisions that apply only for a limited time.

(c) Subpart C of this part describes how to apply for a certificate of conformity.

(d) Subpart D of this part describes general provisions for testing production-line engines.

(e) Subpart E of this part describes general provisions for testing in-use engines.

(f) Subpart F of this part describes how to test your engines (including references to other parts of the Code of Federal Regulations).

(g) Subpart G of this part and 40 CFR part 1068 describe requirements, prohibitions, and other provisions that apply to engine manufacturers, equipment manufacturers, owners, operators, rebuilders, and all others.

(h) [Reserved]

(i) Subpart I of this part contains definitions and other reference information.

152. Section 1048.15 is revised to read as follows:

§ 1048.15 Do any other regulation parts affect me?

(a) Part 1065 of this chapter describes procedures and equipment specifications for testing engines. Subpart F of this part 1048 describes how to apply the provisions of part 1065 of this chapter to determine whether engines meet the emission standards in this part.

(b) The requirements and prohibitions of part 1068 of this chapter apply to everyone, including anyone who manufactures, imports, installs, owns, operates, or rebuilds any of the engines subject to this part 1048, or equipment containing these engines. Part 1068 of this chapter describes general provisions, including these seven areas:

(1) Prohibited acts and penalties for engine manufacturers, equipment manufacturers, and others.

(2) Rebuilding and other aftermarket changes.

(3) Exclusions and exemptions for certain engines.

(4) Importing engines.

(5) Selective enforcement audits of your production.

(6) Defect reporting and recall.

(7) Procedures for hearings.

(c) Other parts of this chapter apply if referenced in this part.

153. Section 1048.20 is revised to read as follows:

§ 1048.20 What requirements from this part apply to excluded stationary engines?

(a) You must add a permanent label or tag to each new engine you produce or import that is excluded under § 1048.1(c) as a stationary engine. To meet labeling requirements, you must do the following things:

(1) Attach the label or tag in one piece so no one can remove it without destroying or defacing it.

(2) Secure it to a part of the engine needed for normal operation and not normally requiring replacement.

(3) Make sure it is durable and readable for the engine's entire life.

(4) Write it in English.

(5) Follow the requirements in § 1048.135(g) regarding duplicate labels if the engine label is obscured in the final installation.

(b) Engine labels or tags required under this section must have the following information:

(1) Include the heading ''EMISSION CONTROL INFORMATION''.

(2) Include your full corporate name and trademark. You may instead include the full corporate name and trademark of another company you choose to designate.

(3) State the engine displacement (in liters) and maximum engine power.

(4) State: ''THIS ENGINE IS EXCLUDED FROM THE REQUIREMENTS OF 40 CFR PART 1048 AS A ''STATIONARY ENGINE.'' INSTALLING OR USING THIS ENGINE IN ANY OTHER APPLICATION MAY BE A VIOLATION OF FEDERAL LAW SUBJECT TO CIVIL PENALTY.''.

154. Section 1048.101 is amended by revising the introductory text and paragraphs (a), (b), (c), (e), (g), and (h) to read as follows:

§ 1048.101 What exhaust emission standards must my engines meet?

The exhaust emission standards of this section apply by model year. You may certify engines earlier than we require. The Tier 1 standards apply only to steady-state testing, as described in paragraph (b) of this section. The Tier 2 standards apply to steady-state, transient, and field testing, as described in paragraphs (a), (b), and (c) of this section.

(a) *Emission standards for transient testing.* Starting in the 2007 model year, transient exhaust emissions from your engines may not exceed the Tier 2 emission standards, as follows:

(1) Measure emissions using the applicable transient test procedures described in subpart F of this part.

(2) The Tier 2 $HC+NO_X$ standard is 2.7 g/kW-hr and the Tier 2 CO standard is 4.4 g/kW-hr. For severe-duty engines, the Tier 2 $HC+NO_X$ standard is 2.7 g/kW-hr and the Tier 2 CO standard is 130.0 g/kW-hr. High-load engines and engines with maximum engine power above 560 kW are not subject to the transient standards in this paragraph (a).

(3) You may optionally certify your engines according to the following formula instead of the standards in paragraph (a)(1) of this section: $(HC+NO_X) \times CO^{0.784} \leq 8.57$. The $HC+NO_X$ and CO emission levels you select to satisfy this formula, rounded to the nearest 0.1 g/kW-hr, become the emission standards that apply for those engines. You may not select an $HC+NO_X$ emission standard higher than 2.7 g/kW-hr or a CO emission standard higher than 20.6 g/kW-hr. The following table illustrates a range of possible values under this paragraph (a)(3):

TABLE 1 OF § 1048.101.—EXAMPLES OF POSSIBLE TIER 2 DUTY-CYCLE EMISSION STANDARDS

$HC+NO_X$ (g/kW-hr)	CO (g/kW-hr)
2.7	4.4
2.2	5.6
1.7	7.9
1.3	11.1
1.0	15.5
0.8	20.6

(b) *Standards for steady-state testing.* Except as we allow in paragraph (d) of this section, steady-state exhaust emissions from your engines may not exceed emission standards, as follows:

(1) Measure emissions using the applicable steady-state test procedures described in subpart F of this part:

(2) The following table shows the Tier 1 exhaust emission standards that apply to engines from 2004 through 2006 model years:

TABLE 2 OF § 1048.101.—TIER 1 EMISSION STANDARDS (G/KW-HR)

Testing	General emission standards		Alternate emission standards for severe-duty engines	
	$HC+NO_X$	CO	$HC+NO_X$	CO
Certification and production-line testing	4.0	50.0	4.0	130.0
In-use testing	5.4	50.0	5.4	130.0

(3) Starting in the 2007 model year, steady-state exhaust emissions from your engines may not exceed the numerical emission standards in paragraph (a) of this section. See paragraph (d) of this section for alternate standards that apply for certain engines.

(c) *Standards for field testing.* Starting in 2007, exhaust emissions may not exceed field-testing standards, as follows:

(1) Measure emissions using the field-testing procedures in subpart F of this part.

(2) The $HC+NO_X$ standard is 3.8 g/kW-hr and the CO standard is 6.5 g/kW-hr. For severe-duty engines, the $HC+NO_X$ standard is 3.8 g/kW-hr and the CO standard is 200.0 g/kW-hr. For natural gas-fueled engines, you are not required to measure nonmethane hydrocarbon emissions or total hydrocarbon emissions for testing to show that the engine meets the emission standards of this paragraph (c); that is, you may assume HC emissions are equal to zero.

(3) You may apply the following formula to determine alternate emission standards that apply to your engines instead of the standards in paragraph (c)(1) of this section: $(HC+NO_X) \times CO^{0.791} \leq 16.78$. $HC+NO_X$ emission levels may not exceed 3.8 g/kW-hr and CO emission levels may not exceed 31.0 g/kW-hr. The following table illustrates a range of possible values under this paragraph (c)(2):

TABLE 3 OF § 1048.101.—EXAMPLES OF POSSIBLE TIER 2 FIELD-TESTING EMISSION STANDARDS

$HC+NO_X$ (g/kW-hr)	CO (g/kW-hr)
3.8	6.5
3.1	8.5
2.4	11.7
1.8	16.8
1.4	23.1
1.1	31.0

* * * * *

(e) *Fuel types.* The exhaust emission standards in this section apply for engines using each type of fuel specified in 40 CFR part 1065, subpart C, on which the engines in the engine family are designed to operate, except for engines certified under § 1048.625. For engines certified under § 1048.625, the standards of this section apply to emissions measured using the specified test fuel. You must meet the numerical emission standards for hydrocarbons in this section based on the following types of hydrocarbon emissions for engines powered by the following fuels:

(1) Gasoline- and LPG-fueled engines: THC emissions.

(2) Natural gas-fueled engines: NMHC emissions.

(3) Alcohol-fueled engines: THCE emissions.

* * * * *

(g) *Useful life.* Your engines must meet the exhaust emission standards in paragraphs (a) through (c) of this section over their full useful life. The minimum useful life is 5,000 hours of operation or seven years, whichever comes first.

(1) Specify a longer useful life in hours for an engine family under either of two conditions:

(i) If you design, advertise, or market your engine to operate longer than the minimum useful life (your recommended hours until rebuild may indicate a longer design life).

(ii) If your basic mechanical warranty is longer than the minimum useful life.

(2) You may request in your application for certification that we approve a shorter useful life for an engine family. We may approve a shorter useful life, in hours of engine operation but not in years, if we determine that these engines will rarely operate longer than the shorter useful life. If engines identical to those in the engine family have already been produced and are in use, your demonstration must include documentation from such in-use engines. In other cases, your demonstration must include an engineering analysis of information equivalent to such in-use data, such as data from research engines or similar engine models that are already in production. Your demonstration must also include any overhaul interval that you recommend, any mechanical warranty that you offer for the engine or its components, and any relevant customer design specifications. Your demonstration may include any other relevant information. The useful life value may not be shorter than any of the following:

(i) 1,000 hours of operation.

(ii) Your recommended overhaul interval.

(iii) Your mechanical warranty for the engine.

(h) *Applicability for testing.* The emission standards in this subpart apply to all testing, including certification, production-line, and in-use testing. For production-line testing, you must perform duty-cycle testing as specified in §§ 1048.505 and 1048.510. The field-testing standards of this section apply for those tests. You need not do additional testing of production-line engines to show that your engines meet the field-testing standards.

155. Section 1048.105 is amended by revising the section heading and adding introductory text to read as follows:

§ 1048.105 What evaporative emission standards and requirements apply?

The requirements of this section apply to all engines that are subject to this part, except auxiliary marine engines.

* * * * *

156. Section 1048.115 is amended by revising the introductory text and paragraphs (a), (e), and (g) to read as follows:

§ 1048.115 What other requirements must my engines meet?

Engines subject to this part must meet the following requirements:

(a) *Crankcase emissions.* Crankcase emissions may not be discharged directly into the ambient atmosphere from any engine, except as follows:

(1) Engines may discharge crankcase emissions to the ambient atmosphere if the emissions are added to the exhaust emissions (either physically or mathematically) during all emission testing.

(2) If you take advantage of this exception, you must do the following things:

(i) Manufacture the engines so that all crankcase emissions can be routed into the applicable sampling systems specified in 40 CFR part 1065.

(ii) Account for deterioration in crankcase emissions when determining exhaust deterioration factors.

(3) For purposes of this paragraph (a), crankcase emissions that are routed to the exhaust upstream of exhaust aftertreatment during all operation are not considered to be discharged directly into the ambient atmosphere.

* * * * *

(e) *Adjustable parameters.* Engines that have adjustable parameters must meet all the requirements of this part for any adjustment in the physically adjustable range. An operating parameter is not considered adjustable if you permanently seal it or if it is not normally accessible using ordinary tools. We may require that you set adjustable parameters to any specification within the adjustable range during any testing, including certification testing, selective enforcement auditing, or in-use testing.

* * * * *

(g) *Defeat devices.* You may not equip your engines with a defeat device. A defeat device is an auxiliary emission-control device that reduces the effectiveness of emission controls under conditions that the engine may reasonably be expected to encounter during normal operation and use. This does not apply to auxiliary-emission control devices you identify in your certification application if any of the following is true:

(1) The conditions of concern were substantially included in the applicable test procedures described in subpart F of this part.

(2) You show your design is necessary to prevent engine (or equipment) damage or accidents.

(3) The reduced effectiveness applies only to starting the engine.

157. Section 1048.120 is revised to read as follows:

§ 1048.120 What emission-related warranty requirements apply to me?

(a) *General requirements.* You must warrant to the ultimate purchaser and each subsequent purchaser that the new nonroad engine, including all parts of its emission-control system, meets two conditions:

(1) It is designed, built, and equipped so it conforms at the time of sale to the ultimate purchaser with the requirements of this part.

(2) It is free from defects in materials and workmanship that may keep it from meeting these requirements.

(b) *Warranty period.* Your emission-related warranty must be valid for at least 50 percent of the engine's useful life in hours of operation or at least three years, whichever comes first. In the case of a high-cost warranted part, the warranty must be valid for at least 70 percent of the engine's useful life in hours of operation or at least five years, whichever comes first. You may offer an emission-related warranty more generous than we require. The emission-related warranty for the engine may not be shorter than any published warranty you offer without charge for the engine. Similarly, the emission-related warranty for any component may not be shorter than any published warranty you offer without charge for that component. If you provide an extended warranty to individual owners for any components covered in paragraph (c) of this section for an additional charge, your emission-related warranty must cover those components for those owners to the same degree. If an engine has no hour meter, we base the warranty periods in this paragraph (b) only on the engine's age (in years). The warranty period begins when the engine is placed into service.

(c) *Components covered.* The emission-related warranty covers all components whose failure would increase an engine's emissions of any pollutant. This includes components listed in 40 CFR part 1068, Appendix I, and components from any other system you develop to control emissions. The emission-related warranty covers these components even if another company produces the component. Your emission-related warranty does not cover components whose failure would not increase an engine's emissions of any pollutant.

(d) *Limited applicability.* You may deny warranty claims under this section if the operator caused the problem through improper maintenance or use, as described in 40 CFR 1068.115.

(e) *Owners manual.* Describe in the owners manual the emission-related warranty provisions from this section that apply to the engine.

158. Section 1048.125 is revised to read as follows:

§ 1048.125 What maintenance instructions must I give to buyers?

Give the ultimate purchaser of each new nonroad engine written instructions for properly maintaining and using the engine, including the emission-control system. The maintenance instructions also apply to service accumulation on your emission-data engines, as described in 40 CFR part 1065.

(a) *Critical emission-related maintenance.* Critical emission-related maintenance includes any adjustment, cleaning, repair, or replacement of critical emission-related components. This may also include additional emission-related maintenance that you determine is critical if we approve it in advance. You may schedule critical emission-related maintenance on these components if you meet the following conditions:

(1) You demonstrate that the maintenance is reasonably likely to be done at the recommended intervals on in-use engines. We will accept scheduled maintenance as reasonably likely to occur if you satisfy any of the following conditions:

(i) You present data showing that, if a lack of maintenance increases emissions, it also unacceptably degrades the engine's performance.

(ii) You present survey data showing that at least 80 percent of engines in the field get the maintenance you specify at the recommended intervals.

(iii) You provide the maintenance free of charge and clearly say so in maintenance instructions for the customer.

(iv) You otherwise show us that the maintenance is reasonably likely to be done at the recommended intervals.

(2) You may not schedule critical emission-related maintenance more frequently than the following minimum intervals, except as specified in paragraphs (a)(3), (b) and (c) of this section:

(i) For catalysts, fuel injectors, electronic control units, superchargers, and turbochargers: the useful life of the engine family.

(ii) For gaseous fuel-system components (cleaning without disassembly only) and oxygen sensors: 2,500 hours.

(3) If your engine family has an alternate useful life under § 1048.101(g) that is shorter than the period specified in paragraph (a)(2)(ii) of this section, you may not schedule critical emission-related maintenance more frequently than the alternate useful life, except as specified in paragraph (c) of this section.

(b) *Recommended additional maintenance.* You may recommend any additional amount of maintenance on the components listed in paragraph (a) of this section, as long as you state clearly that these maintenance steps are not necessary to keep the emission-related warranty valid. If operators do the maintenance specified in paragraph (a) of this section, but not the recommended additional maintenance, this does not allow you to disqualify

those engines from in-use testing or deny a warranty claim. Do not take these maintenance steps during service accumulation on your emission-data engines.

(c) *Special maintenance.* You may specify more frequent maintenance to address problems related to special situations, such as substandard fuel or atypical engine operation. For example, you may specify more frequent cleaning of fuel system components for engines you have reason to believe will be using fuel that causes substantially more engine performance problems than commercial fuels of the same type that are generally available across the United States. You must clearly state that this additional maintenance is associated with the special situation you are addressing.

(d) *Noncritical emission-related maintenance.* You may schedule any amount of emission-related inspection or maintenance that is not covered by paragraph (a) of this section, as long as you state in the owners manual that these steps are not necessary to keep the emission-related warranty valid. If operators fail to do this maintenance, this does not allow you to disqualify those engines from in-use testing or deny a warranty claim. Do not take these inspection or maintenance steps during service accumulation on your emission-data engines.

(e) *Maintenance that is not emission-related.* For maintenance unrelated to emission controls, you may schedule any amount of inspection or maintenance. You may also take these inspection or maintenance steps during service accumulation on your emission-data engines, as long as they are reasonable and technologically necessary. This might include adding engine oil, changing air, fuel, or oil filters, servicing engine-cooling systems, and adjusting idle speed, governor, engine bolt torque, valve lash, or injector lash. You may perform this nonemission-related maintenance on emission-data engines at the least frequent intervals that you recommend to the ultimate purchaser (but not the intervals recommended for severe service).

(f) *Source of parts and repairs.* State clearly on the first page of your written maintenance instructions that a repair shop or person of the owner's choosing may maintain, replace, or repair emission-control devices and systems. Your instructions may not require components or service identified by brand, trade, or corporate name. Also, do not directly or indirectly condition your warranty on a requirement that the equipment be serviced by your franchised dealers or any other service establishments with which you have a commercial relationship. You may disregard the requirements in this paragraph (f) if you do one of two things:

(1) Provide a component or service without charge under the purchase agreement.

(2) Get us to waive this prohibition in the public's interest by convincing us the engine will work properly only with the identified component or service.

(g) *Payment for scheduled maintenance.* Owners are responsible for properly maintaining their engines. This generally includes paying for scheduled maintenance. However, manufacturers must pay for scheduled maintenance during the useful life if it meets all the following criteria:

(1) Each affected component was not in general use on similar engines before January 1, 2004.

(2) The primary function of each affected component is to reduce emissions.

(3) The cost of the scheduled maintenance is more than 2 percent of the price of the engine.

(4) Failure to perform the maintenance would not cause clear problems that would significantly degrade the engine's performance.

(h) *Owners manual.* Explain the owner's responsibility for proper maintenance in the owners manual.

159. Section 1048.130 is amended by revising paragraphs (a), (b)(3), (b)(7), and (b)(8); and by adding paragraph (d) to read as follows:

§ 1048.130 What installation instructions must I give to equipment manufacturers?

(a) If you sell an engine for someone else to install in a piece of nonroad equipment, give the engine installer instructions for installing it consistent with the requirements of this part. Include all information necessary to ensure that an engine will be installed in its certified configuration.

(b)* * *

(3) Describe the instructions needed to properly install the exhaust system and any other components. Include instructions consistent with the requirements of § 1048.205(v).

* * * * *

(7) Describe any other instructions to make sure the installed engine will operate according to design specifications in your application for certification. This may include, for example, instructions for installing aftertreatment devices when installing the engines.

(8) State: ''If you install the engine in a way that makes the engine's emission control information label hard to read during normal engine maintenance, you must place a duplicate label on the equipment, as described in 40 CFR 1068.105.''.

* * * * *

(d) Provide instructions in writing or in an equivalent format. For example, you may post instructions on a publicly available website for downloading or printing. If you do not provide the instructions in writing, explain in your application for certification how you will ensure that each installer is informed of the installation requirements.

160. Section 1048.135 is revised to read as follows:

§ 1048.135 How must I label and identify the engines I produce?

(a) Assign each engine a unique identification number and permanently affix, engrave, or stamp it on the engine in a legible way.

(b) At the time of manufacture, affix a permanent and legible label identifying each engine. The label must be—

(1) Attached in one piece so it is not removable without being destroyed or defaced.

(2) Secured to a part of the engine needed for normal operation and not normally requiring replacement.

(3) Durable and readable for the engine's entire life.

(4) Written in English.

(c) The label must—

(1) Include the heading ''EMISSION CONTROL INFORMATION''.

(2) Include your full corporate name and trademark. You may identify another company and use its trademark instead of yours if you comply with the provisions of § 1048.635.

(3) Include EPA's standardized designation for the engine family (and subfamily, where applicable).

(4) State the engine's displacement (in liters); however, you may omit this from the label if all the engines in the engine family have the same per-cylinder displacement and total displacement.

(5) State the date of manufacture [MONTH and YEAR]. You may omit this from the label if you keep a record of the engine-manufacture dates and provide it to us upon request.

(6) Identify the emission-control system. Use terms and abbreviations consistent with SAE J1930 (incorporated by reference in § 1048.810). 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.

(7) State: ''THIS ENGINE IS CERTIFIED TO OPERATE ON [specify operating fuel or fuels].''.

(8) Identify any requirements for fuel and lubricants. 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.

(9) List specifications and adjustments for engine tuneups; show the proper position for the transmission during tuneup and state which accessories should be operating. 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 the useful life for your engine family if it has a longer useful life under § 1048.101(g)(1) or a shortened useful life under § 1048.101(g)(2).

(11) Identify the emission standards to which you have certified the engine.

(12) State: ''THIS ENGINE COMPLIES WITH U.S. EPA REGULATIONS FOR [MODEL YEAR] LARGE NONROAD SI ENGINES.''.

(13) If your engines are certified only for constant-speed operation, state: ''USE IN CONSTANT-SPEED APPLICATIONS ONLY'.

(14) If your engines are certified only for variable-speed operation, state: ''USE IN VARIABLE-SPEED APPLICATIONS ONLY'.

(15) If your engines are certified only for high-load engines, state: ''THIS ENGINE IS NOT INTENDED FOR OPERATION AT LESS THAN 75 PERCENT OF FULL LOAD.''.

(16) If you certify your engines under § 1048.101(d) (and show in your application for certification that in-use engines will experience infrequent high-load operation), state: ''THIS ENGINE IS NOT INTENDED FOR OPERATION AT MORE THAN PERCENT OF FULL LOAD.''. Specify the appropriate percentage of full load based on the nature of the engine protection. You may add other statements to discourage operation in engine-protection modes.

(17) If your engines are certified to the voluntary standards in § 1048.140, state: ''BLUE SKY SERIES'.

(d) You may add information to the emission control information label to identify other emission standards that the engine meets or does not meet (such as California standards). You may also add other information to ensure that the engine will be properly maintained and used.

(e) You may ask us to approve modified labeling requirements in this part 1048 if you show that it is necessary or appropriate. We will approve your request if your alternate label is consistent with the requirements of this part.

(f) If you obscure the engine label while installing the engine in the equipment, you must place a duplicate label on the equipment. If others install your engine in their equipment in a way that obscures the engine label, we require them to add a duplicate label on the equipment (*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 equipment manufacturer.

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

161. Section 1048.140 is amended by revising paragraph (c) to read as follows:

§ 1048.140 What are the provisions for certifying Blue Sky Series engines?

* * * * *

(c) For any model year, to receive a certificate of conformity as a ''Blue Sky Series'' engine family must meet all the requirements in this part while certifying to one of the sets of exhaust emission standards in the following table:

TABLE 1 OF § 1048.140—LONG-TERM STANDARDS FOR BLUE SKY SERIES ENGINES (G/KW-HR)

Level	Standards for steady-state and transient test procedures		Standards for field-testing procedures	CO
	$HC+NO_X$	CO	$NC+NO_X$	
Blue Sky	0.80	4.4	1.10	6.6
Advanced Blue Sky	0.30	3.0	0.42	4.5
Premium Blue Sky	0.15	3.0	0.21	4.5

* * * * *

162. Section 1048.145 is amended by revising the section heading and paragraph (a) and by removing and reserving paragraph (c) to read as follows:

§ 1048.145 Are there interim provisions that apply only for a limited time?

* * * * *

(a) *Family banking.* This paragraph (a) allows you to reduce the number of engines subject to the Tier 2 standards by certifying some of your engines earlier than otherwise required, as follows:

(1) For early-compliant engines to generate offsets under this paragraph (a), you must meet the following general provisions:

(i) You must begin actual production of early-compliant engines by September 1, 2006.

(ii) Engines you produce after December 31, 2006 may not generate offsets.

(iii) Offset-generating engines must be certified to the Tier 2 standards and requirements under this part 1048.

(iv) If you certify engines under the voluntary standards of § 1048.140, you may not use them in your calculation under this paragraph (a).

(2) For every offset-generating engine certified to the Tier 2 standards, you may reduce the number of engines with the same maximum engine power that are required to meet the Tier 2 standards in later model years by one engine. You may calculate power-weighted offsets based on actual U.S.-directed sales volumes. For example, if you produce a total of 1,000 engines in 2005 and 2006 with an average maximum power of 60 kW certified to the Tier 2 standards, you may delay certification to that tier of standards for up to 60,000 kW-engine-years in any of the following ways:

(i) Delay certification of up to 600 engines with an average maximum power of 100 kW for one model year.

(ii) Delay certification of up to 200 engines with an average maximum power of 100 kW for three consecutive model years.

(iii) Delay certification of up to 400 engines with an average maximum power of 100 kW for one model year and up to 50 engines with an average maximum power of 200 kW for two model years.

(3) Offset-using engines (that is, those not required to certify to the Tier 2 standards) must be certified to the Tier 1 standards and requirements of this part 1048. You may delay compliance for up to three model years.

(4) By January 31 of each year in which you use the provisions of this

paragraph (a), send us a report describing how many offset-generating or offset-using engines you produced in the preceding model year.

* * * * *

163. Section 1048.201 is revised to read as follows:

§ 1048.201 What are the general requirements for obtaining a certificate of conformity?

(a) You must send us a separate application for a certificate of conformity for each engine family. A certificate of conformity is valid from the indicated effective date until December 31 of the model year for which it is issued.

(b) The application must contain all the information required by this part and must not include false or incomplete statements or information (*see* § 1048.255).

(c) We may ask you to include less information than we specify in this subpart, as long as you maintain all the information required by § 1048.250.

(d) You must use good engineering judgment for all decisions related to your application (*see* 40 CFR 1068.5).

(e) An authorized representative of your company must approve and sign the application.

(f) *See* § 1048.255 for provisions describing how we will process your application.

(g) We may require you to deliver your test engines to a facility we designate for our testing (*see* § 1048.235(c)).

164. Section 1048.205 is revised to read as follows:

§ 1048.205 What must I include in my application?

This section specifies the information that must be in your application, unless we ask you to include less information under § 1048.201(c). We may require you to provide additional information to evaluate your application.

(a) Describe the engine family's specifications and other basic parameters of the engine's design and emission controls. List the fuel types on which your engines are designed to operate (for example, gasoline and natural gas). List each distinguishable engine configuration in the engine family.

(b) Explain how the emission-control system operates. Describe in detail all system components for controlling exhaust emissions, including all auxiliary-emission control devices (AECDs) and all fuel-system components you will install on any production or test engine. Describe the evaporative emission controls. Identify the part number of each component you describe. For this paragraph (b), treat as separate AECDs any devices that modulate or activate differently from each other. Include all the following:

(1) Give a general overview of the engine, the emission-control strategies, and all AECDs.

(2) Describe each AECD's general purpose and function.

(3) Identify the parameters that each AECD senses (including measuring, estimating, calculating, or empirically deriving the values). Include equipment-based parameters and state whether you simulate them during testing with the applicable procedures.

(4) Describe the purpose for sensing each parameter.

(5) Identify the location of each sensor the AECD uses.

(6) Identify the threshold values for the sensed parameters that activate the AECD.

(7) Describe the parameters that the AECD modulates (controls) in response to any sensed parameters, including the range of modulation for each parameter, the relationship between the sensed parameters and the controlled parameters and how the modulation achieves the AECD's stated purpose. Use graphs and tables, as necessary.

(8) Describe each AECD's specific calibration details. This may be in the form of data tables, graphical representations, or some other description.

(9) Describe the hierarchy among the AECDs when multiple AECDs sense or modulate the same parameter. Describe whether the strategies interact in a comparative or additive manner and identify which AECD takes precedence in responding, if applicable.

(10) Explain the extent to which the AECD is included in the applicable test procedures specified in subpart F of this part.

(11) Do the following additional things for AECDs designed to protect engines or equipment:

(i) Identify the engine and/or equipment design limits that make protection necessary and describe any damage that would occur without the AECD.

(ii) Describe how each sensed parameter relates to the protected components' design limits or those operating conditions that cause the need for protection.

(iii) Describe the relationship between the design limits/parameters being protected and the parameters sensed or calculated as surrogates for those design limits/parameters, if applicable.

(iv) Describe how the modulation by the AECD prevents engines and/or equipment from exceeding design limits.

(v) Explain why it is necessary to estimate any parameters instead of measuring them directly and describe how the AECD calculates the estimated value, if applicable.

(vi) Describe how you calibrate the AECD modulation to activate only during conditions related to the stated need to protect components and only as needed to sufficiently protect those components in a way that minimizes the emission impact.

(c) Explain how the engine diagnostic system works, describing especially the engine conditions (with the corresponding diagnostic trouble codes) that cause the malfunction-indicator light to go on. Propose what you consider to be extreme conditions under which the diagnostic system should disregard trouble codes, as described in § 1048.110.

(d) Describe the engines you selected for testing and the reasons for selecting them.

(e) Describe the test equipment and procedures that you used, including any special or alternate test procedures you used (*see* § 1048.501).

(f) Describe how you operated the emission-data engine before testing, including the duty cycle and the number of engine operating hours used to stabilize emission levels. Explain why you selected the method of service accumulation. Describe any scheduled maintenance you did.

(g) List the specifications of each test fuel to show that it falls within the required ranges we specify in 40 CFR part 1065, subpart H.

(h) Identify the engine family's useful life.

(i) Include the maintenance instructions you will give to the ultimate purchaser of each new nonroad engine (*see* § 1048.125).

(j) Include the emission-related installation instructions you will provide if someone else installs your engines in a piece of nonroad equipment (*see* § 1048.130).

(k) Identify each high-cost warranted part and show us how you calculated its replacement cost, including the estimated retail cost of the part, labor rates, and labor hours to diagnose and replace defective parts.

(l) Describe your emission control information label (*see* § 1048.135).

(m) Identify the emission standards to which you are certifying engines in the engine family.

(n) Identify the engine family's deterioration factors and describe how you developed them (*see* § 1048.245).

Present any emission test data you used for this.

(o) State that you operated your emission-data engines as described in the application (including the test procedures, test parameters, and test fuels) to show you meet the requirements of this part.

(p) Present emission data to show that you meet emission standards, as follows:

(1) Present exhaust emission data for HC, NO_X, and CO on an emission-data engine to show your engines meet the applicable duty-cycle emission standards we specify in § 1048.101. Show emission figures before and after applying adjustment factors for deterioration factors for each engine. Include test data for each type of fuel from 40 CFR part 1065, subpart H, on which you intend for engines in the engine family to operate (for example, gasoline, liquefied petroleum gas, methanol, or natural gas). If we specify more than one grade of any fuel type (for example, a summer grade and winter grade of gasoline), you only need to submit test data for one grade, unless the regulations of this part specify otherwise for your engine. Note that § 1048.235 allows you to submit an application in certain cases without new emission data.

(2) If your engine family includes a volatile liquid fuel (and you do not use design-based certification under § 1048.245), present evaporative test data to show your vehicles meet the evaporative emission standards we specify in subpart B of this part. Show these figures before and after applying deterioration factors, where applicable.

(q) State that all the engines in the engine family comply with the field-testing emission standards we specify in § 1048.104 for all normal operation and use when tested as specified in § 1048.515. Describe any relevant testing, engineering analysis, or other information in sufficient detail to support your statement.

(r) For engines with maximum engine power above 560 kW, include information showing how your emission controls will function during normal in-use transient operation. For example, this might include the following:

(1) Emission data from transient testing of engines using measurement systems designed for measuring in-use emissions.

(2) Comparison of the engine design for controlling transient emissions with that from engines for which you have emission data over the transient duty cycle for certification.

(3) Detailed descriptions of control algorithms and other design parameters for controlling transient emissions.

(s) Report all test results, including those from invalid tests or from any other tests, whether or not they were conducted according to the test procedures of subpart F of this part. If you measure CO_2, report those emission levels. We may ask you to send other information to confirm that your tests were valid under the requirements of this part and 40 CFR part 1065.

(t) Describe all adjustable operating parameters (*see* § 1048.115(e)), including production tolerances. Include the following in your description of each parameter:

(1) The nominal or recommended setting.

(2) The intended physically adjustable range.

(3) The limits or stops used to establish adjustable ranges.

(4) Information showing why the limits, stops, or other means of inhibiting adjustment are effective in preventing adjustment of parameters on in-use engines to settings outside your intended physically adjustable ranges.

(u) Provide the information to read, record, and interpret all the information broadcast by an engine's onboard computers and electronic control units. State that, upon request, you will give us any hardware, software, or tools we would need to do this. If you broadcast a surrogate parameter for torque values, you must provide us what we need to convert these into torque units. You may reference any appropriate publicly released standards that define conventions for these messages and parameters. Format your information consistent with publicly released standards.

(v) Confirm that your emission-related installation instructions specify how to ensure that sampling of exhaust emissions will be possible after engines are installed in equipment and placed in service. If this cannot be done by simply adding a 20-centimeter extension to the exhaust pipe, show how to sample exhaust emissions in a way that prevents diluting the exhaust sample with ambient air.

(w) State whether your engine will operate in variable-speed applications, constant-speed applications, or both. If your certification covers only constant-speed or only variable-speed applications, describe how you will prevent use of these engines in applications for which they are not certified.

(x) Unconditionally certify that all the engines in the engine family comply with the requirements of this part, other referenced parts of the CFR, and the Clean Air Act.

(y) Include estimates of U.S.-directed production volumes.

(z) Include other applicable information, such as information specified in this part or part 1068 of this chapter related to requests for exemptions.

165. Section 1048.210 is revised to read as follows:

§ 1048.210 May I get preliminary approval before I complete my application?

If you send us information before you finish the application, we will review it and make any appropriate determinations, especially for questions related to engine family definitions, auxiliary emission-control devices, deterioration factors, testing for service accumulation, and maintenance. Decisions made under this section are considered to be preliminary approval, subject to final review and approval. If you request preliminary approval related to the upcoming model year or the model year after that, we will make best-efforts to make the appropriate determinations as soon as practicable. We will generally not provide preliminary approval related to a future model year more than two years ahead of time.

1048.215 [Removed]

166. Section 1048.215 is removed.

167. Section 1048.220 is revised to read as follows:

§ 1048.220 How do I amend the maintenance instructions in my application?

You may amend your emission-related maintenance instructions after you submit your application for certification, as long as the amended instructions remain consistent with the provisions of § 1048.125. You must send the Designated Compliance Officer a request to amend your application for certification for an engine family if you want to change the emission-related maintenance instructions in a way that could affect emissions. In your request, describe the proposed changes to the maintenance instructions. We will disapprove your request if we determine that the amended instructions are inconsistent with maintenance you performed on emission-data engines.

(a) If you are decreasing the specified maintenance, you may distribute the new maintenance instructions to your customers 30 days after we receive your request, unless we disapprove your request. We may approve a shorter time or waive this requirement.

(b) If your requested change would not decrease the specified maintenance,

you may distribute the new maintenance instructions anytime after you send your request. For example, this paragraph (b) would cover adding instructions to increase the frequency of a maintenance step for engines in severe-duty applications.

(c) You need not request approval if you are making only minor corrections (such as correcting typographical mistakes), clarifying your maintenance instructions, or changing instructions for maintenance unrelated to emission control.

168. Section 1048.225 is revised to read as follows:

§ 1048.225 How do I amend my application for certification to include new or modified engines?

Before we issue you a certificate of conformity, you may amend your application to include new or modified engine configurations, subject to the provisions of this section. After we have issued your certificate of conformity, you may send us an amended application requesting that we include new or modified engine configurations within the scope of the certificate, subject to the provisions of this section. You must amend your application if any changes occur with respect to any information included in your application.

(a) You must amend your application before you take either of the following actions:

(1) Add an engine (that is, an additional engine configuration) to an engine family. In this case, the engine added must be consistent with other engines in the engine family with respect to the criteria listed in § 1048.230.

(2) Change an engine already included in an engine family in a way that may affect emissions, or change any of the components you described in your application for certification. This includes production and design changes that may affect emissions any time during the engine's lifetime.

(b) To amend your application for certification, send the Designated Compliance Officer the following information:

(1) Describe in detail the addition or change in the engine model or configuration you intend to make.

(2) Include engineering evaluations or data showing that the amended engine family complies with all applicable requirements. You may do this by showing that the original emission-data engine is still appropriate with respect to showing compliance of the amended family with all applicable requirements.

(3) If the original emission-data engine for the engine family is not appropriate to show compliance for the new or modified nonroad engine, include new test data showing that the new or modified nonroad engine meets the requirements of this part.

(c) We may ask for more test data or engineering evaluations. You must give us these within 30 days after we request them.

(d) For engine families already covered by a certificate of conformity, we will determine whether the existing certificate of conformity covers your new or modified nonroad engine. You may ask for a hearing if we deny your request (*see* § 1048.820).

(e) For engine families already covered by a certificate of conformity, you may start producing the new or modified nonroad engine anytime after you send us your amended application, before we make a decision under paragraph (d) of this section. However, if we determine that the affected engines do not meet applicable requirements, we will notify you to cease production of the engines and may require you to recall the engines at no expense to the owner. Choosing to produce engines under this paragraph (e) is deemed to be consent to recall all engines that we determine do not meet applicable emission standards or other requirements and to remedy the nonconformity at no expense to the owner. If you do not provide information required under paragraph (c) of this section within 30 days, you must stop producing the new or modified nonroad engines.

169. Section 1048.230 is revised to read as follows:

§ 1048.230 How do I select engine families?

(a) Divide your product line into families of engines that are expected to have similar emission characteristics throughout the useful life. Your engine family is limited to a single model year.

(b) Group engines in the same engine family if they are the same in all of the following aspects:

(1) The combustion cycle.

(2) The cooling system (water-cooled vs. air-cooled).

(3) Configuration of the fuel system (for example, fuel injection vs. carburetion).

(4) Method of air aspiration.

(5) The number, location, volume, and composition of catalytic converters.

(6) The number, arrangement, and approximate bore diameter of cylinders.

(7) Evaporative emission controls.

(c) You may subdivide a group of engines that is identical under paragraph (b) of this section into different engine families if you show the expected emission characteristics are different during the useful life.

(d) You may group engines that are not identical with respect to the things listed in paragraph (b) of this section in the same engine family if you show that their emission characteristics during the useful life will be similar.

(e) You may create separate families for exhaust emissions and evaporative emissions. If we do this, list both families on the emission control information label.

(f) Where necessary, you may divide an engine family into sub-families to meet different emission standards, as specified in § 1048.101(a)(2). For issues related to compliance and prohibited actions, we will generally apply decisions to the whole engine family. For engine labels and other administrative provisions, we may approve your request for separate treatment of sub-families.

170. Section 1048.235 is revised to read as follows:

§ 1048.235 What emission testing must I perform for my application for a certificate of conformity?

This section describes the emission testing you must perform to show compliance with the emission standards in §§ 1048.101 (a) and (b) and 1048.105 during certification. *See* § 1048.205(q) regarding emission testing related to the field-testing standards. *See* § 1048.240 and 40 CFR part 1065, subpart E, regarding service accumulation before emission testing.

(a) Test your emission-data engines using the procedures and equipment specified in subpart F of this part. For any testing related to evaporative emissions, use good engineering judgment to include a complete fuel system with the engine.

(b) Select emission-data engines according to the following criteria:

(1) *Exhaust testing.* For each fuel type from each engine family, select an emission-data engine with a configuration that is most likely to exceed the exhaust emission standards, using good engineering judgment. Consider the emission levels of all exhaust constituents over the full useful life of the engine when operated in a piece of equipment.

(2) *Evaporative testing.* For each engine family that includes a volatile liquid fuel, select a test fuel system with a configuration that is most likely to exceed the evaporative emission standards, using good engineering judgment.

(c) We may measure emissions from any of your test engines or other engines from the engine family, as follows:

(1) We may decide to do the testing at your plant or any other facility. If we do this, you must deliver the test engine to a test facility we designate. The test engine you provide must include appropriate manifolds, aftertreatment devices, electronic control units, and other emission-related components not normally attached directly to the engine block. If we do the testing at your plant, you must schedule it as soon as possible and make available the instruments, personnel, and equipment we need.

(2) If we measure emissions on one of your test engines, the results of that testing become the official emission results for the engine. Unless we later invalidate these data, we may decide not to consider your data in determining if your engine family meets applicable requirements.

(3) Before we test one of your engines, we may set its adjustable parameters to any point within the physically adjustable ranges (*see* § 1048.115(e)).

(4) Before we test one of your engines, we may calibrate it within normal production tolerances for anything we do not consider an adjustable parameter.

(d) You may ask to use emission data from a previous model year instead of doing new tests, but only if all the following are true:

(1) The engine family from the previous model year differs from the current engine family only with respect to model year.

(2) The emission-data engine from the previous model year remains the appropriate emission-data engine under paragraph (b) of this section.

(3) The data show that the emission-data engine would meet all the requirements that apply to the engine family covered by the application for certification.

(e) We may require you to test a second engine of the same or different configuration in addition to the engine tested under paragraph (b) of this section.

(f) If you use an alternate test procedure under 40 CFR 1065.10 and later testing shows that such testing does not produce results that are equivalent to the procedures specified in subpart F of this part, we may reject data you generated using the alternate procedure.

171. Section 1048.240 is revised to read as follows:

§ 1048.240 How do I demonstrate that my engine family complies with exhaust emission standards?

(a) For purposes of certification, your engine family is considered in compliance with the applicable numerical emission standards in § 1048.101(a) and (b) if all emission-data engines representing that family have test results showing deteriorated emission levels at or below these standards.

(b) Your engine family is deemed not to comply if any emission-data engine representing that family has test results showing a deteriorated emission level above an applicable emission standard from § 1048.101 for any pollutant.

(c) To compare emission levels from the emission-data engine with the applicable emission standards, apply deterioration factors to the measured emission levels for each pollutant. Specify the deterioration factors based on emission measurements using four significant figures, consistent with good engineering judgment. For example, your deterioration factors must take into account any available data from in-use testing with similar engines (see subpart E of this part). Small-volume engine manufacturers may use assigned deterioration factors that we establish. Apply deterioration factors as follows:

(1) *Multiplicative deterioration factor.* For engines that use aftertreatment technology, such as catalytic converters, use a multiplicative deterioration factor for exhaust emissions. A multiplicative deterioration factor is the ratio of exhaust emissions at the end of useful life to exhaust emissions at the low-hour test point. Adjust the official emission results for each tested engine at the selected test point by multiplying the measured emissions by the deterioration factor. If the factor is less than one, use one.

(2) *Additive deterioration factor.* For engines that do not use aftertreatment technology, use an additive deterioration factor for exhaust emissions. An additive deterioration factor is the difference between exhaust emissions at the end of useful life and exhaust emissions at the low-hour test point. Adjust the official emission results for each tested engine at the selected test point by adding the factor to the measured emissions. If the factor is less than zero, use zero.

(d) Collect emission data using measurements to one more decimal place than the applicable standard. Apply the deterioration factor to the official emission result, as described in paragraph (c) of this section, then round the adjusted figure to the same number of decimal places as the emission standard. Compare the rounded emission levels to the emission standard for each emission-data engine. In the case of $HC+NO_X$ standards, apply the deterioration factor to each pollutant and then add the results before rounding.

172. Section 1048.250 is amended by revising paragraphs (a) and (c) to read as follows:

§ 1048.250 What records must I keep and make available to EPA?

(a) Organize and maintain the following records:

(1) A copy of all applications and any summary information you send us.

(2) Any of the information we specify in § 1048.205 that you were not required to include in your application.

(3) A detailed history of each emission-data engine. For each engine, describe all of the following:

(i) The emission-data engine's construction, including its origin and buildup, steps you took to ensure that it represents production engines, any components you built specially for it, and all the components you include in your application for certification.

(ii) How you accumulated engine operating hours (service accumulation), including the dates and the number of hours accumulated.

(iii) All maintenance, including modifications, parts changes, and other service, and the dates and reasons for the maintenance.

(iv) All your emission tests, including documentation on routine and standard tests, as specified in part 40 CFR part 1065, and the date and purpose of each test.

(v) All tests to diagnose engine or emission-control performance, giving the date and time of each and the reasons for the test.

(vi) Any other significant events.

(4) Production figures for each engine family divided by assembly plant.

(5) Keep a list of engine identification numbers for all the engines you produce under each certificate of conformity.

* * * * *

(c) Store these records in any format and on any media, as long as you can promptly send us organized, written records in English if we ask for them. You must keep these records readily available. We may review them at any time.

* * * * *

173. Section 1048.255 is revised to read as follows:

§ 1048.255 When may EPA deny, revoke, or void my certificate of conformity?

(a) If we determine your application is complete and shows that the engine family meets all the requirements of this part and the Act, we will issue a certificate of conformity for your engine family for that model year. We may make the approval subject to additional conditions.

(b) We may deny your application for certification if we determine that your engine family fails to comply with emission standards or other requirements of this part or the Act. Our decision may be based on a review of all information available to us. If we deny your application, we will explain why in writing.

(c) In addition, we may deny your application or suspend or revoke your certificate if you do any of the following:

(1) Refuse to comply with any testing or reporting requirements.

(2) Submit false or incomplete information (paragraph (e) of this section applies if this is fraudulent).

(3) Render inaccurate any test data.

(4) Deny us from completing authorized activities despite our presenting a warrant or court order (*see* 40 CFR 1068.20). This includes a failure to provide reasonable assistance.

(5) Produce engines for importation into the United States at a location where local law prohibits us from carrying out authorized activities.

(6) Fail to supply requested information or amend your application to include all engines being produced.

(7) Take any action that otherwise circumvents the intent of the Act or this part.

(d) We may void your certificate if you do not keep the records we require or do not give us information when we ask for it.

(e) We may void your certificate if we find that you intentionally submitted false or incomplete information.

(f) If we deny your application or suspend, revoke, or void your certificate, you may ask for a hearing (*see* § 1048.820).

174. Section 1048.301 is amended by revising paragraphs (a) and (f) to read as follows:

§ 1048.301 When must I test my production-line engines?

(a) If you produce engines that are subject to the requirements of this part, you must test them as described in this subpart.

* * * * *

(f) We may ask you to make a reasonable number of production-line engines available for a reasonable time so we can test or inspect them for compliance with the requirements of this part. *See* 40 CFR 1068.27.

175. Section 1048.305 is amended by revising paragraphs (d)(1), (f), and (g) to read as follows:

§ 1048.305 How must I prepare and test my production-line engines?

* * * * *

(d) * * *

(1) We may adjust or require you to adjust idle speed outside the physically adjustable range as needed only until the engine has stabilized emission levels (*see* paragraph (e) of this section). We may ask you for information needed to establish an alternate minimum idle speed.

* * * * *

(f) *Damage during shipment.* If shipping an engine to a remote facility for production-line testing makes necessary an adjustment or repair, you must wait until after the initial emission test to do this work. We may waive this requirement if the test would be impossible or unsafe, or if it would permanently damage the engine. Report to us, in your written report under § 1048.345, all adjustments or repairs you make on test engines before each test.

(g) *Retesting after invalid tests.* You may retest an engine if you determine an emission test is invalid under subpart F of this part. Explain in your written report reasons for invalidating any test and the emission results from all tests. If you retest an engine and, within ten days after testing, ask to substitute results of the new tests for the original ones, we will answer within ten days after we receive your information.

176. Section 1048.310 is amended by revising paragraphs (c) introductory text, (c)(2), (g), and (i) to read as follows:

§ 1048.310 How must I select engines for production-line testing?

* * * * *

(c) Calculate the required sample size for each engine family. Separately calculate this figure for $HC+NO_X$ and for CO. The required sample size is the greater of these two calculated values. Use the following equation:

$$N = \left[\frac{(t_{95} \times \sigma)}{(x - STD)}\right]^2 + 1$$

Where:

N = Required sample size for the model year.

t_{95} = 95% confidence coefficient, which depends on the number of tests completed, n, as specified in the table in paragraph (c)(1) of this section. It defines 95% confidence intervals for a one-tail distribution.

x = Mean of emission test results of the sample.

STD = Emission standard.

σ = Test sample standard deviation (*see* paragraph (c)(2) of this section).

n = The number of tests completed in an engine family.

* * * * *

(2) Calculate the standard deviation, σ, for the test sample using the following formula:

$$\sigma = \sqrt{\frac{\sum (X_i - x)^2}{n - 1}}$$

Where:

X_i = Emission test result for an individual engine.

* * * * *

(g) Continue testing any engine family for which the sample mean, x, is greater than the emission standard. This applies if the sample mean for either $HC+NO_X$ or for CO is greater than the emission standard. Continue testing until one of the following things happens:

(1) The number of tests completed in an engine family, n, is greater than the required sample size, N, and the sample mean, x, is less than or equal to the emission standard. For example, if N = 3.1 after the third test, the sample-size calculation does not allow you to stop testing.

(2) The engine family does not comply according to § 1048.315.

(3) You test 30 engines from the engine family.

(4) You test eight engines and one percent of your projected annual U.S.-directed production volume for the engine family.

(5) You choose to declare that the engine family does not comply with the requirements of this subpart.

* * * * *

(i) You may elect to test more randomly chosen engines than we require under this section. Include these engines in the sample-size calculations.

177. Section 1048.325 is amended by revising paragraph (d) to read as follows:

§ 1048.325 What happens if an engine family fails the production-line requirements?

* * * * *

(d) Section 1048.335 specifies steps you must take to remedy the cause of the engine family's production-line failure. All the engines you have produced since the end of the last test period are presumed noncompliant and should be addressed in your proposed remedy. We may require you to apply the remedy to engines produced earlier if we determine that the cause of the failure is likely to have affected the earlier engines.

178. Section 1048.350 is amended by revising paragraph (a) to read as follows:

§ 1048.350 What records must I keep?

(a) Organize and maintain your records as described in this section. We may review your records at any time.

* * * * *

179. Section 1048.425 is amended by revising paragraph (a) to read as follows:

§ 1048.425 What records must I keep?

(a) Organize and maintain your records as described in this section. We may review your records at any time.

* * * * *

180. Section 1048.501 is revised to read as follows:

§ 1048.501 How do I run a valid emission test?

(a) Use the equipment and procedures for spark-ignition engines in 40 CFR part 1065 to determine whether engines meet the duty-cycle emission standards in § 1048.101(a) and (b). Measure the emissions of all the pollutants we regulate in § 1048.101 using the full-flow or partial-flow dilute sampling procedures as specified in 40 CFR part 1065. Use the applicable duty cycles specified in §§ 1048.505 and 1048.510.

(b) Section 1048.515 describes the supplemental procedures for evaluating whether engines meet the field-testing emission standards in § 1048.101(c).

(c) Use the fuels specified in 40 CFR part 1065, subpart C, to perform valid tests for all the testing we require in this part, except as noted in § 1048.515. For service accumulation, use the test fuel or any commercially available fuel that is representative of the fuel that in-use engines will use.

(d) To test engines for evaporative emissions, use the equipment and procedures specified for testing diurnal emissions in 40 CFR 86.107–96 and 86.133–96 with fuel meeting the specifications in 40 CFR part 1065, subpart C. Measure emissions from a test engine with a complete fuel system. Reported emission levels must be based on the highest emissions from three successive 24-hour periods of cycling temperatures. Note that you may omit testing for evaporative emissions during certification if you certify by design, as specified in § 1048.245.

(e) You may use special or alternate procedures to the extent we allow them under 40 CFR 1065.10.

(f) This subpart is addressed to you as a manufacturer, but it applies equally to anyone who does testing for you, and to us when we perform testing to determine if your engines meet emission standards.

181. Section 1048.505 is revised to read as follows:

§ 1048.505 How do I test engines using steady-state duty cycles, including ramped-modal testing?

This section describes how to test engines under steady-state conditions. In some cases, we allow you to choose the appropriate steady-state duty cycle for an engine. In these cases, you must use the duty cycle you select in your application for certification for all testing you perform for that engine family. If we test your engines to confirm that they meet emission standards, we will use the duty cycles you select for your own testing. We may also perform other testing as allowed by the Clean Air Act.

(a) You may perform steady-state testing with either discrete-mode or ramped-modal cycles, as follows:

(1) For discrete-mode testing, sample emissions separately for each mode, then calculate an average emission level for the whole cycle using the weighting factors specified for each mode. Calculate cycle statistics for the sequence of modes and compare with the specified values in 40 CFR part 1065 to confirm that the test is valid. Operate the engine and sampling system as follows:

(i) Engines with NO_X aftertreatment. For engines that depend on aftertreatment to meet the NO_X emission standard, operate the engine for 5–6 minutes, then sample emissions for 1–3 minutes in each mode.

(ii) Engines without NO_X aftertreatment. For other engines, operate the engine for at least 5 minutes, then sample emissions for at least 1 minute in each mode. Calculate cycle statistics for the sequence of modes and compare with the specified values in 40 CFR part 1065 to confirm that the test is valid.

(2) For ramped-modal testing, start sampling at the beginning of the first mode and continue sampling until the end of the last mode. Calculate emissions and cycle statistics the same as for transient testing.

(b) Measure emissions by testing the engine on a dynamometer with one or more of the following sets of duty cycles to determine whether it meets the steady-state emission standards in § 1048.101(b):

(1) For engines from an engine family that will be used only in variable-speed applications, use one of the following duty cycles:

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

TABLE 1 OF § 1048.505

C2 mode number	Engine speed [1]	Observed torque [2]	Minimum time in mode (minutes)	Weighting factors
1	Maximum test speed	25	3.0	0.06
2	Intermediate test speed	100	3.0	0.02
3	Intermediate test speed	75	3.0	0.05
4	Intermediate test speed	50	3.0	0.32
5	Intermediate test speed	25	3.0	0.30
6	Intermediate test speed	10	3.0	0.10
7	Idle	0	3.0	0.15

[1] Speed terms are defined in 40 CFR part 1065.
[2] The percent torque is relative to the maximum torque at the given engine speed.

(ii) The following duty cycle applies for ramped-modal testing:

TABLE 2 OF § 1048.505

RMC mode	Time in mode (seconds)	Engine speed [1, 2]	Torque (percent) [2, 3]
1a Steady-state	119	Warm Idle	0
1b Transition	20	Linear Transition	Linear Transition
2a Steady-state	29	Intermediate Speed	100
2b Transition	20	Intermediate Speed	Linear Transition
3a Steady-state	150	Intermediate Speed	10
3b Transition	20	Intermediate Speed	Linear Transition
4a Steady-state	80	Intermediate Speed	75
4b Transition	20	Intermediate Speed	Linear Transition
5a Steady-state	513	Intermediate Speed	25
5b Transition	20	Intermediate Speed	Linear Transition
6a Steady-state	549	Intermediate Speed	50
5b Transition	20	Linear Transition	Linear Transition
6a Steady-state	96	Maximum test speed	25
6b Transition	20	Linear Transition	Linear Transition
7 Steady-state	124	Warm Idle	0

[1] Speed terms are defined in 40 CFR part 1065.
[2] Advance from one mode to the next within a 20-second transition phase. During the transition phase, command a linear progression from the torque setting of the current mode to the torque setting of the next mode.
[3] The percent torque is relative to maximum torque at the commanded engine speed.

(2) For engines from an engine family that will be used only at a single, rated speed, use one of the following duty cycles:

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

TABLE 3 OF § 1048.505

D2 mode number	Engine speed	Torque [1]	Minimum time in mode (minutes)	Weighting factors
1	Maximum test	100	3.0	0.05
2	Maximum test	75	3.0	0.25
3	Maximum test	50	3.0	0.30
4	Maximum test	25	3.0	0.30
5	Maximum test	10	3.0	0.10

[1] The percent torque is relative to the maximum torque at maximum test speed.

(ii) The following duty cycle applies for ramped-modal testing:

TABLE 4 OF § 1048.505

RMC mode	Time in mode (seconds)	Engine speed	Torque (percent) [1, 2]
1a Steady-state	53	Engine Governed	100
1b Transition	20	Engine Governed	Linear transition
2a Steady-state	101	Engine Governed	10
2b Transition	20	Engine Governed	Linear transition
3a Steady-state	277	Engine Governed	75
3b Transition	20	Engine Governed	Linear transition
4a Steady-state	339	Engine Governed	25
4b Transition	20	Engine Governed	Linear transition
5 Steady-state	350	Engine Governed	50

[1] The percent torque is relative to maximum test torque.
[2] Advance from one mode to the next within a 20-second transition phase. During the transition phase, command a linear progression from the torque setting of the current mode to the torque setting of the next mode.

(3) Use a duty cycle from both paragraphs (b)(1) and (b)(2) of this section if you will not restrict an engine family to constant-speed or variable-speed applications.

(4) Use a duty cycle specified in paragraph (b)(2) of this section for all severe-duty engines.

(5) For high-load engines, use one of the following duty cycles:

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

TABLE 5 OF § 1048.505

D1 mode number	Engine speed	Torque [1]	Minimum time in mode (minutes)	Weighting factors
1	Maximum test	100	3.0	0.50
2	Maximum test	75	3.0	0.50

[1] The percent torque is relative to the maximum torque at maximum test speed.

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

TABLE 6 OF § 1048.505

RMC modes	Time in mode (seconds)	Engine speed (percent)	Torque (percent)[1, 2]
1a Steady-state	290	Engine Governed	100
1b Transition	20	Engine Governed	Linear Transition
2 Steady-state	290	Engine Governed	75

[1] The percent torque is relative to maximum test torque.
[2] Advance from one mode to the next within a 20-second transition phase. During the transition phase, command a linear progression from the torque setting of the current mode to the torque setting of the next mode.

(c) If we test an engine to confirm that it meets the duty-cycle emission standards, we will use the steady-state duty cycles that apply for that engine family.

(d) During idle mode, operate the engine with the following parameters:

(1) Hold the speed within your specifications.

(2) Set the engine to operate at its minimum fueling rate.

(3) Keep engine torque under 5 percent of maximum test torque.

(e) For full-load operating modes, operate the engine at wide-open throttle.

(f) See 40 CFR part 1065 for detailed specifications of tolerances and calculations.

(g) For those cases where transient testing is not necessary, perform the steady-state test according to this section after an appropriate warm-up period, consistent with 40 CFR part 1065, subpart F.

182. Section 1048.510 is amended by revising the section heading and paragraph (a) to read as follows:

§ 1048.510 Which duty cycles do I use for transient testing?

(a) Starting with the 2007 model year, measure emissions by testing the engine on a dynamometer with one of the following transient duty cycles to determine whether it meets the transient emission standards in § 1048.101(a):

(1) For constant-speed engines and severe-duty engines, use the transient duty-cycle described in Appendix I of this part.

(2) For all other engines, use the transient duty cycle described in Appendix II of this part.

* * * * *

183. Section 1048.515 is amended by revising the section heading and paragraphs (a)(1) and (a)(2) to read as follows:

§ 1048.515 What are the field-testing procedures?

(a) * * *

(1) Remove the selected engines for testing in a laboratory. You may use an engine dynamometer to simulate normal operation, as described in this section.

(2) Test the selected engines while they remain installed in the equipment. In 40 CFR part 1065, subpart J, we describe the equipment and sampling methods for testing engines in the field. Use fuel meeting the specifications of 40 CFR part 1065, subpart H, or a fuel typical of what you would expect the engine to use in service.

* * * * *

184. Section 1048.601 is revised to read as follows:

§ 1048.601 What compliance provisions apply to these engines?

Engine and equipment manufacturers, as well as owners, operators, and rebuilders of engines subject to the requirements of this part, and all other persons, must observe the provisions of this part, the requirements and prohibitions in 40 CFR part 1068, and the provisions of the Act.

185. Section 1048.605 is revised to read as follows:

§ 1048.605 What provisions apply to engines certified under the motor-vehicle program?

(a) *General provisions.* If you are an engine manufacturer, this section allows you to introduce new nonroad engines into commerce if they are already certified to the requirements that apply to compression-ignition engines under 40 CFR parts 85 and 86 for the appropriate model year. If you comply with all the provisions of this section, we consider the certificate issued under 40 CFR part 86 for each engine to also be a valid certificate of conformity under this part 1048 for its model year, without a separate application for certification under the requirements of this part 1048. See § 1048.610 for similar provisions that apply to engines certified to chassis-based standards for motor vehicles.

(b) *Equipment-manufacturer provisions.* If you are not an engine manufacturer, you may produce nonroad equipment using motor-vehicle engines under this section as long as the engine has been properly labeled as specified in paragraph (d)(5) of this section and you do not make any of the changes described in paragraph (d)(2) of this section. If you modify the motor-vehicle engine in any of the ways described in paragraph (d)(2) of this section, we will consider you a manufacturer of a new nonroad engine. Such engine modifications prevent you from using the provisions of this section.

(c) *Liability.* Engines for which you meet the requirements of this section are exempt from all the requirements and

prohibitions of this part, except for those specified in this section. Engines exempted under this section must meet all the applicable requirements from 40 CFR parts 85 and 86. This applies to engine manufacturers, equipment manufacturers who use these engines, and all other persons as if these engines were used in a motor vehicle. The prohibited acts of § 1068.101(a)(1) apply to these new engines and equipment; however, we consider the certificate issued under 40 CFR part 86 for each engine to also be a valid certificate of conformity under this part 1048 for its model year. If we make a determination that these engines do not conform to the regulations during their useful life, we may require you to recall them under 40 CFR part 86 or 40 CFR 1068.505.

(d) *Specific requirements.* If you are an engine manufacturer and meet all the following criteria and requirements regarding your new nonroad engine, the engine is eligible for an exemption under this section:

(1) Your engine must be covered by a valid certificate of conformity issued under 40 CFR part 86.

(2) You must not make any changes to the certified engine that could reasonably be expected to increase its exhaust emissions for any pollutant, or its evaporative emissions. For example, if you make any of the following changes to one of these engines, you do not qualify for this exemption:

(i) Change any fuel system or evaporative system parameters from the certified configuration (this does not apply to refueling controls).

(ii) Change, remove, or fail to properly install any other component, element of design, or calibration specified in the engine manufacturer's application for certification. This includes aftertreatment devices and all related components.

(iii) Modify or design the engine cooling system so that temperatures or heat rejection rates are outside the original engine manufacturer's specified ranges.

(3) You must show that fewer than 50 percent of the engine model's total sales for the model year, from all companies, are used in nonroad applications, as follows:

(i) If you are the original manufacturer of the engine, base this showing on your sales information.

(ii) In all other cases, you must get the original manufacturer of the engine to confirm this based on its sales information.

(4) You must ensure that the engine has the label we require under 40 CFR part 86.

(5) You must add a permanent supplemental label to the engine in a position where it will remain clearly visible after installation in the equipment. In the supplemental label, do the following:

(i) Include the heading: ''NONROAD ENGINE EMISSION CONTROL INFORMATION''.

(ii) Include your full corporate name and trademark. You may instead include the full corporate name and trademark of another company you choose to designate.

(iii) State: ''THIS ENGINE WAS ADAPTED FOR NONROAD USE WITHOUT AFFECTING ITS EMISSION CONTROLS. THE EMISSION-CONTROL SYSTEM DEPENDS ON THE USE OF FUEL MEETING SPECIFICATIONS THAT APPLY FOR MOTOR-VEHICLE APPLICATIONS. OPERATING THE ENGINE ON OTHER FUELS MAY BE A VIOLATION OF FEDERAL LAW.''.

(iv) State the date you finished modifying the engine (month and year), if applicable.

(6) The original and supplemental labels must be readily visible after the engine is installed in the equipment or, if the equipment obscures the engine's emission control information label, the equipment manufacturer must attach duplicate labels, as described in 40 CFR 1068.105.

(7) Send the Designated Compliance Officer a signed letter by the end of each calendar year (or less often if we tell you) with all the following information:

(i) Identify your full corporate name, address, and telephone number.

(ii) List the engine models you expect to produce under this exemption in the coming year.

(iii) State: ''We produce each listed engine model for nonroad application without making any changes that could increase its certified emission levels, as described in 40 CFR 1048.605.''.

(e) *Failure to comply.* If your engines do not meet the criteria listed in paragraph (d) of this section, they will be subject to the standards, requirements, and prohibitions of this part 1048 and the certificate issued under 40 CFR part 86 will not be deemed to also be a certificate issued under this part 1048. Introducing these engines into commerce without a valid exemption or certificate of conformity under this part violates the prohibitions in 40 CFR 1068.101(a)(1).

(f) *Data submission.* We may require you to send us emission test data on any applicable nonroad duty cycles.

(g) *Participation in averaging, banking and trading.* Engines adapted for nonroad use under this section may generate credits under the ABT provisions in 40 CFR part 86. These engines must use emission credits under 40 CFR part 86 if they are certified to an FEL that exceeds an applicable standard under 40 CFR part 86.

186. Section 1048.610 is revised to read as follows:

§ 1048.610 What provisions apply to vehicles certified under the motor-vehicle program?

(a) *General provisions.* If you are a motor-vehicle manufacturer, this section allows you to introduce new nonroad engines or equipment into commerce if the vehicle is already certified to the requirements that apply under 40 CFR parts 85 and 86 for the appropriate model year. If you comply with all of the provisions of this section, we consider the certificate issued under 40 CFR part 86 for each motor vehicle to also be a valid certificate of conformity for the engine under this part 1048 for its model year, without a separate application for certification under the requirements of this part 1048. *See* § 1048.605 for similar provisions that apply to motor-vehicle engines produced for nonroad equipment.

(b) *Equipment-manufacturer provisions.* If you are not an engine manufacturer, you may produce nonroad equipment from motor vehicles under this section as long as the equipment has the labels specified in paragraph (d)(5) of this section and you do not make any of the changes described in paragraph (d)(2) of this section. You must also add the fuel-inlet label we specify in § 1048.135(e). If you modify the motor vehicle or its engine in any of the ways described in paragraph (d)(2) of this section, we will consider you a manufacturer of a new nonroad engine. Such modifications prevent you from using the provisions of this section.

(c) *Liability.* Engines, vehicles, and equipment for which you meet the requirements of this section are exempt from all the requirements and prohibitions of this part, except for those specified in this section. Engines exempted under this section must meet all the applicable requirements from 40 CFR parts 85 and 86. This applies to engine manufacturers, equipment manufacturers, and all other persons as if the nonroad equipment were motor vehicles. The prohibited acts of 40 CFR 1068.101(a)(1) apply to these new pieces of equipment; however, we consider the certificate issued under 40 CFR part 86 for each motor vehicle to also be a valid certificate of conformity for the engine under this part 1048 for its model year. If we make a determination that these

engines, vehicles, or equipment do not conform to the regulations during their useful life, we may require you to recall them under 40 CFR part 86 or 40 CFR 1068.505.

(d) *Specific requirements.* If you are a motor-vehicle manufacturer and meet all the following criteria and requirements regarding your new nonroad equipment and its engine, the engine is eligible for an exemption under this section:

(1) Your equipment must be covered by a valid certificate of conformity as a motor vehicle issued under 40 CFR part 86.

(2) You must not make any changes to the certified vehicle that we could reasonably expect to increase its exhaust emissions for any pollutant, or its evaporative emissions if it is subject to evaporative-emission standards. For example, if you make any of the following changes, you do not qualify for this exemption:

(i) Change any fuel system or evaporative system parameters from the certified configuration, including refueling emission controls.

(ii) Change, remove, or fail to properly install any other component, element of design, or calibration specified in the vehicle manufacturer's application for certification. This includes aftertreatment devices and all related components.

(iii) Modify or design the engine cooling system so that temperatures or heat rejection rates are outside the original vehicle manufacturer's specified ranges.

(iv) Add more than 500 pounds to the curb weight of the originally certified motor vehicle.

(3) You must show that fewer than 50 percent of the total sales as a motor vehicle or a piece of nonroad equipment, from all companies, are used in nonroad applications, as follows:

(i) If you are the original manufacturer of the vehicle, base this showing on your sales information.

(ii) In all other cases, you must get the original manufacturer of the vehicle to confirm this based on their sales information.

(4) The equipment must have the vehicle emission control information and fuel labels we require under 40 CFR 86.007–35.

(5) You must add a permanent supplemental label to the equipment in a position where it will remain clearly visible. In the supplemental label, do the following:

(i) Include the heading: ''NONROAD ENGINE EMISSION CONTROL INFORMATION''.

(ii) Include your full corporate name and trademark. You may instead include the full corporate name and trademark of another company you choose to designate.

(iii) State: ''THIS VEHICLE WAS ADAPTED FOR NONROAD USE WITHOUT AFFECTING ITS EMISSION CONTROLS. THE EMISSION-CONTROL SYSTEM DEPENDS ON THE USE OF FUEL MEETING SPECIFICATIONS THAT APPLY FOR MOTOR-VEHICLE APPLICATIONS. OPERATING THE ENGINE ON OTHER FUELS MAY BE A VIOLATION OF FEDERAL LAW.''.

(iv) State the date you finished modifying the vehicle (month and year), if applicable.

(6) The original and supplemental labels must be readily visible in the fully assembled equipment.

(7) Send the Designated Compliance Officer a signed letter by the end of each calendar year (or less often if we tell you) with all the following information:

(i) Identify your full corporate name, address, and telephone number.

(ii) List the equipment models you expect to produce under this exemption in the coming year.

(iii) State: ''We produced each listed engine or equipment model for nonroad application without making any changes that could increase its certified emission levels, as described in 40 CFR 1048.610.''.

(e) *Failure to comply.* If your engines, vehicles, or equipment do not meet the criteria listed in paragraph (d) of this section, the engines will be subject to the standards, requirements, and prohibitions of this part 1048, and the certificate issued under 40 CFR part 86 will not be deemed to also be a certificate issued under this part 1048. Introducing these engines into commerce without a valid exemption or certificate of conformity under this part violates the prohibitions in 40 CFR 1068.101(a)(1).

(f) *Data submission.* We may require you to send us emission test data on any applicable nonroad duty cycles.

(g) *Participation in averaging, banking and trading.* Vehicles adapted for nonroad use under this section may generate credits under the ABT provisions in 40 CFR part 86. These vehicles must use emission credits under 40 CFR part 86 if they are certified to an FEL that exceeds an applicable standard under 40 CFR part 86.

187. Section 1048.615 is amended by revising paragraphs (a)(2), (a)(3), (c), and (d) to read as follows:

§ 1048.615 What are the provisions for exempting engines designed for lawn and garden applications?

* * * * *

(a) * * *

(2) The engine must have a maximum engine power at or below 30 kW.

(3) The engine must be in an engine family that has a valid certificate of conformity showing that it meets emission standards for Class II engines under 40 CFR part 90 for the appropriate model year.

* * * * *

(c) If your engines do not meet the criteria listed in paragraph (a) of this section, they will be subject to the provisions of this part. Introducing these engines into commerce without a valid exemption or certificate of conformity violates the prohibitions in 40 CFR 1068.101.

(d) Engines exempted under this section are subject to all the requirements affecting engines under 40 CFR part 90. The requirements and restrictions of 40 CFR part 90 apply to anyone manufacturing these engines, anyone manufacturing equipment that uses these engines, and all other persons in the same manner as if these engines had a total maximum engine power at or below 19 Kw.

188. Section 1048.620 is amended by revising paragraphs (a)(2), (a)(3), (c), (d), and (e) to read as follows:

§ 1048.620 What are the provisions for exempting large engines fueled by natural gas?

(a) * * *

(2) The engine must have maximum engine power at or above 250 kW.

(3) The engine must be in an engine family that has a valid certificate of conformity showing that it meets emission standards for engines of that power rating under 40 CFR part 89 or 1039.

* * * * *

(c) If your engines do not meet the criteria listed in paragraph (a) of this section, they will be subject to the provisions of this part. Introducing these engines into commerce without a valid exemption or certificate of conformity violates the prohibitions in 40 CFR 1068.101.

(d) Engines exempted under this section are subject to all the requirements affecting engines under 40 CFR part 89 or 1039. The requirements and restrictions of 40 CFR part 89 or 1039 apply to anyone manufacturing these engines, anyone manufacturing equipment that uses these engines, and all other persons in the same manner as if these were nonroad diesel engines.

(e) You may request an exemption under this section by submitting an application for certification for the engines under 40 CFR part 89 or 1039.

189. Section 1048.625 is revised to read as follows:

§ 1048.625 What special provisions apply to engines using noncommercial fuels?

In § 1048.115(e), we generally require that engines meet emission standards for any adjustment within the full range of any adjustable parameters. For engines that use noncommercial fuels significantly different than the specified test fuel of the same type, you may ask to use the parameter-adjustment provisions of this section instead of those in § 1048.115(e). Engines certified under this section must be in a separate engine family.

(a) If we approve your request, the following provisions apply:

(1) You must certify the engine using the test fuel specified in § 1048.501.

(2) You may produce the engine without limits or stops that keep the engine adjusted within the certified range.

(3) You must specify in-use adjustments different than the adjustable settings appropriate for the specified test fuel, consistent with the provisions of paragraph (b)(1) of this section.

(b) To produce engines under this section, you must do the following:

(1) Specify in-use adjustments needed so the engine's level of emission control for each regulated pollutant is equivalent to that from the certified configuration.

(2) Add the following information to the emission control information label specified in § 1048.135:

(i) Include instructions describing how to adjust the engine to operate in a way that maintains the effectiveness of the emission-control system.

(ii) State: ''THIS ENGINE IS CERTIFIED TO OPERATE IN APPLICATIONS USING NONCOMMERCIAL FUEL. MALADJUSTMENT OF THE ENGINE IS A VIOLATION OF FEDERAL LAW SUBJECT TO CIVIL PENALTY.''.

(3) Keep records to document the destinations and quantities of engines produced under this section.

190. A new § 1048.630 is added to read as follows:

§ 1048.630 What are the provisions for exempting engines used solely for competition?

The provisions of this section apply for new engines built on or after January 1, 2006.

(a) Equipment manufacturers may use uncertified engines if the vehicles or equipment in which they are installed will be used solely for competition.

(b) The definition of nonroad engine in 40 CFR 1068.30 excludes engines used solely for competition. These engines are not required to comply with this part 1048 or 40 CFR part 89, but 40 CFR 1068.101 prohibits the use of competition engines for noncompetition purposes.

(c) We consider a vehicle or piece of equipment to be one that will be used solely for competition if it has features that are not easily removed that would make its use other than in competition unsafe, impractical, or highly unlikely.

(d) As an engine manufacturer, your engine is exempt without our prior approval if you have a written request for an exempted engine from the equipment manufacturer showing the basis for believing that the equipment will be used solely for competition. You must permanently label engines exempted under this section to clearly indicate that they are to be used solely for competition. Failure to properly label an engine will void the exemption.

(e) We may discontinue an exemption under this section if we find that engines are not used solely for competition.

191. A new § 1048.635 is added to read as follows:

§ 1048.635 What special provisions apply to branded engines?

The following provisions apply if you identify the name and trademark of another company instead of your own on your emission control information label, as provided by § 1048.135(c)(2):

(a) You must have a contractual agreement with the other company that obligates that company to take the following steps:

(1) Meet the emission warranty requirements that apply under § 1048.120. This may involve a separate agreement involving reimbursement of warranty-related expenses.

(2) Report all warranty-related information to the certificate holder.

(b) In your application for certification, identify the company whose trademark you will use and describe the arrangements you have made to meet your requirements under this section.

(c) You remain responsible for meeting all the requirements of this chapter, including warranty and defect-reporting provisions.

192. Section 1048.801 is revised to read as follows:

§ 1048.801 What definitions apply to this part?

The following definitions apply to this part. The definitions apply to all subparts unless we note otherwise. All undefined terms have the meaning the Act gives to them. The definitions follow:

Act means the Clean Air Act, as amended, 42 U.S.C. 7401–7671q.

Adjustable parameter means any device, system, or element of design that someone can adjust (including those which are difficult to access) and that, if adjusted, may affect emissions or engine performance during emission testing or normal in-use operation. This includes, but is not limited to, parameters related to injection timing and fueling rate. You may ask us to exclude a parameter that is difficult to access if it cannot be adjusted to affect emissions without significantly degrading engine performance, or if you otherwise show us that it will not be adjusted in a way that affects emissions during in-use operation.

Aftertreatment means relating to a catalytic converter, particulate filter, or any other system, component, or technology mounted downstream of the exhaust valve (or exhaust port) whose design function is to decrease emissions in the engine exhaust before it is exhausted to the environment. Exhaust-gas recirculation (EGR) and turbochargers are not aftertreatment.

Aircraft means any vehicle capable of sustained air travel above treetop heights.

All-terrain vehicle has the meaning we give in 40 CFR 1051.801.

Amphibious vehicle means a vehicle with wheels or tracks that is designed primarily for operation on land and secondarily for operation in water.

Auxiliary emission-control device means any element of design that senses temperature, motive speed, engine RPM, transmission gear, or any other parameter for the purpose of activating, modulating, delaying, or deactivating the operation of any part of the emission-control system.

Blue Sky Series engine means an engine meeting the requirements of § 1048.140.

Brake power means the usable power output of the engine, not including power required to fuel, lubricate, or heat the engine, circulate coolant to the engine, or to operate aftertreatment devices.

Calibration means the set of specifications and tolerances specific to a particular design, version, or application of a component or assembly capable of functionally describing its operation over its working range.

Certification means obtaining a certificate of conformity for an engine family that complies with the emission standards and requirements in this part.

Certified emission level means the highest deteriorated emission level in an engine family for a given pollutant from either transient or steady-state testing.

Compression-ignition means relating to a type of reciprocating, internal-combustion engine that is not a spark-ignition engine.

Constant-speed engine means an engine whose certification is limited to constant-speed operation. Engines whose constant-speed governor function is removed or disabled are no longer constant-speed engines.

Constant-speed operation means engine operation with a governor that controls the operator input to maintain an engine at a reference speed, even under changing load. For example, an isochronous governor changes reference speed temporarily during a load change, then returns the engine to its original reference speed after the engine stabilizes. Isochronous governors typically allow speed changes up to 1.0%. Another example is a speed-droop governor, which has a fixed reference speed at zero load and allows the reference speed to decrease as load increases. With speed-droop governors, speed typically decreases (3 to 10)% below the reference speed at zero load, such that the minimum reference speed occurs near the engine's point of maximum power.

Crankcase emissions means airborne substances emitted to the atmosphere from any part of the engine crankcase's ventilation or lubrication systems. The crankcase is the housing for the crankshaft and other related internal parts.

Critical emission-related component means any of the following components:

(1) Electronic control units, aftertreatment devices, fuel-metering components, EGR-system components, crankcase-ventilation valves, all components related to charge-air compression and cooling, and all sensors and actuators associated with any of these components.

(2) Any other component whose primary purpose is to reduce emissions.

Designated Compliance Officer means the Manager, Engine Programs Group (6405-J), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

Designated Enforcement Officer means the Director, Air Enforcement Division (2242A), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW.,Washington, DC 20460.

Deteriorated emission level means the emission level that results from applying the appropriate deterioration factor to the official emission result of the emission-data engine.

Deterioration factor means the relationship between emissions at the end of useful life and emissions at the low-hour test point, expressed in one of the following ways:

(1) For multiplicative deterioration factors, the ratio of emissions at the end of useful life to emissions at the low-hour test point.

(2) For additive deterioration factors, the difference between emissions at the end of useful life and emissions at the low-hour test point.

Discrete-mode means relating to the discrete-mode type of steady-state test described in § 1048.505.

Emission-control system means any device, system, or element of design that controls or reduces the regulated emissions from an engine.

Emission-data engine means an engine that is tested for certification. This includes engines tested to establish deterioration factors.

Emission-related maintenance means maintenance that substantially affects emissions or is likely to substantially affect emission deterioration.

Engine configuration means a unique combination of engine hardware and calibration within an engine family. Engines within a single engine configuration differ only with respect to normal production variability.

Engine family has the meaning given in § 1048.230.

Engine manufacturer means the manufacturer of the engine. *See* the definition of ''manufacturer'' in this section.

Equipment manufacturer means a manufacturer of nonroad equipment. All nonroad equipment manufacturing entities under the control of the same person are considered to be a single nonroad equipment manufacturer.

Excluded means relating to an engine that either:

(1) Has been determined not to be a nonroad engine, as specified in 40 CFR 1068.30; or

(2) Is a nonroad engine that, according to § 1048.5, is not subject to this part 1048.

Exempted has the meaning we give in 40 CFR 1068.30.

Exhaust-gas recirculation means a technology that reduces emissions by routing exhaust gases that had been exhausted from the combustion chamber(s) back into the engine to be mixed with incoming air before or during combustion. The use of valve timing to increase the amount of residual exhaust gas in the combustion chamber(s) that is mixed with incoming air before or during combustion is not considered exhaust-gas recirculation for the purposes of this part.

Fuel system means all components involved in transporting, metering, and mixing the fuel from the fuel tank to the combustion chamber(s), including the fuel tank, fuel tank cap, fuel pump, fuel filters, fuel lines, carburetor or fuel-injection components, and all fuel-system vents.

Fuel type means a general category of fuels such as gasoline or natural gas. There can be multiple grades within a single fuel type, such as winter-grade and summer-grade gasoline.

Good engineering judgment has the meaning we give in 40 CFR 1068.30. See 40 CFR 1068.5 for the administrative process we use to evaluate good engineering judgment.

High-cost warranted part means a component covered by the emission-related warranty with a replacement cost (at the time of certification) exceeding $400 (in 1998 dollars). Adjust this value using the most recent annual average consumer price index information published by the U.S. Bureau of Labor Statistics. For this definition, replacement cost includes the retail cost of the part plus labor and standard diagnosis.

High-load engine means an engine for which the engine manufacturer can provide clear evidence that operation below 75 percent of maximum load in it's final application will be rare.

Hydrocarbon (HC) means the hydrocarbon group on which the emission standards are based for each fuel type, as described in § 1048.101(e).

Identification number means a unique specification (for example, a model number/serial number combination) that allows someone to distinguish a particular engine from other similar engines.

Intermediate test speed has the meaning we give in 40 CFR 1065.515.

Low-hour means relating to an engine with stabilized emissions and represents the undeteriorated emission level. This would generally involve less than 300 hours of operation.

Manufacturer has the meaning given in section 216(1) of the Act. In general, this term includes any person who manufactures an engine, vehicle, or piece of equipment for sale in the United States or otherwise introduces a new nonroad engine into commerce in the United States. This includes importers who import engines, equipment, or vehicles for resale.

Marine engine means a nonroad engine that is installed or intended to be installed on a marine vessel. This includes a portable auxiliary engine only if its fueling, cooling, or exhaust system is an integral part of the vessel. There are two kinds of marine engines:

(1) Propulsion marine engine means a marine engine that moves a vessel through the water or directs the vessel's movement.

(2) Auxiliary marine engine means a marine engine not used for propulsion.

Marine vessel has the meaning given in 1 U.S.C. 3, except that it does not include amphibious vehicles. The definition in 1 U.S.C. 3 very broadly includes every craft capable of being used as a means of transportation on water.

Maximum engine power has one of the following meanings:

(1) For engines at or below 30 kW, maximum engine power has the meaning given in 40 CFR 90.2.

(2) For engines above 30 kW, maximum engine power has the meaning given in 40 CFR 1039.140.

Maximum test speed has the meaning we give in 40 CFR 1065.515.

Maximum test torque has the meaning we give in 40 CFR 1065.1001.

Model year means one of the following things:

(1) For freshly manufactured equipment and engines (see definition of ''new nonroad engine,'' paragraph (1)), model year means one of the following:

(i) Calendar year.

(ii) Your annual new model production period if it is different than the calendar year. This must include January 1 of the calendar year for which the model year is named. It may not begin before January 2 of the previous calendar year and it must end by December 31 of the named calendar year.

(2) For an engine that is converted to a nonroad engine after being placed into service as a motor-vehicle engine or a stationary engine, model year means the calendar year in which the engine was originally produced (see definition of ''new nonroad engine,'' paragraph (2)).

(3) For a nonroad engine excluded under § 1048.5 that is later converted to operate in an application that is not excluded, model year means the calendar year in which the engine was originally produced (see definition of ''new nonroad engine,'' paragraph (3)).

(4) For engines that are not freshly manufactured but are installed in new nonroad equipment, model year means the calendar year in which the engine is installed in the new nonroad equipment (see definition of ''new nonroad engine,'' paragraph (4)).

(5) For imported engines:

(i) For imported engines described in paragraph (5)(i) of the definition of ''new nonroad engine,'' *model year* has the meaning given in paragraphs (1) through (4) of this definition.

(ii) [Reserved]

Motor vehicle has the meaning we give in 40 CFR 85.1703(a). In general, motor vehicle means any vehicle that EPA deems to be capable of safe and practical use on streets or highways that has a maximum ground speed above 40 kilometers per hour (25 miles per hour) over level, paved surfaces.

New nonroad engine means any of the following things:

(1) A freshly manufactured nonroad engine for which the ultimate purchaser has never received the equitable or legal title. This kind of engine might commonly be thought of as ''brand new.'' In the case of this paragraph (1), the engine becomes new when it is fully assembled for the first time. The engine is no longer new when the ultimate purchaser receives the title or the product is placed into service, whichever comes first.

(2) An engine originally manufactured as a motor-vehicle engine or a stationary engine that is later intended to be used in a piece of nonroad equipment. In this case, the engine is no longer a motor-vehicle or stationary engine and becomes a ''new nonroad engine''. The engine is no longer new when it is placed into nonroad service.

(3) A nonroad engine that has been previously placed into service in an application we exclude under § 1048.5, where that engine is installed in a piece of equipment that is covered by this part 1048. The engine is no longer new when it is placed into nonroad service covered by this part 1048. For example, this would apply to a marine-propulsion engine that is no longer used in a marine vessel.

(4) An engine not covered by paragraphs (1) through (3) of this definition that is intended to be installed in new nonroad equipment. The engine is no longer new when the ultimate purchaser receives a title for the equipment or the product is placed into service, whichever comes first. This generally includes installation of used engines in new equipment.

(5) An imported nonroad engine, subject to the following provisions:

(i) An imported nonroad engine covered by a certificate of conformity issued under this part that meets the criteria of one or more of paragraphs (1) through (4) of this definition, where the original engine manufacturer holds the certificate, is new as defined by those applicable paragraphs.

(ii) An imported nonroad engine covered by a certificate of conformity issued under this part, where someone other than the original engine manufacturer holds the certificate (such as when the engine is modified after its initial assembly), becomes new when it is imported. It is no longer new when the ultimate purchaser receives a title for the engine or it is placed into service, whichever comes first.

(iii) An imported nonroad engine that is not covered by a certificate of conformity issued under this part at the time of importation is new, but only if it was produced on or after January 1, 2004. This addresses uncertified engines and equipment initially placed into service that someone seeks to import into the United States. Importation of this kind of new nonroad engine (or equipment containing such an engine) is generally prohibited by 40 CFR part 1068.

New nonroad equipment means either of the following things:

(1) A nonroad piece of equipment for which the ultimate purchaser has never received the equitable or legal title. The product is no longer new when the ultimate purchaser receives this title or the product is placed into service, whichever comes first.

(2) An imported nonroad piece of equipment with an engine not covered by a certificate of conformity issued under this part at the time of importation and manufactured after January 1, 2004.

Noncommercial fuel means a combustible product that is not marketed as a commercial fuel, but is used as a fuel for nonroad engines. For example, this includes methane that is produced and released from landfills or oil wells, or similar unprocessed fuels that are not intended to meet any otherwise applicable fuel specifications. *See* § 1048.615 for provisions related to engines designed to burn noncommercial fuels.

Noncompliant engine means an engine that was originally covered by a certificate of conformity, but is not in the certified configuration or otherwise does not comply with the conditions of the certificate.

Nonconforming engine means an engine not covered by a certificate of conformity that would otherwise be subject to emission standards.

Nonmethane hydrocarbon means the difference between the emitted mass of total hydrocarbons and the emitted mass of methane.

Nonroad means relating to nonroad engines or equipment that includes nonroad engines.

Nonroad engine has the meaning we give in 40 CFR 1068.30. In general this means all internal-combustion engines except motor vehicle engines, stationary engines, engines used solely for competition, or engines used in aircraft.

This part does not apply to all nonroad engines (see § 1048.5).

Nonroad equipment means a piece of equipment that is powered by one or more nonroad engines.

Off-highway motorcycle has the meaning we give in 40 CFR 1051.801. (Note: highway motorcycles are regulated under 40 CFR part 86.)

Official emission result means the measured emission rate for an emission-data engine on a given duty cycle before the application of any deterioration factor, but after the applicability of regeneration adjustment factors.

Oxides of nitrogen has the meaning we give in 40 CFR part 1065.

Piece of equipment means any vehicle, vessel, or other type of equipment using engines to which this part applies.

Placed into service means put into initial use for its intended purpose.

Point of first retail sale means the location at which the initial retail sale occurs. This generally means an equipment dealership, but may also include an engine seller or distributor in cases where loose engines are sold to the general public for uses such as replacement engines.

Ramped-modal means relating to the ramped-modal type of steady-state test described in § 1048.505.

Rated speed means the maximum full-load governed speed for governed engines and the speed of maximum power for ungoverned engines.

Revoke has the meaning we give in 40 CFR 1068.30.

Round means to round numbers according to NIST Special Publication 811(incorporated by reference in § 1048.810), unless otherwise specified.

Scheduled maintenance means adjusting, repairing, removing, disassembling, cleaning, or replacing components or systems periodically to keep a part or system from failing, malfunctioning, or wearing prematurely. It also may mean actions you expect are necessary to correct an overt indication of failure or malfunction for which periodic maintenance is not appropriate.

Severe-duty application includes concrete saws, concrete pumps, and any other application where an engine manufacturer can provide clear evidence that the majority of installations need air-cooled engines as a result of operation in a severe-duty environment.

Severe-duty engine means an engine from an engine family in which the majority of engines are installed in severe-duty applications.

Small-volume engine manufacturer means a company with fewer than 200 employees. This includes any employees working for parent or subsidiary companies.

Snowmobile has the meaning we give in 40 CFR 1051.801.

Spark-ignition means relating to a gasoline-fueled engine or any other type of engine with a spark plug (or other sparking device) and with operating characteristics significantly similar to the theoretical Otto combustion cycle. Spark-ignition engines usually use a throttle to regulate intake air flow to control power during normal operation.

Steady-state means relating to emission tests in which engine speed and load are held at a finite set of essentially constant values. Steady-state tests are either discrete-mode tests or ramped-modal tests.

Stoichiometry means the proportion of a mixture of air and fuel such that the fuel is fully oxidized with no remaining oxygen. For example, stoichiometric combustion in gasoline engines typically occurs at an air-fuel mass ratio of about 14.7.

Suspend has the meaning we give in 40 CFR 1068.30.

Test engine means an engine in a test sample.

Test sample means the collection of engines selected from the population of an engine family for emission testing. This may include testing for certification, production-line testing, or in-use testing.

Tier 1 means relating to the emission standards and other requirements that apply beginning with the 2004 model year.

Tier 2 means relating to the emission standards and other requirements that apply beginning with the 2007 model year.

Total hydrocarbon means the combined mass of organic compounds measured by the specified procedure for measuring total hydrocarbon, expressed as a hydrocarbon with a hydrogen-to-carbon mass ratio of 1.85:1.

Total hydrocarbon equivalent means the sum of the carbon mass contributions of non-oxygenated hydrocarbons, alcohols and aldehydes, or other organic compounds that are measured separately as contained in a gas sample, expressed as exhaust hydrocarbon from petroleum-fueled engines. The hydrogen-to–carbon ratio of the equivalent hydrocarbon is 1.85:1.

Ultimate purchaser means, with respect to any new nonroad equipment or new nonroad engine, the first person who in good faith purchases such new nonroad equipment or new nonroad engine for purposes other than resale.

United States has the meaning we give in 40 CFR 1068.30.

Upcoming model year means for an engine family the model year after the one currently in production.

U.S.-directed production volume means the number of engine units, subject to the requirements of this part, produced by a manufacturer for which the manufacturer has a reasonable assurance that sale was or will be made to ultimate purchasers in the United States.

Useful life means the period during which the engine is designed to properly function in terms of reliability and fuel consumption, without being remanufactured, specified as a number of hours of operation or calendar years, whichever comes first. It is the period during which a new nonroad engine is required to comply with all applicable emission standards. See § 1048.101(g).

Variable-speed engine means an engine that is not a constant-speed engine.

Variable-speed operation means engine operation that does not meet the definition of constant-speed operation.

Void has the meaning we give in 40 CFR 1068.30.

Volatile liquid fuel means any fuel other than diesel or biodiesel that is a liquid at atmospheric pressure and has a Reid Vapor Pressure higher than 2.0 pounds per square inch.

Wide-open throttle means maximum throttle opening. Unless this is specified at a given speed, it refers to maximum throttle opening at maximum speed. For electronically controlled or other engines with multiple possible fueling rates, wide-open throttle also means the maximum fueling rate at maximum throttle opening under test conditions.

We (us, our) means the Administrator of the Environmental Protection Agency and any authorized representatives.

193. Section 1048.805 is amended by adding ''NIST'' to the table in alphabetical order to read as follows:

§ 1048.805 What symbols, acronyms, and abbreviations does this part use?

* * * * *

NIST National Institute of Standards and Technology.

194. Section 1048.810 is amended by revising the introductory text and paragraphs (a) and (b) to read as follows:

§ 1048.810 What materials does this part reference?

Documents listed in this section have been incorporated by reference into this part. 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.*

(a) *NIST material.* Table 1 of this section lists material from the National Institute of Standards and Technology that we have been 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 Government Printing Office, Washington, DC 20402 or download them from the Internet at *http://physics.nist.gov/Pubs/SP811/.* Table 1 follows:

TABLE 1 OF § 1048.810.—NIST MATERIALS

Document number and name	Part 1048 reference
NIST Special Publication 811, Guide for the Use of the International System of Units (SI), 1995 Edition.	1048.801

(b) *SAE material.* Table 2 of this section lists material from the Society of Automotive Engineering 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 Society of Automotive Engineers, 400 Commonwealth Drive, Warrendale, PA 15096. Table 2 follows:

TABLE 2 OF § 1048.810.—SAE MATERIALS

Document number and name	Part 1048 reference
SAE J1930, Electrical/Electronic Systems Diagnostic Terms, Definitions, Abbreviations, and Acronyms, revised May 1998.	1048.135
SAE J2260, Nonmetallic Fuel System Tubing with One or More Layers, November 1996.	1048.105

* * * * *

195. Section 1048.815 is revised to read as follows:

§ 1048.815 What provisions apply to confidential information?

(a) Clearly show what you consider confidential by marking, circling, bracketing, stamping, or some other method.

(b) We will store your confidential information as described in 40 CFR part 2. Also, we will disclose it only as specified in 40 CFR part 2. This applies both to any information you send us and to any information we collect from inspections, audits, or other site visits.

(c) If you send us a second copy without the confidential information, we will assume it contains nothing confidential whenever we need to release information from it.

(d) If you send us information without claiming it is confidential, we may make it available to the public without further notice to you, as described in 40 CFR 2.204.

196. Section 1048.820 is revised to read as follows:

§ 1048.820 How do I request a hearing?

(a) You may request a hearing under certain circumstances, as described elsewhere in this part. To do this, you must file a written request, including a description of your objection and any supporting data, within 30 days after we make a decision.

(b) For a hearing you request under the provisions of this part, we will approve your request if we find that your request raises a substantial factual issue.

(c) If we agree to hold a hearing, we will use the procedures specified in 40 CFR part 1068, subpart G.

PART 1051—CONTROL OF EMISSIONS FROM RECREATIONAL ENGINES AND VEHICLES

197. The authority citation for part 1051 is revised to read as follows:

Authority: 42 U.S.C. 7401–7671q.

198. The heading for subpart A is revised to read as follows:

Subpart A—Overview and Applicability

199. Section 1051.1 is revised to read as follows:

§ 1051.1 Does this part apply for my vehicles or engines?

(a) The regulations in this part 1051 apply for all the following new recreational vehicles or new engines used in the following recreational vehicles, except as provided in § 1051.5:

(1) Snowmobiles.

(2) Off-highway motorcycles.

(3) All-terrain vehicles (ATVs).

(4) Offroad utility vehicles with engines with displacement less than or equal to 1000 cc, maximum engine power less than or equal to 30 kW, and maximum vehicle speed of 25 miles per hour or higher. Offroad utility vehicles that are subject to this part are subject to the same requirements as ATVs. This means that any requirement that applies to ATVs also applies to these offroad utility vehicles, without regard to whether the regulatory language mentions offroad utility vehicles.

(b) In certain cases, the regulations in this part 1051 apply to new engines under 50 cc used in motorcycles that are motor vehicles. *See* 40 CFR 86.447–2006 or 86.448–2006 for provisions related to this allowance.

(c) This part 1051 applies for new recreational vehicles starting in the 2006 model year, except as described in subpart B of this part. You need not follow this part for vehicles you produce before the 2006 model year, unless you certify voluntarily. *See* §§ 1051.103 through 1051.110, § 1051.145, and the definition of ''model year'' in § 1051.801 for more information about the timing of the requirements.

(d) The requirements of this part begin to apply when a vehicle is new. See the definition of ''new'' in § 1051.801 for more information. In some cases, vehicles or engines that have been previously used may be considered ''new'' for the purposes of this part.

(e) The evaporative emission requirements of this part apply to highway motorcycles, as specified in 40 CFR part 86, subpart E.

200. Section 1051.5 is revised to read as follows:

§ 1051.5 Which engines are excluded from this part's requirements?

(a) You may exclude vehicles with compression-ignition engines. *See* 40 CFR part 89 for regulations that cover these engines.

(b) We may require you to label an engine or vehicle (or both) if this section excludes it and other requirements in this chapter do not apply.

201. Section 1051.10 is revised to read as follows:

§ 1051.10 How is this part organized?

The regulations in this part 1051 contain provisions that affect both vehicle manufacturers and others. However, the requirements of this part are generally addressed to the vehicle manufacturer. The term ''you'' generally means the vehicle manufacturer, as defined in § 1051.801. This part 1051 is divided into the following subparts:

(a) Subpart A of this part defines the applicability of part 1051 and gives an overview of regulatory requirements.

(b) Subpart B of this part describes the emission standards and other requirements that must be met to certify engines under this part. Note that § 1051.145 discusses certain interim requirements and compliance provisions that apply only for a limited time.

(c) Subpart C of this part describes how to apply for a certificate of conformity.

(d) Subpart D of this part describes general provisions for testing production-line engines.

(e) [Reserved]

(f) Subpart F of this part describes how to test your engines (including references to other parts of the Code of Federal Regulations).

(g) Subpart G of this part and 40 CFR part 1068 describe requirements, prohibitions, and other provisions that apply to engine manufacturers, equipment manufacturers, owners, operators, rebuilders, and all others.

(h) Subpart H of this part describes how you may generate and use emission credits to certify your engines.

(i) Subpart I of this part contains definitions and other reference information.

202. Section 1051.15 is revised to read as follows:

§ 1051.15 Do any other regulation parts apply to me?

(a) Parts 86 and 1065 of this chapter describe procedures and equipment specifications for testing vehicles and engines. Subpart F of this part 1051 describes how to apply the provisions of parts 86 and 1065 of this chapter to determine whether vehicles meet the emission standards in this part.

(b) The requirements and prohibitions of part 1068 of this chapter apply to everyone, including anyone who manufactures, imports, installs, owns, operates, or rebuilds any of the vehicles subject to this part 1051, or vehicles containing these engines. Part 1068 of this chapter describes general provisions, including these seven areas:

(1) Prohibited acts and penalties for manufacturers and others.

(2) Rebuilding and other aftermarket changes.

(3) Exclusions and exemptions for certain vehicles and engines.

(4) Importing vehicles and engines.

(5) Selective enforcement audits of your production.

(6) Defect reporting and recall.

(7) Procedures for hearings.

(c) Other parts of this chapter apply if referenced in this part.

203. Section 1051.101 is amended by revising paragraphs (a)(1), (a)(2), (c), and (f) to read as follows:

§ 1051.101 What emission standards and other requirements must my vehicles meet?

(a) * * *

(1) The applicable exhaust emission standards in § 1051.103, § 1051.105, § 1051.107, or § 1051.145.

(i) For snowmobiles, *see* § 1051.103.

(ii) For off-highway motorcycles, *see* § 1051.105.

(iii) For all-terrain vehicles and offroad utility vehicles subject to this part, *see* § 1051.107 and § 1051.145.

(2) The evaporative emission standards in § 1051.110.

* * * * *

(c) These standards and requirements apply to all testing, including certification, production-line, and in-use testing.

* * * * *

(f) As described in § 1051.1(a)(4), offroad utility vehicles that are subject to this part are subject to the same requirements as ATVs.

204. Section 1051.103 is amended by revising paragraph (a)(1) before the table and paragraphs (b) introductory text and (c) introductory text to read as follows:

§ 1051.103 What are the exhaust emission standards for snowmobiles?

(a) * * *

(1) Follow Table 1 of this section for exhaust emission standards. You may generate or use emission credits under the averaging, banking, and trading (ABT) program, as described in subpart H of this part. This requires that you specify a family emission limit for each pollutant you include in the ABT program for each engine family. These family emission limits serve as the emission standards for the engine family with respect to all required testing instead of the standards specified in this section. An engine family meets emission standards even if its family emission limit is higher than the standard, as long as you show that the whole averaging set of applicable engine families meet the applicable emission standards using emission credits, and the vehicles within the family meet the family emission limit. Table 1 also shows the maximum value you may specify for a family emission limit, as follows:

* * * * *

(b) The exhaust emission standards in this section apply for snowmobiles using the fuel type on which they are designed to operate. You must meet the numerical emission standards for hydrocarbons in this section based on the following types of hydrocarbon emissions for snowmobiles powered by the following fuels:

* * * * *

(c) Your snowmobiles must meet emission standards over their full useful life. The minimum useful life is 8,000 kilometers, 400 hours of engine operation, or five calendar years, whichever comes first. You must specify a longer useful life in terms of kilometers and hours for the engine family if the average service life of your vehicles is longer than the minimum value, as follows:

* * * * *

205. Section 1051.105 is amended by revising paragraph (a)(1) before the table and paragraphs (a)(3), (b) introductory text, and (c) introductory text to read as follows:

§ 1051.105 What are the exhaust emission standards for off-highway motorcycles?

(a) * * *

(1) Follow Table 1 of this section for exhaust emission standards. You may generate or use emission credits under the averaging, banking, and trading (ABT) program for $HC+NO_X$ and/or CO emissions, as described in subpart H of this part. This requires that you specify a family emission limit for each pollutant you include in the ABT program for each engine family. These family emission limits serve as the emission standards for the engine family with respect to all required testing instead of the standards specified in this section. An engine family meets emission standards even if its family emission limit is higher than the standard, as long as you show that the whole averaging set of applicable engine families meet the applicable emission standards using emission credits, and the vehicles within the family meet the family emission limit. The phase-in values specify the percentage of your U.S.-directed production that must comply with the emission standards for those model years. Calculate this compliance percentage based on a simple count of production units within the engine family. Table 1 follows:

* * * * *

(3) You may certify off-highway motorcycles with engines that have total displacement of 70 cc or less to the exhaust emission standards in § 1051.615 instead of certifying them to the exhaust emission standards of this section. Count all such vehicles in the phase-in (percent) requirements of this section.

(b) The exhaust emission standards in this section apply for off-highway motorcycles using the fuel type on which they are designed to operate. You must meet the numerical emission standards for hydrocarbons in this section based on the following types of hydrocarbon emissions for off-highway

motorcycles powered by the following fuels:

* * * * *

(c) Your off-highway motorcycles must meet emission standards over their full useful life. For off-highway motorcycles with engines that have total displacement greater than 70 cc, the minimum useful life is 10,000 kilometers or five years, whichever comes first. For off-highway motorcycles with engines that have total displacement of 70 cc or less, the minimum useful life is 5,000 kilometers or five years, whichever comes first. You must specify a longer useful life for the engine family in terms of kilometers if the average service life of your vehicles is longer than the minimum value, as follows:

* * * * *

206. Section 1051.107 is amended by revising paragraphs (a), (b) introductory text, and (c) introductory text to read as follows:

§ 1051.107 What are the exhaust emission standards for all-terrain vehicles (ATVs) and offroad utility vehicles?

* * * * *

(a) Apply the exhaust emission standards in this section by model year. Measure emissions with the ATV test procedures in subpart F of this part.

(1) Follow Table 1 of this section for exhaust emission standards. You may generate or use emission credits under the averaging, banking, and trading (ABT) program for $HC+NO_X$ emissions, as described in subpart H of this part. This requires that you specify a family emission limit for each pollutant you include in the ABT program for each engine family. These family emission limits serve as the emission standards for the engine family with respect to all required testing instead of the standards specified in this section. An engine family meets emission standards even if its family emission limit is higher than the standard, as long as you show that the whole averaging set of applicable engine families meet the applicable emission standards using emission credits, and the vehicles within the family meet the family emission limit. Table 1 also shows the maximum value you may specify for a family emission limit. The phase-in values in the table specify the percentage of your total U.S.-directed production that must comply with the emission standards for those model years. Calculate this compliance percentage based on a simple count of production units within the engine family. This applies to your total production of ATVs and offroad utility vehicles that are subject to the standards of this part; including both ATVs and offroad utility vehicles subject to the standards of this section and ATVs and offroad utility vehicles certified to the standards of other sections in this part 1051 (such as § 1051.615, but not including vehicles certified under other parts in this chapter (such as 40 CFR part 90). Table 1 follows:

TABLE 1 OF § 1051.107.—EXHAUST EMISSION STANDARDS FOR ATVS (G/KM)

Phase	Model year	Phase-in (percent)	Emission standards		Maximum allowable family emission limits	
			$HC+NO_X$	CO	$HC+NO_X$	CO
Phase 1	2006	50	1.5	35	20.0	
	2007 and later	100	1.5	35	20.0	

(2) You may certify ATVs with engines that have total displacement of less than 100 cc to the exhaust emission standards in § 1051.615 instead of certifying them to the exhaust emission standards of this section. Count all such vehicles in the phase-in (percent) requirements of this section.

(b) The exhaust emission standards in this section apply for ATVs using the fuel type on which they are designed to operate. You must meet the numerical emission standards for hydrocarbons in this section based on the following types of hydrocarbon emissions for ATVs powered by the following fuels:

* * * * *

(c) Your ATVs must meet emission standards over their full useful life (§ 1051.240 describes how to use deterioration factors to show this). For ATVs with engines that have total displacement of 100 cc or greater, the minimum useful life is 10,000 kilometers, 1000 hours of engine operation, or five years, whichever comes first. For ATVs with engines that have total displacement of less than 100 cc, the minimum useful life is 5,000 kilometers, 500 hours of engine operation, or five years, whichever comes first. You must specify a longer useful life for the engine family in terms of kilometers and hours if the average service life of your vehicles is longer than the minimum value, as follows:

* * * * *

207. Section 1051.110 is amended by revising paragraph (a) to read as follows:

§ 1051.110 What evaporative emission standards must my vehicles meet?

* * * * *

(a) Beginning with the 2008 model year, permeation emissions from your vehicle's fuel tank(s) may not exceed 1.5 grams per square-meter per day when measured with the test procedures for tank permeation in subpart F of this part. You may generate or use emission credits under the averaging, banking, and trading (ABT) program, as described in subpart H of this part.

* * * * *

208. Section 1051.115 is amended by removing and reserving paragraph (b) and revising paragraphs (a), (c), and (f) to read as follows:

§ 1051.115 What other requirements must my vehicles meet?

* * * * *

(a) *Closed crankcase.* Crankcase emissions may not be discharged directly into the ambient atmosphere from any vehicle.

* * * * *

(c) *Adjustable parameters.* Vehicles that have adjustable parameters must meet all the requirements of this part for any adjustment in the physically adjustable range. Note that parameters that control the air-fuel ratio may be treated separately under paragraph (d) of this section. An operating parameter is not considered adjustable if you permanently seal it or if it is not normally accessible using ordinary tools. We may require that you set adjustable parameters to any specification within the adjustable range during any testing, including certification testing, production-line testing, or in-use testing.

* * * * *

(f) *Defeat devices.* You may not equip your vehicles with a defeat device. A defeat device is an auxiliary emission-control device that reduces the effectiveness of emission controls under conditions that the vehicle may reasonably be expected to encounter during normal operation and use. This

does not apply to auxiliary emission-control devices you identify in your certification application if any of the following is true:

(1) The conditions of concern were substantially included in the applicable test procedures described in subpart F of this part.

(2) You show your design is necessary to prevent vehicle damage or accidents.

(3) The reduced effectiveness applies only to starting the engine.

* * * * *

209. Section 1051.120 is revised to read as follows:

§ 1051.120 What emission-related warranty requirements apply to me?

(a) *General requirements.* You must warrant to the ultimate purchaser and each subsequent purchaser that the new engine, including all parts of its emission-control system, meets two conditions:

(1) It is designed, built, and equipped so it conforms at the time of sale to the ultimate purchaser with the requirements of this part.

(2) It is free from defects in materials and workmanship that may keep it from meeting these requirements.

(b) *Warranty period.* Your emission-related warranty must be valid for at least 50 percent of the vehicle's minimum useful life in kilometers or hours of engine operation (where applicable), or at least 30 months, whichever comes first. You may offer an emission-related warranty more generous than we require. The emission-related warranty for the engine may not be shorter than any published warranty you offer without charge for the engine. Similarly, the emission-related warranty for any component may not be shorter than any published warranty you offer without charge for that component. If you provide an extended warranty to individual owners for any components covered in paragraph (c) of this section for an additional charge, your emission-related warranty must cover those components for those owners to the same degree. If a vehicle has no odometer, base warranty periods in this paragraph (b) only on the vehicle's age (in years). The warranty period begins when the engine is placed into service.

(c) *Components covered.* The emission-related warranty covers all components whose failure would increase an engine's emissions of any pollutant. This includes components listed in 40 CFR part 1068, Appendix I, and components from any other system you develop to control emissions. The emission-related warranty covers these components even if another company produces the component. Your emission-related warranty does not cover components whose failure would not increase an engine's emissions of any pollutant.

(d) *Limited applicability.* You may deny warranty claims under this section if the operator caused the problem through improper maintenance or use, as described in 40 CFR 1068.115. You may ask us to allow you to exclude from your emission-related warranty certified vehicles that have been used significantly for competition, especially certified motorcycles that meet at least four of the criteria in § 1051.620(b)(1).

(e) *Owners manual.* Describe in the owners manual the emission-related warranty provisions from this section that apply to the engine.

210. Section 1051.125 is revised to read as follows:

§ 1051.125 What maintenance instructions must I give to buyers?

Give the ultimate purchaser of each new vehicle written instructions for properly maintaining and using the vehicle, including the emission-control system. The maintenance instructions also apply to service accumulation on your emission-data vehicles, as described in § 1051.240, § 1051.245, and 40 CFR part 1065.

(a) *Critical emission-related maintenance.* Critical emission-related maintenance includes any adjustment, cleaning, repair, or replacement of critical emission-related components. This may also include additional emission-related maintenance that you determine is critical if we approve it in advance. You may schedule critical emission-related maintenance on these components if you meet the following conditions:

(1) You demonstrate that the maintenance is reasonably likely to be done at the recommended intervals on in-use vehicles. We will accept scheduled maintenance as reasonably likely to occur if you satisfy any of the following conditions:

(i) You present data showing that, if a lack of maintenance increases emissions, it also unacceptably degrades the vehicle's performance.

(ii) You present survey data showing that at least 80 percent of vehicles in the field get the maintenance you specify at the recommended intervals.

(iii) You provide the maintenance free of charge and clearly say so in maintenance instructions for the customer.

(iv) You otherwise show us that the maintenance is reasonably likely to be done at the recommended intervals.

(2) You may not schedule critical emission-related maintenance within the minimum useful life period for aftertreatment devices, pulse-air valves, fuel injectors, oxygen sensors, electronic control units, superchargers, or turbochargers.

(b) *Recommended additional maintenance.* You may recommend any additional amount of maintenance on the components listed in paragraph (a) of this section, as long as you state clearly that these maintenance steps are not necessary to keep the emission-related warranty valid. If operators do the maintenance specified in paragraph (a) of this section, but not the recommended additional maintenance, this does not allow you to disqualify those vehicles from in-use testing or deny a warranty claim. Do not take these maintenance steps during service accumulation on your emission-data vehicles.

(c) *Special maintenance.* You may specify more frequent maintenance to address problems related to special situations, such as atypical vehicle operation. You must clearly state that this additional maintenance is associated with the special situation you are addressing.

(d) *Noncritical emission-related maintenance.* You may schedule any amount of emission-related inspection or maintenance that is not covered by paragraph (a) of this section, as long as you state in the owners manual that these steps are not necessary to keep the emission-related warranty valid. If operators fail to do this maintenance, this does not allow you to disqualify those vehicles from in-use testing or deny a warranty claim. Do not take these inspection or maintenance steps during service accumulation on your emission-data vehicles.

(e) *Maintenance that is not emission-related.* For maintenance unrelated to emission controls, you may schedule any amount of inspection or maintenance. You may also take these inspection or maintenance steps during service accumulation on your emission-data vehicles, as long as they are reasonable and technologically necessary. This might include adding engine oil, or adjusting chain tension, clutch position, or tire pressure. You may perform this nonemission-related maintenance on emission-data vehicles at the least frequent intervals that you recommend to the ultimate purchaser (but not the intervals recommended for severe service).

(f) *Source of parts and repairs.* State clearly on the first page of your written maintenance instructions that a repair shop or person of the owner's choosing may maintain, replace, or repair emission-control devices and systems.

Your instructions may not require components or service identified by brand, trade, or corporate name. Also, do not directly or indirectly condition your warranty on a requirement that the vehicle be serviced by your franchised dealers or any other service establishments with which you have a commercial relationship. You may disregard the requirements in this paragraph (f) if you do one of two things:

(1) Provide a component or service without charge under the purchase agreement.

(2) Get us to waive this prohibition in the public's interest by convincing us the vehicle will work properly only with the identified component or service.

(g) *Payment for scheduled maintenance.* Owners are responsible for properly maintaining their vehicles. This generally includes paying for scheduled maintenance. However, manufacturers must pay for scheduled maintenance during the useful life if it meets all the following criteria:

(1) Each affected component was not in general use on similar vehicles before the 2006 model year.

(2) The primary function of each affected component is to reduce emissions.

(3) The cost of the scheduled maintenance is more than 2 percent of the price of the vehicle.

(4) Failure to perform the maintenance would not cause clear problems that would significantly degrade the vehicle's performance.

(h) *Owners manual.* Explain the owner's responsibility for proper maintenance in the owners manual.

211. Section 1051.130 is revised to read as follows:

§ 1051.130 What installation instructions must I give to vehicle manufacturers?

(a) If you sell an engine for someone else to install in a piece of nonroad equipment, give the engine installer instructions for installing it consistent with the requirements of this part. Include all information necessary to ensure that an engine will be installed in its certified configuration.

(b) Make sure these instructions have the following information:

(1) Include the heading: ''Emission-related installation instructions''.

(2) State: ''Failing to follow these instructions when installing a certified engine in a piece of nonroad equipment violates federal law (40 CFR 1068.105(b)), subject to fines or other penalties as described in the Clean Air Act.''.

(3) Describe the instructions needed to properly install the exhaust system and any other components. Include instructions consistent with the requirements of § 1051.205(r).

(4) Describe the steps needed to comply with the evaporative emission standards in § 1051.110.

(5) Describe any limits on the range of applications needed to ensure that the engine operates consistently with your application for certification. For example, if your engines are certified only to the snowmobile standards, tell vehicle manufacturers not to install the engines in other vehicles.

(6) Describe any other instructions to make sure the installed engine will operate according to design specifications in your application for certification. This may include, for example, instructions for installing aftertreatment devices when installing the engines.

(7) State: ''If you install the engine in a way that makes the engine's emission control information label hard to read during normal engine maintenance, you must place a duplicate label on the vehicle, as described in 40 CFR 1068.105.''.

(c) You do not need installation instructions for engines you install in your own vehicles.

(d) Provide instructions in writing or in an equivalent format. For example, you may post instructions on a publicly available website for downloading or printing. If you do not provide the instructions in writing, explain in your application for certification how you will ensure that each installer is informed of the installation requirements.

212. Section 1051.135 is revised to read as follows:

§ 1051.135 How must I label and identify the vehicles I produce?

Each of your vehicles must have three labels: a vehicle identification number as described in paragraph (a) of this section, an emission control information label as described in paragraphs (b) through (e) of this section, and a consumer information label as described in paragraph (g) of this section.

(a) Assign each vehicle a unique identification number and permanently affix, engrave, or stamp it on the vehicle in a legible way.

(b) At the time of manufacture, affix a permanent and legible emission control information label identifying each vehicle. The label must be—

(1) Attached so it is not removable without being destroyed or defaced.

(2) Secured to a part of the vehicle (or engine) needed for normal operation and not normally requiring replacement.

(3) Durable and readable for the vehicle's entire life.

(4) Written in English.

(c) The label must—

(1) Include the heading ''EMISSION CONTROL INFORMATION''.

(2) Include your full corporate name and trademark. You may identify another company and use its trademark instead of yours if you comply with the provisions of § 1051.645.

(3) Include EPA's standardized designation for the exhaust and evaporative engine families, as described in § 1051.230.

(4) State the engine's displacement (in liters) and maximum engine power. You may omit this from the emission control information label if the vehicle is permanently labeled with a unique model name that corresponds to a specific displacement or power configuration. Also, you may omit displacement from the label if all the engines in the engine family have the same per-cylinder displacement and total displacement.

(5) State: ''THIS VEHICLE IS CERTIFIED TO OPERATE ON [specify operating fuel or fuels].''.

(6) State the date of manufacture [MONTH and YEAR]. You may omit this from the label if you keep a record of the engine-manufacture dates and provide it to us upon request, or if you stamp the date on the engine and print it in the owners manual.

(7) State the exhaust emission standards or FELs to which the vehicles are certified.

(8) Identify the emission-control system. Use terms and abbreviations consistent with SAE J1930 (incorporated by reference in § 1051.810). 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.

(9) List specifications and adjustments for engine tuneups; show the proper position for the transmission during tuneup and state which accessories should be operating.

(10) Identify any requirements for fuel and lubricants. 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.

(11) State the useful life for your engine family if it is different than the minimum value.

(12) State: ''THIS VEHICLE MEETS U.S. EPA REGULATIONS FOR [MODEL YEAR] [SNOWMOBILES or OFF-ROAD MOTORCYCLES or ATVs or OFFROAD UTILITY VEHICLES].''.

(d) You may add information to the emission control information label to identify other emission standards that the vehicle meets or does not meet (such as California standards). You may also add other information to ensure that the

engine will be properly maintained and used.

(e) You may ask us to approve modified labeling requirements in this part 1051 if you show that it is necessary or appropriate. We will approve your request if your alternate label is consistent with the requirements of this part.

(f) If you obscure the engine label while installing the engine in the equipment, you must place a duplicate label on the equipment. If others install your engine in their equipment in a way that obscures the engine label, we require them to add a duplicate label on the equipment (*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 equipment manufacturer.

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

(g) Label every vehicle certified under this part with a removable hang-tag showing its emission characteristics relative to other models. The label should be attached securely to the vehicle before it is offered for sale in such a manner that it would not be accidentally removed prior to sale. Use the applicable equations of this paragraph (g) to determine the normalized emission rate (NER) from the FEL for your vehicle. If the vehicle is certified without using the averaging provisions of subpart H, use the final deteriorated emission level. Round the resulting normalized emission rate for your vehicle to one decimal place. We may specify a standardized format for labels. At a minimum, the tag should include: the manufacturer's name, vehicle model name, engine description (500 cc two-stroke with DFI), the NER, and a brief explanation of the scale (for example, note that 0 is the cleanest and 10 is the least clean).

(1) For snowmobiles, use the following equation:

$$NER = 16.61 \times \log(2.667 \times HC + CO) - 38.22$$

Where:

HC and CO are the cycle-weighted FELs (or emission rates) for hydrocarbons and carbon monoxide in g/kW-hr.

(2)(i) For off-highway motorcycles certified to the standards in § 1051.105, use the equations specified below.

(A) If the vehicle has $HC + NO_X$ emissions less than or equal to 2.0 g/km, use the following equation:

$$NER = 2.500 \times (HC + NO_X)$$

Where:

$HC + NO_X$ is the FEL (or the sum of the cycle-weighted emission rates) for hydrocarbons and oxides of nitrogen in g/km.

(B) If the vehicle has $HC + NO_X$ emissions greater than 2.0 g/km, use the following equation:

$$NER = 5.000 \times \log(HC + NO_X) + 3.495$$

Where:

$HC + NO_X$ is the FEL (or the sum of the cycle-weighted emission rates) for hydrocarbons and oxides of nitrogen in g/km.

(ii) For off-highway motorcycles certified to the standards in § 1051.615(b), use the following equation:

$$NER = 8.782 \times \log(HC + NO_X) - 5.598$$

Where:

$HC + NO_X$ is the FEL (or the sum of the cycle-weighted emission rates) for hydrocarbons and oxides of nitrogen in g/kW-hr.

(3)(i) For ATVs certified to the standards in § 1051.107, use the equations specified below.

(A) If the vehicle has $HC + NO_X$ emissions less than or equal to 1.5 g/km, use the following equation:

$$NER = 3.333 \times (HC + NO_X)$$

Where:

$HC + NO_X$ is the FEL (or the sum of the cycle-weighted emission rates) for hydrocarbons and oxides of nitrogen in g/km.

(B) If the vehicle has $HC + NO_X$ emissions greater than 1.5 g/km, use the following equation:

$$NER = 4.444 \times \log(HC + NO_X) + 4.217$$

Where:

$HC + NO_X$ is the FEL (or the sum of the cycle-weighted emission rates) for hydrocarbons and oxides of nitrogen in g/km.

(ii) For ATVs certified to the standards in § 1051.615(a), use the following equation:

$$NER = 8.782 \times \log(HC + NO_X) - 7.277$$

Where:

$HC + NO_X$ is the FEL (or the sum of the cycle-weighted emission rates) for hydrocarbons and oxides of nitrogen in g/kW-hr.

213. Section 1051.145 is amended by removing and reserving paragraph (c), adding paragraphs (a)(3)(v) and (a)(3)(vi), and revising paragraphs (b)(3) and (e) to read as follows:

§ 1051.145 What provisions apply only for a limited time?

* * * * *

(a) * * *

(3) * * *

(v) If your engines do not meet the criteria listed in paragraph (a) of this section, they will be subject to the provisions of this part. Introducing these engines into commerce without a valid exemption or certificate of conformity violates the prohibitions in 40 CFR 1068.101.

(vi) Engines exempted under this paragraph (a)(3) are subject to all the requirements affecting engines under 40 CFR part 90. The requirements and restrictions of 40 CFR part 90 apply to anyone manufacturing these engines, anyone manufacturing equipment that uses these engines, and all other persons in the same manner as other engines subject to 40 CFR part 90.

* * * * *

(b) * * *

(3) For ATVs certified to the standards in this paragraph (b), use the following equations to determine the normalized emission rate required by § 1051.135(g):

(i) For engines above 225 cc, use the following equation:

$$NER = 9.898 \times \log(HC + NO_X) - 4.898$$

Where:

$HC + NO_X$ is the sum of the cycle-weighted emission rates for hydrocarbons and oxides of nitrogen in g/kW-hr.

(ii) For engines below 225 cc, use the following equation:

$$NER = 9.898 \times \log((HC + NO_X) \times 0.83) - 4.898$$

Where:

$HC + NO_X$ is the sum of the cycle-weighted emission rates for hydrocarbons and oxides of nitrogen in g/kW-hr.

* * * * *

(e) *Raw sampling procedures.* You may use the raw sampling procedures described in 40 CFR part 91, subparts D and E, for emission testing certain vehicles as follows:

(1) *Snowmobile.* You may use raw sampling for snowmobiles before the 2010 model year. For 2010 and later model years, you may use these procedures if you show that they produce emission measurements equivalent to the otherwise specified test procedures.

(2) *ATV.* You may use raw sampling for ATVs certified to the standard in § 1051.615 before the 2011 model year. You may use raw sampling for ATVs certified to the standard in § 1051.107 before the 2009 model year. For later model years, you may use these procedures if you show that they produce emission measurements

equivalent to the otherwise specified test procedures.

* * * * *

214. Section 1051.201 is revised to read as follows:

§ 1051.201 What are the general requirements for obtaining a certificate of conformity?

(a) You must send us a separate application for a certificate of conformity for each engine family. A certificate of conformity is valid from the indicated effective date until December 31 of the model year for which it is issued.

(b) The application must contain all the information required by this part and must not include false or incomplete statements or information (*see* § 1051.255).

(c) We may ask you to include less information than we specify in this subpart, as long as you maintain all the information required by § 1051.250.

(d) You must use good engineering judgment for all decisions related to your application (*see* 40 CFR 1068.5).

(e) An authorized representative of your company must approve and sign the application.

(f) See § 1051.255 for provisions describing how we will process your application.

(g) We may require you to deliver your test vehicles or engines to a facility we designate for our testing (*see* § 1051.235(c)).

215. Section 1051.205 is revised to read as follows:

§ 1051.205 What must I include in my application?

This section specifies the information that must be in your application, unless we ask you to include less information under § 1051.201(c). We may require you to provide additional information to evaluate your application.

(a) Describe the engine family's specifications and other basic parameters of the vehicle's design and emission controls. List the fuel type on which your engines are designed to operate (for example, gasoline, liquefied petroleum gas, methanol, or natural gas). List vehicle configurations and model names that are included in the engine family.

(b) Explain how the emission-control system operates. Describe the evaporative emission controls. Also describe in detail all system components for controlling exhaust emissions, including all auxiliary-emission control devices (AECDs) and all fuel-system components you will install on any production or test vehicle or engine. Identify the part number of each component you describe. For this paragraph (b), treat as separate AECDs any devices that modulate or activate differently from each other. Include all the following:

(1) Give a general overview of the engine, the emission-control strategies, and all AECDs.

(2) Describe each AECD's general purpose and function.

(3) Identify the parameters that each AECD senses (including measuring, estimating, calculating, or empirically deriving the values). Include vehicle-based parameters and state whether you simulate them during testing with the applicable procedures.

(4) Describe the purpose for sensing each parameter.

(5) Identify the location of each sensor the AECD uses.

(6) Identify the threshold values for the sensed parameters that activate the AECD.

(7) Describe the parameters that the AECD modulates (controls) in response to any sensed parameters, including the range of modulation for each parameter, the relationship between the sensed parameters and the controlled parameters and how the modulation achieves the AECD's stated purpose. Use graphs and tables, as necessary.

(8) Describe each AECD's specific calibration details. This may be in the form of data tables, graphical representations, or some other description.

(9) Describe the hierarchy among the AECDs when multiple AECDs sense or modulate the same parameter. Describe whether the strategies interact in a comparative or additive manner and identify which AECD takes precedence in responding, if applicable.

(10) Explain the extent to which the AECD is included in the applicable test procedures specified in subpart F of this part.

(11) Do the following additional things for AECDs designed to protect engines or vehicles:

(i) Identify the engine and/or vehicle design limits that make protection necessary and describe any damage that would occur without the AECD.

(ii) Describe how each sensed parameter relates to the protected components' design limits or those operating conditions that cause the need for protection.

(iii) Describe the relationship between the design limits/parameters being protected and the parameters sensed or calculated as surrogates for those design limits/parameters, if applicable.

(iv) Describe how the modulation by the AECD prevents engines and/or equipment from exceeding design limits.

(v) Explain why it is necessary to estimate any parameters instead of measuring them directly and describe how the AECD calculates the estimated value, if applicable.

(vi) Describe how you calibrate the AECD modulation to activate only during conditions related to the stated need to protect components and only as needed to sufficiently protect those components in a way that minimizes the emission impact.

(c) [Reserved]

(d) Describe the vehicles or engines you selected for testing and the reasons for selecting them.

(e) Describe the test equipment and procedures that you used, including any special or alternate test procedures you used (*see* § 1051.501).

(f) Describe how you operated the emission-data vehicle before testing, including the duty cycle and the extent of engine operation used to stabilize emission levels. Explain why you selected the method of service accumulation. Describe any scheduled maintenance you did.

(g) List the specifications of the test fuel to show that it falls within the required ranges we specify in 40 CFR part 1065.

(h) Identify the engine family's useful life.

(i) Include the maintenance instructions you will give to the ultimate purchaser of each new vehicle (*see* § 1051.125).

(j) Include the emission-related installation instructions you will provide if someone else installs your engines in a vehicle (*see* § 1051.130).

(k) Describe the labels you create to meet the requirements of § 1051.135.

(l) Identify the exhaust emission standards or FELs to which you are certifying engines in the engine family.

(m) Identify the engine family's deterioration factors and describe how you developed them (*see* § 1051.245). Present any emission test data you used for this.

(n) State that you operated your emission-data vehicles as described in the application (including the test procedures, test parameters, and test fuels) to show you meet the requirements of this part.

(o) Present emission data to show that you meet emission standards, as follows:

(1) Present emission data for hydrocarbons (such as NMHC or THCE, as applicable), NO_X, and CO on an emission-data vehicle to show your vehicles meet the applicable exhaust emission standards we specify in

subpart B of this part. Show emission figures before and after applying deterioration factors for each vehicle or engine. If we specify more than one grade of any fuel type (for example, a summer grade and winter grade of gasoline), you need to submit test data only for one grade, unless the regulations of this part specify otherwise for your engine.

(2) Present evaporative test data for HC to show your vehicles meet the evaporative emission standards we specify in subpart B of this part. Show emission figures before and after applying deterioration factors for each vehicle or engine, where applicable. If you did not perform the testing, identify the source of the test data.

(3) Note that § 1051.235 and § 1051.245 allow you to submit an application in certain cases without new emission data.

(p) Report all test results, including those from invalid tests or from any other tests, whether or not they were conducted according to the test procedures of subpart F of this part. If you measure CO_2, report those emission levels. We may ask you to send other information to confirm that your tests were valid under the requirements of this part and 40 CFR part 1065.

(q) Describe all adjustable operating parameters (*see* § 1051.115(e)), including production tolerances. Include the following in your description of each parameter:

(1) The nominal or recommended setting.

(2) The intended physically adjustable range.

(3) The limits or stops used to establish adjustable ranges.

(4) Information showing why the limits, stops, or other means of inhibiting adjustment are effective in preventing adjustment of parameters on in-use engines to settings outside your intended physically adjustable ranges.

(r) Confirm that your emission-related installation instructions specify how to ensure that sampling of exhaust emissions will be possible after engines are installed in equipment and placed in service. If this cannot be done by simply adding a 20-centimeter extension to the exhaust pipe, show how to sample exhaust emissions in a way that prevents diluting the exhaust sample with ambient air.

(s) Unconditionally certify that all the vehicles and/or engines in the engine family comply with the requirements of this part, other referenced parts of the CFR, and the Clean Air Act.

(t) Include estimates of U.S.-directed production volumes.

(u) Include the information required by other subparts of this part. For example, include the information required by § 1051.725 if you participate in the ABT program.

(v) Include other applicable information, such as information specified in this part or part 1068 of this chapter related to requests for exemptions.

216. Section 1051.210 is revised to read as follows:

§ 1051.210 May I get preliminary approval before I complete my application?

If you send us information before you finish the application, we will review it and make any appropriate determinations, especially for questions related to engine family definitions, auxiliary emission-control devices, deterioration factors, testing for service accumulation, and maintenance. Decisions made under this section are considered to be preliminary approval, subject to final review and approval. If you request preliminary approval related to the upcoming model year or the model year after that, we will make best-efforts to make the appropriate determinations as soon as practicable. We will generally not provide preliminary approval related to a future model year more than two years ahead of time.

§ 1051.215 [Removed]

217. Section 1051.215 is removed.

218. Section 1051.220 is revised to read as follows:

§ 1051.220 How do I amend the maintenance instructions in my application?

You may amend your emission-related maintenance instructions after you submit your application for certification, as long as the amended instructions remain consistent with the provisions of § 1051.125. You must send the Designated Compliance Officer a request to amend your application for certification for an engine family if you want to change the emission-related maintenance instructions in a way that could affect emissions. In your request, describe the proposed changes to the maintenance instructions. We will disapprove your request if we determine that the amended instructions are inconsistent with maintenance you performed on emission-data vehicles.

(a) If you are decreasing the specified maintenance, you may distribute the new maintenance instructions to your customers 30 days after we receive your request, unless we disapprove your request. We may approve a shorter time or waive this requirement.

(b) If your requested change would not decrease the specified maintenance, you may distribute the new maintenance instructions anytime after you send your request. For example, this paragraph (b) would cover adding instructions to increase the frequency of a maintenance step for engines in severe-duty applications.

(c) You need not request approval if you are making only minor corrections (such as correcting typographical mistakes), clarifying your maintenance instructions, or changing instructions for maintenance unrelated to emission control.

219. Section 1051.225 is revised to read as follows:

§ 1051.225 How do I amend my application for certification to include new or modified vehicles or to change an FEL?

Before we issue you a certificate of conformity, you may amend your application to include new or modified vehicle configurations, subject to the provisions of this section. After we have issued your certificate of conformity, you may send us an amended application requesting that we include new or modified vehicle configurations within the scope of the certificate, subject to the provisions of this section. You must amend your application if any changes occur with respect to any information included in your application.

(a) You must amend your application before you take any of the following actions:

(1) Add a vehicle (that is, an additional vehicle configuration) to an engine family. In this case, the vehicle added must be consistent with other vehicles in the engine family with respect to the criteria listed in § 1051.230.

(2) Change a vehicle already included in an engine family in a way that may affect emissions, or change any of the components you described in your application for certification. This includes production and design changes that may affect emissions any time during the engine's lifetime.

(3) Modify an FEL for an engine family, as described in paragraph (f) of this section.

(b) To amend your application for certification, send the Designated Compliance Officer the following information:

(1) Describe in detail the addition or change in the vehicle model or configuration you intend to make.

(2) Include engineering evaluations or data showing that the amended engine family complies with all applicable requirements. You may do this by

showing that the original emission-data vehicle is still appropriate with respect to showing compliance of the amended family with all applicable requirements.

(3) If the original emission-data vehicle for the engine family is not appropriate to show compliance for the new or modified vehicle, include new test data showing that the new or modified vehicle meets the requirements of this part.

(c) We may ask for more test data or engineering evaluations. You must give us these within 30 days after we request them.

(d) For engine families already covered by a certificate of conformity, we will determine whether the existing certificate of conformity covers your new or modified vehicle. You may ask for a hearing if we deny your request (*see* § 1051.820).

(e) For engine families already covered by a certificate of conformity, you may start producing the new or modified vehicle anytime after you send us your amended application, before we make a decision under paragraph (d) of this section. However, if we determine that the affected vehicles do not meet applicable requirements, we will notify you to cease production of the vehicles and may require you to recall the vehicles at no expense to the owner. Choosing to produce vehicles under this paragraph (e) is deemed to be consent to recall all vehicles that we determine do not meet applicable emission standards or other requirements and to remedy the nonconformity at no expense to the owner. If you do not provide information required under paragraph (c) of this section within 30 days, you must stop producing the new or modified vehicles.

(f) You may ask to change your FEL in the following cases:

(1) You may ask to raise your FEL after the start of production. You may not apply the higher FEL to engines you have already introduced into commerce. Use the appropriate FELs with corresponding sales volumes to calculate your average emission level, as described in subpart H of this part. In your request, you must demonstrate that you will still be able to comply with the applicable average emission standards as specified in subparts B and H of this part.

(2) You may ask to lower the FEL for your engine family after the start of production only when you have test data from production vehicles indicating that your vehicles comply with the lower FEL. You may create a separate subfamily with the lower FEL. Otherwise, you must use the higher FEL for the family to calculate your average emission level under subpart H of this part.

(3) If you change the FEL during production, you must include the new FEL on the emission control information label for all vehicles produced after the change.

220. Section 1051.230 is revised to read as follows:

§ 1051.230 How do I select engine families?

(a) Divide your product line into families of vehicles that are expected to have similar emission characteristics throughout the useful life. Except as specified in paragraph (f) of this section, you must have separate engine families for meeting exhaust and evaporative emissions. Your engine families are limited to a single model year.

(b) For exhaust emissions, group vehicles in the same engine family if they are the same in all the following aspects:

(1) The combustion cycle.

(2) The cooling system (water-cooled vs. air-cooled).

(3) Configuration of the fuel system (for example, port fuel injection vs. carburetion).

(4) Method of air aspiration.

(5) The number, location, volume, and composition of catalytic converters.

(6) Type of fuel.

(7) The number, arrangement, and approximate bore diameter of cylinders.

(8) Numerical level of the emission standards that apply to the vehicle.

(c) For evaporative emissions, group vehicles in the same engine family if fuel tanks are the same and fuel lines are the same considering all the following aspects:

(1) Wall thickness.

(2) Type of material (including additives such as pigments, plasticizers, and UV inhibitors).

(3) Emission-control strategy.

(d) You may subdivide a group of vehicles that is identical under paragraph (b) or (c) of this section into different engine families if you show the expected emission characteristics are different during the useful life.

(e) You may group vehicles that are not identical with respect to the things listed in paragraph (b) or (c) of this section in the same engine family, as follows:

(1) You may group such vehicles in the same engine family if you show that their emission characteristics during the useful life will be similar.

(2) If you are a small-volume manufacturer, you may group engines from any vehicles subject to the same emission standards into a single engine family. This does not change any of the requirements of this part for showing that an engine family meets emission standards.

(f) You may divide your product line into engine families based on a combined consideration of exhaust and evaporative emission-control systems, consistent with the requirements of this section. This would allow you to use a single engine-family designation for each engine family instead of having separate engine-family designations for exhaust and evaporative emission-control systems for each model.

221. Section 1051.235 is revised to read as follows:

§ 1051.235 What emission testing must I perform for my application for a certificate of conformity?

This section describes the emission testing you must perform to show compliance with the emission standards in subpart B of this part.

(a) Test your emission-data vehicles using the procedures and equipment specified in subpart F of this part. Where specifically required or allowed, test the engine instead of the vehicle. For evaporative emissions, test the fuel system components separate from the vehicle.

(b) Select from each engine family an emission-data vehicle, and a fuel system for each fuel type with a configuration that is most likely to exceed the emission standards, using good engineering judgment. Consider the emission levels of all exhaust constituents over the full useful life of the vehicle.

(c) We may measure emissions from any of your test vehicles or engines (or any other vehicles or engines from the engine family), as follows:

(1) We may decide to do the testing at your plant or any other facility. If we do this, you must deliver the test vehicle or engine to a test facility we designate. The test vehicle or engine you provide must include appropriate manifolds, after treatment devices, electronic control units, and other emission-related components not normally attached directly to the engine block. If we do the testing at your plant, you must schedule it as soon as possible and make available the instruments, personnel, and equipment we need.

(2) If we measure emissions on one of your test vehicles or engines, the results of that testing become the official emission results. Unless we later invalidate these data, we may decide not to consider your data in determining if your engine family meets applicable requirements.

(3) Before we test one of your vehicles or engines, we may set its adjustable

parameters to any point within the physically adjustable ranges (*see* § 1051.115(c)).

(4) Before we test one of your vehicles or engines, we may calibrate it within normal production tolerances for anything we do not consider an adjustable parameter.

(d) You use previously generated emission data in the following cases:

(1) You may ask to use emission data from a previous model year instead of doing new tests, but only if all the following are true:

(i) The engine family from the previous model year differs from the current engine family only with respect to model year.

(ii) The emission-data vehicle from the previous model year remains the appropriate emission-data vehicle under paragraph (b) of this section.

(iii) The data show that the emission-data vehicle would meet all the requirements that apply to the engine family covered by the application for certification.

(2) You may submit emission data for equivalent engine families performed to show compliance with other standards (such as California standards) instead of doing new tests, but only if the data show that the test vehicle or engine would meet all of this part's requirements.

(3) You may submit evaporative emission data measured by a fuel system supplier. We may require you to verify that the testing was conducted in accordance with the applicable regulations.

(e) We may require you to test a second vehicle or engine of the same or different configuration in addition to the vehicle or engine tested under paragraph (b) of this section.

(f) If you use an alternate test procedure under 40 CFR 1065.10 and later testing shows that such testing does not produce results that are equivalent to the procedures specified in subpart F of this part, we may reject data you generated using the alternate procedure.

(g) If you are a small-volume manufacturer, you may certify by design on the basis of preexisting exhaust emission data for similar technologies and other relevant information, and in accordance with good engineering judgment. In those cases, you are not required to test your vehicles. This is called ''design-certification'' or ''certifying by design.'' To certify by design, you must show that the technology used on your engines is sufficiently similar to the previously tested technology that a person reasonably familiar with emission-control technology would believe that your engines will comply with the emission standards.

(h) For fuel tanks that are certified based on permeability treatments for plastic fuel tanks, you do not need to test each engine family. However, you must use good engineering judgment to determine permeation rates for the tanks. This requires that more than one fuel tank be tested for each set of treatment conditions. You may not use test data from a given tank for any other tanks that have thinner walls. You may, however, use test data from a given tank for other tanks that have thicker walls. This applies to both low-hour (*i.e.*, baseline testing) and durability testing. Note that § 1051.245 allows you to use design-based certification instead of generating new emission data.

222. Section 1051.240 is revised to read as follows:

§ 1051.240 How do I demonstrate that my engine family complies with exhaust emission standards?

(a) For purposes of certification, your engine family is considered in compliance with the applicable numerical exhaust emission standards in subpart B of this part if all emission-data vehicles representing that family have test results showing deteriorated emission levels at or below these standards. (**Note:** if you participate in the ABT program in subpart H of this part, your FELs are considered to be the applicable emission standards with which you must comply.)

(b) Your engine family is deemed not to comply if any emission-data vehicle representing that family has test results showing a deteriorated emission level above an applicable FEL or emission standard from subpart B of this part for any pollutant.

(c) To compare emission levels from the emission-data vehicle with the applicable emission standards, apply deterioration factors to the measured emission levels. Section 1051.243 specifies how to test your vehicle to develop deterioration factors that represent the deterioration expected in emissions over your vehicle's full useful life. Your deterioration factors must take into account any available data from in-use testing with similar engines. Small-volume manufacturers may use assigned deterioration factors that we establish. Apply deterioration factors as follows:

(1) For vehicles that use aftertreatment technology, such as catalytic converters, use a multiplicative deterioration factor for exhaust emissions. A multiplicative deterioration factor for a pollutant is the ratio of exhaust emissions at the end of the useful life and exhaust emissions at the low-hour test point. In these cases, adjust the official emission results for each tested vehicle or engine at the selected test point by multiplying the measured emissions by the deterioration factor. If the factor is less than one, use one. Multiplicative deterioration factors must be specified to three significant figures.

(2) For vehicles that do not use aftertreatment technology, use an additive deterioration factor for exhaust emissions. An additive deterioration factor for a pollutant is the difference between exhaust emissions at the end of the useful life and exhaust emissions at the low-hour test point. In these cases, adjust the official emission results for each tested vehicle or engine at the selected test point by adding the factor to the measured emissions. If the factor is less than zero, use zero. Additive deterioration factors must be specified to one more decimal place than the applicable standard.

(d) Collect emission data using measurements to one more decimal place than the applicable standard. Apply the deterioration factor to the official emission result, as described in paragraph (c) of this section, then round the adjusted figure to the same number of decimal places as the emission standard. Compare the rounded emission levels to the emission standard for each emission-data vehicle. In the case of $HC+NO_X$ standards, apply the deterioration factor to each pollutant and then add the results before rounding.

223. A new § 1051.243 is added to read as follows:

§ 1051.243 How do I determine deterioration factors from exhaust durability testing?

Establish deterioration factors to determine whether your engines will meet emission standards for each pollutant throughout the useful life, as described in subpart B of this part and § 1051.240. This section describes how to determine deterioration factors, either with pre-existing test data or with new emission measurements.

(a) You may ask us to approve deterioration factors for an engine family based on emission measurements from similar vehicles or engines if you have already given us these data for certifying other vehicles in the same or earlier model years. Use good engineering judgment to decide whether the two vehicles or engines are similar. We will approve your request if you show us that the emission measurements from other vehicles or engines reasonably represent in-use

deterioration for the engine family for which you have not yet determined deterioration factors.

(b) If you are unable to determine deterioration factors for an engine family under paragraph (a) of this section, select vehicles, engines, subsystems, or components for testing. Determine deterioration factors based on service accumulation and related testing to represent the deterioration expected from in-use vehicles over the full useful life, as follows:

(1) You must measure emissions from the emission-data vehicle at a low-hour test point and the end of the useful life. You may also test at intermediate points.

(2) Operate the vehicle or engine over a representative duty cycle for a period at least as long as the useful life (in hours or kilometers). You may operate the vehicle or engine continuously.

(3) You may perform maintenance on emission-data vehicles as described in § 1051.125 and 40 CFR part 1065, subpart E.

(4) Use a linear least-squares fit of your test data for each pollutant to calculate your deterioration factor.

(5) Use good engineering judgment for all aspects of the effort to establish deterioration factors under this paragraph (b).

(6) You may use other testing methods to determine deterioration factors, consistent with good engineering judgment.

(c) Include the following information in your application for certification:

(1) If you use test data from a different engine family, explain why this is appropriate and include all the emission measurements on which you base the deterioration factor.

(2) If you do testing to determine deterioration factors, describe the form and extent of service accumulation, including a rationale for selecting the service-accumulation period and the method you use to accumulate hours.

224. Section 1051.245 is amended by revising paragraphs (a) introductory text, (b), (c), and (d) to read as follows:

§ 1051.245 How do I demonstrate that my engine family complies with evaporative emission standards?

(a) For purposes of certification, your engine family is considered in compliance with the evaporative emission standards in subpart B of this part if you do either of the following:

* * * * *

(b) Your engine family is deemed not to comply if any fuel tank or fuel line representing that family has test results showing a deteriorated emission level above the standard.

(c) To compare emission levels with the emission standards, apply deterioration factors to the measured emission levels. For permeation emissions, use the following procedures to establish an additive deterioration factor, as described in § 1051.240(c)(2):

(1) Section 1051.515 specifies how to test your fuel tanks to develop deterioration factors. Small-volume manufacturers may use assigned deterioration factors that we establish. Apply the deterioration factors as follows:

(i) Calculate the deterioration factor from emission tests performed before and after the durability tests as described in § 1051.515(c) and (d), using good engineering judgment. The durability tests described in § 1051.515(d) represent the minimum requirements for determining a deterioration factor. You may not use a deterioration factor that is less than the difference between evaporative emissions before and after the durability tests as described in § 1051.515(c) and (d).

(ii) Do not apply the deterioration factor to test results for tanks that have already undergone these durability tests.

(2) Determine the deterioration factor for fuel lines using good engineering judgment.

(d) Collect emission data using measurements to one more decimal place than the applicable standard. Apply the deterioration factor to the official emission result, as described in paragraph (c) of this section, then round the adjusted figure to the same number of decimal places as the emission standard. Compare the rounded emission levels to the emission standard for each emission-data vehicle.

* * * * *

225. Section 1051.250 is revised to read as follows:

§ 1051.250 What records must I keep and make available to EPA?

(a) Organize and maintain the following records:

(1) A copy of all applications and any summary information you send us.

(2) Any of the information we specify in § 1051.205 that you were not required to include in your application.

(3) A detailed history of each emission-data vehicle. For each vehicle, describe all of the following:

(i) The emission-data vehicle's construction, including its origin and buildup, steps you took to ensure that it represents production vehicles, any components you built specially for it, and all the components you include in your application for certification.

(ii) How you accumulated vehicle or engine operating hours, including the dates and the number of hours accumulated.

(iii) All maintenance, including modifications, parts changes, and other service, and the dates and reasons for the maintenance.

(iv) All your emission tests, including documentation on routine and standard tests, as specified in 40 CFR part 1065, and the date and purpose of each test.

(v) All tests to diagnose engine or emission-control performance, giving the date and time of each and the reasons for the test.

(vi) Any other significant events.

(4) Production figures for each engine family divided by assembly plant.

(5) Keep a list of engine identification numbers for all the engines you produce under each certificate of conformity.

(b) Keep data from routine emission tests (such as test cell temperatures and relative humidity readings) for one year after we issue the associated certificate of conformity. Keep all other information specified in paragraph (a) of this section for eight years after we issue your certificate.

(c) Store these records in any format and on any media, as long as you can promptly send us organized, written records in English if we ask for them. You must keep these records readily available. We may review them at any time.

(d) Send us copies of any maintenance instructions or explanations if we ask for them.

226. Section 1051.255 is revised to read as follows:

§ 1051.255 What decisions may EPA make regarding my certificate of conformity?

(a) If we determine your application is complete and shows that the engine family meets all the requirements of this part and the Act, we will issue a certificate of conformity for your engine family for that model year. We may make the approval subject to additional conditions.

(b) We may deny your application for certification if we determine that your engine family fails to comply with emission standards or other requirements of this part or the Act. Our decision may be based on a review of all information available to us. If we deny your application, we will explain why in writing.

(c) In addition, we may deny your application or suspend or revoke your certificate if you do any of the following:

(1) Refuse to comply with any testing or reporting requirements.

(2) Submit false or incomplete information (paragraph (e) of this section applies if this is fraudulent).

(3) Render inaccurate any test data.

(4) Deny us from completing authorized activities despite our presenting a warrant or court order (*see* 40 CFR 1068.20). This includes a failure to provide reasonable assistance.

(5) Produce engines for importation into the United States at a location where local law prohibits us from carrying out authorized activities.

(6) Fail to supply requested information or amend your application to include all engines being produced.

(7) Take any action that otherwise circumvents the intent of the Act or this part.

(d) We may void your certificate if you do not keep the records we require or do not give us information when we ask for it.

(e) We may void your certificate if we find that you intentionally submitted false or incomplete information.

(f) If we deny your application or suspend, revoke, or void your certificate, you may ask for a hearing (*see* § 1051.820).

227. The heading for subpart D is revised to read as follows:

Subpart D—Testing Production-line Vehicles and Engines

228. Section 1051.301 is amended by revising paragraph (a) and adding paragraph (h) to read as follows:

§ 1051.301 When must I test my production-line vehicles or engines?

(a) If you produce vehicles that are subject to the requirements of this part, you must test them as described in this subpart. If your vehicle is certified to g/kW-hr standards, then test the engine; otherwise, test the vehicle. The provisions of this subpart do not apply to small-volume manufacturers.

* * * * *

(h) Vehicles certified to the following standards are exempt from the production-line testing requirements of this subpart if they are certified without participating in the averaging, banking, and trading program described in subpart H of this part:

(1) Phase 1 or Phase 2 standards in § 1051.103.

(2) Phase 1 standards in §§ 1051.105.

(3) Phase 1 standards in § 1051.107.

(4) The standards in § 1051.615.

(5) The standards in § 1051.145(b).

229. Section 1051.305 is amended by revising paragraphs (d)(1), (e), (f), and (g) to read as follows:

§ 1051.305 How must I prepare and test my production-line vehicles or engines?

* * * * *

(d) * * *

(1) We may adjust or require you to adjust idle speed outside the physically adjustable range as needed only until the vehicle or engine has stabilized emission levels (*see* paragraph (e) of this section). We may ask you for information needed to establish an alternate minimum idle speed.

* * * * *

(e) *Stabilizing emission levels.* Before you test production-line vehicles or engines, you may operate the vehicle or engine to stabilize the emission levels. Using good engineering judgment, operate your vehicles or engines in a way that represents the way they will be used. You may operate each vehicle or engine for no more than the greater of two periods:

(1) 50 hours or 500 kilometers.

(2) The number of hours or kilometers you operated the emission-data vehicle used for certifying the engine family (*see* 40 CFR part 1065, subpart E, or the applicable regulations governing how you should prepare your test vehicle or engine).

(f) *Damage during shipment.* If shipping a vehicle or engine to a remote facility for production-line testing makes necessary an adjustment or repair, you must wait until after the initial emission test to do this work. We may waive this requirement if the test would be impossible or unsafe, or if it would permanently damage the vehicle or engine. Report to us, in your written report under § 1051.345, all adjustments or repairs you make on test vehicles or engines before each test.

(g) *Retesting after invalid tests.* You may retest a vehicle or engine if you determine an emission test is invalid under subpart F of this part. Explain in your written report reasons for invalidating any test and the emission results from all tests. If you retest a vehicle or engine, you may ask us to substitute results of the new tests for the original ones. You must ask us within ten days of testing. We will generally answer within ten days after we receive your information.

230. Section 1051.310 is amended by revising paragraphs (c) introductory text, (c)(2), (f), (g), and (i) to read as follows:

§ 1051.310 How must I select vehicles or engines for production-line testing?

* * * * *

(c) Calculate the required sample size for each engine family. Separately calculate this figure for HC, NO_X (or $HC+NO_X$), and CO (and other regulated pollutants). The required sample size is the greater of these calculated values. Use the following equation:

$$N = \left[\frac{(t_{95} \times \sigma)}{(x - STD)} \right]^2 + 1$$

Where:

N = Required sample size for the model year.

t_{95} = 95% confidence coefficient, which depends on the number of tests completed, n, as specified in the table in paragraph (c)(1) of this section. It defines 95% confidence intervals for a one-tail distribution.

x = Mean of emission test results of the sample.

STD = Emission standard (or family emission limit, if applicable).

σ = Test sample standard deviation (*see* paragraph (c)(2) of this section).

n = The number of tests completed in an engine family.

* * * * *

(2) Calculate the standard deviation, σ, for the test sample using the following formula:

$$\sigma = \sqrt{\frac{\sum (X_i - x)^2}{n - 1}}$$

Where:

X_i = Emission test result for an individual vehicle or engine.

* * * * *

(f) Distribute the remaining vehicle or engine tests evenly throughout the rest of the year. You may need to adjust your schedule for selecting vehicles or engines if the required sample size changes. Continue to randomly select vehicles or engines from each engine family.

(g) Continue testing any engine family for which the sample mean, x, is greater than the emission standard. This applies if the sample mean for either HC, NO_X (or $HC+NO_X$), or CO (or other regulated pollutants) is greater than the emission standard. Continue testing until one of the following things happens:

(1) The number of tests completed in an engine family, n, is greater than the required sample size, N, and the sample mean, x, is less than or equal to the emission standard. For example, if N = 3.1 after the third test, the sample-size calculation does not allow you to stop testing.

(2) The engine family does not comply according to § 1051.315.

(3) You test 30 vehicles or engines from the engine family.

(4) You test five engines and one percent of your projected annual U.S.-directed production volume for the engine family.

(5) You choose to declare that the engine family fails the requirements of this subpart.

* * * * *

(i) You may elect to test more randomly chosen vehicles or engines than we require under this section. Include these vehicles or engines in the sample-size calculations.

231. Section 1051.325 is amended by revising paragraph (d) to read as follows:

§ 1051.325 What happens if an engine family fails the production-line requirements?

* * * * *

(d) Section 1051.335 specifies steps you must take to remedy the cause of the engine family's production-line failure. All the vehicles you have produced since the end of the last test period are presumed noncompliant and should be addressed in your proposed remedy. We may require you to apply the remedy to engines produced earlier if we determine that the cause of the failure is likely to have affected the earlier engines.

* * * * *

232. Section 1051.345 is amended by revising paragraphs (a) introductory text, (a)(5), and (a)(10) to read as follows:

§ 1051.345 What production-line testing records must I send to EPA?

* * * * *

(a) Within 30 calendar days of the end of each test period, send us a report with the following information:

* * * * *

(5) Identify how you accumulated hours of operation on the vehicles or engines and describe the procedure and schedule you used.

* * * * *

(10) State the date the test period ended for each engine family.

* * * * *

233. Section 1051.350 is amended by revising paragraph (a) introductory text to read as follows:

§ 1051.350 What records must I keep?

(a) Organize and maintain your records as described in this section. We may review your records at any time.

* * * * *

234. Section 1051.501 is amended by revising the introductory text and paragraphs (a) and (b) and adding paragraph (e)(3) to read as follows:

§ 1051.501 What procedures must I use to test my vehicles or engines?

This section describes test procedures that you used to determine whether vehicles meet the emission standards of this part. *See* § 1051.235 to determine when testing is required for certification. *See* subpart D of this part for the production-line testing requirements.

(a) *Snowmobiles.* For snowmobiles, use the equipment and procedures for spark-ignition engines in part 1065 of this chapter to determine whether your snowmobiles meet the duty-cycle emission standards in § 1051.103. Measure the emissions of all the pollutants we regulate in § 1051.103 using the dilute sampling procedures in 40 CFR part 1065. For steady-state testing, you may use raw-gas sampling methods (such as those described in 40 CFR part 91), as long as they have been shown to produce measurements equivalent to the dilute sampling methods specified in 40 CFR part 1065. Use the duty cycle specified in § 1051.505.

(b) *Motorcycles and ATVs.* For motorcycles and ATVs, use the equipment, procedures, and duty cycle in 40 CFR part 86, subpart F, to determine whether your vehicles meet the exhaust emission standards in § 1051.105 or § 1051.107. Measure the emissions of all the pollutants we regulate in § 1051.105 or § 1051.107. If we allow you to certify ATVs based on engine testing, use the equipment, procedures, and duty cycle described or referenced in the section that allows engine testing. For motorcycles with engine displacement at or below 169 cc and all ATVs, use the driving schedule in paragraph (c) of Appendix I to 40 CFR part 86. For all other motorcycles, use the driving schedule in paragraph (b) of Appendix I to part 86. With respect to vehicle-speed governors, test motorcycles and ATVs in their ungoverned configuration, unless we approve in advance testing in a governed configuration. We will only approve testing in a governed configuration if you can show that the governor is permanently installed on all production vehicles and is unlikely to be removed in use. With respect to engine-speed governors, test motorcycles and ATVs in their governed configuration.

* * * * *

(e) * * *

(3) You may test engines using a test speed based on the point of maximum power if that represents in-use operation better than testing based on maximum test speed.

* * * * *

235. Section 1051.505 is amended by revising paragraph (a) before the table and paragraphs (b)(3), (e), and (f) introductory text to read as follows:

§ 1051.505 What special provisions apply for testing snowmobiles?

(a) Measure emissions by testing the engine on a dynamometer with the following duty cycle to determine whether it meets the emission standards in § 1051.103:

* * * * *

(b) * * *

(3) Keep engine torque under 5 percent of maximum test torque.

* * * * *

(e) See 40 CFR part 1065 for detailed specifications of tolerances and calculations.

(f) You may test snowmobiles at ambient temperatures below 20° C or using intake air temperatures below 20° C if you show that such testing complies with 40 CFR 1065.10(c)(1). You must get our approval before you begin the emission testing. For example, the following approach would be appropriate to show that such testing complies with 40 CFR 1065.10(c)(1):

* * * * *

236. Section 1051.515 is amended by revising paragraphs (a)(5) and (b) to read as follows:

§ 1051.515 How do I test my fuel tank for permeation emissions?

* * * * *

(a) * * *

(5) Seal the fuel tank using fuel caps and other fittings (excluding petcocks) that would be used to seal openings in a production fuel tank. In cases where openings are not normally sealed on the fuel tank (such as hose-connection fittings and vents in fuel caps), these openings may be sealed using nonpermeable fittings such as metal or fluoropolymer plugs.

(b) *Permeation test run.* To run the test, take the following steps for a tank that was preconditioned as specified in paragraph (a) of this section:

(1) Weigh the sealed fuel tank and record the weight to the nearest 0.1 grams. You may use less precise weights as long as the difference in mass from the start of the test to the end of the test has at least three significant figures. Take this measurement within 8 hours of filling the tank with test fuel as specified in paragraph (a)(3) of this section.

(2) Carefully place the tank within a ventilated, temperature-controlled room or enclosure. Do not spill or add any fuel.

(3) Close the room or enclosure and record the time.

(4) Ensure that the measured temperature in the room or enclosure is 28 ± 2 °C.

(5) Leave the tank in the room or enclosure for 14 days.

(6) Hold the temperature of the room or enclosure to 28 ± 2 °C; measure and record the temperature at least daily.

(7) At the end of the soak period, weigh the sealed fuel tank and record the weight to the nearest 0.1 grams. You may use less precise weights as long as the difference in mass from the start of the test to the end of the test has at least three significant figures. Unless the same fuel is used in the preconditioning fuel soak and the permeation test run, record weight measurements on five separate days per week of testing. The test is void if a linear plot of tank weight vs. test days for the full soak period for permeation testing specified in paragraph (b)(5) of this section yields an R-squared value below 0.8.

(8) Subtract the weight of the tank at the end of the test from the weight of the tank at the beginning of the test; divide the difference by the internal surface area of the fuel tank. Divide this g/m^2 value by the number of test days (using at least three significant figures) to calculate the g/m^2/day emission rate. Example: If a tank with an internal surface area of 0.72 m^2 weighed 31882.3 grams at the beginning of the test and weighed 31760.2 grams after soaking for 14.03 days, then the g/m^2/day emission rate would be—

(31882.3 g–31813.8 g) / 0.72 m^2 / 14.03 days = 6.78 g/m^2/day.

(9) Round your result to the same number of decimal places as the emission standard.

(10) In cases where consideration of permeation rates, using good engineering judgment, leads you to conclude that soaking for 14 days is not long enough to measure weight change to at least three significant figures, you may soak for 14 days longer. In this case, repeat the steps in paragraphs (b)(8) and (9) of this section to determine the weight change for the full 28 days.

* * * * *

237. Section 1051.520 is revised to read as follows:

§ 1051.520 How do I perform exhaust durability testing?

Sections 1051.240 and 1051.243 describe the method for testing that must be performed to establish deterioration factors for an engine family.

238. Section 1051.605 is revised to read as follows:

§ 1051.605 What provisions apply to engines already certified under the motor-vehicle program or the Large Spark-ignition program?

(a) *General provisions.* If you are an engine manufacturer, this section allows you to introduce into commerce new recreational vehicles, and engines for recreational vehicles, if the engines are already certified to the requirements that apply to spark-ignition engines under 40 CFR parts 85 and 86 or 40 CFR part 1048 for the appropriate model year. If you comply with all the provisions of this section, we consider the certificate issued under 40 CFR part 86 or 1048 for each engine to also be a valid certificate of conformity under this part 1051 for its model year, without a separate application for certification under the requirements of this part 1051. See § 1051.610 for similar provisions that apply to vehicles that are already certified to the vehicle-based standards for motor vehicles.

(b) *Vehicle-manufacturer provisions.* If you are not an engine manufacturer, you may install an engine certified for the appropriate model year under 40 CFR part 86 or 1048 in a recreational vehicle as long as the engine has been properly labeled as specified in paragraphs (d)(4) through (6) of this section and you do not make any of the changes described in paragraph (d)(2) of this section. If you modify the non-recreational engine in any of the ways described in paragraph (d)(2) of this section for installation in a recreational vehicle, we will consider you a manufacturer of recreational vehicles. Such engine modifications prevent you from using the provisions of this section.

(c) *Liability.* Engines for which you meet the requirements of this section are exempt from all the requirements and prohibitions of this part, except for those specified in this section. Engines exempted under this section must meet all the applicable requirements from 40 CFR parts 85 and 86 or 40 CFR part 1048. This paragraph (c) applies to engine manufacturers, vehicle manufacturers who use such an engine, and all other persons as if the engine were used in its originally intended application. The prohibited acts of 40 CFR 1068.101(a)(1) apply to these new engines and vehicles; however, we consider the certificate issued under 40 CFR part 86 or 1048 for each engine to also be a valid certificate of conformity under this part 1051 for its model year. If we make a determination that these engines do not conform to the regulations during their useful life, we may require you to recall them under this part 1051 or under 40 CFR part 85 or 1068.505.

(d) *Specific requirements.* If you are an engine manufacturer and meet all the following criteria and requirements regarding your new engine, the vehicle using the engine is eligible for an exemption under this section:

(1) Your engine must be covered by a valid certificate of conformity issued under 40 CFR part 86 or 1048.

(2) You must not make any changes to the certified engine that could reasonably be expected to increase its exhaust emissions for any pollutant, or its evaporative emissions. For example, if you make any of the following changes to one of these engines, you do not qualify for this exemption:

(i) Change any fuel system or evaporative system parameters from the certified configuration (this does not apply to refueling controls).

(ii) Change, remove, or fail to properly install any other component, element of design, or calibration specified in the engine manufacturer's application for certification. This includes aftertreatment devices and all related components.

(iii) Modify or design the engine cooling system so that temperatures or heat rejection rates are outside the original engine manufacturer's specified ranges.

(3) You must show that fewer than 50 percent of the engine model's total sales for the model year, from all companies, are used in recreational vehicles, as follows:

(i) If you are the original manufacturer of the engine, base this showing on your sales information.

(ii) In all other cases, you must get the original manufacturer of the engine to confirm this based on its sales information.

(4) You must ensure that the engine has the emission control information label we require under 40 CFR part 86 or 1048.

(5) You must add a permanent supplemental label to the engine in a position where it will remain clearly visible after installation in the vehicle. In the supplemental label, do the following:

(i) Include the heading: ''RECREATIONAL VEHICLE EMISSION CONTROL INFORMATION''.

(ii) Include your full corporate name and trademark. You may instead include the full corporate name and trademark of another company you choose to designate.

(iii) State: ''THIS ENGINE WAS ADAPTED FOR A RECREATIONAL USE WITHOUT AFFECTING ITS EMISSION CONTROLS.''.

(iv) State the date you finished installation (month and year), if applicable.

(6) The original and supplemental labels must be readily visible after the engine is installed in the vehicle or, if

the vehicle obscures the engine's emission control information label, make sure the vehicle manufacturer attaches duplicate labels, as described in 40 CFR 1068.105.

(7) Send the Designated Compliance Officer a signed letter by the end of each calendar year (or less often if we tell you) with all the following information:

(i) Identify your full corporate name, address, and telephone number.

(ii) List the engine models you expect to produce under this exemption in the coming year.

(iii) State: ''We produce each listed engine model for recreational application without making any changes that could increase its certified emission levels, as described in 40 CFR 1051.605.''.

(e) *Failure to comply.* If your engines do not meet the criteria listed in paragraph (d) of this section, they will be subject to the standards, requirements, and prohibitions of this part 1051 and the certificate issued under 40 CFR part 86 or 1048 will not be deemed to also be a certificate issued under this part 1051. Introducing these engines into commerce without a valid exemption or certificate of conformity under this part violates the prohibitions in 40 CFR 1068.101(a)(1).

(f) *Data submission.* We may require you to send us emission test data on any applicable nonroad duty cycles.

(g) *Participation in averaging, banking and trading.* Engines adapted for recreational use under this section may not generate or use emission credits under this part 1051. These engines may generate credits under the ABT provisions in 40 CFR part 86. These engines must use emission credits under 40 CFR part 86 if they are certified to an FEL that exceeds an applicable standard.

239. Section 1051.610 is revised to read as follows:

§ 1051.610 What provisions apply to vehicles already certified under the motor-vehicle program?

(a) *General provisions.* If you are a motor-vehicle manufacturer, this section allows you to introduce new recreational vehicles into commerce if the vehicle is already certified to the requirements that apply under 40 CFR parts 85 and 86. If you comply with all of the provisions of this section, we consider the certificate issued under 40 CFR part 86 for each motor vehicle to also be a valid certificate of conformity for the engine under this part 1051 for its model year, without a separate application for certification under the requirements of this part 1051. This section applies especially for highway motorcycles that are modified for recreational nonroad use. See § 1051.605 for similar provisions that apply to motor-vehicle engines or Large SI engines produced for recreational vehicles.

(b) *Nonroad vehicle-manufacturer provisions.* If you are not a motor-vehicle manufacturer, you may produce recreational vehicles from motor vehicles under this section as long as the recreational vehicle has the labels specified in paragraphs (d)(4) through (6) of this section and you do not make any of the changes described in paragraph (d)(2) of this section. If you modify the motor vehicle or its engine in any of the ways described in paragraph (d)(2) of this section, we will consider you a manufacturer of a new recreational vehicle. Such modifications prevent you from using the provisions of this section.

(c) *Liability.* Engines and vehicles for which you meet the requirements of this section are exempt from all the requirements and prohibitions of this part, except for those specified in this section. Engines exempted under this section must meet all the applicable requirements from 40 CFR parts 85 and 86. This applies to engine manufacturers, vehicle manufacturers, and all other persons as if the recreational vehicles were motor vehicles. The prohibited acts of 40 CFR 1068.101(a)(1) apply to these new recreational vehicles; however, we consider the certificate issued under 40 CFR part 86 for each motor vehicle to also be a valid certificate of conformity for the recreational vehicle under this part 1051 for its model year. If we make a determination that these engines or vehicles do not conform to the regulations during their useful life, we may require you to recall them under 40 CFR part 86 or 40 CFR 1068.505.

(d) *Specific requirements.* If you are a motor-vehicle manufacturer and meet all the following criteria and requirements regarding your new recreational vehicle and its engine, the vehicle is eligible for an exemption under this section:

(1) Your vehicle must be covered by a valid certificate of conformity as a motor vehicle issued under 40 CFR part 86.

(2) You must not make any changes to the certified vehicle that we could reasonably expect to increase its exhaust emissions for any pollutant, or its evaporative emissions if it is subject to evaporative-emission standards. For example, if you make any of the following changes, you do not qualify for this exemption:

(i) Change any fuel system parameters from the certified configuration.

(ii) Change, remove, or fail to properly install any other component, element of design, or calibration specified in the vehicle manufacturer's application for certification. This includes aftertreatment devices and all related components.

(iii) Modify or design the engine cooling system so that temperatures or heat rejection rates are outside the original vehicle manufacturer's specified ranges.

(iv) Add more than 500 pounds to the curb weight of the originally certified motor vehicle.

(3) You must show that fewer than 50 percent of the total sales as a motor vehicle or a recreational vehicle, from all companies, are used in recreational vehicles, as follows:

(i) If you are the original manufacturer of the vehicle, base this showing on your sales information.

(ii) In all other cases, you must get the original manufacturer of the vehicle to confirm this based on their sales information.

(4) The vehicle must have the vehicle emission control information we require under 40 CFR part 86.

(5) You must add a permanent supplemental label to the vehicle in a position where it will remain clearly visible. In the supplemental label, do the following:

(i) Include the heading: ''RECREATIONAL VEHICLE ENGINE EMISSION CONTROL INFORMATION''.

(ii) Include your full corporate name and trademark. You may instead include the full corporate name and trademark of another company you choose to designate.

(iii) State: ''THIS VEHICLE WAS ADAPTED FOR RECREATIONAL USE WITHOUT AFFECTING ITS EMISSION CONTROLS.''.

(iv) State the date you finished modifying the vehicle (month and year), if applicable.

(6) The original and supplemental labels must be readily visible in the fully assembled vehicle.

(7) Send the Designated Compliance Officer a signed letter by the end of each calendar year (or less often if we tell you) with all the following information:

(i) Identify your full corporate name, address, and telephone number.

(ii) List the vehicle models you expect to produce under this exemption in the coming year.

(iii) State: ''We produced each listed engine or vehicle model for recreational application without making any changes that could increase its certified emission

levels, as described in 40 CFR 1051.610.''.

(e) *Failure to comply.* If your engines or vehicles do not meet the criteria listed in paragraph (d) of this section, the engines will be subject to the standards, requirements, and prohibitions of this part 1051, and the certificate issued under 40 CFR part 86 will not be deemed to also be a certificate issued under this part 1051. Introducing these engines into commerce without a valid exemption or certificate of conformity under this part violates the prohibitions in 40 CFR 1068.101(a)(1).

(f) *Data submission.* We may require you to send us emission test data on any applicable nonroad duty cycles.

(g) *Participation in averaging, banking and trading.* Vehicles adapted for recreational use under this section may not generate or use emission credits under this part 1051. These engines may generate credits under the ABT provisions in 40 CFR part 86. These engines must use emission credits under 40 CFR part 86 if they are certified to an FEL that exceeds an applicable standard.

240. Section 1051.615 is amended by revising paragraphs (a) introductory text and (b) introductory text, redesignating paragraph (e) as paragraph (f), and adding a new paragraph (e) to read as follows:

§ 1051.615 What are the special provisions for certifying small recreational engines?

(a) You may certify ATVs with engines that have total displacement of less than 100 cc to the following exhaust emission standards instead of certifying them to the exhaust emission standards of subpart B of this part:

* * * * *

(b) You may certify off-highway motorcycles with engines that have total displacement of 70 cc or less to the following exhaust emission standards instead of certifying them to the exhaust emission standards of subpart B of this part:

* * * * *

(e) For ATVs certified to the standards in this section, use the following equation to determine the normalized emission rate required by § 1051.135(g):

$NER = 0.250 \times \log(HC + NO_X) = 0.250$

Where:

$HC + NO_X$ is the sum of the cycle-weighted emission rates for hydrocarbons and oxides of nitrogen in g/kW-hr.

* * * * *

241. Section 1051.620 is amended by revising paragraph (b)(1)(vi) to read as follows:

§ 1051.620 When may a manufacturer obtain an exemption for competition recreational vehicles?

* * * * *

(b) * * *

(1) * * *

(vi) The absence of a functional seat. (For example, a seat with less than 30 square inches of seating surface would generally not be considered a functional seat).

* * * * *

242. A new § 1051.645 is added to read as follows:

§ 1051.645 What special provisions apply to branded engines?

The following provisions apply if you identify the name and trademark of another company instead of your own on your emission control information label, as provided by § 1051.135(c)(2):

(a) You must have a contractual agreement with the other company that obligates that company to take the following steps:

(1) Meet the emission warranty requirements that apply under § 1051.120. This may involve a separate agreement involving reimbursement of warranty-related expenses.

(2) Report all warranty-related information to the certificate holder.

(b) In your application for certification, identify the company whose trademark you will use and describe the arrangements you have made to meet your requirements under this section.

(c) You remain responsible for meeting all the requirements of this chapter, including warranty and defect-reporting provisions.

243. Section 1051.701 is amended by revising paragraphs (a), (c), and (d) and adding paragraphs (e), (f), and (g) to read as follows:

§ 1051.701 General provisions.

(a) You may average, bank, and trade emission credits for purposes of certification as described in this subpart to show compliance with the standards of this part. To do this you must certify your engines to Family Emission Limits (FELs) and show that your average emission levels are below the applicable standards in subpart B of this part, or that you have sufficient credits to offset a credit deficit for the model year (as calculated in § 1051.720).

* * * * *

(c) The definitions of Subpart I of this part apply to this subpart. The following definitions also apply:

(1) *Actual emission credits* means emission credits you have generated that we have verified by reviewing your final report.

(2) *Average standard* means a standard that allows you to comply by averaging all your vehicles under this part. See subpart B of this part to determine which standards are average standards.

(3) *Averaging set* means a set of engines in which emission credits may be exchanged only with other engines in the same averaging set.

(4) *Broker* means any entity that facilitates a trade of emission credits between a buyer and seller.

(5) *Buyer* means the entity that receives emission credits as a result of a trade.

(6) *Reserved emission credits* means emission credits you have generated that we have not yet verified by reviewing your final report.

(7) *Seller* means the entity that provides emission credits during a trade.

(8) *Trade* means to exchange emission credits, either as a buyer or seller.

(d) In your application for certification, base your showing of compliance on projected production volumes for vehicles whose point of first retail sale is in the United States. As described in § 1051.730, compliance with the requirements of this subpart is determined at the end of the model year based on actual production volumes for vehicles whose point of first retail sale is in the United States. Do not include any of the following vehicles to calculate emission credits:

(1) Vehicles exempted under subpart G of this part or under 40 CFR part 1068.

(2) Exported vehicles.

(3) Vehicles not subject to the requirements of this part, such as those excluded under § 1051.5.

(4) Vehicles for which the location of first retail sale is in a state that has applicable emission regulations for that model year. For example, you may not include vehicles sold in California if it has emission standards for these engines, and you may not include vehicles sold in other states that adopt California's emission standards under Clean Air Act section 177.

(5) Any other vehicles, where we indicate elsewhere in this part 1051 that they are not to be included in the calculations of this subpart.

(e) You may not use emission credits generated under this subpart to offset any emissions that exceed an FEL or standard. This applies for all testing, including certification testing, in-use testing, selective enforcement audits, and other production-line testing. However, if emissions from an engine exceed an FEL or standard (for example, during a selective enforcement audit),

you may use emission credits to recertify the engine family with a higher FEL that applies only to future production.

(f) Emission credits may be used in the model year they are generated or in future model years. Emission credits may not be used for past model years.

(g) You may increase or decrease an FEL during the model year by amending your application for certification under § 1051.225. The new FEL may apply only to engines you have not already introduced into commerce.

244. Section 1051.705 is amended by revising paragraphs (a) and (b) and adding paragraph (e) to read as follows:

§ 1051.705 How do I average emission levels?

(a) As specified in subpart B of this part, certify each vehicle to an FEL, subject to the FEL caps in subpart B of this part.

(b) Calculate a preliminary average emission level according to § 1051.720 for each averaging set using projected U.S.-directed production volumes from your application for certification.

* * * * *

(e) If your average emission level is above the allowable average standard, you must obtain enough emission credits to offset the deficit by the due date for the final report required in § 1051.730. The emission credits used to address the deficit may come from emission credits you have banked or from emission credits you obtain through trading.

245. Section 1051.710 is revised to read as follows:

§ 1051.710 How do I generate and bank emission credits?

(a) Banking is the retention of emission credits by the manufacturer generating the emission credits for use in averaging or trading in future model years. You may use banked emission credits only within the averaging set in which they were generated.

(b) If your average emission level is below the average standard, you may calculate credits according to § 1051.720. Credits you generate do not expire.

(c) You may generate credits if you are a certifying manufacturer.

(d) In your application for certification, designate any emission credits you intend to bank. These emission credits will be considered reserved credits. During the model year and before the due date for the final report, you may redesignate these emission credits for averaging or trading.

(e) You may use banked emission credits from the previous model year for averaging or trading before we verify them, but we may revoke these emission credits if we are unable to verify them after reviewing your reports or auditing your records.

(f) Reserved credits become actual emission credits only when we verify them in reviewing your final report.

246. Section 1051.715 is revised to read as follows:

§ 1051.715 How do I trade emission credits?

(a) Trading is the exchange of emission credits between manufacturers. You may use traded emission credits for averaging, banking, or further trading transactions. Traded emission credits may be used only within the averaging set in which they were generated.

(b) You may trade banked credits to any certifying manufacturer.

(c) You may trade actual emission credits as described in this subpart. You may also trade reserved emission credits, but we may revoke these emission credits based on our review of your records or reports or those of the company with which you traded emission credits.

(d) If a negative emission credit balance results from a transaction, both the buyer and seller are liable, except in cases we deem to involve fraud. *See* § 1051.255(e) for cases involving fraud. We may void the certificates of all engine families participating in a trade that results in a manufacturer having a negative balance of emission credits. *See* § 1051.745.

247. Section 1051.720 is amended by revising paragraphs (a)(2) and (a)(3) to read as follows:

§ 1051.720 How do I calculate my average emission level or emission credits?

(a) * * *

(2) For vehicles that have standards expressed as g/kW-hr and a useful life in kilometers, convert the useful life to kW-hr based on the maximum power output observed over the emission test and an assumed vehicle speed of 30 km/hr as follows: UL (kW-hr) = UL (km) × Maximum Test Power (kW) ÷ 30 km/hr. (**Note:** It is not necessary to include a load factor, since credit exchange is not allowed between vehicles certified to g/kW-hr standards and vehicles certified to g/km standards.)

(3) For evaporative emission standards expressed as $g/m^2/day$, use the useful life value in years multiplied by 365.24 and calculate the average emission level as:

$$\text{Emission level} = \left[\sum_i (\text{FEL})_i \times (\text{UL})_i \times (\text{Production})_i\right] / \left[\sum_i (\text{Production})_i \times (\text{UL})_i\right]$$

Where:

Production $_i$ = The number of vehicles in the engine family times the average internal surface area of the vehicles' fuel tanks.

* * * * *

248. Section 1051.725 is revised to read as follows:

§ 1051.725 What must I include in my applications for certification?

(a) You must declare in your applications for certification your intent to use the provisions of this subpart. You must also declare the FELs you select for each engine family. Your FELs must comply with the specifications of subpart B of this part, including the FEL caps. FELs must be expressed to the same number of decimal places as the applicable standards.

(b) Include the following in your application for certification:

(1) A statement that, to the best of your belief, you will not have a negative balance of emission credits for any averaging set when all emission credits are calculated at the end of the year. This means that if you believe that your average emission level will be above the standard (*i.e.*, that you will have a deficit for the model year), you must have banked credits (or project to have received traded credits) to offset the deficit.

(2) Detailed calculations of projected emission credits (positive or negative) based on projected production volumes. If you will generate positive emission credits, state specifically where the emission credits will be applied (for example, whether they will be traded or reserved for banking). If you have projected negative emission credits, state the source of positive emission credits to offset the negative emission credits. Describe whether the emission credits are actual or reserved and

whether they will come from banking, trading, or a combination of these. If you intend to rely on trading, identify from which manufacturer the emission credits will come.

249. Section 1051.730 is revised to read as follows:

§ 1051.730 What ABT reports must I send to EPA?

(a) If any of your engine families are certified using the ABT provisions of this subpart, you must send an end-of-year report within 90 days after the end of the model year and a final report within 270 days after the end of the model year. We may waive the requirement to send the end-of year report, as long as you send the final report on time.

(b) Your end-of-year and final reports must include the following information for each engine family:

(1) Engine-family designation.

(2) The emission standards that would otherwise apply to the engine family.

(3) The FEL for each pollutant. If you changed an FEL during the model year, identify each FEL you used and calculate the positive or negative emission credits under each FEL. Also, describe how the applicable FEL can be identified for each vehicle you produced. For example, you might keep a list of vehicle identification numbers that correspond with certain FEL values.

(4) The projected and actual production volumes for the model year with a point of retail sale in the United States. If you changed an FEL during the model year, identify the actual production volume associated with each FEL.

(5) For vehicles that have standards expressed as g/kW-hr, maximum engine power for each vehicle configuration, and the sales-weighted average engine power for the engine family.

(6) Useful life.

(7) Calculated positive or negative emission credits. Identify any emission credits that you traded, as described in paragraph (d)(1) of this section.

(c) Your end-of-year and final reports must include the following additional information:

(1) Show that your net balance of emission credits in each averaging set in the applicable model year is not negative.

(2) State whether you will reserve any emission credits for banking.

(3) State that the report's contents are accurate.

(d) If you trade emission credits, you must send us a report within 90 days after the transaction, as follows:

(1) As the seller, you must include the following information in your report:

(i) The corporate names of the buyer and any brokers.

(ii) A copy of any contracts related to the trade.

(iii) The engine families that generated emission credits for the trade, including the number of emission credits from each family.

(2) As the buyer, you must include the following information in your report:

(i) The corporate names of the seller and any brokers.

(ii) A copy of any contracts related to the trade.

(iii) How you intend to use the emission credits, including the number of emission credits you intend to apply to each engine family (if known).

(e) Send your reports electronically to the Designated Compliance Officer using an approved information format. If you want to use a different format, send us a written request with justification for a waiver.

(f) Correct errors in your end-of-year report or final report as follows:

(1) You may correct any errors in your end-of-year report when you prepare the final report, as long as you send us the final report by the time it is due.

(2) If you or we determine within 270 days after the end of the model year that errors mistakenly decrease your balance of emission credits, you may correct the errors and recalculate the balance of emission credits. You may not make these corrections for errors that are determined more than 270 days after the end of the model year. If you report a negative balance of emission credits, we may disallow corrections under this paragraph (f)(2).

(3) If you or we determine anytime that errors mistakenly increase your balance of emission credits, you must correct the errors and recalculate the balance of emission credits.

250. Section 1051.735 is revised to read as follows:

§ 1051.735 What records must I keep?

(a) You must organize and maintain your records as described in this section. We may review your records at any time.

(b) Keep the records required by this section for eight years after the due date for the end-of-year report. You may use any appropriate storage formats or media, including paper, microfilm, or computer diskettes.

(c) Keep a copy of the reports we require in § 1051.725 and § 1051.730.

(d) Keep the following additional records for each engine you produce under the ABT program:

(1) Engine family designation.

(2) Engine identification number.

(3) FEL and useful life.

(4) For vehicles that have standards expressed as g/kW-hr, maximum engine power.

(5) Build date and assembly plant.

(6) Purchaser and destination.

(e) We may require you to keep additional records or to send us relevant information not required by this section.

251. A new § 1051.740 is added to read as follows:

§ 1051.740 Are there special averaging provisions for snowmobiles?

For snowmobiles, you may only use credits for the same phase or set of standards against which they were generated, except as allowed by this section.

(a) *Restrictions.* (1) You may not use any Phase 1 or Phase 2 credits for Phase 3 compliance.

(2) You may not use Phase 1 HC credits for Phase 2 HC compliance. However, because the Phase 1 and Phase 2 CO standards are the same, you may use Phase 1 CO credits for compliance with the Phase 2 CO standards.

(b) *Special credits for next phase of standards.* You may choose to generate credits early for banking for purposes of compliance with later phases of standards as follows:

(1) If your corporate average emission level at the end of the model year exceeds the applicable (current) phase of standards (without the use of traded or previously banked credits), you may choose to redesignate some of your snowmobile production to a calculation to generate credits for a future phase of standards. To generate credits the snowmobiles designated must have an FEL below the emission level of that set of standards. This can be done on a pollutant specific basis.

(2) Do not include the snowmobiles that you redesignate in the final compliance calculation of your average emission level for the otherwise applicable (current) phase of standards. Your average emission level for the remaining (non-redesignated) snowmobiles must comply with the otherwise applicable (current) phase of standards.

(3) Include the snowmobiles that you redesignate in a separate calculation of your average emission level for redesignated engines. Calculate credits using this average emission level relative to the specific pollutant in the future phase of standards. These credits may be used for compliance with the future standards.

(4) For generating early Phase 3 credits, you may generate credits for $HC+NO_X$ or CO separately as described:

(i) To determine if you qualify to generate credits in accordance with

paragraphs (b)(1) through (3) of this section, you must meet the credit trigger level. For $HC+NO_X$ this value is 62 g/kW-hr (which would be the $HC+NO_X$ standard that would result from inputting the highest allowable CO standard (275 g/kW-hr) into the Phase 3 equation). For CO the value is 200 g/kW-hr (which would be the CO standard that would result from inputting the highest allowable $HC+NO_X$ standard (90 g/kW-hr) into the Phase 3 equation).

(ii) $HC+NO_X$ and CO credits for Phase 3 are calculated relative to the 62 g/kW-hr and 200 g/kW-hr values, respectively.

(5) Credits can also be calculated for Phase 3 using both sets of standards. Without regard to the trigger level values, if your net emission reduction for the redesignated averaging set exceeds the requirements of Phase 3 in § 1051.103 (using both $HC+NO_X$ and CO in the Phase 3 equation in § 1051.103), then your credits are the difference between the Phase 3 reduction requirement of that section and your calculated value.

252. A new § 1051.745 is added to read as follows:

§ 1051.745 What can happen if I do not comply with the provisions of this subpart?

(a) For each engine family participating in the ABT program, the certificate of conformity is conditional upon full compliance with the provisions of this subpart during and after the model year. You are responsible to establish to our satisfaction that you fully comply with applicable requirements. We may void the certificate of conformity for an engine family if you fail to comply with any provisions of this subpart.

(b) You may certify your engine family to an FEL above an applicable standard based on a projection that you will have enough emission credits to avoid a negative credit balance for each averaging set for the applicable model year. However, we may void the certificate of conformity if you cannot show in your final report that you have enough actual emission credits to offset a deficit for any pollutant in an engine family.

(c) We may void the certificate of conformity for an engine family if you fail to keep records, send reports, or give us information we request.

(d) You may ask for a hearing if we void your certificate under this section (*see* § 1051.820).

253. Section 1051.801 is revised to read as follows:

§ 1051.801 What definitions apply to this part?

The following definitions apply to this part. The definitions apply to all subparts unless we note otherwise. All undefined terms have the meaning the Act gives to them. The definitions follow:

Act means the Clean Air Act, as amended, 42 U.S.C. 7401–7671q.

Adjustable parameter means any device, system, or element of design that someone can adjust (including those which are difficult to access) and that, if adjusted, may affect emissions or engine performance during emission testing or normal in-use operation. This includes, but is not limited to, parameters related to injection timing and fueling rate. You may ask us to exclude a parameter that is difficult to access if it cannot be adjusted to affect emissions without significantly degrading engine performance, or if you otherwise show us that it will not be adjusted in a way that affects emissions during in-use operation.

Aftertreatment means relating to a catalytic converter, particulate filter, or any other system, component, or technology mounted downstream of the exhaust valve (or exhaust port) whose design function is to decrease emissions in the engine exhaust before it is exhausted to the environment. Exhaust-gas recirculation (EGR) and turbochargers are not aftertreatment.

All-terrain vehicle means a land-based or amphibious nonroad vehicle that meets the criteria listed in paragraph (1) of this definition; or, alternatively the criteria of paragraph (2) of this definition but not the criteria of paragraph (3) of this definition:

(1) Vehicles designed to travel on four low pressure tires, having a seat designed to be straddled by the operator and handlebars for steering controls, and intended for use by a single operator and no other passengers are all-terrain vehicles.

(2) Other all-terrain vehicles have three or more wheels and one or more seats, are designed for operation over rough terrain, are intended primarily for transportation, and have a maximum vehicle speed of 25 miles per hour or higher. Golf carts generally do not meet these criteria since they are generally not designed for operation over rough terrain.

(3) Vehicles that meet the definition of ''offroad utility vehicle'' in this section are not all-terrain vehicles. However, § 1051.1(a) specifies that some offroad utility vehicles are required to meet the same requirements as all-terrain vehicles.

Amphibious vehicle means a vehicle with wheels or tracks that is designed primarily for operation on land and secondarily for operation in water.

Auxiliary emission-control device means any element of design that senses temperature, motive speed, engine RPM, transmission gear, or any other parameter for the purpose of activating, modulating, delaying, or deactivating the operation of any part of the emission-control system.

Brake power means the usable power output of the engine, not including power required to fuel, lubricate, or heat the engine, circulate coolant to the engine, or to operate aftertreatment devices.

Calibration means the set of specifications and tolerances specific to a particular design, version, or application of a component or assembly capable of functionally describing its operation over its working range.

Certification means obtaining a certificate of conformity for an engine family that complies with the emission standards and requirements in this part.

Certified emission level means the highest deteriorated emission level in an engine family for a given pollutant from either transient or steady-state testing.

Compression-ignition means relating to a type of reciprocating, internal-combustion engine that is not a spark-ignition engine.

Crankcase emissions means airborne substances emitted to the atmosphere from any part of the engine crankcase's ventilation or lubrication systems. The crankcase is the housing for the crankshaft and other related internal parts.

Critical emission-related component means any of the following components:

(1) Electronic control units, aftertreatment devices, fuel-metering components, EGR-system components, crankcase-ventilation valves, all components related to charge-air compression and cooling, and all sensors and actuators associated with any of these components.

(2) Any other component whose primary purpose is to reduce emissions.

Designated Compliance Officer means the Manager, Engine Programs Group (6405–J), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

Designated Enforcement Officer means the Director, Air Enforcement Division (2242A), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW.,Washington, DC 20460.

Deteriorated emission level means the emission level that results from applying the appropriate deterioration factor to the official emission result of the emission-data vehicle.

Deterioration factor means the relationship between emissions at the end of useful life and emissions at the

low-hour test point, expressed in one of the following ways:

(1) For multiplicative deterioration factors, the ratio of emissions at the end of useful life to emissions at the low-hour test point.

(2) For additive deterioration factors, the difference between emissions at the end of useful life and emissions at the low-hour test point.

Emission-control system means any device, system, or element of design that controls or reduces the regulated emissions from an engine.

Emission-data vehicle means a vehicle or engine that is tested for certification. This includes vehicles or engines tested to establish deterioration factors.

Emission-related maintenance means maintenance that substantially affects emissions or is likely to substantially affect emission deterioration.

Engine configuration means a unique combination of engine hardware and calibration within an engine family. Engines within a single engine configuration differ only with respect to normal production variability.

Engine family has the meaning given in § 1051.230.

Evaporative means relating to fuel emissions that result from permeation of fuel through the fuel system materials and from ventilation of the fuel system.

Excluded means relating to an engine that either:

(1) Has been determined not to be a nonroad engine, as specified in 40 CFR 1068.30; or

(2) Is a nonroad engine that is excluded from this part 1051 under the provisions of § 1051.5.

Exempted means relating to an engine that is not required to meet otherwise applicable standards. Exempted engines must conform to regulatory conditions specified for an exemption in this part 1051 or in 40 CFR part 1068. Exempted engines are deemed to be ''subject to'' the standards of this part, even though they are not required to comply with the otherwise applicable requirements. Engines exempted with respect to a certain tier of standards may be required to comply with an earlier tier of standards as a condition of the exemption; for example, engines exempted with respect to Tier 4 standards may be required to comply with Tier 3 standards.

Exhaust-gas recirculation means a technology that reduces emissions by routing exhaust gases that had been exhausted from the combustion chamber(s) back into the engine to be mixed with incoming air before or during combustion. The use of valve timing to increase the amount of residual exhaust gas in the combustion chamber(s) that is mixed with incoming air before or during combustion is not considered exhaust-gas recirculation for the purposes of this part.

Family emission limit (FEL) means an emission level declared by the manufacturer to serve in place of an otherwise applicable emission standard under the ABT program in subpart H of this part. The family emission limit must be expressed to the same number of decimal places as the emission standard it replaces. The family emission limit serves as the emission standard for the engine family with respect to all required testing.

Fuel line means all hoses or tubing containing either liquid fuel or fuel vapor, including hoses or tubing that deliver fuel to the engine, fuel hoses or tubing on the engine, hoses or tubing for the filler neck, hoses or tubing connecting dual fuel tanks, and hose or tubing connecting a fuel tank to a carbon canister.

Fuel system means all components involved in transporting, metering, and mixing the fuel from the fuel tank to the combustion chamber(s), including the fuel tank, fuel tank cap, fuel pump, fuel filters, fuel lines, carburetor or fuel-injection components, and all fuel-system vents. In the case where the fuel tank cap or other components (excluding fuel lines) are directly mounted on the fuel tank, they are considered to be a part of the fuel tank.

Fuel type means a general category of fuels such as diesel fuel or natural gas. There can be multiple grades within a single fuel type, such as high-sulfur or low-sulfur diesel fuel.

Good engineering judgment means judgments made consistent with generally accepted scientific and engineering principles and all available relevant information. See 40 CFR 1068.5 for the administrative process we use to evaluate good engineering judgment.

Hydrocarbon (HC) means the hydrocarbon group on which the emission standards are based for each fuel type. For alcohol-fueled engines, HC means total hydrocarbon equivalent (THCE). For all other engines, HC means nonmethane hydrocarbon (NMHC).

Identification number means a unique specification (for example, a model number/serial number combination) that allows someone to distinguish a particular vehicle or engine from other similar engines.

Low-hour means relating to an engine with stabilized emissions and represents the undeteriorated emission level. This would generally involve less than 100 hours or 1,000 kilometers of operation.

Manufacturer has the meaning given in section 216(1) of the Act. In general, this term includes any person who manufactures a vehicle or engine for sale in the United States or otherwise introduces a new vehicle or engine into commerce in the United States. This includes importers that import vehicles or engines for resale.

Maximum engine power has the meaning given in 40 CFR 90.2

Maximum test power means the maximum brake power of an engine at test conditions.

Maximum test speed has the meaning we give in 40 CFR 1065.1001.

Maximum test torque has the meaning we give in 40 CFR 1065.1001.

Model year means one of the following things:

(1) For freshly manufactured vehicles (*see* definition of ''new,'' paragraph (1)), model year means one of the following:

(i) Calendar year.

(ii) Your annual new model production period if it is different than the calendar year. This must include January 1 of the calendar year for which the model year is named. It may not begin before January 2 of the previous calendar year and it must end by December 31 of the named calendar year.

(2) For an engine originally manufactured as a motor-vehicle engine or a stationary engine that is later intended to be used in a vehicle subject to the standards and requirements of this part 1051, model year means the calendar year in which the engine was originally produced (*see* definition of ''new,'' paragraph (2)).

(3) For a nonroad engine that has been previously placed into service in an application covered by 40 CFR part 90, 91, or 1048, where that engine is installed in a piece of equipment that is covered by this part 1051, model year means the calendar year in which the engine was originally produced (*see* definition of ''new ,'' paragraph (3)).

(4) For engines that are not freshly manufactured but are installed in new recreational vehicles, model year means the calendar year in which the engine is installed in the recreational vehicle (*see* definition of ''new,'' paragraph (4)).

(5) For imported engines:

(i) For imported engines described in paragraph (5)(i) of the definition of ''new,'' *model year* has the meaning given in paragraphs (1) through (4) of this definition.

(ii) For imported engines described in paragraph (5)(ii) of the definition of ''new,'' *model year* means the calendar year in which the vehicle is modified.

Motor vehicle has the meaning we give in 40 CFR 85.1703(a). In general,

motor vehicle means any vehicle that EPA deems to be capable of safe and practical use on streets or highways that has a maximum ground speed above 40 kilometers per hour (25 miles per hour) over level, paved surfaces.

New means relating to any of the following things:

(1) A freshly manufactured vehicle for which the ultimate purchaser has never received the equitable or legal title. This kind of vehicle might commonly be thought of as ''brand new.'' In the case of this paragraph (1), the vehicle becomes new when it is fully assembled for the first time. The engine is no longer new when the ultimate purchaser receives the title or the product is placed into service, whichever comes first.

(2) An engine originally manufactured as a motor-vehicle engine or a stationary engine that is later intended to be used in a vehicle subject to the standards and requirements of this part 1051. In this case, the engine is no longer a motor-vehicle or stationary engine and becomes new. The engine is no longer new when it is placed into service as a recreational vehicle covered by this part 1051.

(3) A nonroad engine that has been previously placed into service in an application covered by 40 CFR part 90, 91, or 1048, where that engine is installed in a piece of equipment that is covered by this part 1051. The engine is no longer new when it is placed into service in a recreational vehicle covered by this part 1051. For example, this would apply to a marine propulsion engine that is no longer used in a marine vessel.

(4) An engine not covered by paragraphs (1) through (3) of this definition that is intended to be installed in a new vehicle covered by this part 1051. The engine is no longer new when the ultimate purchaser receives a title for the vehicle or it is placed into service, whichever comes first. This generally includes installation of used engines in new recreational vehicles.

(5) An imported vehicle or engine, subject to the following provisions:

(i) An imported recreational vehicle or recreational-vehicle engine covered by a certificate of conformity issued under this part that meets the criteria of one or more of paragraphs (1) through (4) of this definition, where the original manufacturer holds the certificate, is new as defined by those applicable paragraphs.

(ii) An imported recreational vehicle or recreational-vehicle engine covered by a certificate of conformity issued under this part, where someone other than the original manufacturer holds the certificate (such as when the engine is modified after its initial assembly), becomes new when it is imported. It is no longer new when the ultimate purchaser receives a title for the vehicle or engine or it is placed into service, whichever comes first.

(iii) An imported recreational vehicle or recreational-vehicle engine that is not covered by a certificate of conformity issued under this part at the time of importation is new, but only if it was produced on or after the 2007 model year. This addresses uncertified engines and equipment initially placed into service that someone seeks to import into the United States. Importation of this kind of new nonroad engine (or equipment containing such an engine) is generally prohibited by 40 CFR part 1068.

Noncompliant means relating to a vehicle that was originally covered by a certificate of conformity, but is not in the certified configuration or otherwise does not comply with the conditions of the certificate.

Nonconforming means relating to vehicle not covered by a certificate of conformity that would otherwise be subject to emission standards.

Nonmethane hydrocarbon means the difference between the emitted mass of total hydrocarbons and the emitted mass of methane.

Nonroad means relating to nonroad engines or equipment that includes nonroad engines.

Nonroad engine has the meaning we give in 40 CFR 1068.30. In general this means all internal-combustion engines except motor-vehicle engines, stationary engines, engines used solely for competition, or engines used in aircraft.

Off-highway motorcycle means a two-wheeled vehicle with a nonroad engine and a seat (excluding marine vessels and aircraft). (Note: highway motorcycles are regulated under 40 CFR part 86.)

Official emission result means the measured emission rate for an emission-data vehicle on a given duty cycle before the application of any deterioration factor, but after the applicability of regeneration adjustment factors.

Offroad utility vehicle means a nonroad vehicle that has four or more wheels, seating for two or more persons, is designed for operation over rough terrain, and has either a rear payload 350 pounds or more or seating for six or more passengers. Vehicles intended primarily for recreational purposes that are not capable of transporting six passengers (such as dune buggies) are not offroad utility vehicles. (Note: § 1051.1(a) specifies that some offroad utility vehicles are required to meet the requirements that apply for all-terrain vehicles.)

Oxides of nitrogen has the meaning we give in 40 CFR part 1065.

Phase 1 means relating to Phase 1 standards of §§ 1051.103, 1051.105, or 1051.107, or other Phase 1 standards specified in subpart B of this part.

Phase 2 means relating to Phase 2 standards of § 1051.103, or other Phase 2 standards specified in subpart B of this part.

Phase 3 means relating to Phase 3 standards of § 1051.103, or other Phase 3 standards specified in subpart B of this part.

Placed into service means put into initial use for its intended purpose.

Point of first retail sale means the location at which the initial retail sale occurs. This generally means an equipment dealership, but may also include an engine seller or distributor in cases where loose engines are sold to the general public for uses such as replacement engines.

Recreational means, for purposes of this part, relating to snowmobiles, all-terrain vehicles, off-highway motorcycles, and other vehicles that we regulate under this part. Note that 40 CFR part 90 applies to engines used in other recreational vehicles.

Revoke has the meaning we give in 40 CFR 1068.30.

Round means to round numbers according to NIST Special Publication 811 (incorporated by reference in § 1051.810), unless otherwise specified.

Scheduled maintenance means adjusting, repairing, removing, disassembling, cleaning, or replacing components or systems periodically to keep a part or system from failing, malfunctioning, or wearing prematurely. It also may mean actions you expect are necessary to correct an overt indication of failure or malfunction for which periodic maintenance is not appropriate.

Small-volume manufacturer means one of the following:

(1) For motorcycles and ATVs, a manufacturer that sold motorcycles or ATVs before 2003 and had annual U.S.-directed production of no more than 5,000 off-road motorcycles and ATVs (combined number) in 2002 and all earlier calendar years. For manufacturers owned by a parent company, the limit applies to the production of the parent company and all of its subsidiaries.

(2) For snowmobiles, a manufacturer that sold snowmobiles before 2003 and had annual U.S.-directed production of no more than 300 snowmobiles in 2002

and all earlier model years. For manufacturers owned by a parent company, the limit applies to the production of the parent company and all of its subsidiaries.

(3) A manufacturer that we designate to be a small-volume manufacturer under § 1051.635.

Snowmobile means a vehicle designed to operate outdoors only over snow-covered ground, with a maximum width of 1.5 meters or less.

Spark-ignition means relating to a gasoline-fueled engine or any other type of engine with a spark plug (or other sparking device) and with operating characteristics significantly similar to the theoretical Otto combustion cycle. Spark-ignition engines usually use a throttle to regulate intake air flow to control power during normal operation.

Suspend has the meaning we give in 40 CFR 1068.30.

Test sample means the collection of engines selected from the population of an engine family for emission testing. This may include testing for certification, production-line testing, or in-use testing.

Test vehicle or engine means an engine in a test sample.

Total hydrocarbon means the combined mass of organic compounds measured by the specified procedure for measuring total hydrocarbon, expressed as a hydrocarbon with a hydrogen-to-carbon mass ratio of 1.85:1.

Total hydrocarbon equivalent means the sum of the carbon mass contributions of non-oxygenated hydrocarbons, alcohols and aldehydes, or other organic compounds that are measured separately as contained in a gas sample, expressed as exhaust hydrocarbon from petroleum-fueled engines. The hydrogen-to-carbon ratio of the equivalent hydrocarbon is 1.85:1.

Ultimate purchaser means, with respect to any new nonroad equipment or new nonroad engine, the first person who in good faith purchases such new nonroad equipment or new nonroad engine for purposes other than resale.

United States has the meaning we give in 40 CFR 1068.30.

Upcoming model year means for an engine family the model year after the one currently in production.

U.S.-directed production volume means the number of engine units, subject to the requirements of this part, produced by a manufacturer for which the manufacturer has a reasonable assurance that sale was or will be made to ultimate purchasers in the United States.

Useful life means the period during which a vehicle is required to comply with all applicable emission standards, specified as a number of kilometers, hours, and/or calendar years. If an engine has no hour meter, disregard any specified value for useful life in hours. If an engine has no odmeter, disregard any specified value for useful life in kilometers. The useful life for an engine family must be at least as long as both of the following:

(1) The expected average service life before the vehicle is remanufactured or retired from service.

(2) The minimum useful life value.

Void has the meaning we give in 40 CFR 1068.30.

We (us, our) means the Administrator of the Environmental Protection Agency and any authorized representatives.

Wide-open throttle means maximum throttle opening. Unless this is specified at a given speed, it refers to maximum throttle opening at maximum speed. For electronically controlled or other engines with multiple possible fueling rates, wide-open throttle also means the maximum fueling rate at maximum throttle opening under test conditions.

254. Section 1051.805 is amended by adding ''CFR'', ''HC'', and ''NIST'' to the table in alphabetical order to read as follows:

§ 1051.805 What symbols, acronyms, and abbreviations does this part use?

The following symbols, acronyms, and abbreviations apply to this part:

CFR—Code of Federal Regulations.

HC—hydrocarbon.

NIST—National Institute of Standards and Technology.

255. Section 1051.810 is revised to read as follows:

§ 1051.810 What materials does this part reference?

Documents listed in this section have been incorporated by reference into this part. 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.*

(a) *ASTM material.* Table 1 of this section 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., P.O. Box C700, West Conshohocken, PA 19428. Table 1 follows:

TABLE 1 OF § 1051.810—ASTM MATERIALS

Document number and name	Part 1051 reference
ASTM D471–98, Standard Test Method for Rubber Property—Effect of Liquids.	1051.501
ASTM D814–95 (reapproved 2000), Standard Test Method for Rubber Property—Vapor Transmission of Volatile Liquids.	1051.245

(b) *SAE material.* Table 2 of this section lists material from the Society of Automotive Engineering 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 Society of Automotive Engineers, 400 Commonwealth Drive, Warrendale, PA 15096. Table 2 follows:

TABLE 2 OF § 1051.810—SAE MATERIALS

Document number and name	Part 1051 reference
SAE J30, Fuel and Oil Hoses, June 1998.	1051.245, 1051.501

TABLE 2 OF § 1051.810—SAE MATERIALS—Continued

Document number and name	Part 1051 reference
SAE J1930, Electrical/Electronic Systems Diagnostic Terms, Definitions, Abbreviations, and Acronyms, May 1998.	1051.135
SAE J2260, Nonmetallic Fuel System Tubing with One or More Layers, November 1996.	1051.245

(c) *NIST material.* Table 3 of this section lists material from the National Institute of Standards and Technology 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 Government Printing Office, Washington, DC 20402 or download them from the Internet at *http://physics.nist.gov/Pubs/SP811/.* Table 3 follows:

TABLE 3 OF § 1051.810—NIST MATERIALS

Document number and name	Part 1051 reference
NIST Special Publication 811, Guide for the Use of the International System of Units (SI), 1995 Edition.	1051.801

256. Section 1051.815 is revised to read as follows:

§ 1051.815 What provisions apply to confidential information?

(a) Clearly show what you consider confidential by marking, circling, bracketing, stamping, or some other method.

(b) We will store your confidential information as described in 40 CFR part 2. Also, we will disclose it only as specified in 40 CFR part 2. This applies both to any information you send us and to any information we collect from inspections, audits, or other site visits.

(c) If you send us a second copy without the confidential information, we will assume it contains nothing confidential whenever we need to release information from it.

(d) If you send us information without claiming it is confidential, we may make it available to the public without further notice to you, as described in 40 CFR 2.204.

257. Section 1051.820 is revised to read as follows:

§ 1051.820 How do I request a hearing?

(a) You may request a hearing under certain circumstances, as described elsewhere in this part. To do this, you must file a written request, including a description of your objection and any supporting data, within 30 days after we make a decision.

(b) For a hearing you request under the provisions of this part, we will approve your request if we find that your request raises a substantial factual issue.

(c) If we agree to hold a hearing, we will use the procedures specified in 40 CFR part 1068, subpart G.

258.–259. Part 1065 is revised to read as follows:

PART 1065—ENGINE-TESTING PROCEDURES

Subpart A—Applicability and General Provisions

Sec.

1065.1 Applicability.
1065.2 Submitting information to EPA under this part.
1065.5 Overview of this part 1065 and its relationship to the standard-setting part.
1065.10 Other procedures.
1065.12 Approval of alternate procedures.
1065.15 Overview of procedures for laboratory and field testing.
1065.20 Units of measure and overview of calculations.
1065.25 Recordkeeping.

Subpart B—Equipment Specifications

1065.101 Overview.
1065.110 Dynamometers and operator demand.
1065.120 Fuel properties and fuel temperature and pressure.
1065.122 Engine fluids, heat rejection, and engine accessories.
1065.125 Engine intake air.
1065.130 Engine exhaust.
1065.140 Dilution for gaseous and PM constituents.
1065.145 Gaseous and PM probes, transfer lines, and sampling system components.
1065.150 Continuous sampling.
1065.170 Batch sampling for gaseous and PM constituents.
1065.190 PM-stabilization and weighing environments for gravimetric analysis.
1065.195 PM-stabilization environment for in-situ analyzers.

Subpart C—Measurement Instruments

1065.201 Overview and general provisions.
1065.202 Data recording and control.
1065.205 Performance specifications for measurement instruments.

MEASUREMENT OF ENGINE PARAMETERS AND AMBIENT CONDITIONS

1065.210 Speed and torque transducers.
1065.215 Pressure transducers, temperature sensors, and dewpoint sensors.

FLOW-RELATED MEASUREMENTS

1065.220 Fuel flow meter.
1065.225 Intake-air flow meter.
1065.230 Raw exhaust flow meter.
1065.240 Dilution air and diluted exhaust flow meters.
1065.245 Sample flow meter for batch sampling.
1065.248 Gas divider.

CO AND CO_2 MEASUREMENTS

1065.250 Nondispersive infra-red analyzer.

HYDROCARBON MEASUREMENTS

1065.260 Flame ionization detector.
1065.265 Nonmethane cutter.
1065.267 Gas chromatograph.

NO_X MEASUREMENTS

1065.270 Chemiluminescent detector.
1065.272 Nondispersive ultraviolet analyzer.
1065.274 Zirconia (ZrO_2) analyzer.

O_2 MEASUREMENTS

1065.280 Paramagnetic detection analyzer.
1065.284 Zirconia (ZrO_2) analyzer.

PM MEASUREMENTS

1065.290 PM gravimetric balance.
1065.295 PM inertial balance for field-testing analysis.

Subpart D—Calibrations and Performance Checks

1065.301 Overview and general provisions.
1065.303 Summary of required calibration and performance checks
1065.305 Performance checks for accuracy, repeatability, and noise.
1065.307 Linearity check.
1065.308 Continuous gas analyzer system response check.

MEASUREMENT OF ENGINE PARAMETERS AND AMBIENT CONDITIONS

1065.310 Torque calibration.
1065.315 Pressure, temperature, and dewpoint calibration.

FLOW-RELATED MEASUREMENTS

1065.320 Fuel flow calibration.
1065.325 Intake flow calibration.
1065.330 Exhaust flow calibration.
1065.340 Diluted exhaust flow (CVS) calibration.
1065.341 CVS and batch sampler verification (*i.e.*, propane check).
1065.345 Vacuum-side leak check.

CO AND CO_2 MEASUREMENTS

1065.350 H_2O interference check for CO_2 NDIR analyzers.
1065.355 H_2O and CO_2 interference check for CO NDIR analyzers.

HYDROCARBON MEASUREMENTS

1065.360 FID optimization and performance checks.
1065.362 Raw exhaust FID O_2 interference check.
1065.365 Nonmethane cutter penetration fractions determination.

NO_X MEASUREMENTS

1065.370 CLD CO_2 and H_2O quench check.
1065.372 NDUV analyzer NMHC and H_2O interference check.
1065.374 ZrO_2 NO_X analyzer NH_3 interference and NO_2 response checks.
1065.376 Chiller NO_2 penetration.
1065.378 NO_2-to-NO converter conversion check.

PM MEASUREMENTS

1065.390 PM balance and weighing process performance check.

Subpart E—Engine Selection, Preparation, and Maintenance

1065.401 Test engine selection.
1065.405 Test engine preparation and maintenance.
1065.410 Maintenance limits for stabilized test engines.
1065.415 Durability demonstration.

Subpart F—Running an Emission Test in the Laboratory

1065.501 Overview.
1065.510 Engine mapping.
1065.512 Duty cycle generation.
1065.514 Cycle validation criteria.
1065.520 Pre-test verification procedures and pre-test data collection.
1065.525 Engine starting, restarting, and shutdown.
1065.530 Emission test sequence.
1065.545 Validation of proportional flow control for batch sampling.
1065.550 Constituent analyzer range validation, drift validation, and drift correction.
1065.590 PM sample preconditioning and tare weighing.
1065.595 PM sample post-conditioning and total weighing.

Subpart G—Calculations and Data Requirements

1065.601 Overview.
1065.602 Statistics.
1065.605 Field test system overall performance check.
1065.610 Test cycle generation.
1065.630 1980 international gravity formula.
1065.640 PDP and venturi (SSV and CFV) calibration calculations.
1065.642 SSV, CFV, and PDP flow rate calculations.
1065.645 Amount of water in an ideal gas.
1065.650 Emission calculations.
1065.655 Chemical balances of fuel, intake air, and exhaust.
1065.657 Drift validation and correction.
1065.658 Noise correction.
1065.659 Removed water correction.
1065.660 THC and NMHC determination.
1065.665 THCE and NMHCE determination.
1065.667 Dilution air background emission correction.
1065.670 NO_X intake-air humidity correction.
1065.672 CLD quench check calculations.
1065.690 PM sample media buoyancy correction.
1065.695 Data requirements.

Subpart H—Engine Fluids, Test Fuels, and Analytical Gases

1065.701 General requirements for test fuels.
1065.703 Distillate diesel fuel.
1065.705 Residual fuel. [Reserved]
1065.710 Gasoline.
1065.715 Natural gas.
1065.720 Liquefied petroleum gas.
1065.740 Lubricants.
1065.745 Coolants.
1065.750 Analytical Gases.
1065.790 Mass standards.

Subpart I—Testing with Oxygenated Fuels

1065.801 Applicability.
1065.805 Sampling system.
1065.810 Calculations.

Subpart J—Field Testing

1065.901 Applicability.
1065.905 General provisions.
1065.910 Field-testing equipment.
1065.915 Measurement instruments.
1065.920 Calibrations and performance checks.
1065.925 Measurement equipment and analyzer preparation.
1065.930 Engine starting, restarting, and shutdown.
1065.935 Emission test sequence.
1065.940 Emission calculations.

Subpart K—Definitions and Other Reference Information

1065.1001 Definitions.
1065.1005 Symbols, abbreviations, acronyms, and units of measure.
1065.1010 Reference materials.

Authority: 42 U.S.C. 7401–7671q.

Subpart A—Applicability and General Provisions

§ 1065.1 Applicability.

(a) This part describes the procedures that apply to testing we require for the following engines or for vehicles using the following engines:

(1) Model year 2008 and later heavy-duty highway engines we regulate under 40 CFR part 86. For model years 2006 and 2007, manufacturers may use the test procedures in this part or those specified in 40 CFR part 86, subpart N.

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

(3) Large nonroad spark-ignition engines we regulate under 40 CFR part 1048.

(4) Vehicles we regulate under 40 CFR part 1051 (such as snowmobiles and off-highway motorcycles) based on engine testing. See 40 CFR part 1051, subpart F, for standards and procedures that are based on vehicle testing.

(b) The procedures of this part may apply to other types of engines, as described in this part and in the standard-setting part.

(c) This part is addressed to you as a manufacturer, but it applies equally to anyone who does testing for you.

(d) Paragraph (a) of this section identifies the parts of the CFR that define emission standards and other requirements for particular types of engines. In this part, we refer 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.

(e) Unless we specify otherwise, the terms ''procedures'' and ''test procedures'' in this part include all aspects of engine testing, including the equipment specifications, calibrations, calculations, and other protocols and procedural specifications needed to measure emissions.

(f) For vehicles subject to this part and regulated under vehicle-based standards, use good engineering judgment to interpret the term ''engine'' in this part to include vehicles where appropriate.

§ 1065.2 Submitting information to EPA under this part.

(a) You are responsible for statements and information in your applications for certification, requests for approved procedures, selective enforcement audits, laboratory audits, production-line test reports, field test reports, or any other statements you make to us related to this part 1065.

(b) In the standard-setting part and in 40 CFR 1068.101, we describe your obligation to report truthful and complete information and the consequences of failing to meet this obligation. *See* also 18 U.S.C. 1001 and 42 U.S.C. 7413(c)(2).

(c) We may void any certificates associated with a submission of information if we find that you intentionally submitted false, incomplete, or misleading information. For example, if we find that you intentionally submitted incomplete information to mislead EPA when

requesting approval to use alternate test procedures, we may void the certificates for all engines families certified based on emission data collected using the alternate procedures.

(d) We may require an authorized representative of your company to approve and sign the submission, and to certify that all of the information submitted is accurate and complete.

(e) See 40 CFR 1068.10 for provisions related to confidential information. Note however that under 40 CFR 2.301, emission data is generally not eligible for confidential treatment.

§ 1065.5 Overview of this part 1065 and its relationship to the standard-setting part.

(a) This part specifies procedures that apply generally to testing various categories of engines. See the standard-setting part for directions in applying specific provisions in this part for a particular type of engine. Before using this part's procedures, read the standard-setting part to answer at least the following questions:

(1) What duty cycles must I use for laboratory testing?

(2) Should I warm up the test engine before measuring emissions, or do I need to measure cold-start emissions during a warm-up segment of the duty cycle?

(3) Which exhaust constituents do I need to measure?

(4) Does testing require full-flow dilute sampling? Is raw sampling acceptable? Is partial-flow sampling acceptable?

(5) Do any unique specifications apply for test fuels?

(6) What maintenance steps may I take before or between tests on an emission-data engine?

(7) Do any unique requirements apply to stabilizing emission levels on a new engine?

(8) Do any unique requirements apply to test limits, such as ambient temperatures or pressures?

(9) Is field testing required, and are there different emission standards or procedures that apply to field testing?

(10) Are there any emission standards specified at particular engine-operating conditions or ambient conditions?

(b) The testing specifications in the standard-setting part may differ from the specifications in this part. In cases where it is not possible to comply with both the standard-setting part and this part, you must comply with the specifications in the standard-setting part. The standard-setting part may also allow you to deviate from the procedures of this part for other reasons.

(c) The following table shows how this part divides testing specifications into subparts:

This subpart. . .	Describes these specifications or procedures. . .
Subpart A	Applicability and general provisions.
Subpart B	Equipment for testing.
Subpart C	Measurement instruments for testing.
Subpart D	Calibration and performance checks for measurement systems.
Subpart E	How to prepare engines for testing, including service accumulation.
Subpart F	How to run an emission test.
Subpart G	Test procedure calculations.
Subpart H	Fuels, engine fluids, analytical gases, and other calibration standards for testing.
Subpart I	Special procedures related to oxygenated fuels.
Subpart J	How to do field testing of in-use vehicles.
Subpart K	Definitions, abbreviations, and other reference information.

§ 1065.10 Other procedures.

(a) *Your testing.* The procedures in this part apply for all testing you do to show compliance with emission standards, with certain exceptions listed in this section. In some other sections in this part, we allow you to use other procedures (such as less precise or less accurate procedures) if they do not affect your ability to show that your engines comply with all applicable emission standards. This generally requires emission levels to be far enough below the applicable emission standards so that any errors caused by greater imprecision or inaccuracy do not affect your ability to state unconditionally that the engines meet all applicable emission standards.

(b) *Our testing.* These procedures generally apply for testing that we do to determine if your engines comply with applicable emission standards. We may perform other testing as allowed by the Act.

(c) *Exceptions.* We may allow or require you to use procedures other than those specified in this part in the following cases, which may apply to laboratory testing, field testing, or both:

(1) The procedures in this part are intended to produce emission measurements equivalent to those that would result from measuring emissions during in-use operation using the same engine configuration as installed in a vehicle. If good engineering judgment indicates that use of the procedures in this part for an engine would result in measurements that do not represent in-use operation, you must notify us. If we determine that using these procedures would result in measurements that are significantly unrepresentative and that changing the procedures would result in more representative measurements—and not decrease the stringency of emission standards—we will specify changes to the procedures. In your notification to us, you should recommend specific changes you think are necessary.

(2) You may request to use special procedures if your engine cannot be tested using the specified procedures. We will approve your request if we determine that it would produce emission measurements that represent in-use operation and we determine that it can be used to show compliance with the requirements of the standard-setting part.

The following situations illustrate examples that may require special procedures:

(i) Your engine cannot operate on the specified duty cycle. In this case, tell us in writing why you cannot satisfactorily test your engine using this part's procedures and ask to use a different approach.

(ii) Your electronic control module requires specific input signals that are not available during dynamometer testing. In this case, tell us in writing what signals you will simulate, such as vehicle speed or transmission signals, and explain why these signals are necessary for representative testing.

(3) In a given model year, you may use procedures required for later model year engines without request. If you upgrade your testing facility in stages, you may rely on a combination of procedures for current and later model year engines as long as you can ensure, using good engineering judgment, that any combination you use does not affect your ability to show compliance with the applicable emission standards.

(4) In a given model year, you may ask to use procedures allowed for earlier model year engines. We will approve this only if you show us that using the procedures allowed for earlier model years does not affect your ability to show compliance with the applicable emission standards.

(5) You may ask to use emission data collected using other procedures, such as those of the California Air Resources Board or the International Organization for Standardization. We will approve this only if you show us that using these other procedures does not affect your ability to show compliance with the applicable emission standards.

(6) You may request to use alternate procedures that are equivalent to allowed procedures. Follow the instructions in § 1065.12. We will consider alternate procedures equivalent if they are more accurate or more precise than allowed procedures. You may request to use a particular device or method for laboratory testing even though it was originally designed for field testing. We may approve your request by telling you directly, or we may issue guidance announcing our approval of a specific alternate procedure, which would make additional requests for approval unnecessary.

(d) If we require you to request approval to use other procedures under paragraph (c) of this section, you may not use them until we approve your request.

§ 1065.12 Approval of alternate procedures.

(a) To get approval for an alternate procedure under § 1065.10(c) where necessary, send the Designated Compliance Officer an initial written request describing the alternate procedure and why you believe it is equivalent to the specified procedure. We may approve your request based on this information alone, or, as described in this section, we may ask you to submit additional information showing that the alternate procedure is consistently and reliably equivalent to the specified procedure.

(b) We may make our approval under this section conditional upon meeting other requirements or specifications. We may limit our approval to certain time frames, specific types of engines, specific duty cycles, or specific emission standards.

(c) Although we will make every effort to approve only alternate procedures that completely meet our requirements, we may revoke our approval of an alternate procedure if new information shows that it is significantly not equivalent to the specified procedure. If we do this, we will grant time to switch to testing using an allowed procedure, considering the following factors:

(1) The cost, difficulty, and availability to switch to a procedure that we allow.

(2) The degree to which the alternate procedure affects your ability to show that your engines comply with all applicable emission standards.

(3) Any relevant factors considered in our original approval.

(d) If we do not approve your proposed alternate procedure based on the information in your initial request, we may ask you to send the following information to fully evaluate your request:

(1) *Theoretical basis.* Give a brief technical description explaining why you believe the proposed alternate procedure should result in emission measurements equivalent to those using the specified procedure. You may include equations, figures, and references. You should consider the full range of parameters that may affect equivalence. For example, for a request to use a different NO_X measurement procedure, you should theoretically relate the alternate detection principle to the specified detection principle over the expected concentration ranges for NO, NO_2, and interference gases. For a request to use a different PM measurement procedure, you should explain the principles by which the alternate procedure quantifies particulate mass independent of PM size and composition, and how it is affected by changes in semi-volatile phase distribution. For any proportioning or integrating procedure, such as a partial-flow dilution system, you should compare the alternate procedure's theoretical response to the expected response under the specified procedure.

(2) *Technical description.* Describe briefly any hardware or software needed to perform the alternate procedure. You may include dimensioned drawings, flowcharts, schematics, and component specifications. Explain any necessary calculations or other data manipulation.

(3) *Procedure execution.* Describe briefly how to perform the alternate procedure and suggest a level of training an operator should have to achieve acceptable results. Summarize the installation, calibration, operation, and maintenance procedures in a step-by-step format. Describe how any calibration is performed using NIST-traceable standards or other similar standards we approve. Calibration must be specified by using known quantities and must not be specified by comparing with other allowed procedures.

(4) *Data-collection techniques.* Compare measured emission results using the proposed alternate procedure and the specified procedure, as follows:

(i) Both procedures must be calibrated independently to NIST-traceable standards or to other similar standards we approve.

(ii) Include measured emission results from all applicable duty cycles. Measured emission results should show that the test engine meets all applicable emission standards according to specified procedures.

(iii) Use statistical methods to evaluate the emission measurements, such as those described in paragraph (e) of this section.

(e) We may give you specific directions regarding methods for statistical analysis, or we may approve other methods that you propose. Absent any other directions from us, you may use a t-test and an F-test calculated according to § 1065.602 to evaluate whether your proposed alternate procedure is equivalent to the specified procedure. We recommend that you consult a statistician if you are unfamiliar with these statistical tests. Perform the tests as follows:

(1) Repeat measurements for all applicable duty cycles at least seven times for each procedure. You may use laboratory duty cycles to evaluate field-testing procedures. Be sure to include all available results to evaluate the precision and accuracy of the proposed alternate procedure, as described in § 1065.2.

(2) Demonstrate the accuracy of the proposed alternate procedure by showing that it passes a two-sided t-test. Use an unpaired t-test, unless you show that a paired t-test is appropriate under both of the following provisions:

(i) For paired data, the population of the paired differences from which you sampled paired differences must be independent. That is, the probability of any given value of one paired difference is unchanged by knowledge of the value of another paired difference. For example, your paired data would violate this requirement if your series of paired differences showed a distinct increase or decrease that was dependent on the time at which they were sampled.

(ii) For paired data, the population of paired differences from which you sampled the paired differences must have a normal (*i.e.*, Gaussian) distribution. If the population of paired difference is not normally distributed, consult a statistician for a more appropriate statistical test, which may include transforming the data with a

mathematical function or using some kind of non-parametric test.

(3) Show that t is less than the critical t value, t_{crit}, tabulated in § 1065.602, for the following confidence intervals:

(i) 90% for a proposed alternate procedure for laboratory testing.

(ii) 95% for a proposed alternate procedure for field testing.

(4) Demonstrate the precision of the proposed alternate procedure by showing that it passes an F-test. Use one sample from the reference procedure and one sample from the alternate procedure to perform an F-test. The samples must meet the following requirements:

(i) Within each sample, the values must be independent. That is, the probability of any given value in a sample must be unchanged by knowledge of another value in that sample. For example, your data would violate this requirement if your series of values from one of the samples showed a distinct increase or decrease that was dependent on the time at which they were sampled.

(ii) For each sample, the population of values from which you sampled must have a normal (i.e., Gaussian) distribution. If the population of values is not normally distributed for each sample, consult a statistician for a more appropriate statistical test, which may include transforming the data with a mathematical function or using some kind of non-parametric test.

(iii) The two samples must be independent of each other. That is, the probability of any given value in one sample must be unchanged by knowledge of another value in the other sample. For example, your data would violate this requirement if one sample showed a distinct increase or decrease that was dependent on a value in the other sample. Note that a trend of emission changes from an engine would not violate this requirement.

(iv) If you collect paired data for the paired t-test in paragraph (e)(2) in this section, you may select some subsets of that data for the F-test. If you do this, select subsets that do not mask the precision of the measurement procedure. We recommend selecting such subsets from data collected using the same engine, measurement instruments, and test cycle.

(5) Show that F is less than the critical F value, F_{crit}, tabulated in § 1065.602. If you have several F-test results from several subsets of data, show that the mean F-test value is less than the mean critical F value for all the subsets. Evaluate F_{crit}, based on the following confidence intervals:

(i) 90% for a proposed alternate procedure for laboratory testing.

(ii) 95% for a proposed alternate procedure for field testing.

§ 1065.15 Overview of procedures for laboratory and field testing.

This section outlines the procedures to test engines that are subject to emission standards.

(a) In the standard-setting part, we set brake-specific emission standards in g/kW.hr (or g/hp.hr), for the following constituents:

(1) Total oxides of nitrogen, NO_X.

(2) Hydrocarbons (HC), which may be expressed in the following ways:

(i) Total hydrocarbons, THC.

(ii) Nonmethane hydrocarbons, NMHC, which results from subtracting methane (CH_4) from THC.

(iii) Total hydrocarbon-equivalent, THCE, which results from adjusting THC mathematically to be equivalent on a carbon-mass basis.

(iv) Nonmethane hydrocarbon-equivalent, NMHCE, which results from adjusting NMHC mathematically to be equivalent on a carbon-mass basis.

(3) Particulate mass, PM.

(4) Carbon monoxide, CO.

(b) Note that some engines are not subject to standards for all the emission constituents identified in paragraph (a) of this section.

(c) We set brake-specific emission standards over test intervals, as follows:

(1) *Engine operation.* Engine operation is specified over a test interval. A test interval is the time over which an engine's total mass of emissions and its total work are determined. Refer to the standard-setting part for the specific test intervals that apply to each engine. Testing may involve measuring emissions and work under the following types of engine operation:

(i) *Laboratory testing.* Under this type of testing, you determine brake-specific emissions for duty-cycle testing with an engine and dynamometer in a laboratory. This typically consists of one or more test intervals, each defined by a sequence of speeds and torques, which an engine must follow. If the standard-setting part allows it, you may also simulate field testing by running an engine on a dynamometer in a laboratory.

(ii) *Field testing.* This type of testing consists of normal in-use engine operation while an engine is installed in a vehicle.

(2) *Constituent determination.* Determine the total mass of each constituent over a test interval by selecting from the following methods:

(i) *Continuous sampling.* In continuous sampling, measure the constituent's concentration continuously from raw or dilute exhaust. Multiply this concentration by the corresponding (synchronous) flow rate of the raw or dilute exhaust from which it is sampled to determine the constituent's flow rate. Integrate the constituent's flow rate continuously over the test interval to determine the total mass of the emitted constituent.

(ii) *Batch sampling.* In batch sampling, continuously extract and store a sample of raw or dilute exhaust for later measurement. Extract a sample proportional to the raw or dilute exhaust flow rate. You may extract and store a proportional sample of exhaust in an appropriate container, such as a bag, and then measure HC, CO, and NO_X concentrations in the container after the test interval. You may deposit PM from proportionally extracted exhaust onto an appropriate substrate, such as a filter. In this case, divide the PM by the amount of filtered exhaust to calculate the PM concentration. Multiply batch sampling amounts by the total flow (raw or dilute) from which it was extracted during the test interval. This product is the total mass of the emitted constituent.

(iii) You may use continuous and batch sampling simultaneously during a test interval, as follows:

(A) You may use continuous sampling for some constituents and batch sampling for others.

(B) You may use continuous and batch sampling for a single constituent, with one being a redundant measurement. See § 1065.201 for more information on redundant measurements.

(3) *Work determination.* Determine work over a test interval by one of the following methods:

(i) *Speed and torque.* For laboratory testing, synchronously multiply speed and brake torque to calculate instantaneous values for engine brake power. Integrate engine brake power over a test interval to determine total work.

(ii) *Fuel consumed and brake-specific fuel consumption.* Directly measure fuel consumed or calculate it with chemical balances of the fuel, intake air, and exhaust. To calculate fuel consumed by a chemical balance, you must also measure either intake-air flow rate or exhaust flow rate. Divide the fuel consumed during a test interval by the brake-specific fuel consumption to determine work over the test interval. For laboratory testing, calculate the brake-specific fuel consumption using fuel consumed and speed and torque over a test interval. For field testing, refer to the standard-setting part and

§ 1065.915 for selecting an appropriate value for brake-specific fuel consumption.

(d) Refer to § 1065.650 for calculations to determine brake-specific emissions.

(e) See Figure 1 of § 1065.15 for an illustration of the default laboratory measurement configuration and the other allowed measurement configurations described in this part 1065.

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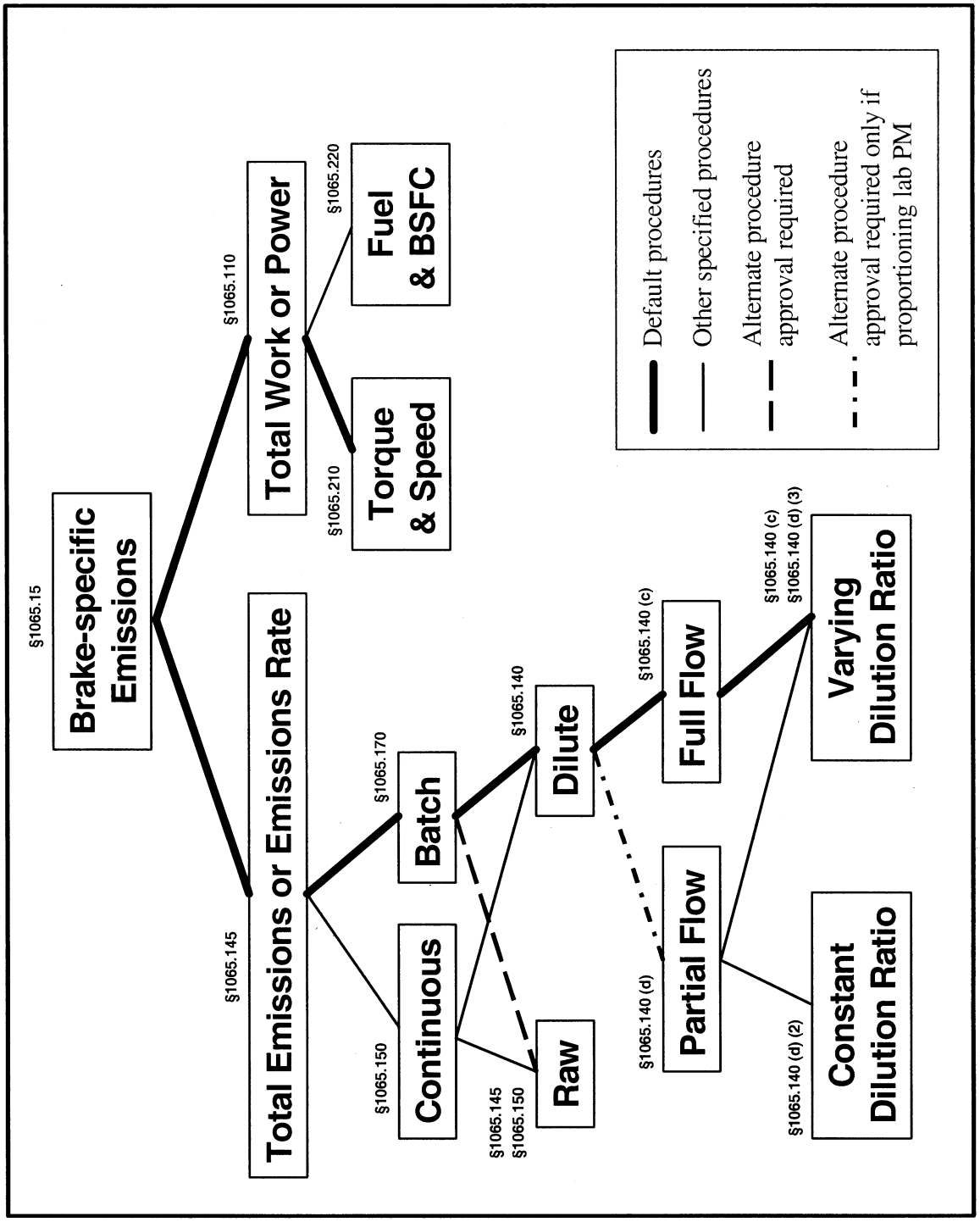
Figure 1 of §1065.15—Allowed measurement configurations.



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§ 1065.20 Units of measure and overview of calculations.

(a) *System of units.* The procedures in this part generally follow the International System of Units (SI), as detailed in NIST Special Publication 811, 1995 Edition, ''Guide for the Use of the International System, of Units (SI),'' which we incorporate by reference in § 1065.1010. This document is available on the Internet at *http://physics.nist.gov/Pubs/SP811/contents.html.* Note the following exceptions:

(1) We designate rotational frequency of an engine's crankshaft in revolutions per minute (rev/min), rather than the SI unit of reciprocal seconds (1/s). This is based on the commonplace use of rev/min in many engine dynamometer laboratories. Also, we use the symbol f_n to identify rotational frequency in rev/min, rather than the SI convention of using n. This avoids confusion with our usage of the symbol n for a molar quantity.

(2) We designate brake-specific emissions in grams per kilowatt-hour (g/kW.hr), rather than the SI unit of grams per megajoule (g/MJ). This is based on the fact that engines are generally subject to emission standards expressed in g/kW.hr. If we specify engine standards in grams per horsepower.hour (g/hp.hr) in the standard-setting part, convert units as specified in paragraph (d) of this section.

(3) We designate temperatures in units of degrees Celsius (°C) unless a calculation requires an absolute temperature. In that case, we designate temperatures in units of Kelvin (K). For conversion purposes throughout this part, 0 °C equals 273.15 K.

(b) *Concentrations.* This part does not rely on amounts expressed in parts per million or similar units. Rather, we express such amounts in the following SI units:

(1) For ideal gases, μmol/mol, formerly ppm (volume).

(2) For all substances, $\mu m^3/m^3$, formerly ppm (volume).

(3) For all substances, mg/kg, formerly ppm (mass).

(c) *Absolute pressure.* Measure absolute pressure directly calculate it as the sum of barometric pressure plus a differential pressure that is referenced to barometric pressure.

(d) *Units conversion.* Use the following conventions to convert units:

(1) *Testing.* You may record values and perform calculations with other units. For testing with equipment that involves other units, use the conversion factors from NIST Special Publication 811, as described in paragraph (a) of this section.

(2) *Humidity.* In this part, we identify humidity levels by specifying dewpoint, which is the temperature at which pure water begins to condense out of air. Use humidity conversions as described in § 1065.645.

(3) *Emission standards.* For engines that are subject to emission standards in other units, see § 1065.650 to convert emission results for comparison to emission standards.

(e) *Rounding.* Round only final values, not intermediate values. Round values based on the number of significant figures necessary to match the applicable standard or specification.

(f) *Interpretation of ranges.* In this part, we specify ranges such as ''±10 % of maximum pressure'', ''(40 to 50) kPa'', or ''(30 ±10) kPa''. Interpret a range as a tolerance unless we explicitly identify it as an accuracy, repeatability, linearity, or noise specification. See § 1065.1001 for the definition of Tolerance.

(g) *Scaling of specifications with respect to a standard.* Because this part 1065 is applicable to a wide range of engines, some of the specifications in this part are scaled with respect to an engine's emission standard or maximum power. This ensures that the specification will be adequate to determine compliance, but not overly burdensome by requiring unnecessarily high-precision equipment. Many of these specifications are given with respect to a ''flow-weighted average'' that is expected at the standard. Flow-weighted average means the average of a quantity after it is weighted proportional to a corresponding flow rate. For example, if a gas concentration is measured continuously from the raw exhaust of an engine, its flow-weighted average concentration is the sum of the products of each recorded concentration times its respective exhaust flow rate, divided by the number of recorded values. As another example, the bag concentration from a CVS system is the same as the flow-weighted average concentration, because the CVS system itself flow-weights the bag concentration.

§ 1065.25 Recordkeeping.

The procedures in this part include various requirements to record data or other information. Refer to the standard-setting part regarding recordkeeping requirements. If the standard-setting part does not specify recordkeeping requirements, store these records in any format and on any media and keep them readily available for one year after you send an associated application for certification, or one year after you generate the data if they do not support an application for certification. You must promptly send us organized, written records in English if we ask for them. We may review them at any time.

Subpart B—Equipment Specifications

§ 1065.101 Overview.

(a) This subpart specifies equipment, other than measurement instruments, related to emission testing. This includes three broad categories of equipment—dynamometers, engine fluids and systems, and emission-sampling hardware. Figure 1 of § 1065.101 illustrates the equipment specified in this subpart.

(b) Other related subparts in this part identify measurement instruments (subpart C), describe how to evaluate the performance of these instruments (subpart D), and specify engine fluids and analytical gases (subpart H).

(c) Subpart J of this part describes additional equipment that is specific to field testing.

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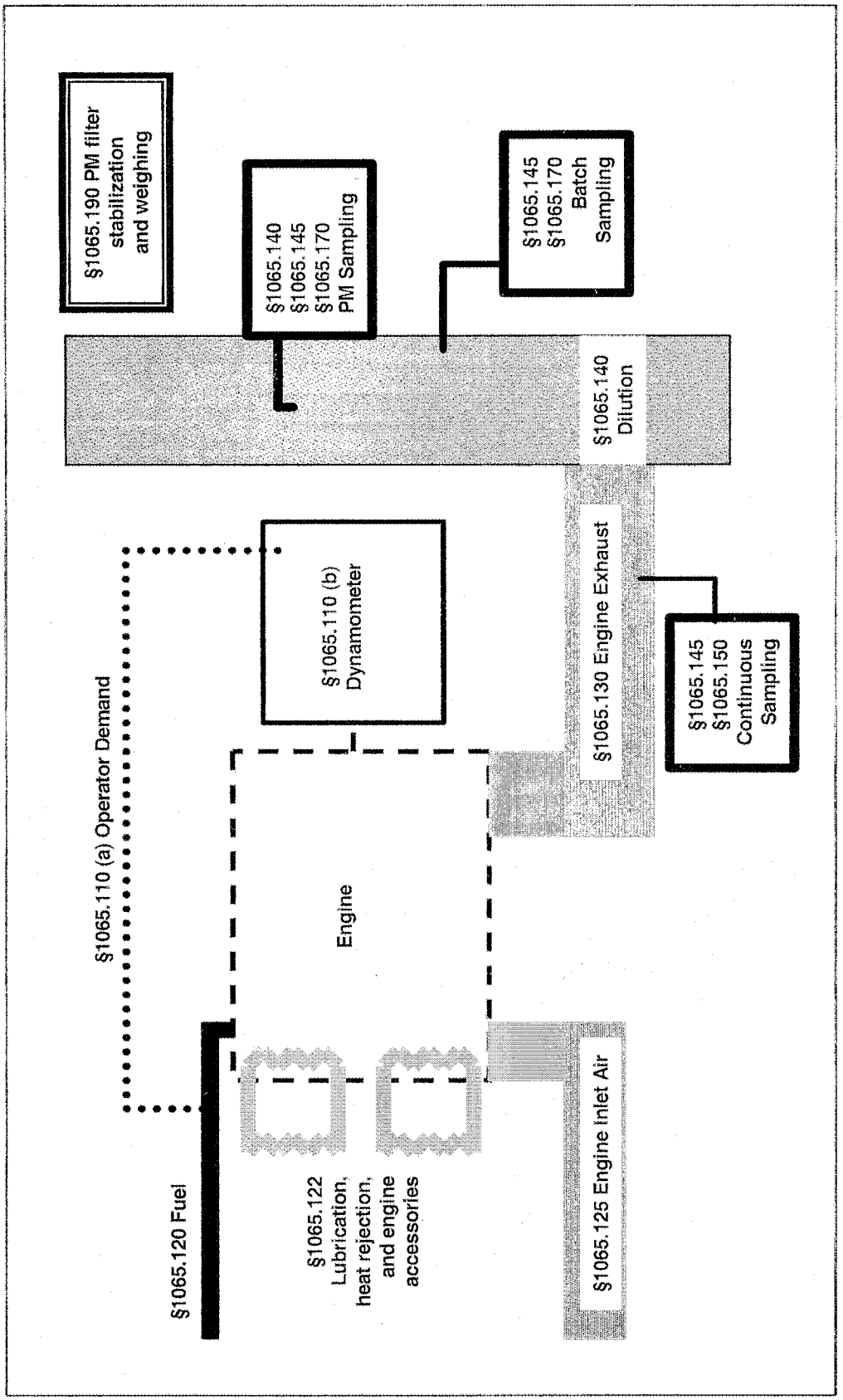
Figure 1 of §1065.101—Engine dynamometer laboratory equipment.



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§ 1065.110 Dynamometers and operator demand.

(a) *Dynamometers.* Use an engine dynamometer that is able to meet the cycle validation criteria in § 1065.514 over each applicable duty cycle.

(1) Eddy-current and water-brake dynamometers may generally be used for any testing that does not involve engine motoring, which is identified by negative torque commands in a duty cycle.

(2) Alternating-current and direct-current motoring dynamometers may generally be used for any type of testing.

(3) A combination of dynamometers may be used in series.

(b) *Operator demand.* Command the operator demand and the dynamometer to follow the prescribed duty cycle with set points for engine speed and torque at 5 Hz or more frequently. Use a mechanical or electronic input to control operator demand such that the engine is able to meet the validation criteria in § 1065.514 over each applicable duty cycle. Record feedback values for engine speed and torque at 5 Hz or more frequently for evaluating performance relative to the cycle validation criteria. Using good engineering judgment, you may improve control of operator demand by altering on-engine speed and torque controls. However, if these changes result in unrepresentative testing, you must notify us and recommend other test procedures under § 1065.10(c)(2).

§ 1065.120 Fuel properties and fuel temperature and pressure.

(a) Use fuels as specified in subpart H of this part.

(b) If the engine manufacturer specifies fuel temperature and pressure tolerances at the inlet to the fuel injection pump or other location, measure this fuel temperature and pressure to show that you stay within the tolerances throughout testing.

§ 1065.122 Engine fluids, heat rejection, and engine accessories.

(a) *Lubricating oil.* Use lubricating oils specified in § 1065.740.

(b) *Engine cooling.* Cool the engine during testing so its intake-air, oil, coolant, block, and head temperatures are within their expected ranges for normal operation. Measure temperatures at the manufacturer-specified locations. You may use auxiliary engine fans subject to the provisions of paragraph (c) of this section. For liquid-cooled engines, use coolant as specified in § 1065.745.

(c) *Engine accessories.* You may install or simulate the load of engine accessories required to fuel, lubricate, or heat the engine, circulate coolant to the engine, or to operate aftertreatment devices. Operate the engine with these accessories installed or simulated during all testing operations, including mapping. If these accessories are not powered by the engine during a test, subtract the work required to perform these functions from the total work used in brake-specific emission calculations. Subtract engine-fan work from total work only for air-cooled engines.

(d) *Engine starter.* You may install a production-type starter.

§ 1065.125 Engine intake air.

(a) Use the intake-air system installed on the engine or one that represents a typical in-use configuration.

(b) Measure temperature, humidity, and barometric pressure near the entrance to the engine's air filter, or at the inlet to the air intake system for engines that have no air filter. You may use a central laboratory barometer as long as your equipment for handling intake air maintains ambient pressure where you test the engine within 1 % of the central laboratory barometer pressure. You may use a single humidity measurement for intake air from a shared air handler instead of a local intake-air humidity measurement.

(c) Use an air-intake restriction that represents production engines. Make sure the intake-air restriction is between the manufacturer's specified maximum for a clean filter and the manufacturer's specified maximum allowed. Measure this value at the location and at the speed and torque set points specified by the manufacturer. As the manufacturer, you are liable for emission compliance for all values up to the maximum restriction you specify for a particular engine.

(d) If you simulate charge-air cooling, use a laboratory charge-air cooling system with a total intake-air capacity that represents production engines' in-use installation. Maintain coolant conditions as follows:

(1) Maintain a coolant temperature of at least 20 °C at the inlet to the charge-air cooler throughout testing.

(2) At maximum engine power, set the coolant flow rate to achieve an air temperature within ±5 °C of the value specified by the manufacturer at the charge-air cooler outlet. Measure the air-outlet temperature at the location specified by the manufacturer. Use this coolant flow rate throughout testing, unless it prevents you from being able to determine compliance with the applicable standards.

§ 1065.130 Engine exhaust.

(a) Use the exhaust system installed with the engine or one that represents a typical in-use configuration. This includes any applicable aftertreatment devices. If the exhaust system for testing is not one that is installed with the engine, or if you add a length of exhaust tubing to the installed exhaust system, observe the following specifications:

(1) Position any aftertreatment device so its distance from the nearest exhaust manifold flange or turbocharger outlet is within the range specified by the engine manufacturer in the application for certification. If this distance is not specified, position aftertreatment devices to represent a typical vehicle configuration.

(2) Use exhaust tubing upstream of any aftertreatment device with a diameter that represents a typical in-use configuration. Position each aftertreatment device in the exhaust stream in a way that represents production engines.

(3) Downstream of the outlet of the exhaust manifold, turbocharger or last aftertreatment device, use tubing materials that are smooth-walled, electrically conductive, and not reactive with exhaust constituents. Stainless steel is an acceptable material. Minimize tube lengths. Use thin-walled or air gap-insulated tubing to minimize temperature differences between the wall and the exhaust. You may install short sections of flexible tubing at connection points—up to 20 % of the total length of exhaust tubing.

(b) Use a length of up to 65 diameters of tubing from the outlet of the exhaust manifold, turbocharger or last aftertreatment device to any raw sampling probe or dilution stage. Insulate any length of exhaust tubing beyond the first 25 diameters of length.

(c) You may insert instruments into the exhaust tubing, such as an in-line smoke meter. If you do this, you may leave a length of up to 5 diameters of exhaust tubing uninsulated on each side of each instrument, but you may leave a length of no more than 25 diameters of tubing uninsulated in total, including any lengths adjacent to in-line instruments.

(d) Electrically ground the entire exhaust system.

(e) Unless the standard-setting part specifies otherwise, you may do forced cool-down of aftertreatment devices using good engineering judgment to prepare for cold-start testing. For example, you may set up a system to send cooling air through an aftertreatment system. In this case, good engineering judgment would indicate that you should send cooling air with a

temperature of at least 15 °C in the normal direction of exhaust flow, and that you should not start flowing cool air until the aftertreatment system has cooled below its catalytic activation temperature. For platinum group metal catalysts, this temperature is about 200 °C. In no case may you use a cooling procedure that results in unrepresentative emissions (*see* § 1065.10(c)(1)).

(f) Use an exhaust restriction that represents the performance of production engines. Make sure the exhaust restriction is 80 % to 100 % of the maximum exhaust restriction specified by the manufacturer. Measure this value at the location and at the speed and torque set points specified by the manufacturer. As the manufacturer, you are liable for emission compliance for all values up to the maximum restriction you specify for a particular engine.

(g) Route open crankcase emissions directly into the exhaust system for emission measurement, as allowed by the standard-setting part, as follows:

(1) Use tubing materials that are smooth-walled, electrically conductive, and not reactive with crankcase emissions. Stainless steel is an acceptable material. Minimize tube lengths. We also recommend using heated or thin-walled or air gap-insulated tubing to minimize temperature differences between the wall and the crankcase emission constituents. You may install short sections of flexible tubing at connection points—up to 20 % of the total length of crankcase exhaust tubing.

(2) Use a length of crankcase exhaust tubing that does not exceed the length of your engine exhaust tubing. Measure this from the exit of the engine's crankcase system to the point where it enters the raw exhaust tubing.

(3) Minimize the number of bends in the crankcase exhaust tubing and maximize the radius of any unavoidable bend.

(4) Use crankcase exhaust tubing that meets the engine manufacturer's specifications for crankcase back pressure.

(5) Connect the crankcase exhaust tubing into the raw exhaust downstream of any aftertreatment system and downstream of any installed exhaust restriction. Extend the crankcase exhaust tube into the free stream of exhaust to avoid boundary-layer effects and to promote mixing. The crankcase exhaust tube's outlet may be oriented in any direction relative to the raw exhaust flow.

§ 1065.140 Dilution for gaseous and PM constituents.

(a) *General.* You may dilute exhaust with ambient air, synthetic air, or nitrogen that is at least 15 °C. Note that the composition of dilution air affects some measurement instruments for gaseous constituents. We recommend diluting exhaust at a location as close as possible to the location where ambient air dilution would occur in use.

(b) *Dilution-air conditions and background concentrations.* You may precondition the dilution air by increasing or decreasing its temperature or humidity. You may also remove constituents to reduce their background concentrations. The following provisions apply to removing constituents or accounting for background concentrations:

(1) You may measure constituent concentrations in the dilution air and compensate for their background effect on test results. Measure these background concentrations the same way you measure diluted exhaust constituents. See § 1065.650 for calculations that compensate for background concentrations.

(2) For measuring PM, we recommend that you filter all dilution air, including primary full-flow dilution air, with high-efficiency particulate air (HEPA) filters. Ensure that HEPA filters are installed properly so that background PM does not leak past the HEPA filters. If you correct for background PM instead of using HEPA filtration, demonstrate that the background PM in the dilution air contributes less than 50% to the net PM collected.

(c) *Full-flow dilution; constant-volume sampling (CVS).* You may dilute the full flow of raw exhaust in a dilution tunnel that maintains a nominally constant-volume flow rate of diluted exhaust, as follows:

(1) *Construction.* Use a tunnel with inside surfaces of 300 series stainless steel. Electrically ground the entire dilution tunnel. We recommend a thin-walled or air gap-insulated dilution tunnel to minimize temperature differences between the wall and the exhaust gases.

(2) *Pressure control.* Maintain the static pressure in the dilution tunnel within 1 % of the barometric pressure at the location where raw exhaust is introduced into the tunnel. You may use a booster blower to control this pressure. If you show that your engines require more careful pressure control in the dilution tunnel, we will maintain the static pressure of the dilution tunnel within your specification as low as 0.25% of barometric pressure when we test your engines.

(3) *Mixing.* Introduce raw exhaust into the tunnel by directing it downstream along the centerline of the tunnel. You may introduce a fraction of dilution air radially from the tunnel's inner surface to minimize exhaust interaction with the tunnel walls. You may configure the system with turbulence generators such as orifice plates or fins to achieve good mixing. We recommend a minimum Reynolds number, $Re^{\#}$ of 4000 for the diluted exhaust stream, where $Re^{\#}$ is based on the diameter of the dilution tunnel. $Re^{\#}$ is defined in § 1065.640.

(4) *Flow measurement preconditioning.* You may condition the diluted exhaust before measuring its total flow rate, as long as this conditioning takes place downstream of any sample probes, as follows:

(i) You may use flow straighteners, pulsation dampeners, or both of these.

(ii) You may use a filter.

(iii) You may use a heat exchanger to control the temperature of the diluted exhaust flow.

(5) *Flow measurement.* Section 1065.240 describes measurement instruments for diluted exhaust flow.

(6) *Aqueous condensation.* You may either prevent aqueous condensation throughout the dilution tunnel or you may measure humidity at the flow-measurement inlet. Note that preventing aqueous condensation involves more than keeping pure water in a vapor phase (see § 1065.1001). Calculations in § 1065.650 account for either method of addressing humidity in the diluted exhaust.

(7) *Flow compensation.* Maintain nominally constant molar flow of diluted exhaust (in mol/s). Control temperature and pressure at the flow meter or compensate for temperature-related or pressure-related flow variations by directly controlling the flow of diluted exhaust or by directly controlling the flow of proportional samplers. For an individual test, validate proportional sampling as described in § 1065.545.

(d) *Partial-flow dilution (PFD).* Except as specified in this paragraph (d), you may dilute a partial flow of raw or previously diluted exhaust before measuring emissions. Section 1065.240 describes instrument specifications for PFD-related flow measurement. PFD may consist of constant or varying dilution ratios as described in paragraphs (d)(2) and (3) of this section.

(1) *Exceptions.* (i) You may not use PFD if the standard-setting part does not allow it.

(ii) You may use PFD for extracting a proportional PM sample for laboratory measurement over transient and ramped-modal duty cycles only if we

have explicitly approved it as equivalent to the specified procedure for full-flow CVS under § 1065.10. Note that you may generally use PFD to extract a proportional PM sample for laboratory measurement over steady-state duty cycles and for any field-testing measurements.

(2) *Constant dilution-ratio PFD.* Do one of the following for constant dilution-ratio PFD:

(i) Dilute an already proportional flow. For example, you may do this as a way of performing secondary dilution from a CVS tunnel to achieve temperature control for PM sampling.

(ii) Continuously measure constituent concentrations. For example, you might dilute to precondition a sample of raw exhaust to control its temperature, humidity, or constituent concentrations upstream of continuous analyzers. In this case, you must take into account the PFD dilution ratio before multiplying the continuous concentration by the sampled exhaust flow rate.

(iii) Extract a proportional sample from the constant dilution ratio PFD system. For example, you might use a variable-flow pump to proportionally fill a gaseous storage medium such as a bag from a PFD system. In this case, the proportional sampling must meet the same specifications as varying dilution ratio PFD in paragraph (d)(3) of this section.

(3) Varying dilution-ratio PFD. All the following provisions apply for varying dilution-ratio PFD:

(i) Use a feedback control loop with sensors and actuators that can maintain proportional sampling over intervals as short as 200 ms (*i.e.*, 5 Hz control).

(ii) For feedback input, you may use any continuous sensor output from any measurement, including intake-air flow, fuel flow, exhaust flow, engine speed, or intake manifold temperature and pressure.

(iii) You may use preprogrammed data or time delays if they have been determined for the specific test site, duty cycle, and test engine from which you dilute emissions.

(iv) We recommend that you run practice cycles to meet the validation criteria in § 1065.545. You must validate every emission test by meeting the validation criteria with the data from that specific test, not from practice cycles or other tests.

(v) You may not use a PFD system that requires preparatory tuning or calibration with a CVS or with the emission results from a CVS.

(e) *Dilution and temperature control of PM samples.* Dilute PM samples at least once upstream of transfer lines. You may dilute PM samples upstream of a transfer line via full-flow dilution or via partial-flow dilution immediately downstream of a PM probe. Control sample temperature to (47 ±5) °C, as measured anywhere within 20 cm upstream or downstream of the PM storage media. Measure this temperature with a bare-wire junction thermocouple with wires that are (0.500 ±0.025) mm diameter, or with another suitable instrument that has equivalent performance. Cool the PM sample primarily by dilution.

§ 1065.145 Gaseous and PM probes, transfer lines, and sampling system components.

(a) *Continuous and batch sampling.* Determine the total mass of each constituent with continuous or batch sampling, as described in § 1065.15(c)(2). Both types of sampling systems have probes, transfer lines, and other sampling system components that are described in this section.

(b) *Gaseous and PM sample probes.* A probe is the first fitting in a sampling system. It protrudes into a raw or diluted exhaust stream to extract a sample, such that its inside and outside surfaces are in contact with the exhaust. A sample is transported out of a probe into a transfer line, as described in paragraph (c) of this section. The following provisions apply to probes:

(1) *Probe design and construction.* Use sample probes with inside surfaces of 300 series stainless steel. Locate sample probes where constituents are mixed to their mean sample concentration. Take into account the mixing of any crankcase emissions that may be routed into the raw exhaust. Locate each probe to minimize interference with the upstream flow of other probes. We recommend that all probes remain free from influences of boundary layers, wakes, and eddies—especially near the outlet of a raw-exhaust tailpipe where unintended dilution might occur. Make sure that purging or back-flushing of a probe does not influence another probe during testing. You may use a single probe to extract a sample of more than one constituent as long as the probe meets all the specifications for each constituent.

(2) *Gaseous sample probes.* Use either single-port or multi-port probes for sampling gaseous emissions. You may orient these probes in any direction. For some probes, you must control sample temperatures, as follows:

(i) For probes that extract NO_X from diluted exhaust, control the probe's wall temperature to prevent aqueous condensation.

(ii) For probes that extract hydrocarbons for NMHC or NMHCE analysis from the diluted exhaust of compression-ignition engines, 2-stroke spark-ignition engines, or 4-stroke spark-ignition engines below 19 kW, maintain a probe wall temperature of (191 ± 11) °C.

(3) *PM sample probes.* Use PM probes with a single opening at the end. Orient PM probes to face directly upstream. Do not shield a PM probe's opening with a PM pre-classifier such as a hat. We recommend sizing the inside diameter of PM probes to approximate isokinetic sampling at the expected mean flow rate.

(c) *Transfer lines.* You may use transfer lines to transport an extracted sample from a probe to an analyzer, storage medium, or dilution system. Minimize the length of all transfer lines by locating analyzers, storage media, and dilution systems as close to probes as practical. We recommend that you minimize the number of bends in transfer lines and that you maximize the radius of any unavoidable bend. Avoid using 90° elbows, tees, and cross-fittings in transfer lines. Where such connections and fittings are necessary, take steps, using good engineering judgment, to ensure that you meet the temperature tolerances in this paragraph (c). This may involve measuring temperature at various locations within transfer lines and fittings. You may use a single transfer line to transport a sample of more than one constituent, as long as the transfer line meets all the specifications for each constituent. The following construction and temperature tolerances apply to transfer lines:

(1) *Gaseous samples.* Use transfer lines with inside surfaces of 300 series stainless steel, PTFE, or Viton™. You may use in-line filters if they do not react with exhaust constituents and if the filter and its housing meet the same temperature requirements as the transfer lines, as follows:

(i) For NO_X transfer lines upstream of an NO_2-to-NO converter, maintain a sample temperature that prevents aqueous condensation.

(ii) For THC transfer lines for testing compression-ignition engines, 2-stroke spark-ignition engines, or 4-stroke spark-ignition engines below 19 kW, maintain a wall temperature throughout the entire line of (191 ± 11) °C. If you sample from raw exhaust, you may connect an unheated, insulated transfer line of 300 series stainless steel directly to a probe. Design the length and insulation of the transfer line to cool the highest expected raw exhaust temperature to no lower than 191 °C, as measured at the transfer line's outlet.

(2) *PM samples.* We recommend heated transfer lines or a heated enclosure to minimize temperature differences between transfer lines and exhaust constituents. Use transfer lines that are inert with respect to PM and are electrically conductive on the inside surfaces. We recommend using PM transfer lines made of 300 series stainless steel. Electrically ground the inside surface of PM transfer lines.

(d) *Optional sample-conditioning components for gaseous and PM sampling.* You may use the following sample-conditioning components to prepare samples for analysis, as long as you do not install or use them in a way that adversely affects your ability to show that your engines comply with all applicable emission standards.

(1) *NO_2-to-NO converter.* You may use an NO_2-to-NO converter that meets the efficiency-performance check specified in § 1065.378 at any point upstream of a NO_X analyzer or storage medium.

(2) *Sample dryer.* You may use either of the following types of sample dryers to decrease the effects of water on emission measurements; you may not use a chemical dryer:

(i) *Osmotic-membrane.* You may use an osmotic-membrane dryer upstream of any analyzer or storage medium, as long as it meets the temperature specifications in paragraph (c)(1) of this section. Because osmotic-membrane dryers may deteriorate after prolonged exposure to certain exhaust constituents, consult with the membrane manufacturer regarding your application before incorporating an osmotic-membrane dryer. Monitor the dewpoint, T_{dew}, and absolute pressure, P_{dew}, downstream of an osmotic-membrane dryer. You may use continuously recorded values of T_{dew} and P_{dew} in the amount of water calculations specified in § 1065.645. If you do not continuously record these values, you may use their peak values observed during a test or their alarm setpoints as constant values in the calculations specified in § 1065.645. You may also use a nominal P_{dew}, which you may estimate as the dryer's lowest absolute pressure expected during testing.

(ii) *Thermal chiller.* You may use a thermal chiller upstream of some gaseous constituent analyzers and storage media. You may not use a thermal chiller upstream of a THC measurement system for compression-ignition engines, 2-stroke spark-ignition engines, or 4-stroke spark-ignition engines below 19 kW. If you use a thermal chiller upstream of an NO_2-to-NO converter or in a sampling system without an NO_2-to-NO converter, the chiller must meet the NO_2 loss-performance check specified in § 1065.376. Monitor the dewpoint, T_{dew}, and absolute pressure, P_{dew}, downstream of a thermal chiller. You may use continuously recorded values of T_{dew} and P_{dew} in the emission calculations specified in § 1065.650. If you do not continuously record these values, you may use their peak values observed during a test or their alarm setpoints as constant values in the amount of water calculations specified in § 1065.645. You may also use a nominal P_{dew}, which you may estimate as the dryer's lowest absolute pressure expected during testing. If you can justify assuming the degree of saturation in the thermal chiller, you may calculate T_{dew} based on the known chiller efficiency and continuous monitoring of chiller temperature, $T_{chiller}$. If you do not continuously record values of $T_{chiller}$, you may use its peak value observed during a test, or its alarm setpoint, as a constant value to determine a constant amount of water according to § 1065.645. If you can justify that $T_{chiller}$ is equal to T_{dew}, you may use $T_{chiller}$ in lieu of T_{dew} according to § 1065.645.

(3) *Sample pumps.* You may use sample pumps upstream of an analyzer or storage medium for any gaseous constituent. Use sample pumps with inside surfaces of 300 series stainless steel or PTFE. For some sample pumps, you must control temperatures, as follows:

(i) You may use a NO_X sample pump upstream of an NO_2-to-NO converter if it is heated to prevent aqueous condensation.

(ii) For testing compression-ignition engines, 2-stroke spark-ignition engines, or 4-stroke compression ignition engines below 19 kW, you may use a THC sample pump upstream of a THC analyzer or storage medium if its inner surfaces are heated to (191 ±11) °C.

(4) *PM sample conditioning components.* You may condition PM samples to minimize positive and negative biases to PM results, as follows:

(i) You may use a PM preclassifier to remove large-diameter particles. The PM preclassifier may be either an inertial impactor or a cyclonic separator. It must be constructed of 300 series stainless steel. The preclassifier must be rated to remove at least 50% of PM at an aerodynamic diameter of 10 μm and no more than 1% of PM at an aerodynamic diameter of 1 μm over the range of flow rates that you use it. Follow the preclassifier manufacturer's instructions for any periodic servicing that may be necessary to prevent a buildup of PM. Install the preclassifier in the dilution system downstream of the last dilution stage. Configure the preclassifier outlet with a means of bypassing any PM sample media so the preclassifier flow may be stabilized before starting a test. Locate PM sample media within 50 cm downstream of the preclassifier's exit.

(ii) You may request to use other PM conditioning components upstream of a PM preclassifier, such as components that condition humidity or remove gaseous-phase hydrocarbons. You may use such components only if we approve them under § 1065.10.

§ 1065.150 Continuous sampling.

You may use continuous sampling techniques for measurements that involve raw or dilute sampling. Connect continuous analyzers directly to probes or transfer lines. Make sure continuous analyzers meet the specifications in subpart C of this part. Because continuous concentration measurements must be multiplied by continuous flow measurements, use good engineering judgment to account for time delays and dispersion as described in § 1065.201.

§ 1065.170 Batch sampling for gaseous and PM constituents.

You may use batch-sampling techniques for measurements that involve dilute sampling. You may use batch-sampling techniques for raw sampling only if we approve it as an alternative procedure under § 1065.10.

(a) *Sampling methods.* For batch sampling, extract the sample at a rate proportional to the exhaust flow. If you extract from a constant-volume flow rate, sample at a constant-volume flow rate. If you extract from a varying flow rate, vary the sample rate in proportion to the varying flow rate. Validate proportional sampling after an emission test as described in § 1065.545. Use storage media that do not artificially increase or decrease measured emission levels.

(b) *Gaseous sample storage media.* Store gas volumes in clean containers that do not off-gas emissions or allow permeation of CO_2 or any other exhaust emissions through the material. To clean a container, you may repeatedly purge and evacuate a container and you may heat it. You may use a super-critical CO_2 extraction technique to evaluate container materials for CO_2 permeability. Use containers meeting the following specifications:

(1) You may store gas volumes in Tedlar™ or Kynar™ containers (such as bags) up 40 °C for analyzing CO, CO_2, O_2, CH_4, C_2H_6, C_3H_8 and NO_X, as long as you prevent aqueous condensation. For testing engines other than compression-ignition engines, two-stroke spark-ignition engines, or 4-

stroke engines below 19 kW, you may also store THC in these containers. You may request to use other container materials under § 1065.10.

(2) You may store gas volumes using containers with inside surfaces of 300 series stainless steel or PTFE at (191 ± 11) °C for analysis of any gaseous constituent. You may use a flexible volume within a heated chamber, or you may use a heated, rigid container that is initially evacuated or has a volume that can be displaced, such as a piston and cylinder arrangement.

(c) *PM sample media.* For measuring PM to show that engines meet an emission standard below 0.05 g/kW.hr, collect PM mass at a minimum efficiency of 99.7 %. If the applicable PM standard is at or above 0.05 g/kW.hr, collect PM mass at a minimum efficiency of 98 %. Demonstrate PM collection efficiency using ASTM D 2986–95a (incorporated by reference in § 1065.1010). Apply the following methods for sampling particulate emissions:

(1) If you use filter-based sampling media to extract and store PM for measurement, it must have the following specifications:

(i) It must be circular, with an overall diameter of 46.50 ± 0.6 mm, have an exposed diameter of at least 38 mm, and have a thickness at the sealing portions of the filter cassette of 0.4 ± 0.05 mm. See the cassette specifications in paragraph (c)(1)(v) of this section.

(ii) For measuring PM to show that engines meet an emission standard below 0.05 g /kW.hr, use a PTFE filter material that does not have any flow-through support bonded to the back and has an overall thickness of 40 ± 20 mm. An inert polymer ring may be bonded to the periphery of the filter material for support and for sealing between the filter cassette parts. We consider Polymethylpentene (PMP) an inert material for a support ring, but other inert materials may be used. See the cassette specifications in paragraph (c)(1)(v) of this section. If the applicable PM standard is at or above 0.05 g/kW.hr, you may use PTFE or PTFE-coated glass fiber filter material.

(iii) To minimize turbulent deposition and to deposit PM evenly on a filter, use a 12.5 ° (from center) divergent cone angle to transition from the transfer-line inside diameter to the exposed diameter of the filter face. Use 300 series stainless steel for this transition.

(iv) Maintain sample velocity at the filter face at or below 100 cm/s, where filter face velocity is the measured volumetric flow rate of the sample at the pressure and temperature upstream of the filter face, divided by the filter's exposed area.

(v) Use a clean cassette designed to the specifications of Figure 1 of § 1065.170 and made of one of the following materials: Delrin™, 300 series stainless steel, polycarbonate, acrylonitrile-butadiene-styrene (ABS) resin, or conductive polypropylene. Use a material that is inert to any solvents or detergents that you use to periodically clean the filter holder and screen. We recommend that you periodically clean the filter cassette and screen with a solvent such as ethanol (C_2H_5OH). Your cleaning frequency will depend on your engine's PM and HC emissions.

(vi) If you store filters in cassettes in an automatic PM sampler, cover or seal individual filter cassettes after sampling to prevent communication of semi-volatile matter from one filter to another.

(2) You may use other PM sample media that we approve under § 1065.10, including non-filtering techniques. For example, you might deposit PM on an inert, nonporous substrate that collects PM via electrostatic, thermophoresis, inertia, diffusion, or some other deposition mechanism, as approved.

(3) When we test your engines, we will use the same PM sample media that you used for testing comparable engines.

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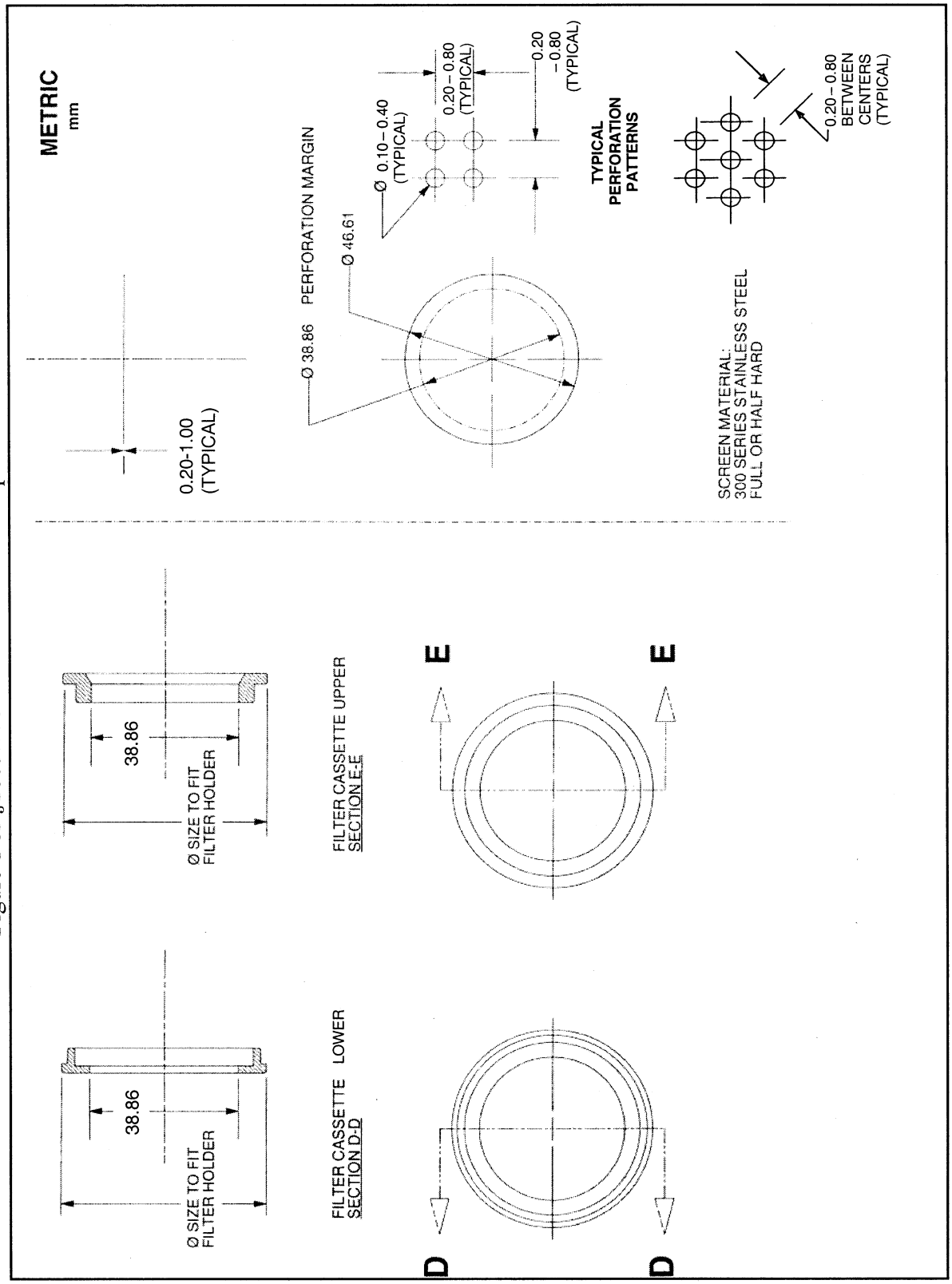
Figure 1 of §1065.170—PM filter cassette specifications.



§ 1065.190 PM-stabilization and weighing environments for gravimetric analysis.

(a) This section describes the environments required to weigh PM (*i.e.*, gravimetric analysis). This includes a PM-stabilization environment and a balance environment. The two environments may share a common space. These volumes may be rooms in which PM is weighed, or they may be much smaller, such as a glove box or an automated weighing system consisting of one or more countertop-sized environments.

(b) Keep the PM-stabilization and balance environments free of ambient contaminants, such as dust, aerosols, or semi-volatile material that could contaminate PM samples, as follows:

(1) We recommend that these environments conform with an ''as-built'' Class Six clean room specification under ISO 14644–1 (incorporated by reference in § 1065.1010); however, we also recommend that you deviate from ISO 14644–1 as necessary to minimize air motion that might affect balance stability. We recommend maximum air-supply and air-return velocities of 0.05 m/s in the balance environment.

(2) Monitor the cleanliness of the PM-stabilization environment using reference filters, as described in § 1065.390(b).

(c) Maintain the following ambient conditions:

(1) *Ambient temperature.* Maintain the balance environment at (22 ±1) °C. If the two environments share a common space, maintain both environments at (22 ±1) °C. If they are separate, maintain the PM-stabilization environment at (22 ±3) °C.

(2) *Dewpoint.* Maintain a dewpoint of 9.5 °C. This dewpoint will control the amount of water associated with sulfuric acid (H_2SO_4) PM, such that 1.1368 μg of water will be associated with each mg of H_2SO_4.

(3) *Dewpoint tolerance.* If the expected fraction of sulfuric acid in PM is unknown, we recommend controlling dewpoint at within ± 1 °C. This would limit any dewpoint-related change in PM to less than ± 2%, even for PM that is 50% sulfuric acid. If you know your expected fraction of sulfuric acid in PM, we recommend that you select an appropriate dewpoint tolerance for showing compliance with emission standards using the following table as a guide:

TABLE 1 OF § 1065.190—DEWPOINT TOLERANCE AS A FUNCTION OF % PM CHANGE AND % SULFURIC ACID PM

Expected sulfuric acid fraction of PM	±0.5% PM mass change	±1.0% PM mass change	±2.0% PM mass change
5%	±3.0 °C	±6.0 °C	±12 °C
50%	±0.30 °C	±0.60 °C	±1.2 °C
100%	±0.15 °C	±0.30 °C	±0.60 °C

(d) Measure the following ambient conditions using measurement instruments that meet the specifications in subpart C of this part:

(1) Continuously measure dewpoint and ambient temperature. Use these values to determine if the PM-stabilization and balance environments have remained within the tolerances specified in paragraph (c) of this section. We recommend that you provide an interlock that automatically prevents the balance from reporting values if either of the environments have not been within the applicable tolerances for the past 30 min.

(2) Continuously measure barometric pressure. Provide a means to record the most recent barometric pressure when you weigh each PM sample. Use this value to calculate the PM buoyancy correction in § 1065.690.

(e) We recommend that you install a balance as follows:

(1) Install the balance on a vibration-isolation platform to isolate it from external noise and vibration.

(2) Shield the balance from convective airflow with a static-dissipating draft shield that is electrically grounded.

(3) Follow the balance manufacturer's specifications for all preventive maintenance.

(4) Operate the balance manually or as part of an automated weighing system.

(f) Minimize static electric charge in the balance environment, as follows:

(1) Electrically ground the balance.

(2) Use 300 series stainless steel tweezers if PM samples must be handled manually.

(3) Ground tweezers with a grounding strap, or provide a grounding strap for the operator such that the grounding strap shares a common ground with the balance. Make sure grounding straps have an appropriate resistor to protect operators from accidental shock.

(4) Provide a static-electricity neutralizer that is electrically grounded in common with the balance to remove static charge from PM samples, as follows:

(i) You may use radioactive neutralizers such as a Polonium (^{210}Po) source. Replace radioactive sources at the intervals recommended by the neutralizer manufacturer.

(ii) You may use other neutralizers, such as a corona-discharge ionizer. If you use a corona-discharge ionizer, we recommend that you monitor it for neutral net charge according to the ionizer manufacturer's recommendations.

(5) We recommend that you use a device to monitor the static charge of PM sample media surfaces.

§ 1065.195 PM-stabilization environment for in-situ analyzers.

(a) This section describes the environment required to determine PM in-situ. For in-situ analyzers, such as an inertial balance, this is the environment within a PM sampling system that surrounds the PM sample media. This is typically a very small volume.

(b) Maintain the environment free of ambient contaminants, such as dust, aerosols, or semi-volatile material that could contaminate PM samples. Filter all air used for stabilization with HEPA filters. Ensure that HEPA filters are installed properly so that background PM does not leak past the HEPA filters.

(c) Maintain the following thermodynamic conditions within the environment before measuring PM:

(1) *Ambient temperature.* Select a nominal ambient temperature, T_{amb} between (42 and 52) °C. Maintain the ambient temperature within ±1 °C of the selected nominal value.

(2) *Dewpoint.* Select a dewpoint, T_{dew} that corresponds to T_{amb} such that $T_{dew} = (0.95.T_{amb} - 11.40)$ °C. The resulting dewpoint will control the amount of water associated with sulfuric acid (H_2SO_4) PM, such that 1.1368 grams of water will be associated with each gram of H_2SO_4. For example, if you select a nominal ambient temperature of 47 °C, set a dewpoint of 33.3 °C.

(3) *Dewpoint tolerance.* If the expected fraction of sulfuric acid in PM is unknown, we recommend controlling dewpoint within ± 1 °C. This would limit any dewpoint-related change in PM to less than ± 2%, even for PM that is 50% sulfuric acid. If you know your expected fraction of sulfuric acid in PM, we recommend that you select an appropriate dewpoint tolerance for showing compliance with emission standards using the following table as a guide:

TABLE 1 OF § 1065.195—DEWPOINT TOLERANCE AS A FUNCTION OF % PM CHANGE AND % SULFURIC ACID PM

Expected sulfuric acid fraction of PM	±0.5% PM mass change	±1.0% PM mass change	±2.0% PM mass change
5%	±3.0 °C	±6.0 °C	±12 °C
50%	±0.30 °C	±0.60 °C	±1.2 °C
100%	±0.15 °C	±0.30 °C	±0.60 °C

(4) *Absolute pressure.* Maintain an absolute pressure of (80.000 to 103.325) kPa. Use good engineering judgment to maintain a more stringent tolerance of absolute pressure if your PM measurement instrument requires it.

(d) Continuously measure dewpoint, temperature, and pressure using measurement instruments that meet the specifications in subpart C of this part. Use these values to determine if the stabilization environment is within the tolerances specified in paragraph (c) of this section. Do not use any PM quantities that are recorded when any of these parameters exceed the applicable tolerances.

(e) If you use an inertial PM balance, we recommend that you install it as follows:

(1) Isolate the balance from any external noise and vibration that is within a frequency range that could affect the balance.

(2) Follow the balance manufacturer's specifications.

(f) If static electricity affects an inertial balance, you may use a static neutralizer, as follows:

(1) You may use a radioactive neutralizer such as a Polonium (^{210}Po) source or a Krypton (^{85}Kr) source. Replace radioactive sources at the intervals recommended by the neutralizer manufacturer.

(2) You may use other neutralizers, such as a corona-discharge ionizer. If you use a corona-discharge ionizer, we recommend that you monitor it for neutral net charge according to the ionizer manufacturer's recommendations.

(3) We recommend that you use a device to monitor the static charge of PM sample media surfaces.

Subpart C—Measurement Instruments

§ 1065.201 Overview and general provisions.

(a) *Scope.* This subpart specifies measurement instruments and associated system requirements related to emission testing. This includes instruments for measuring engine parameters, ambient conditions, flow-related parameters, and emission concentrations.

(b) *Instrument types.* You may use any of the specified instruments as described in this subpart to perform emission tests. If you want to use one of these instruments in a way that is not specified in this subpart, or if you want to use a different instrument, you must first get us to approve your alternate procedure under § 1065.10. Where we specify more than one instrument for a particular measurement, we identify which instrument serves as the reference for showing that an alternative procedure is equivalent to the specified procedure.

(c) *Measurement systems.* Assemble a system of measurement instruments that allows you to show that your engines comply with the applicable emission standards, using good engineering judgment. When selecting instruments, consider how conditions such as vibration, temperature, pressure, humidity, viscosity, specific heat, and exhaust composition (including trace concentrations) may affect instrument compatibility and performance.

(d) *Redundant systems.* For all measurement instruments described in this subpart, you may use data from multiple instruments to calculate test results for a single test. If you use redundant systems, use good engineering judgment to use multiple measured values in calculations or to disregard individual measurements. Note that you must keep your results from all measurements, as described in § 1065.25.

(e) *Range.* You may use an instrument's response above 100% of its operating range if this does not affect your ability to show that your engines comply with the applicable emission standards. Note that we require additional testing and reporting if an analyzer responds above 100% of its range. See § 1065.550. Auto-ranging analyzers do not require additional testing or reporting.

(f) *Dispersion.* For transient emission tests with continuous sampling where continuous signals from two or more instruments are combined in emission calculations, use dispersion to align the signals if the fastest instrument has a response time less than 75% of the slowest and at least one instrument has a response time greater than 1 s. Perform dispersion according to SAE 2001–01–3536 (incorporated by reference in § 1065.1010). Steady-state emission tests and any tests with batch sampling systems do not require dispersion. You may disperse data during or after data collection, but if you use time-alignment as described in paragraph (g) of this section, always perform dispersion before time-alignment.

(g) *Time-alignment.* For transient emission tests with continuous sampling where continuous signals from two or more instruments are combined in emission calculations, time-align their signals to account for measurement system delays. Steady-state emission tests and any tests with batch sampling systems do not require time-alignment. You may time-align data during or after data collection, but if you use dispersion as described in paragraph (f) of this section, always perform dispersion before time-alignment. Time-align data to the nearest recorded interval. An example of time-alignment is shifting a series of concentration measurements to coincide with their respective exhaust flow measurements to account for a transport delay in a sample line.

(h) *Related subparts for laboratory testing.* Subpart D of this part describes how to evaluate the performance of the measurement instruments in this subpart. Other related subparts in this part identify specifications for other types of equipment (subpart B), and specify engine fluids and analytical gases (subpart H).

(i) *Field testing.* Subpart J of this part describes how to use these and other measurement instruments for field testing.

§ 1065.202 Data recording and control.

Your test system must be able to record data and control systems related to operator demand, the dynamometer, sampling equipment, and measurement instruments. Use data acquisition and control systems that can record at the specified minimum frequencies, as follows:

TABLE 1 OF § 1065.202.—DATA RECORDING AND CONTROL MINIMUM FREQUENCIES

Applicable section	Measured values	Minimum frequency
§ 1065.510	Speed and torque during an engine step-map	1 mean value per step.
§ 1065.510	Speed and torque during an engine sweep-map	1 Hz averages of 5 Hz samp.
§ 1065.514, § 1065.530	Duty cycle reference and feedback speeds and torques for control and recording.	5 Hz.
§ 1065.520, § 1065.530, § 1065.550	Continuous concentrations of raw or dilute analyzers.	1 Hz.
§ 1065.520, § 1065.530, § 1065.550	Batch concentrations of raw or dilute analyzers	1 mean value per test interval.
§ 1065.530, § 1065.545	Diluted exhaust flow rate from a CVS with a heat exchanger.	1 Hz.
§ 1065.530, § 1065.545	Diluted exhaust flow rate from a CVS without a heat exchanger.	5 Hz.
§ 1065.530, § 1065.545	Intake-air, dilution-air, or raw-exhaust flow rate	5 Hz.
§ 1065.530, § 1065.545	Sample flow from a CVS that has a heat exchanger.	1 Hz.
§ 1065.530, § 1065.545	Sample flow from a CVS does not have a heat exchanger.	5 Hz.

§ 1065.205 Performance specifications for measurement instruments.

Your test system as a whole must meet all the applicable calibrations, performance checks, and test-validation criteria specified in subparts D and F of this part (and subpart J of this part for field testing). We recommend that you take the following steps to ensure that your test system performs adequately:

(a) Meet the specifications for individual measurement instruments in Table 1 of this section. For instruments with multiple ranges, this applies to all the ranges you use for testing. The accuracy specifications represent deviations from a true value or a calibration-standard value.

(b) Sample and record the quantity at the rate specified in Table 1 of this section if your instrument meets the rise time and fall time in the table. Note that § 1065.308 requires that the product of the rise time and the frequency to be 5 or greater for continuous-analyzer systems.

(c) Keep any documentation from instrument manufacturers showing that instruments meet specifications.

TABLE 1 OF § 1065.205.—RECOMMENDED PERFORMANCE SPECIFICATIONS FOR MEASUREMENT INSTRUMENTS

Measurement instrument	Measured quantity symbol	Complete system rise time and fall time	Recording update frequency	Accuracy[a]	Repeatability[a]	Noise[a]
Engine speed transducer	f_n	1 s	5 Hz	2.0 % of pt. or 0.5 % of max.	1.0 % of pt. 0.25 % of max.	0.05 % of max
Engine torque transducer	T	1 s	5 Hz	2.0 % of pt. or 1.0 % of max.	1.0 % of pt. 0.5 % of max.	0.05 % of max
General pressure transducer (not a part of another instrument).	p	5 s	1 Hz	2.0 % of pt. or 1.0 % of max.	1.0 % of pt. 0.50 % of max.	0.1 % of max
Barometer	P_{barom}	50 s	0.1 Hz.	50 Pa	25 Pa	5 Pa
Temperature sensor for PM-stabilization and balance environments.	T	50 s	0.1 Hz.	0.25 °C	0.1 °C	0.02 °C
Other temperature sensor (not a part of another instrument).	T	5 s	1 Hz	2 °C	1 °C	0.2 °C
Dewpoint sensor for PM-stabilization and balance environments.	T_{dew}	50 s	0.1 Hz.	0.25 °C	0.1 °C	0.02 °C
Other dewpoint sensor	T_{dew}	50 s	0.1 Hz.	1 °C	0.5 °C	0.1 °C
Fuel flow meter (Fuel totalizer in parentheses).	m	5 s (N/A)	1 Hz (N/A)	2.0 % of pt. or 1.5 % of max.	1.0 % of pt. 0.75 % of max.	0.5 % of max.
Diluted exhaust meter	n	5 s	1 Hz	2.0 % of pt. or 1.5 % of max.	1.0 % of pt. 0.75 % of max.	1.0 % of max
Dilution air, inlet air, exhaust, and sample flow meters.	n	1 s	5 Hz	2.5 % of pt. or 1.5 % of max.	1.25 % of pt. 0.75 % of max.	1.0 % of max
Constituent concentration, continuous analyzer.	x	5 s	1 Hz	2.0 % of pt. 2.0 % of meas.	1.0 % of pt. 1.0 % of meas.	0.2 % of max
Constituent concentration, batch analyzer.	x	N/A	N/A	2.0 % of pt. 2.0 % of meas.	1.0 % of pt. 1.0 % of meas.	0.2 % of max
Gravimetric PM balance	m_{PM}	N/A	N/A	See § 1065.790	0.25 µg	0.1 µg

TABLE 1 OF § 1065.205.—RECOMMENDED PERFORMANCE SPECIFICATIONS FOR MEASUREMENT INSTRUMENTS—Continued

Measurement instrument	Measured quantity symbol	Complete system rise time and fall time	Recording update frequency	Accuracy[a]	Repeatability[a]	Noise[a]
Inertial PM balance	m_{PM}	5 s	1 Hz	2.0 % of pt. 2.0 % of meas.	1.0 % of pt. 1.0 % of meas.	0.2 % of max.

[a] Accuracy, repeatability, and noise are determined with the same collected data, as described in § 1065.305. ''pt.'' refers to a single point at the average value expected during testing at the standard—the reference value used in § 1065.305; ''max.'' refers to the maximum value expected during testing at the standard over any test interval, not the maximum of the instrument's range; ''meas'' refers to the flow-weighted average measured value during any test interval.

Measurement of Engine Parameters and Ambient Conditions

§ 1065.210 Speed and torque transducers.

(a) *Application.* Use instruments as specified in this section to measure engine speed and torque during engine operation.

(b) *Component requirements.* We recommend that you use speed and torque transducers that meet the specifications in Table 1 of § 1065.205. Note that your overall systems for measuring engine speed and torque must meet the linearity checks in § 1065.307.

(c) *Speed.* Use a magnetic or optical shaft-position detector with a resolution of at least 6° arc, in combination with a frequency counter that rejects common-mode noise.

(d) *Torque.* You may use a variety of methods to determine engine torque. As needed, and based on good engineering judgment, compensate for torque induced by the inertia of accelerating and decelerating components connected to the flywheel, such as the drive shaft and dynamometer rotor. Use any of the following methods to determine engine torque:

(1) Measure torque by mounting a strain gage in-line between the engine and dynamometer.

(2) Measure torque by mounting a strain gage on a lever arm connected to the dynamometer housing.

(3) Calculate torque from internal dynamometer signals, such as armature current, as long as you calibrate this measurement as described in § 1065.310.

§ 1065.215 Pressure transducers, temperature sensors, and dewpoint sensors.

(a) *Application.* Use instruments as specified in this section to measure pressure, temperature, and dewpoint.

(b) *Component requirements.* We recommend that you use pressure transducers and temperature and dewpoint sensors that meet the specifications in Table 1 of § 1065.205. Note that your overall systems for measuring pressure, temperature, and dewpoint must meet the calibration and performance checks in § 1065.315.

(c) *Temperature.* For PM-balance environments or other precision temperature measurements, we recommend thermistors. For other applications we recommend thermocouples that are not grounded to the thermocouple sheath. You may use other temperature sensors, such as resistive temperature detectors (RTDs).

(d) *Pressure.* Pressure transducers must control their internal temperature or compensate for temperature changes over their expected operating range. Transducer materials must be compatible with the fluid being measured. For barometric pressure or other precision pressure measurements, we recommend either capacitance-type or laser-interferometer transducers. For other applications, we recommend either strain gauge or capacitance-type pressure transducers. You may use other pressure-measurement instruments, such as manometers, where appropriate.

(e) *Dewpoint.* For PM-stabilization environments, we recommend chilled-surface hygrometers. For other applications, we recommend thin-film capacitance sensors. You may use other dewpoint sensors, such as a wet-bulb/dry-bulb psychrometer, where appropriate.

Flow-Related Measurements

§ 1065.220 Fuel flow meter.

(a) *Application.* You may use fuel flow in combination with a chemical balance of carbon (or oxygen) between the fuel, inlet air, and raw exhaust to calculate raw exhaust flow as described in § 1065.650, as follows:

(1) Use the actual value of calculated raw exhaust flow rate in the following cases:

(i) For multiplying raw exhaust flow rate with continuously sampled concentrations.

(ii) For multiplying total raw exhaust flow with batch-sampled concentrations.

(2) In the following cases, you may use a signal that does not give the actual value of raw exhaust, as long as it is linearly proportional to the exhaust flow rate's actual calculated value:

(i) For feedback control of a proportional sampling system, such as a partial-flow dilution system.

(ii) For multiplying with continuously sampled constituent concentrations, if the same signal is used in a chemical-balance calculation to determine work from brake-specific fuel consumption and fuel consumed.

(b) *Component requirements.* We recommend that you use a fuel flow meter that meets the specifications in Table 1 of § 1065.205. We recommend a fuel flow meter that measures mass directly, such as one that relies on gravimetric or inertial measurement principles. This may involve using a meter with one or more scales for weighing fuel or using a Coriolis meter. Note that your overall system for measuring fuel flow must meet the linearity check in § 1065.307 and the calibration and performance checks in § 1065.320.

(c) *Recirculating fuel.* In any fuel-flow measurement, account for any fuel that bypasses the engine or returns from the engine to the fuel storage tank.

(d) *Flow conditioning.* For any type of fuel flow meter, condition the flow if needed to prevent wakes, eddies, circulating flows, or flow pulsations from affecting the accuracy or repeatability of the meter. You may accomplish this by using a sufficient length of straight tubing (such as a

length equal to 10 pipe diameters) or by using specially designed tubing bends, orifice plates or straightening fins to establish a predictable velocity profile upstream of the meter.

§ 1065.225 Intake-air flow meter.

(a) *Application.* You may use an intake-air flow meter in combination with a chemical balance of carbon (or oxygen) between the fuel, inlet air, and raw exhaust to calculate raw exhaust flow as described in § 1065.650, as follows:

(1) Use the actual value of calculated raw exhaust in the following cases:

(i) For multiplying raw exhaust flow rate with continuously sampled concentrations.

(ii) For multiplying total raw exhaust flow with batch-sampled concentrations.

(2) In the following cases, you may use a signal that does not give the actual value of raw exhaust, as long as it is linearly proportional to the exhaust flow rate's actual calculated value:

(i) For feedback control of a proportional sampling system, such as a partial-flow dilution system.

(ii) For multiplying with continuously sampled constituent concentrations, if the same signal is used in a chemical-balance calculation to determine work from brake-specific fuel consumption and fuel consumed.

(b) *Component requirements.* We recommend that you use an intake-air flow meter that meets the specifications in Table 1 of § 1065.205. This may include a laminar flow element, an ultrasonic flow meter, a subsonic venturi, a thermal-mass meter, an averaging Pitot tube, or a hot-wire anemometer. Note that your overall system for measuring intake-air flow must meet the linearity check in § 1065.307 and the calibration in § 1065.325.

(c) *Flow conditioning.* For any type of intake-air flow meter, condition the flow if needed to prevent wakes, eddies, circulating flows, or flow pulsations from affecting the accuracy or repeatability of the meter. You may accomplish this by using a sufficient length of straight tubing (such as a length equal to 10 pipe diameters) or by using specially designed tubing bends, orifice plates or straightening fins to establish a predictable velocity profile upstream of the meter.

§ 1065.230 Raw exhaust flow meter.

(a) *Application.* You may use measured raw exhaust flow, as follows:

(1) Use the actual value of calculated raw exhaust in the following cases:

(i) Multiply raw exhaust flow rate with continuously sampled concentrations.

(ii) Multiply total raw exhaust with batch sampled concentrations.

(2) In the following cases, you may use a signal that does not give the actual value of raw exhaust, as long as it is linearly proportional to the exhaust flow rate's actual calculated value:

(i) For feedback control of a proportional sampling system, such as a partial-flow dilution system.

(ii) For multiplying with continuously sampled constituent concentrations, if the same signal is used in a chemical-balance calculation to determine work from brake-specific fuel consumption and fuel consumed.

(b) *Component requirements.* We recommend that you use a raw-exhaust flow meter that meets the specifications in Table 1 of § 1065.205. This may involve using an ultrasonic flow meter, a subsonic venturi, an averaging Pitot tube, a hot-wire anemometer, or other measurement principle. This would generally not involve a laminar flow element or a thermal-mass meter. Note that your overall system for measuring raw exhaust flow must meet the linearity check in § 1065.307 and the calibration and performance checks in § 1065.330.

(c) *Flow conditioning.* For any type of raw exhaust flow meter, condition the flow if needed to prevent wakes, eddies, circulating flows, or flow pulsations from affecting the accuracy or repeatability of the meter. You may accomplish this by using a sufficient length of straight tubing (such as a length equal to 10 pipe diameters) or by using specially designed tubing bends, orifice plates or straightening fins to establish a predictable velocity profile upstream of the meter.

(d) *Exhaust cooling.* You may cool raw exhaust upstream of a raw-exhaust flow meter, as long as you observe all the following provisions:

(1) Do not sample PM downstream of the cooling device.

(2) Do not sample NMHC downstream of the cooling device for compression-ignition engines, 2-stroke spark-ignition engines, and 4-stroke spark ignition engines below 19 kW if it causes exhaust temperatures above 202 °C to decrease to below 180 °C.

(3) Do not sample NO_X downstream of the cooling device if it causes aqueous condensation.

(4) If cooling causes aqueous condensation before the flow reaches the raw-exhaust flow meter, measure dewpoint and pressure at the flow meter's inlet. Use this dewpoint for emission calculations in § 1065.650.

§ 1065.240 Dilution air and diluted exhaust flow meters.

(a) *Application.* Use a diluted exhaust flow meter to determine instantaneous diluted exhaust flow rates or total diluted exhaust flow over a test interval. You may use the difference between a diluted exhaust flow meter and a dilution air meter to calculate raw exhaust flow rates or total raw exhaust flow over a test interval.

(b) *Component requirements.* We recommend that you use a diluted exhaust flow meter that meets the specifications in Table 1 of § 1065.205. Note that your overall system for measuring diluted exhaust flow must meet the linearity check in § 1065.307 and the calibration and performance checks in § 1065.340 and § 1065.341. You may use the following meters:

(1) For constant-volume sampling (CVS) of the total flow of diluted exhaust, you may use a critical-flow venturi (CFV), a positive-displacement pump (PDP), a subsonic venturi (SSV), or an ultrasonic flow meter (UFM). Combined with an upstream heat exchanger, either a CFV or a PDP will also function as a passive flow controller in a CVS system. However, you may also combine any flow meter with any active flow control system to maintain proportional sampling of exhaust constituents. You may control the total flow of diluted exhaust, or one or more sample flows, or a combination of these flow controls to maintain proportional sampling.

(2) For any other dilution system, you may use a laminar flow element, an ultrasonic flow meter, a subsonic venturi, critical-flow venturis, a positive-displacement meter, a thermal-mass meter, an averaging Pitot tube, or a hot-wire anemometer.

(c) *Flow conditioning.* For any type of diluted exhaust flow meter, condition the flow if needed to prevent wakes, eddies, circulating flows, or flow pulsations from affecting the accuracy or repeatability of the meter. For some meters, you may accomplish this by using a sufficient length of straight tubing (such as a length equal to 10 pipe diameters) or by using specially designed tubing bends, orifice plates or straightening fins to establish a predictable velocity profile upstream of the meter.

(d) *Exhaust cooling.* You may cool diluted exhaust upstream of a diluted exhaust flow meter. If cooling causes aqueous condensation before the flow reaches the meter, then measure the dewpoint and pressure at the flow meter's inlet. Use this dewpoint and pressure for emission calculations in § 1065.650.

§ 1065.245 Sample flow meter for batch sampling.

(a) *Application.* Use a sample flow meter to determine sample flow rates or total flow sampled into a batch sampling system over a test interval. You may use the difference between a diluted exhaust sample flow meter and a dilution air meter to calculate raw exhaust flow rates or total raw exhaust flow over a test interval.

(b) *Component requirements.* We recommend that you use a sample flow meter that meets the specifications in Table 1 of § 1065.205. This may involve a laminar flow element, an ultrasonic flow meter, a subsonic venturi, critical-flow venturis, a positive-displacement meter, a thermal-mass meter, an averaging Pitot tube, or a hot-wire anemometer. Note that your overall system for measuring sample flow must meet the linearity check in § 1065.307

(c) *Flow conditioning.* For any type of sample flow meter, condition the flow if needed to prevent wakes, eddies, circulating flows, or flow pulsations from affecting the accuracy or repeatability of the meter. For some meters, you may accomplish this by using a sufficient length of straight tubing (such as a length equal to 10 pipe diameters) or by using specially designed tubing bends, orifice plates or straightening fins to establish a predictable velocity profile upstream of the meter.

§ 1065.248 Gas divider.

(a) *Application.* You may use a gas divider to blend calibration gases.

(b) *Component requirements.* Use a gas divider that blends gases to the specifications of § 1065.750 and to the flow-weighted concentrations expected during testing. You may use critical-flow gas dividers, capillary-tube gas dividers, or thermal-mass-meter gas dividers. Note that your overall gas-divider system must meet the linearity check in § 1065.307.

CO and CO_2 Measurements

§ 1065.250 Nondispersive infra-red analyzer.

(a) *Application.* Use a nondispersive infra-red (NDIR) analyzer to measure CO and CO_2 concentrations in raw or diluted exhaust for either batch or continuous sampling.

(b) *Component requirements.* We recommend that you use an NDIR analyzer that meets the specifications in Table 1 of § 1065.205. Note that your NDIR-based system must meet the calibration and performance checks in § 1065.350 and § 1065.355 and, for continuous measurement, it must also meet the linearity check in § 1065.307.

Hydrocarbon Measurements

§ 1065.260 Flame ionization detector.

(a) *Application.* Use a flame ionization detector (FID) analyzer to measure hydrocarbon concentrations in raw or diluted exhaust for either batch or continuous sampling. Determine hydrocarbon concentrations on a carbon number basis of one (1), C_1. Determine methane and nonmethane hydrocarbon values as described in paragraph (e) of this section. See subpart I of this part for special provisions that apply to measuring hydrocarbons when testing with oxygenated fuels.

(b) *Component requirements.* We recommend that you use a FID analyzer that meets the specifications in Table 1 of § 1065.205. Note that your FID-based system for measuring THC must meet all of the performance checks for hydrocarbon measurement in subpart D of this part.

(c) *Heated FID analyzers.* For diesel-fueled engines, two-stroke spark-ignition engines, and four-stroke spark-ignition engines below 19 kW, you must use heated FID analyzers that maintain all surfaces that are exposed to emissions at a temperature of (191 ± 11) °C.

(d) *FID fuel and burner air.* Use FID fuel and burner air that meet the specifications of § 1065.750. Do not allow the FID fuel and burner air to mix before entering the FID analyzer to ensure that the FID analyzer operates with a diffusion flame and not a premixed flame.

(e) *Methane.* FID analyzers measure total hydrocarbons (THC). To determine nonmethane hydrocarbons (NMHC), quantify methane, CH_4, either with a nonmethane cutter and a FID analyzer as described in § 1065.265, or with a gas chromatograph as described in § 1065.267. Instead of measuring methane, you may consider that 2% of measured total hydrocarbons is methane, as described in § 1065.660. For a FID analyzer used to determine NMHC, determine its response factor to CH_4, RF_{CH4}, as described in § 1065.360. Note that NMHC-related calculations are described in § 1065.660.

§ 1065.265 Nonmethane cutter.

(a) *Application.* You may use a nonmethane cutter to measure CH_4 with a FID analyzer. A nonmethane cutter oxidizes all nonmethane hydrocarbons to CO_2 and H_2O. Instead of measuring methane, you may consider that 2% of measured total hydrocarbons is methane, as described in § 1065.660. You may use a nonmethane cutter for raw or diluted exhaust for batch or continuous sampling.

(b) *System performance.* Determine nonmethane-cutter performance as described in § 1065.365 and use the results to calculate NMHC emission in § 1065.660.

(c) *Configuration.* Configure the nonmethane cutter with a bypass line for the performance check described in § 1065.365.

(d) *Optimization.* You may optimize a nonmethane cutter to maximize the penetration of CH_4 and the oxidation of all other hydrocarbons. You may dilute a sample with purified air or oxygen (O_2) upstream of the nonmethane cutter to optimize its performance. You must account for any sample dilution in emission calculations.

§ 1065.267 Gas chromatograph.

(a) *Application.* You may use a gas chromatograph to measure CH_4 concentrations of diluted exhaust for batch sampling. Instead of measuring methane, you may consider that 2% of measured total hydrocarbons is methane, as described in § 1065.660. While you may also use a nonmethane cutter to measure CH_4, as described in § 1065.265, use a reference procedure based on a gas chromatograph for comparison with any proposed alternate measurement procedure under § 1065.10.

(b) *Component requirements.* We recommend that you use a gas chromatograph that meets the specifications in Table 1 of § 1065.205.

NO_X Measurements

§ 1065.270 Chemiluminescent detector.

(a) *Application.* You may use a chemiluminescent detector (CLD) to measure NO_X concentration in raw or diluted exhaust for batch or continuous sampling. We generally accept a CLD for NO_X measurement, even though it measures only NO (and NO_2, when coupled with an NO_2-to-NO converter), since conventional engines and aftertreatment systems do not emit significant amounts of NO_X species other than NO and NO_2. Use good engineering judgment to measure other NO_X species, as appropriate. While you may also use other instruments to measure NO_X, as described in § 1065.272 and § 1065.275, use a reference procedure based on a chemiluminescent detector for comparison with any proposed alternate measurement procedure under § 1065.10.

(b) *Component requirements.* We recommend that you use a CLD that meets the specifications in Table 1 of § 1065.205. Note that your CLD-based system must meet the quench check in § 1065.370 and, for continuous

measurements, it must also meet the linearity check in § 1065.307.

(c) *NO_2-to-NO converter.* Place upstream of the CLD an internal or external NO_2-to-NO converter that meets the performance check in § 1065.378. Configure the converter with a bypass to facilitate this performance check.

(d) *Humidity effects.* You must generally maintain CLD temperature to prevent aqueous condensation; however, you may disregard condensation control if you use one of the following configurations:

(1) The CLD is downstream of an NO_2-to-NO converter that meets the performance check in § 1065.378.

(2) The CLD is downstream of a thermal chiller that meets the performance check in § 1065.376.

(e) *Response time.* You may use a heated CLD to improve CLD response time.

§ 1065.272 Nondispersive ultraviolet analyzer.

(a) *Application.* You may use a nondispersive ultraviolet (NDUV) analyzer to measure NO_X concentration in raw or diluted exhaust for batch or continuous sampling. We generally accept an NDUV for NO_X measurement, even though it measures only NO and NO_2, since conventional engines and aftertreatment systems do not emit significant amounts of other NO_X species. Use good engineering judgment to measure other NO_X species, as appropriate.

(b) *Component requirements.* We recommend that you use an NDUV analyzer that meets the specifications in Table 1 of § 1065.205. Note that your NDUV-based system must meet the performance checks in § 1065.372 and, for continuous measurement, it must also meet the linearity check in § 1065.307.

(c) *NO_2-to-NO converter.* If your NDUV analyzer measures only NO, place upstream of the NDUV analyzer an internal or external NO_2-to-NO converter that meets the performance check in § 1065.378. Configure the converter with a bypass to facilitate this performance check.

(d) *Humidity effects.* You must generally maintain NDUV temperature to prevent aqueous condensation; however, you may disregard condensation control if you use one of the following configurations:

(1) The NDUV is downstream of an NO_2-to-NO converter that meets the performance check in § 1065.378.

(2) The NDUV is downstream of a thermal chiller that meets the performance check in § 1065.376.

§ 1065.274 Zirconia (ZrO_2) analyzer.

(a) *Application.* You may use a zirconia (ZrO_2) analyzer to measure NO_X concentration in raw exhaust for continuous sampling, as long as you stay within the analyzer manufacturer's specified limits with respect to acceptable O_2 exhaust concentrations and exhaust temperature. We generally accept a ZrO_2 analyzer for NO_X measurement, even though it measures only NO and NO_2, since conventional engines and aftertreatment systems do not emit significant amounts of other NO_X species. Use good engineering judgment to measure other NO_X species, as appropriate.

(b) *Component requirements.* We recommend that you use a ZrO_2 analyzer that meets the specifications in Table 1 of § 1065.205. Note that your ZrO_2-based system must meet the performance checks in § 1065.374 and the linearity check in § 1065.307.

(c) *NO_2-to-NO converter.* If your ZrO_2 analyzer measures only NO, place upstream of the ZrO_2 analyzer an NO_2-to-NO converter that meets the performance check in § 1065.378. Configure the converter with a bypass to facilitate this performance check.

(d) *Humidity effects.* You must generally maintain ZrO_2 analyzer temperature to prevent aqueous condensation; however, you may disregard condensation control if you use one of the following configurations:

(1) The ZrO_2 analyzer is downstream of an NO_2-to-NO converter that meets the performance check in § 1065.378.

(2) The ZrO_2 analyzer is downstream of a thermal chiller that meets the performance check in § 1065.376.

O_2 MEASUREMENTS

§ 1065.280 Paramagnetic detection analyzer.

(a) *Application.* You may use a paramagnetic detection (PMD) analyzer to measure O_2 concentration in raw or diluted exhaust for batch or continuous sampling. While you may also use a zirconia analyzer to measure O_2, as described in § 1065.283, use a reference procedure based on paramagnetic detection analyzers for comparison with any proposed alternate measurement procedures under § 1065.10

(b) *Component requirements.* We recommend that you use a PMD analyzer that meets the specifications in Table 1 of § 1065.205. Note that it must meet the linearity check in § 1065.307 for continuous measurements.

(c) *Interference gas compensation.* Compensate for PMD interference gases according to ISO 8178–1, Section 8.9.4 (incorporated by reference in § 1065.1010).

§ 1065.284 Zirconia (ZrO_2) analyzer.

(a) *Application.* You may use a zirconia (ZrO_2) analyzer to measure O_2 concentration in raw exhaust for continuous sampling.

(b) *Component requirements.* We recommend that you use a ZrO_2 analyzer that meets the specifications in Table 1 of § 1065.205. Note that your ZrO_2-based system must meet the linearity check in § 1065.307.

PM MEASUREMENTS

§ 1065.290 PM gravimetric balance.

(a) *Application.* Use a balance to weigh net PM on a sample medium for laboratory testing.

(b) *Component requirements.* We recommend that you use a balance that meets the specifications in Table 1 of § 1065.205. Note that your balance-based system must meet the linearity check in § 1065.307. If the balance uses internal calibration weights for routine spanning and linearity checks, the calibration weights must meet the specifications in § 1065.790. While you may also use an inertial balance to measure PM, as described in § 1065.295, use a reference procedure based on a gravimetric balance for comparison with any proposed alternate measurement procedure under § 1065.10.

(c) *Periodic verification.* Get the balance manufacturer or a representative approved by the balance manufacturer to verify the balance performance at least once every 12 months.

(d) *Pan design.* Use a balance pan designed to minimize corner loading of the balance, as follows:

(1) Use a pan that centers the PM sample on the weighing pan. For example, use a pan in the shape of a cross that has upswept tips that center the PM sample media on the pan.

(2) Use a pan that positions the PM sample as low as possible.

(e) *Balance configuration.* Configure the balance for optimum settling time and stability at your location.

§ 1065.295 PM inertial balance for field-testing analysis.

(a) *Application.* You may use an inertial balance to quantify net PM on a sample medium for field testing.

(b) *Component requirements.* We recommend that you use a balance that meets the specifications in Table 1 of § 1065.205. Note that your balance-based system must meet the linearity check in § 1065.307. If the balance uses an internal calibration process for routine spanning and linearity checks, the process must be NIST-traceable.

(c) *Periodic verification.* Get the balance manufacturer or a

representative approved by the balance manufacturer to verify the balance performance at least once every 12 months.

Subpart D—Calibrations and Performance Checks

§ 1065.301 Overview and general provisions.

(a) This subpart describes required and recommended calibrations and performance checks for measurement instruments. See subpart C of this part for specifications and system requirements that apply to individual instruments.

(b) You must generally use complete measurement systems when performing calibrations or performance checks. For example, this would generally involve evaluating instruments based on values recorded with the complete system you use for recording test data, including analog-to-digital converters. For some calibrations and performance checks, we may specify that you disconnect part of the measurement system to introduce a simulated signal.

(c) If we do not specify a calibration or performance check for a portion of your measurement system, calibrate that portion of your system and check its performance at a frequency consistent with any recommendations from the measurement-system manufacturer, consistent with good engineering judgment.

(d) Use NIST-traceable standards to the tolerances we specify for calibrations and performance checks. Where we specify the need to use NIST-traceable standards, you may alternatively ask for our approval to use international standards that are not traceable to NIST standards.

§ 1065.303 Summary of required calibration and performance checks

(a) The following table summarizes the required and recommended calibrations and performance checks described in this subpart. The table also indicates when these have to be performed.

TABLE 1 OF § 1065.303—SUMMARY OF REQUIRED CALIBRATION AND PERFORMANCE CHECKS

Calibration or performance check	Perform calibration or performance check
§ 1065.305: accuracy, repeatedly and noise	*Accuracy:* not required, but recommend for initial installation. *Repeatability:* not required, but recommend for initial installation. *Noise:* required during initial installation only if you correct for noise (See § 1065.658).
§ 1065.307: Linearity	*Speed:* Initial installation, and after major maintenance. *Torque:* Once every 12 months, and after major maintenance. *Flows:* Once every 12 months, and after major maintenance unless flow is verified by propane check or carbon (or oxygen) balance. *Continuous analyzers:* Once every 6 months, and after major maintenance.
§ 1065.308: continuous analyzer system response	Initial installation and after major system reconfiguration.
§ 1065.310: torque	Initial installation and good engineering judgment afterward.
§ 1065.315: pressure, temperature, dewpoint	Initial installation and good engineering judgment afterward.
§ 1065.320: fuel flow	Initial installation and good engineering judgment afterward.
§ 1065.325: intake flow	Initial installation and good engineering judgment afterward.
§ 1065.330: exhaust flow	Initial installation and good engineering judgment afterward.
§ 1065.340: diluted exhaust flow (CVS)	Initial installation, after major system reconfiguration, and as part of corrective action.
§ 1065.341: CVS and batch sampler verification	After CVS and batch sampler calibration and in lieu of linearity check.
§ 1065.345: vacuum leak	Initial installation, within 7 days of an emission test, and after major maintenance.
§ 1065.350: CO_2 NDIR H_2O interference	Initial installation and after major maintenance.
§ 1065.355: CO NDIR CO_2 and H_2O interference	Initial installation and after major maintenance.
§ 1065.360: FID optimization, etc	*Calibrate, optimize, and determine CH_4 response:* initial installation and good engineering judgment afterward. *Check CH_4 response:* once every 12 months, and after major maintenance.
§ 1065.362: Raw exhaust FID O_2 interference	Initial installation and after major maintenance.
§ 1065.365: Nonmethane cutter penetration	Once every 6 months, and after major maintenance.
§ 1065.370: CLD CO_2 and H_2O quench	Initial installation and after major maintenance.
§ 1065.372: NDUV NMHC and H_2O interference	Initial installation and after major maintenance.
§ 1065.374: ZrO_2 NH_3 interference and NO_2 response	Initial installation and after major maintenance.
§ 1065.376: Chiller NO_2 penetration	Initial installation and after major maintenance.
§ 1065.378: NO_2 to NO converter conversion	Once every 6 months, and after major maintenance.
§ 1065.390: PM balance and weighing	Within 12 hours of weighing, and after major balance and maintenance.

§ 1065.305 Performance checks for accuracy, repeatability, and noise.

(a) This section describes how to determine the accuracy, repeatability, and noise of an instrument. Table 1 of § 1065.205 specifies recommended values for individual instruments.

(b) We do not require you to check instrument accuracy or repeatability, and we require you to check instrument noise only as specified in paragraph (c) of this section. However, it may be useful to consider these performance checks to define a specification for a new instrument, to verify the performance of a new instrument upon delivery, or to troubleshoot an existing instrument.

(c) If you correct a constituent analyzer for noise as described in § 65.658, you must have performed the noise performance check in this section within the past 12 months.

(d) In this section we use the letter ''y'' to denote a generic measured quantity, the superscript over-bar to denote an arithmetic mean (*i.e.*,ў≤), and the subscript ''$_{ref}$'' to denote the reference quantity being measured.

(e) Conduct these checks as follows:

(1) Prepare an instrument so it operates at its specified temperatures, pressures, and flows. Perform any instrument linearization or calibration procedures prescribed by the instrument manufacturer.

(2) Zero the instrument by introducing a zero signal. Depending on the instrument, this may be a zero-concentration gas, a reference signal, a set of reference thermodynamic conditions, or some combination of these. For gaseous constituent analyzers,

use a zero gas that meets the specifications of § 1065.750(a).

(3) Span the instrument by introducing a span signal. Depending on the instrument, this may be a span-concentration gas, a reference signal, a set of reference thermodynamic conditions, or some combination of these. For gaseous-exhaust constituent analyzers, use a span gas that meets the specifications of § 1065.750(a).

(4) Use the instrument to quantify a NIST-traceable reference quantity, y_{ref}. Select a reference quantity near the mean value expected during testing. For all exhaust constituent analyzers, use a quantity near the flow-weighted average concentration expected at the standard and known within the specifications of § 1065.750(a). For a noise performance check, use the same zero gas from paragraph (e) of this section as the reference quantity. In all cases, allow time for the instrument to stabilize while it measures the reference quantity. Stabilization time may include time to purge an instrument and time to account for its response.

(5) Sample 25 values, record the arithmetic mean of the 25 values $\bar{y}_i$, and record the standard deviation σ_i, of the 25 values. Refer to § 1065.602 for an example of calculating arithmetic mean and standard deviation.

(6) Subtract the reference value, y_{ref}, from the arithmetic mean, $\bar{y}_i$. Record this value as the error, ε_i.

(7) Repeat the steps specified in paragraphs (e)(2) through (6) of this section until you have ten arithmetic means, ($\bar{y}_1$, $\bar{y}_2$, $\bar{y}_3$, ... $\bar{y}_{10}$), ten standard deviations, (σ_1, σ_2, σ_3, ... σ_{10}), and ten errors (ε_1, ε_2, ε_3, ... ε_{10}).

(8) Instrument accuracy is the absolute difference between the reference quantity, y_{ref} and the arithmetic mean of the ten y_i. Refer to the accuracy example calculation in § 1065.602. We recommend that instrument accuracy be within the specifications in Table 1 of § 1065.205.

(9) Repeatability is two times the standard deviation of the ten errors: (e.g. repeatability = $2 \cdot \sigma_\varepsilon$). Refer to the standard deviation example calculation in § 1065.602. We recommend that instrument repeatability be within the specifications in Table 1 of § 1065.205.

(10) Noise is two times the root mean square of the ten standard deviations, (e.g. noise = $2 \cdot rms_\sigma$). Refer to the root mean square example calculation in § 1065.602. We recommend that instrument noise be within the specifications in Table 1 of § 1065.205. Use this value in the noise correction specified in § 1065.657.

(11) You may use a measurement instrument that does not meet the accuracy, repeatability, or noise specifications in Table 1 of § 1065.205, as long as you meet all the following criteria:

(i) You try to correct the problem.

(ii) Your measurement systems meet all required calibration, performance checks, and validation specifications.

(iii) The measurement deficiency does not affect your ability to show that your engines comply with all applicable emission standards.

§ 1065.307 Linearity check.

(a) Perform a linearity check on each measurement system listed in Table 1 of this section at least as frequently as indicated in the table, or more frequently, consistent with good engineering judgment; for example, if the measurement system manufacturer recommends it. Note that this linearity check replaces requirements that we previously referred to as calibration specifications.

(b) If a measurement system does not meet the applicable linearity criteria, correct the deficiency by re-calibrating, servicing, or replacing components as needed. Before you may use a measurement system that does not meet linearity criteria, you must get us to approve it under § 1065.10.

(c) The intent of a linearity check is to determine that a measurement system responds proportionally over the measurement range of interest. A linearity check generally consists of introducing a series of at least 10 reference values to a measurement system. These reference values are about evenly spaced from the lowest to the highest values expected during emission testing. The measurement system quantifies each reference value. The measured values are then collectively compared to the reference values by using the linearity criteria specified in Table 1 of this section.

(d) Use the following linearity-check protocol, or use good engineering judgment to develop a different protocol that satisfies the intent of this section, as described in paragraph (c) of this section:

(1) In this paragraph (d), we use the letter ''y'' to denote a generic measured quantity, the superscript over-bar to denote an arithmetic mean (*i.e.*, $\bar{y}$), and the subscript ''$_{ref}$'' to denote the known (or reference) quantity being measured.

(2) Operate a measurement system at its specified temperatures, pressures, and flows. This may include any specified adjustment or periodic calibration of the measurement system.

(3) Zero the instrument by introducing a zero signal. Depending on the instrument, this may be a zero-concentration gas, a reference signal, a set of reference thermodynamic conditions, or some combination of these. For gaseous constituent analyzers, use a zero gas that meets the specifications of § 1065.750(a).

(4) Span the instrument by introducing a span signal. Depending on the instrument, this may be a span-concentration gas, a reference signal, a set of reference thermodynamic conditions, or some combination of these. For gaseous-exhaust constituent analyzers, use a span gas that meets the specifications of § 1065.750(a).

(5) Select 10 reference values, y_{refi} that are nominally evenly spaced from the lowest to the highest values expected during emission testing. Generate reference quantities as described in paragraph (e) of this section. For gaseous-exhaust constituent analyzers, use gas concentrations known to be within the specifications of § 1065.750(a).

(6) Select the greatest reference value and introduce it to the measurement system.

(7) Allow time for the instrument to stabilize while it measures the reference value. Stabilization time may include time to purge an instrument and time to account for its response.

(8) At a frequency of f Hz specified in Table 1 of § 1065.205, measure the reference value 25 times and record the arithmetic mean of the 25 values, $\bar{y}_i$. Refer to § 1065.602 for an example of calculating an arithmetic mean.

(9) Select smallest reference value, and repeat steps in paragraphs (d)(7) and (d)(8) of this section.

(10) Alternate between selecting the highest and lowest remaining untested reference values until you have measured all the reference values.

(11) Use the arithmetic means, $\bar{y}_i$, and reference values, y_{refi}, to calculate statistical values to compare to the criteria specified in Table 1 of this section. Use the statistical calculations as described in § 1065.602.

(e) This paragraph (e) describes recommended methods for generating reference values for the linearity-check protocol in paragraph (d) of this section. Use reference values that simulate actual values, or introduce an actual value and measure it with a reference-measurement system. In the latter case, the reference value is the value reported by the reference-measurement system. Reference values and reference-measurement systems must be traceable to NIST standards. Use the following recommended methods to generate reference values or use good engineering judgment to select a different method:

(1) *Engine speed.* Run the engine or dynamometer at a series of steady-state speeds and use a strobe, a photo tachometer, or a laser tachometer to record reference speeds.

(2) *Engine torque.* Use a series of calibration weights and a calibration lever arm to simulate engine torque, Alternately, you may use the engine or dynamometer itself to generate a nominal torque that is measured by a reference load cell in series with the torque measurement system. In this case use the reference load cell measurement as the reference value. Refer to § 1065.310 for a torque-calibration procedure similar to the linearity check in this section.

(3) *Fuel rate.* Operate the engine at a series of constant fuel-flow rates. Use a gravimetric reference measurement (such as a scale, balance, or mass comparator) at the inlet to the fuel-measurement system. Use a stopwatch to measure the time intervals over which reference masses of fuel are introduced to the fuel measurement system. The reference fuel mass divided by the time interval is the reference fuel flow rate.

(4) *Flow rates—inlet air, dilution air, diluted exhaust, raw exhaust, or sample flow.* Use a reference flow meter with a blower or pump to simulate flow rates. Use a restrictor or diverter valve or a variable speed blower or pump to control the range of flow rates. Use the reference meter's response as the reference values. Because the flow range requirements for these various flows are large, we allow a variety of reference meters. For example, for diluted exhaust flow for a full flow dilution system we recommend a reference subsonic venturi flow meter with a restrictor valve and a blower to simulate flow rates. For inlet air, dilution air, diluted exhaust for partial flow dilution, raw exhaust or sample flow we allow reference meters such as critical flow orifices, critical flow venturis, laminar flow elements, master mass flow standards, or Roots meters. Ensure that your reference meter is calibrated by the flow meter manufacturer and that its calibration is traceable to NIST. If you use the difference of two flow measurements to determine a single flow rate, you may use one of the measurements as a reference for the other.

(5) *Gas division.* At the outlet of the gas division system, connect a gas analyzer that meets the linearity check described in this section. Operate this analyzer consistent with how you would operate it for emission testing. Connect to the gas divider inlet a span gas for the analyzer. Use the gas division system to divide the span gas with purified air or nitrogen. Select gas divisions that you typically use. Use a selected gas division as the measured value. Use the quotient of the analyzer response divided by the span gas concentration as the reference value.

(6) *Continuous constituent concentration.* For reference values, use a series of gas cylinders of known gas concentration or use a gas-division system that is known to be linear with a span gas. Gas-cylinders, gas-division systems, and span gases that you use for reference values must meet the specifications of § 1065.750.

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Table 1 of §1065.307–Measurement systems that require linearity checks

Measurement System	Quantity	When to perform linearity check[a]	Linearity Criteria[c]
Engine speed	f_n	After major maintenance	$\lvert a_0 \rvert \leq 0.05\ \%\ \text{x}\ f_{nmax}$, $0.98 \leq a_1 \leq 1.02$ $SE \leq 2\ \%\ \text{x}\ f_{nmax}$, $r^2 \geq 0.990$
Engine torque	T	Every 12 months	$\lvert a_0 \rvert \leq 1\ \%\ \text{x}\ T_{max}$, $0.98 \leq a_1 \leq 1.02$ $SE \leq 2\ \%\ \text{x}\ T_{max}$, $r^2 \geq 0.990$
Fuel flow rate	$\dot{m}$	Every 12 months[b]	$\lvert a_0 \rvert \leq 1\ \%\ \text{x}\ \dot{m}_{max}$, $0.98 \leq a_1 \leq 1.02$ [d] $SE \leq 2\ \%\ \text{x}\ \dot{m}_{max}$, $r^2 \geq 0.990$
Intake-air flow rate	$\dot{n}$	After major maintenance[b]	$\lvert a_0 \rvert \leq 1\ \%\ \text{x}\ \dot{n}_{max}$, $0.98 \leq a_1 \leq 1.02$ [d] $SE \leq 2\ \%\ \text{x}\ \dot{n}_{max}$, $r^2 \geq 0.990$
Dilution air flow rate	$\dot{n}$	After major maintenance[b]	$\lvert a_0 \rvert \leq 1\ \%\ \text{x}\ \dot{n}_{max}$, $0.98 \leq a_1 \leq 1.02$ $SE \leq 2\ \%\ \text{x}\ \dot{n}_{max}$, $r^2 \geq 0.990$
Diluted exhaust flow rate	$\dot{n}$	After major maintenance[b]	$\lvert a_0 \rvert \leq 1\ \%\ \text{x}\ \dot{n}_{min}$, $0.98 \leq a_1 \leq 1.02$ $SE \leq 2\ \%\ \text{x}\ \dot{n}_{max}$, $r^2 \geq 0.990$
Raw exhaust flow rate	$\dot{n}$	Every 12 months [b]	$\lvert a_0 \rvert \leq 1\ \%\ \text{x}\ \dot{n}_{max}$, $0.98 \leq a_1 \leq 1.02$ [d] $SE \leq 2\ \%\ \text{x}\ \dot{n}_{max}$, $r^2 \geq 0.990$
Sample flow rate	$\dot{n}$	Every 12 months [b]	$\lvert a_0 \rvert \leq 1\ \%\ \text{x}\ \dot{n}_{max}$, $0.98 \leq a_1 \leq 1.02$ $SE \leq 2\ \%\ \text{x}\ \dot{n}_{max}$, $r^2 \geq 0.990$
Gas dividers	x	Every 12 months	$\lvert a_0 \rvert \leq 0.5\ \%\ \text{x}\ x_{max}$, $0.98 \leq a_1 \leq 1.02$ $SE \leq 2\ \%\ \text{x}\ x_{max}$, $r^2 \geq 0.990$
Continuous constituent concentration (e.g., gas analyzers)	x	Every 6 months	$\lvert a_0 \rvert \leq 0.5\ \%\ \text{x}\ x_{max}$, $0.98 \leq a_1 \leq 1.02$ $SE \leq 2\ \%\ \text{x}\ x_{max}$, $r^2 \geq 0.990$

[a] Perform a linearity check more frequently based upon the instrument manufacturer's recommendations.

[b] These linearity checks are not required for systems that pass the flow-rate check for diluted exhaust as described in §1065.341 (the propane check) or for systems that agree within ±2 % based on a chemical balance of carbon or oxygen of the intake air, fuel, and exhaust.

[c] "max" refers to the maximum value expected during a test—the maximum value used for the linearity check.

[d] a_0 and a_1 for these quantities are required only if the actual value of the quantity is required, versus a signal that is only linearly proportional to the actual value.

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§ 1065.308 Continuous gas analyzer system response check.

(a) *Scope and frequency.* Perform this check after installing or replacing a gas analyzer that you use for continuous sampling. Also perform this check if you reconfigure your system in a way that would change system response. For example, you add a significant volume to the transfer lines by increasing their length or adding a filter. As another example, you change the frequency at which you sample and record gas analyzer concentrations.

(b) *Measurement principles.* This check is an overall system response check for continuous analyzers. It evaluates two aspects of instrument response, as follows:

(1) *Uniform response.* To determine a single gas concentration, you may combine more than one gas

measurement. For example, you may measure an interference gas and use its value in an algorithm to compensate the value of another measured gas concentration. The response of the interference gas instrument must match the response of the instrument that it is compensating.

(2) *Overall system response.* The overall system response and the system's recording frequency must be properly matched. Gas analyzer systems must be optimized such that their overall response to a rapid change in concentration is recorded at an appropriate frequency to prevent loss of information.

(c) *System requirements.* The response check is evaluated by two performance criteria, as follows:

(1) Compensated signals must have a uniform rise and fall during the full response to a step change. During a system response to a rapid change in multiple gas concentrations, the shape of any compensated signal must have no more than one inflection point. In other words, the second derivative of any compensated signal must change sign from negative (−) to positive (+) no more than once whenever a multi-component step increase occurs, and the second derivative must change sign from positive (+) to negative (−) no more than once whenever a multi-component step decrease occurs

(2) The product of the mean rise time and the sampling frequency must be at least 5, and the product of the mean fall time and the sampling frequency must be at least 5.

(d) *Procedure.* Use the following procedure to check the response of your continuous gas analyzer system.

(1) *Instrument setup.* Follow the analyzer system manufacturers' start-up and operation instructions. Adjust the system as needed to optimize performance.

(2) *Equipment setup.* Connect a zero air source to one inlet of a fast acting 3-way valve (2 inlets, 1 outlet). Connect an NO, CO, CO_2, C_3H_8 quad-blend span gas to the other valve inlet. Connect the valve outlet to a heated line at 50 °C, and connect the heated line outlet to the inlet of a 50 °C gas bubbler filled with distilled water. Connect the bubbler outlet to another heated line at 100 °C. Connect the outlet of the 100 °C line to the gas analyzer system's probe or to the overflow fitting between the probe and transfer line.

(3) *Data collection.*

(i) Switch the valve to flow zero gas.

(ii) Allow for stabilization, accounting for transport delays and the slowest instrument's full response.

(iii) Start recording data at the frequency you would during emission testing.

(iv) Switch the valve to flow span gas.

(v) Allow for transport delays and the slowest instrument's full response.

(vi) Repeat the steps in paragraphs (d)(3)(i) through (v) of this section to record seven full cycles, ending with zero gas flowing to the analyzers.

(vii) Stop recording.

(4) *Performance evaluation.*

(i) *Uniform response.* Compute the second derivative for any compensated analyzer signals. The second derivative must change sign from negative (−) to positive (+) no more than once whenever span gas was flowed, and the second derivative must change sign from positive (+) to negative (−) no more than once whenever zero gas was flowed. If it did, determine if the cause was an interference gas compensation signal. If you can positively demonstrate that any failure was not caused by an interference compensation signal, then the analyzer system passes this test. Otherwise, adjust the compensation algorithms' time-alignment and/or dispersion to result in a uniform rise and fall during this performance check.

(ii) *Rise time, fall time, and recording frequency.* Calculate the mean rise time, T_{10-90} and mean fall time T_{90-10} for each of the analyzers. Multiply these times (in s) by their respective recording frequencies in Hertz (1/s). The value for each result must be at least 5. If the value is less than 5, increase the recording frequency or adjust the flows or design of the sampling system to increase the rise time and/or fall time. You may not use interpolation to increase the number or recorded values. In other words, each recorded value must be a unique record of the actual analyzer signal.

Measurement of Engine Parameters and Ambient Conditions

§ 1065.310 Torque calibration.

Calibrate your torque measurement system upon initial installation, and use good engineering judgment to re-calibrate your system. Calibrate torque with the lever-arm dead-weight technique or the transfer technique, as described in paragraphs (a) and (b) of this section. We define the NIST ''true value'' torque as the torque calculated by taking the product of a weight or force traceable to NIST and a sufficiently accurate horizontal distance along a lever arm, corrected for the lever arm's hanging torque.

(a) The lever-arm dead-weight technique involves placing known weights at a known horizontal distance from the torque-measuring device's center of rotation. You need two types of equipment:

(1) *Calibration weights or force.* This technique requires calibration weights or a force apparatus traceable to NIST standards. Use at least six calibration points for each applicable torque-measuring range, spacing the points about equally over the range.

(i) For calibration weights, determine their force by multiplying their NIST-traceable masses by your local acceleration of Earth's gravity. The local acceleration of gravity, a_g at your latitude, longitude, and elevation may be determined by entering your position and elevation data into the United States' National Oceanographic and Atmospheric Administration's surface gravity prediction Web site: *http://www.ngs.noaa.gov/cgi-bin/grav_pdx.prl.* If this Web site is unavailable, you may use the equations in § 1065.630, which return your local acceleration of gravity based on your latitude and elevation. Make sure the lever arms are perpendicular to gravity.

(ii) [Reserved]

(2) *Lever arm.* Apply the calibration weights or force apparatus to the torque-sensing device through a lever arm. The length of the lever arm, from the point where the calibration force or weights are applied to the dynamometer centerline, must be known accurately enough to allow the system to meet the linearity criteria in Table 1 of § 1065.307. Take into account the torque-producing effect of the lever arm's mass. You may balance the lever arm's mass to minimize the torque-producing effect.

(b) The transfer technique involves calibrating a master load cell, such as a dynamometer-case load cell. You may calibrate the master load cell with known calibration weights or force at known horizontal distances. Alternatively, you may use a pre-calibrated master load cell to transfer this calibration to the device that measures engine torque. The transfer technique involves the following three main steps:

(1) Pre-calibrate a master load cell using weights or force and a lever arm as specified in paragraph (a) of this section. Run or vibrate the dynamometer during this calibration to reduce frictional static hysteresis.

(2) The measured horizontal distance from the dynamometer centerline to the point where you apply a weight or force must be accurate to within ±0.5 %. Balance the arms or know their net hanging torque to within ±0.5 %.

(3) Transfer calibration from the case or master load cell to the torque-

measuring device with the dynamometer operating at a constant speed. Calibrate the torque-measurement device's readout to the master load cell's torque readout at a minimum of six loads spaced about equally across the full useful ranges of both measurement devices. Transfer the calibration so it meets the linearity criteria in Table 1 of § 1065.307.

§ 1065.315 Pressure, temperature, and dewpoint calibration.

(a) Follow the measurement-system manufacturer's instructions and recommended frequency for calibrating pressure, temperature, and dewpoint, upon initial installation and use good engineering judgment to re-calibrate, as follows:

(1) *Pressure.* We recommend temperature-compensated, digital-pneumatic, or deadweight pressure calibrators, with data-logging capabilities to minimize transcription errors.

(2) *Temperature.* We recommend digital dry-block or stirred-liquid temperature calibrators, with datalogging capabilities to minimize transcription errors.

(3) *Dewpoint.* We recommend a minimum of three different temperature-equilibrated and temperature-monitored calibration salt solutions in containers that seal completely around the dewpoint sensor.

(b) You may remove system components for off-site calibration.

Flow-Related Measurements

§ 1065.320 Fuel flow calibration.

(a) Follow the measurement-system manufacturer's instructions for calibrating a fuel flow meter upon initial installation and use good engineering judgment to re-calibrate. We recommend using a scale and a stopwatch.

(b) You may also develop a procedure based on a chemical balance of carbon or oxygen in engine exhaust.

(c) You may remove system components for off-site calibration. When installing a flow meter with an off-site calibration, we recommend that you consider the effects of your tubing configuration upstream and downstream of your flow meter.

§ 1065.325 Intake flow calibration.

(a) Follow the measurement-system manufacturer's instructions for calibrating intake-air flow upon initial installation, and use good engineering judgment to re-calibrate. We recommend using a calibration subsonic venturi.

(b) You may remove system components for off-site calibration. When installing a flow meter with an off-site calibration, we recommend that you consider the effects of your tubing configuration upstream and downstream of your flow meter.

(c) If you use a subsonic venturi for intake flow measurement, we recommend that you calibrate it as described in § 1065.340.

§ 1065.330 Exhaust flow calibration.

(a) Follow the measurement-system manufacturer's instructions for calibrating exhaust flow upon initial installation, and use good engineering judgment to re-calibrate. We recommend that you use a calibration subsonic venturi and simulate exhaust temperatures by incorporating a heat exchanger between the calibration meter and your exhaust-flow meter.

(b) You may remove system components for off-site calibration. When installing a flow meter with an off-site calibration, we recommend that you consider the effects of your tubing configuration upstream and downstream of your flow meter.

(c) If you use a subsonic venturi for intake flow measurement, we recommend that you calibrate it as described in § 1065.340.

§ 1065.340 Diluted exhaust flow (CVS) calibration.

(a) *Overview.* This section describes how to calibrate flow meters for diluted exhaust constant-volume sampling (CVS) systems.

(b) *Scope and frequency.* Perform this calibration while the flow meter is installed in its permanent position. Perform this calibration after you change any part of the flow configuration upstream or downstream of the flow meter that may affect the flow meter calibration. Perform this calibration upon initial CVS installation and whenever corrective action does not resolve a failure to meet the diluted exhaust flow check in § 1065.341.

(c) *Reference flow meter.* Calibrate a CVS flow meter using a reference subsonic venturi flow meter. Long radius ASME/NIST flow nozzles are acceptable. Use a reference flow meter that is within ±1 % NIST traceability. Use this reference flow meter's response to flow as the reference value for CVS flow meter calibration.

(d) *Configuration.* Do not use an upstream screen or other restriction that could affect the flow ahead of the reference flow meter, unless the flow meter has been calibrated with such a restriction.

(e) *PDP calibration.* Calibrate a PDP to determine a flow versus PDP speed equation that accounts for flow leakage across sealing surfaces in the PDP as a function of PDP inlet pressure. Calibrate a PDP flow meter as follows:

(1) Connect the system as shown in Figure 1 of this section.

(2) Eliminate leaks between the calibration flow meter and the PDP such that total leakage is less than 0.3 % of the lowest flow point; for example, at the highest restriction and lowest PDP-speed point.

(3) While the PDP operates, maintain a constant temperature at the PDP inlet within ±2 % of the average absolute inlet temperature, $\overline{T}_{in}$.

(4) Set the PDP speed to the first speed point at which you intend to calibrate.

(5) Set the variable restrictor to its wide-open position.

(6) Operate the PDP for at least 3 min to stabilize the system. Continue operating the CFV and record the mean of at least 25 measurements of each of the following quantities:

(i) Flow rate of the reference flow meter, n.

(ii) Temperature at the PDP inlet, T_{in}.

(iii) Static absolute pressure at the PDP inlet, P_{in}.

(iv) Static absolute pressure at the PDP outlet, P_{out}.

(v) PDP speed, f_{PDP}.

(7) Incrementally close the restrictor valve to decrease the absolute pressure at the inlet to the PDP, P_{in}.

(8) Repeat the steps in paragraphs (e)(6) and(e)(7) of this section to record data at a minimum of six restrictor positions reflecting the full range of possible in-use pressures at the PDP inlet.

(9) Calibrate the PDP by using the collected data and the equations in § 1065.640.

(10) Repeat the steps in paragraphs (e)(6) through (e)(9) of this section for each speed that you operate the PDP.

(11) Use the equations in § 1065.642 to determine the PDP flow equation for emission testing.

(12) Verify the calibration by performing a CVS check (*i.e.*, propane check) as described in § 1065.341

(13) Use the flow equation to determine PDP flow during emission testing. Do not use the PDP below the lowest inlet pressure tested during calibration.

(f) *CFV calibration.* Calibrate a CFV to verify its discharge coefficient, C_d and the lowest inlet pressure at which you may use your CFV. Calibrate a CFV flow meter as follows:

(1) Connect the system as shown in Figure 1 of this section.

(2) Eliminate leaks between the calibration flow meter and the CFV such

that total leakage is less than 0.3 % of total flow at the highest restriction.

(3) While the CFV operates, maintain a constant temperature at the CFV inlet within ±2 % of the average absolute inlet temperature, $\overline{T}_{in}$.

(4) Start the blower downstream of the CFV.

(5) Set the variable restrictor to its wide-open position.

(6) Operate the CFV for at least 3 min to stabilize the system. Continue operating the CFV and record the mean of at least 25 measurements of each of the following quantities:

(i) Flow rate of the reference flow meter, $\dot{n}$.

(ii) Optionally, dewpoint of the calibration air, T_{dew}. See § 1065.640 for permissible assumptions.

(iii) Temperature at the venturi inlet, T_{in}.

(iv) Static absolute pressure at the venturi inlet, P_{in}.

(7) Incrementally close the restrictor valve to decrease the absolute pressure at the inlet to the CFV, P_{in}.

(8) Repeat the steps in paragraphs (f)(6) and (f)(7) of this section to record data at a minimum of ten restrictor positions, such that you test the full range of inlet pressures expected during testing.

(9) Determine C_d and the lowest inlet pressure at which you may use your CFV as described in § 1065.640.

(10) Verify the calibration by performing a CVS check (*i.e.*, propane check) as described in § 1065.341.

(11) Use the C_d to determine CFV flow during an emission test. Do not use the CFV below the lowest inlet pressure tested during calibration.

(g) *SSV calibration*. Calibrate an SSV flow meter as follows: Calibrate an SSV to determine its calibration coefficient, C_d for the range of inlet pressures over which you may use your SSV. Calibrate an SSV flow meter as follows:

(1) Connect the system as shown in Figure 1 of this section.

(2) Eliminate leaks between the calibration flow meter and the SSV such that total leakage is less than 0.3 % of total flow at the highest restriction.

(3) While the SSV operates, maintain a constant temperature at the SSV inlet within ±2 % of the average absolute inlet temperature, $\overline{T}_{in}$.

(4) Start the blower downstream of the SSV.

(5) Set the variable restrictor or variable-speed blower to a flow rate greater than the greatest flow rate expected during testing. Because we do not allow extrapolation of flow rates beyond calibrated values, we recommend that you ensure that the SSV throat Reynolds number (Re#) at your greatest calibrated flow rate is greater than the maximum Re# expected during testing.

(6) Operate the SSV for at least 3 min to stabilize the system. Continue operating the SSV and record the mean of at least 25 measurements of each of the following quantities:

(i) Flow rate of the reference flow meter, $\dot{n}$.

(ii) Optionally, dewpoint of the calibration air, T_{dew}. See § 1065.640 for permissible assumptions.

(iii) Temperature at the venturi inlet, T_{in}.

(iv) Static absolute pressure at the venturi inlet, P_{in}.

(v) Static absolute pressure at the venturi throat, P_{th}.

(7) Incrementally close the restrictor valve or decrease the blower speed to decrease the flow rate.

(8) Repeat the steps in paragraphs (g)(6) through (g)(7) of this section to record data at a minimum of ten flow rates.

(9) Determine a functional form of C_d versus $Re_{\#}$ by using the collected data and the equations in § 1065.640.

(10) Verify the calibration by performing a CVS check (*i.e.*, propane check) as described in § 1065.341 using the new C_d versus $Re^{\#}$ equation.

(11) Use the SSV only between the minimum and maximum calibrated flow rates.

(12) Use the equations in § 1065.642 to determine SSV flow during a test.

(h) *Ultrasonic flow meter calibration*. [Reserved]

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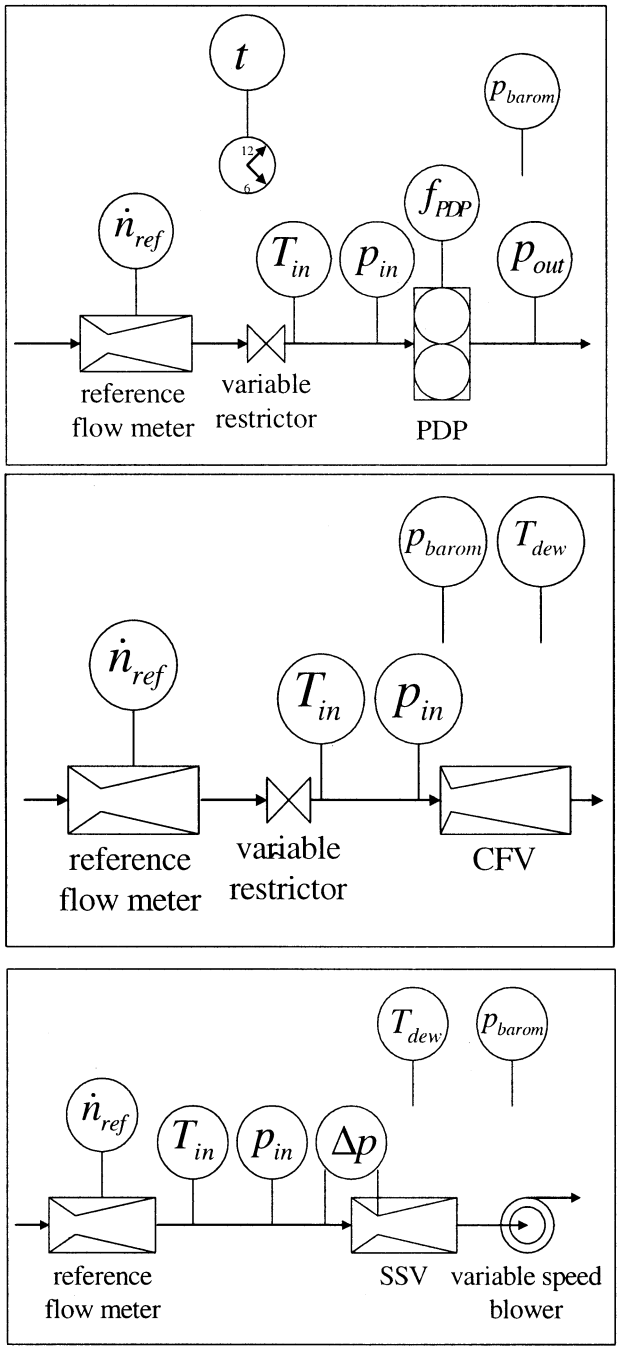
Figure 1 of §1065.340—Schematic diagrams for diluted exhaust flow (CVS) calibration.



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§ 1065.341 CVS and batch sampler verification (i.e. propane check).

(a) Perform this check to determine if there is a discrepancy in your measured values of diluted exhaust flow. You may also perform this check to determine if there is a discrepancy in a batch sampling system that extracts a sample from a CVS. Failure of this check might indicate that one or more of the following problems might require corrective action:

(1) *Incorrect analyzer calibration.* Re-calibrate FID analyzer or repair or replace analyzer.

(2) *Leaks.* Inspect CVS tunnel, connections, and fasteners and repair or replace components.

(3) *Poor mixing.* Perform the check as described in paragraph (b) of this section while traversing sampling probe across diameter of tunnel, vertically and horizontally. If analyzer response indicates a deviation that exceeds ±2% of the mean measured concentration, consider operating the CVS at a higher flow rate or installing a mixing plate or orifice to improve mixing.

(4) *Hydrocarbon contamination in the sample system.* Perform the hydrocarbon contamination check as described in § 1065.520.

(5) *Change in CVS calibration.* Perform an in-situ calibration of the

CVS flow meter as described in § 1065.340.

(6) *Other problems with the CVS or sampling check hardware or software.* Inspect CVS system, the CVS check hardware, and your software for discrepancies.

(b) *C_3H_8 check.* This check uses either a reference mass or a reference flow rate of C_3H_8 as a tracer gas in a CVS. Note that if you use a reference flow rate, you might have to account for the non-ideal gas behavior of C_3H_8 in your reference flow meter. You inject the reference C_3H_8 into the CVS and then calculate the mass you injected using your NMHC measurements and CVS flow rate measurements.

(c) Prepare for this check as follows:

(1) Obtain a cylinder charged with C_3H_8. Determine the reference cylinder's full weight within ±0.5% if you use a reference mass instead of a reference flow rate.

(2) Select appropriate flow rates for the CVS and C_3H_8.

(3) Select a C_3H_8 injection port in the CVS. Select the port location to be as close as practical to the location where you introduce engine exhaust into the CVS. Connect the C_3H_8 cylinder to the injection system.

(4) Operate and stabilize the CVS.

(5) Preheat any heat exchangers in the sampling system.

(6) Allow heated components such as sample lines, filters, and pumps to stabilize at operating temperature.

(7) You may purge your NMHC sampling system during stabilization.

(8) If applicable, perform a vacuum side leak check of the NMHC sampling system as described in § 1065.345.

(9) You may also conduct any other calibrations or performance checks on any equipment or analyzers.

(d) Zero, span, and check for contamination of the NMHC sampling system, as follows:

(1) Select the lowest NMHC analyzer range that can measure the C_3H_8 concentration expected for your CVS and C_3H_8 flow rates.

(2) Zero the NMHC analyzer using zero air introduced at the analyzer port.

(3) Span the NMHC analyzer using C_3H_8 span gas introduced at the analyzer port.

(4) Overflow zero air at the NMHC probe or into a fitting between the NMHC probe and the transfer line.

(5) Measure the stable NMHC concentration of the NMHC sampling system as overflow zero air flows.

(6) If the overflow NMHC concentration exceeds 2% of the expected C_3H_8 concentration, determine the source of the contamination and take corrective action, such as cleaning the system or replacing contaminated portions. Do not proceed until contamination is eliminated.

(7) If the overflow NMHC concentration does not exceed 2% of the expected C_3H_8 concentration, record this value as $x_{NMHCpre}$ and use it to correct for NMHC contamination as described in § 1065.660.

(e) Perform the propane check as follows:

(1) For batch NMHC sampling, connect clean storage media, such as evacuated bags.

(2) Operate NMHC measurement instruments according to the instrument manufacturer's instructions.

(3) If you choose to correct for dilution air background concentrations of NMHC, measure and record background NMHC.

(4) Zero any integrating devices.

(5) Begin sampling, and start any flow integrators.

(6) Release the contents of the propane reference cylinder and the rate you selected. If you use a reference flow rate C_3H_8, start integrating this flow rate.

(7) Continue to release the cylinder's contents for a duration of time that is at least as long as your shortest test interval for emission testing.

(8) Shut off the C_3H_8 reference cylinder and continue sampling until you have accounted for time delays due to sample transport delays and analyzer response times.

(9) Stop sampling, and stop any integrators.

(f) Perform post-test procedure as follows:

(1) If you used batch sampling, analyze batch samples as soon as practical.

(2) After analyzing NMHC correct for drift, contamination, and background.

(3) Calculate total C_3H_8 mass based on your CVS and NMHC data as described in § 1065.650 and § 1065.660 using of the molar mass of C_3H_8, M_{C3H8} instead the molar mass of NMHC, M_{NMHC}.

(4) If you use a reference mass, determine the cylinder's post-test weight within ±0.5%, and determine the C_3H_8 reference mass by subtracting empty cylinder weight from the full cylinder weight.

(5) Subtract the reference C_3H_8 mass from your calculated mass. If this difference is within ±2% of the reference mass, the CVS passes this check. If not, take corrective action as described in paragraph (a) of this section.

(g) *Batch sampler check.* You may repeat the C_3H_8 check to check a batch sampler, such as a PM secondary dilution system.

(1) Configure your NMHC sampling system to extract a sample near the location of your batch sampler's storage media (*e.g.*, PM filter). If the absolute pressure at this location is too low to extract an NMHC sample, you may sample NMHC from the batch sampler pump's exhaust. Use caution when sampling from pump exhaust because an acceptable pump leak downstream of a batch sampler flow meter will cause a false failure of the C_3H_8 check.

(2) Repeat the C_3H_8 check described in this section, sampling NMHC from your batch sampler.

(3) Calculate C_3H_8 mass taking into account any secondary dilution from your batch sampler.

(4) Subtract the reference C_3H_8 mass from your calculated mass. If this difference is within ±5% of the reference mass, the batch sampler passes this check. If not, take corrective action as described in paragraph (a) of this section.

§ 1065.345 Vacuum-side leak check.

Within seven days before each test, check for vacuum-side leaks as described in this section. Check for vacuum-side leaks using one of the following two procedures:

(a) Perform a flow-rate leak-test as follows:

(1) For a given sampling system, seal the probe end of the system by taking one of the following steps:

(i) Cap or plug the end of the sample probe

(ii) Disconnect the transfer line at the probe and cap or plug the transfer line.

(iii) Close a leak-tight valve in line between a probe and transfer line.

(2) Operate each analyzer pump. After stabilizing the system, verify that the flow through each analyzer is less than 0.5% of the in-use flow rate. You may use nominal analyzer and bypass flows to estimate in-use flow.

(b) Perform an over-flow leak-test as follows:

(1) For a given sampling system, route overflow span gas to one of the following locations in the sampling system:

(i) The end of the sample probe

(ii) Disconnect the transfer line and route to the end of the transfer line.

(iii) A three-way valve installed in-line between a probe and transfer line.

(2) After stabilizing the system, verify that the measured span gas concentration is within the measurement accuracy and repeatability of the analyzer. Note that a measured value lower than expected may be an indication of a leak, but a higher than expected concentration may be an indication of a problem with the span gas or the analyzer itself. A higher than expected concentration does not indicate a leak.

CO AND CO_2 MEASUREMENTS

§ 1065.350 H_2O interference check for CO_2 NDIR analyzers.

(a) *Scope and frequency.* If you measure CO_2 using an NDIR analyzer, check for H_2O interference after initial analyzer installation and after any major maintenance.

(b) *Measurement principles.* H_2O can interfere with an NDIR analyzer's response for CO_2. If your NDIR analyzer uses compensation algorithms that utilize measurements of other gases to meet this interference check, simultaneously conduct such measurements to test the algorithms during the analyzer interference check.

(c) *System requirements.* A CO_2 NDIR analyzer must have an H_2O interference that is less than 2% of the lowest flow-weighted average CO_2 concentration expected during testing, though we strongly recommend a lower interference of less than 1%.

(d) Procedure. Perform the interference check as follows:

(1) Start, operate, zero, and span the CO_2 NDIR analyzer according to the instrument manufacturer's instructions.

(2) Create a water-saturated test gas by bubbling zero air that meets the specifications in § 1065.750 through distilled water in a sealed vessel at (25±10) °C.

(3) Upstream of any sample dryer used during testing, introduce the water-saturated test gas.

(4) Allow time for the analyzer response to stabilize. Stabilization time may include time to purge the transfer line and to account for analyzer response.

(5) While the analyzer measures the sample's concentration, record its output for 60 s at a nominal frequency of 5 Hz to record 300 data points. Calculate the arithmetic mean of these 300 points.

(e) If the arithmetic mean of the 300 points is less than 2% of the flow-weighted average concentration of CO_2 expected at the standard, then the analyzer meets the interference check.

(f) You may use a CO_2 NDIR analyzer that you determine does not meet this performance check, as long as you meet all the following criteria:

(1) You try to correct the problem.

(2) The measurement deficiency does not affect your ability to show that your engines comply with all applicable emission standards.

§ 1065.355 H_2O and CO_2 interference check for CO NDIR analyzers.

(a) *Scope and frequency.* If you measure CO using an NDIR analyzer, check for H_2O and CO_2 interference after initial analyzer installation and after any major maintenance.

(b) *Measurement principles.* H_2O and CO_2 can positively interfere with an NDIR analyzer by causing a response similar to CO. If your NDIR analyzer uses compensation algorithms that utilize measurements of other gases to meet this interference check, simultaneously conduct such measurements to test the algorithms during the analyzer interference check.

(c) *System requirements.* A CO NDIR analyzer must have combined H_2O and CO_2 interference that is less than 2% of the flow-weighted average concentration of CO expected at the standard, as measured in paragraph (d) of this section, though we strongly recommend a lower interference of less than 1%.

(d) *Procedure.* Perform the interference check as follows:

(1) Start, operate, zero, and span the CO NDIR analyzer according to the instrument manufacturer's instructions.

(2) Create a water-saturated CO_2 test gas by bubbling a CO_2 span gas through distilled water in a sealed vessel at (25±10) °C.

(3) Upstream of any sample dryer used during testing, introduce the water-saturated CO_2 test gas.

(4) Allow time for the analyzer response to stabilize. Stabilization time may include time to purge the transfer line and to account for analyzer response.

(5) While the analyzer measures the sample's concentration, record its output at its nominal frequency to record 300 data points. Calculate the arithmetic mean of these 300 points.

(6) Multiply this mean by the ratio of expected CO_2 to span gas CO_2 concentration. In other words, estimate the flow-weighted average dry concentration of CO_2 expected during testing, and then divide this value by the concentration of CO_2 in the span gas used for this check. Then multiply this ratio by the mean of the 300 values recorded during this check.

(e) If the result of (6) is less than 2% of the flow-weighted average concentration of CO expected at the standard, then the analyzer meets the interference check.

(f) You may use a CO NDIR analyzer that does not meet this performance check as long as you meet all the following criteria:

(1) You try to correct the problem.

(2) The measurement deficiency does not affect your ability to show that your engines comply with all applicable emission standards.

HYDROCARBON MEASUREMENTS

§ 1065.360 FID optimization and performance checks.

(a) *Scope and frequency.* For all FID analyzers, perform the following:

(1) Calibrate a FID upon initial installation and according to good engineering judgment, as described in paragraph (b) of this section. Calibrate on a carbon number basis of one (1), C_1.

(2) Optimize, a FID's response to various hydrocarbons after initial analyzer installation and after any major maintenance, as described in paragraph (c) of this section.

(3) Determine a FID's CH_4 response factor after initial analyzer installation and after any major maintenance as described in paragraph (d) of this section.

(4) Check CH_4 response once every 12 months.

(b) *Calibration.* Use good engineering judgment to develop a calibration procedure, such as one based on the FID-analyzer manufacturer's instructions and recommended frequency for calibrating the FID. Alternately, you may remove system components for off-site calibration. Calibrate using a C_3H_8, balance synthetic air, calibration gas that meets the specifications of § 1065.750. Calibrate on a carbon number basis of one (1), C_1. For example, if you use a C_3H_8 span gas of concentration 200 µmol/mol, span the FID to respond with a value of 600 µmol/mol.

(c) *FID Response optimization.* Use good engineering judgement for initial instrument start-up and basic operating adjustment using FID fuel and zero air. Heated FIDs must be at their specified operating temperature. Optimize FID response at the operating range expected to be used during emission testing. Optimization involves adjusting flows and pressures to minimize response variations to different hydrocarbon species that are expected to be in the exhaust. Use good engineering judgment to trade off peak FID response to propane-in-air to achieve minimal response variations to different hydrocarbons. A good example of trading off response to propane for relative responses to other hydrocarbon species is given in Society of Automotive Engineers (SAE) Paper No. 770141, ''Optimization of Flame Ionization Detector for Determination of Hydrocarbon in Diluted Automotive Exhausts;'' author Glenn D. Reschke (incorporated by reference in § 1065.1010). After the optimum flow rates have been determined, record them for future reference.

(d) *CH_4 response factor determination.* Since FID analyzers generally do not have a 1.00 CH_4 response factor, determine each FID analyzer's CH_4 response factor after FID optimization. Because we do not limit the range of FID analyzer's RF_{CH4}, you must use the most recent RF_{CH4} that you measured according to this section. Use the most recent RF_{CH4} in the calculations for NMHC determination as described in § 1065.660. These calculations compensate for CH_4 response. Determine a FID analyzer's response CH_4 factor as follows:

(1) Select a propane (C_3H_8) calibration gas that meets the specifications of § 1065.750 and has a concentration typical of the flow-weighted average concentration expected at the hydrocarbon standard. Record the calibration concentration of the gas.

(2) Select a methane (CH_4) calibration gas that meets the specifications of § 1065.750 and has a concentration typical of the flow-weighted average concentration expected at the hydrocarbon standard. Record the calibration concentration of the gas.

(3) Start and operate the FID analyzer according to the manufacturer's instructions.

(4) Confirm that the FID analyzer has been calibrated using C_3H_8. Calibrate on a carbon number basis of one (1), C_1. For example, if you use a C_3H_8 span gas of concentration 200 µmol/mol, span the FID to respond with a value of 600 µmol/mol.

(5) Zero the FID with zero air that meets the specifications of § 1065.750.

(6) Span the FID with the calibration gas that you selected in paragraph (d)(1) of this section.

(7) Introduce at the inlet of the FID analyzer the CH_4 calibration gas that you selected in paragraph (d)(2) of this section.

(8) Allow time for the analyzer response to stabilize. Stabilization time may include time to purge the analyzer and to account for its response.

(9) While the analyzer measures the CH_4 concentration, record its output for 60 s at a nominal frequency of 5 Hz to record 300 data points. Calculate the arithmetic mean of these 300 points.

(10) Divide the mean measured concentration by the recorded calibration concentration of the CH_4 calibration gas. The result is the FID analyzer's response factor for CH_4, RF_{CH4}.

(e) *FID CH_4 response check.* Check the FID CH_4 response by performing the following:

(1) Perform the CH_4 response factor determination as described in paragraph (d) of this section.

(2) If the CH_4 response factor is within ±5% of its most recently determined value, the FID passes the FID flow check.

(3) If the FID does not pass this check, first verify that the pressures and flow rates of FID fuel, burner air, and sample are each within ±0.5% of their most recently recorded values. These values are recorded each time you conduct a FID response optimization as described in paragraph (c) of this section. You may adjust these flows as necessary.

(4) Repeat the CH_4 response factor determination as described in paragraph (d) of this section.

(5) If the pressures and/or flows are correct, but the CH_4 response factor is not within ±5% of its most recently determined value, then repeat the FID response optimization as described in paragraph (c) of this section.

(6) Repeat the CH_4 response factor as described in paragraph (d) of this section.

(7) Use this CH_4 response factor, RF_{CH4}, in the calculations for NMHC determination as described in § 1065.660.

§ 1065.362 Raw exhaust FID O_2 interference check.

(a) *Scope and frequency.* If you use a FID analyzer for raw exhaust measurements, perform an O_2 interference check upon initial installation and after major maintenance.

(b) *Measurement principles.* Changes in O_2 concentration in raw exhaust can affect FID response by changing FID flame temperature. Optimize FID fuel, burner air, and sample flow to meet this check.

(c) *System requirements.* Your FID must meet the O_2 interference check according to ISO 8178–1, Section 8.8.3 (incorporated by reference in § 1065.1002).

§ 1065.365 Nonmethane cutter penetration fractions determination.

(a) *Scope and frequency.* If you use a FID analyzer and a nonmethane cutter to measure methane (CH_4), determine the nonmethane cutter's penetration fractions of CH_4, PF_{CH4} and ethane, PF_{C2H6} as described in this section. Perform this check after installing the nonmethane cutter, and within six months after the previous check. This check must be repeated within six months of the check to verify that the catalytic activity of the cutter has not deteriorated.

(b) *Measurement principles.* A nonmethane cutter removes nonmethane hydrocarbons from the exhaust stream before the FID analyzer measures hydrocarbon concentrations. An ideal nonmethane cutter would have PF_{CH4} of 1.000, and the penetration fraction for all other hydrocarbons would be 0.000, as represented by PF_{C2H6}. The emission calculations in § 1065.660 use the actual measured values of PF_{CH4} and PF_{C2H6} to account for less than ideal nonmethane cutter performance.

(c) *System requirements.* We do not limit penetration fractions to a certain range. However, we do recommend that you optimize a nonmethane cutter by adjusting its catalyst temperature to achieve $PF_{CH4} > 0.9$ and $PF_{C2H6} < 0.1$ as determined by paragraph (d) of this section. If we use a nonmethane cutter for testing, it will meet this recommendation. If adjusting catalyst temperature does not result in achieving both of these specifications simultaneously, we recommend that you replace the catalyst. Use the most recently determined penetration values from this section to calculate the concentration of NMHC, x_{NMHC} as described in § 1065.660.

(d) *Procedure.* Determine penetration fractions as follows:

(1) Select CH_4 and C_2H_6 analytical gas mixtures that meet the specifications of § 1065.750 with concentrations typical of the flow-weighted average concentrations expected at the hydrocarbon standard.

(2) Start and operate the nonmethane cutter according to the manufacturer's instructions.

(3) Confirm that the FID analyzer meets all of the specifications of § 1065.360.

(4) Start and operate the FID analyzer according to the manufacturer's instructions.

(5) Connect the FID analyzer to the outlet of the nonmethane cutter.

(6) Introduce the CH_4 analytical gas mixture upstream of the nonmethane cutter.

(7) Allow time for the analyzer response to stabilize. Stabilization time may include time to purge the nonmethane cutter and to account for its response.

(8) While the analyzer measures the sample's concentration, record its output for 60 s at a nominal frequency of 5 Hz to record 300 data points. Calculate the arithmetic mean of these 300 points.

(9) Reroute the flow path to bypass the nonmethane cutter and repeat the steps in paragraphs (d)(6) through (d)(8) of this section.

(10) Divide the mean concentration measured through the nonmethane cutter by the mean concentration measured after bypassing the

nonmethane cutter. The result is the CH_4 penetration fraction (PF_{CH4})

(11) Repeat steps in paragraphs (b)(6) through (b)(10) of this section but with the C_2H_6 analytical gas mixture instead of the CH_4 analytical gas mixture. The result is the C_2H_6 penetration fraction (PF_{C2H6}).

NO_X MEASUREMENTS

§ 1065.370 CLD CO2 and H2O quench check.

(a) *Scope and frequency.* If you use a CLD analyzer to measure NO_X, check for H_2O and CO_2 quench after installing the CLD analyzer and after performing major maintenance.

(b) *Measurement principles.* H_2O and CO_2 can negatively interfere with a CLD's NO_X response by collisional quenching, which inhibits the chemiluminescent reaction that a CLD utilizes to detect NO_X. The calculations in § 1065.672 that are used to determine H_2O quench account for the water vapor in humidified NO span gas. The procedure and the calculations scale the quench results to the water vapor and CO_2 concentrations expected during testing. If your CLD analyzer uses quench compensation algorithms that utilize H_2O and/or CO_2 measurement instruments, use these instruments to measure H_2O and/or CO_2 and evaluate quench with the compensation algorithms applied.

(c) *System requirements.* A CLD analyzer must have a combined H_2O and CO_2 quench of less than ±2%, though we strongly recommend a quench of ± 1%. Combined quench is the sum of the CO_2 quench determined as described in paragraph (d) of this section, plus the H_2O quench determined as described in paragraph (e) of this section.

(d) *CO_2 quench-check procedure.* Use the following method to determine CO_2 quench, or use good engineering judgment to develop a different protocol:

(1) Use PTFE tubing to make necessary connections.

(2) Connect a pressure-regulated CO_2 span gas to one of the inlets of a three-way valve made of 300 series stainless steel. Use a CO_2 span gas that meets the specifications of § 1065.750 and has a concentration that is approximately twice the maximum CO_2 concentration expected during testing, if available.

(3) Connect a pressure-regulated purified N_2 gas to the valve's other inlet. Use a purified N_2 gas that meets the specifications of § 1065.750.

(4) Connect the valve's single outlet to the balance-gas port of a gas divider that meets the specifications in § 1065.248.

(5) Connect a pressure-regulated NO span gas to the span-port of the gas divider. Use an NO span gas that meets the specifications of § 1065.750. Attempt to use an NO concentration that is approximately twice the maximum NO concentration expected during testing,

(6) Configure the gas divider such that nearly equal amounts of the span gas and balance gas are blended with each other. Apply viscosity corrections as necessary to appropriately to ensure correct gas divider operation.

(7) While flowing balance and span gases through the gas divider, stabilize the CO_2 concentration downstream of the gas divider and measure the CO_2 concentration with an NDIR analyzer that has been prepared for emission testing. Record this concentration, x_{CO2} and use it in the quench check calculations in § 1065.672.

(8) Measure the NO concentration downstream of the gas divider. If your CLD has an operating mode in which it detects only NO, as opposed to total NO_X, operate the CLD in that operating mode. Record this concentration, x_{NO+CO2}, and use it in the quench check calculations in § 1065.672.

(9) Switch the three-way valve so that 100% purified N_2 flows to the gas divider's balance-port inlet. Monitor the CO_2 at the gas divider's outlet until its concentration stabilizes at zero.

(10) Measure NO concentration at the gas divider's outlet. Record this value, x_{NO+N2}, and use it in the quench check calculations in § 1065.672.

(11) Calculate CO_2 quench as described in § 1065.672.

(e) H_2O quench check procedure.

(1) For a CLD analyzer equipped with a sample dryer, as described in § 1065.145(d)(2)), you may assume an H_2O quench value of 0% if you can show that the dryer maintains less than 4 °C dewpoint at its outlet when it receives at its inlet the maximum dewpoint expected during testing. Determine dewpoint as described in § 1065.145(d)(2)).

(2) For a CLD analyzer without a dryer, take the following steps to determine H_2O quench:

(i) If your CLD has an operating mode in which it detects only NO, as opposed to total NO_X, operate the CLD in that operating mode.

(ii) Measure an NO calibration span gas that meets the specifications of § 1065.750 and is near the maximum concentration expected at the standard. Record this concentration, x_{NOdry}.

(iii) Bubble the same NO gas through distilled water in a sealed vessel at (25 ±10) °C. Record the vessel water temperature, T_{sat} and pressure, P_{sat}. To prevent subsequent condensation, make sure the humidified sample will not be exposed to temperatures lower than Tsat during transport from the sealed vessel's outlet to the CLD. We recommend heated transfer lines.

(iv) Use the CLD to measure the NO concentration of the humidified span gas and record this value, x_{NOwet}.

(v) Use the recorded values from this paragraph (e) to calculate the H_2O quench as described in § 1065.672.

(f) If the sum of the H_2O quench plus the CO_2 quench is not less than 2%, take corrective action by repairing or replacing the analyzer. Before using a CLD for emission testing, demonstrate that the corrective action resulted in less than 2% combined quench.

§ 1065.372 NDUV analyzer NMHC and H_2O interference check.

(a) *Scope and frequency.* If you measure NO_X using an NDUV analyzer, check for H_2O and hydrocarbon interference after initial analyzer installation and after any major maintenance.

(b) *Measurement principles.* Hydrocarbons and H_2O can positively interfere with an NDUV analyzer by causing a response similar to NO_X. If your NDUV analyzer uses compensation algorithms that utilize measurements of other gases to meet this interference check, simultaneously conduct such measurements to test the algorithms during the analyzer interference check.

(c) *System requirements.* A NO_X NDUV analyzer must have combined H_2O and hydrocarbon interference that is less than ±2% of the flow-weighted average concentration of NO_X expected at the standard, as measured in paragraph (d) of this section, though we strongly recommend a lower interference of less than ±1%.

(d) *Procedure.* Perform the interference check as follows:

(1) Start, operate, zero, and span the NO_X NDUV analyzer according to the instrument manufacturer's instructions.

(2) We recommend that you extract engine exhaust to perform this check. Use a CLD that meets the specifications of subpart C of this part to quantify NO_X in the exhaust. Use the CLD response as the reference value. Also measure NMHC in the exhaust with a FID analyzer that meets the specifications of subpart C of this part. Use the FID response as the measured hydrocarbon value.

(3) Upstream of any sample dryer used during testing, introduce the engine exhaust to the NDUV analyzer.

(4) Allow time for the analyzer response to stabilize. Stabilization time may include time to purge the transfer

line and to account for analyzer response.

(5) While all analyzers measure the sample's concentration, record 300 data points, and calculate the arithmetic means for the three analyzers.

(6) Subtract the CLD mean from the NDUV mean.

(7) Multiply this difference by the ratio of the flow-weighted average NMHC concentration expected at the standard to the NMHC concentration measured during the performance check.

(e) If the result of (7) is less than ±2%, then the analyzer meets this interference check.

(f) You may use a NO_X NDUV analyzer that demonstrates ±2% or greater H_2O interference as long as you meet all the following criteria:

(1) You try to correct the problem.

(2) The measurement deficiency does not affect your ability to show that your engines comply with all applicable emission standards.

§ 1065.374 ZrO_2 NO_X analyzer NH_3 interference and NO_2 response checks.

(a) *Scope and frequency.* If you use a ZrO_2 analyzer to measure NO_X, check for ammonia interference, NO2 response, and operation under fuel rich conditions after installing the ZrO_2 analyzer and after major maintenance.

(b) *Measurement principles.* Ammonia (NH_3) can positively interfere with a ZrO_2 analyzer by causing a response similar to NO_X. If your ZrO_2 analyzer uses compensation algorithms that utilize measurements of other gases to meet this interference check, use those analyzers during the NH_3 interference check. Because of the catalytic reactions required for NO_X measurement via ZrO_2 analyzers, we specify an NO_2 response factor tolerance and an operational check under net fuel-rich exhaust conditions.

(c) *System requirements.* A ZrO_2 analyzer must have an NH_3 interference less than 2% of the flow-weighted average concentration of NO_X expected at the standard, though we strongly recommend a lower interference of less than 1%. A ZrO_2 analyzer must also have an NO_2 response factor, RF_{NO2} of at least 0.95, but not more than 1.05, as measured in paragraph (e) of this section.

(d) *Ammonia interference check.* Check for ammonia interference as follows:

(1) Start, operate, zero, and span the NO_X ZrO_2 analyzer according to the instrument manufacturer's instructions.

(2) Select an NH_3 span gas that meets the specifications of § 1065.750.

(3) Introduce the NH_3 span gas at the inlet to the analyzer.

(4) Allow time for the analyzer response to stabilize. Stabilization time may include time to purge the transfer line and to account for analyzer response.

(5) While the analyzer measures the sample's concentration, record its output at its nominal frequency to record 300 data points. Calculate the arithmetic mean of these 300 points.

(6) Multiply this mean by the ratio of expected NH_3 to span gas NH_3 concentration. In other words, estimate the flow-weighted average dry concentration of NH_3 expected during testing, and then divide this value by the concentration of NH_3 in the span gas used for this check. Then multiply this ratio by the mean of the 300 values recorded during this check.

(e) If the result of paragraph (d)(6) is less than 2% of the flow-weighted average concentration of NO_X expected at the standard, then the analyzer meets the interference check.

(f) You may use a NO_X ZrO_2 analyzer that does not meet this performance check as long as you meet all the following criteria:

(1) You try to correct the problem.

(2) The measurement deficiency does not affect your ability to show that your engines comply with all applicable emission standards.

(g) *NO_2-response check.* Check for NO_2 response as follows:

(1) Select an NO_2 calibration gas that meets the specifications of § 1065.750. Record the calibration concentration of the gas.

(2) Start, operate, zero, and span the ZrO_2 analyzer according to the manufacturer's instructions.

(3) Introduce the NO_2 calibration gas at the inlet of the ZrO_2 analyzer, and if you use an NO_2 to NO converter upstream of the analyzer during emission testing, introduce the NO_2 upstream of the NO_2 to NO converter.

(4) Allow time for the analyzer response to stabilize. Stabilization time may include time to purge the analyzer and to account for detector response.

(5) While the analyzer measures the sample's concentration, record its output at its nominal frequency to record 300 data points. Calculate the arithmetic mean of these 300 points.

(6) Divide the mean measured value by the recorded calibration concentration of the NO_2 calibration gas. The result is the ZrO_2 analyzer's response factor for NO_2.

(h) If the NO_2 response factor is less than 0.95 or greater than 1.05, take corrective action by repairing or replacing the analyzer.

(i) Before using a ZrO_2 analyzer for emission testing, demonstrate that the corrective action resulted in an NO_2 response factor of at least 0.95. Corrective action may include adding an NO_2 to NO converter to your emission testing system.

(j) You may use a NO_X ZrO_2 analyzer that has an NO_2 response factor greater than 1.05 as long as you meet all the following criteria:

(1) You try to correct the problem.

(2) The measurement deficiency does not affect your ability to show that your engines comply with all applicable emission standards.

(k) *Oxygen debt check.* If you use a NO_X ZrO_2 analyzer in exhaust that has oxygen, then you do not have to perform this check. However, if you use a NO_X ZrO_2 analyzer in exhaust that has no oxygen and some CO and hydrocarbons, then perform this check as follows:

(1) Start, operate, zero, and span the NO_X ZrO_2 analyzer according to the instrument manufacturer's instructions using a span gas that contains only NO and a balance gas. The span gas must not contain CO or hydrocarbons.

(2) Select a tri-blend span gas of NO, CO and C_3H_8 that meets the specifications of § 1065.750, and record the NO concentration.

(3) Introduce the tri-blend span gas at the inlet to the analyzer.

(4) Allow time for the analyzer response to stabilize. Stabilization time may include time to purge the transfer line and to account for analyzer response.

(5) While the analyzer measures the sample's concentration, record its output at its nominal frequency to record 300 data points. Calculate the arithmetic mean of these 300 points.

(l) If the mean calculated in paragraph (k)(5) of this section is not within ±2% of the tri-blend NO concentration, take corrective action by repairing or replacing the analyzer, or do not use it to measure NO_X in exhaust with an oxygen debt (*i.e.*, net fuel-rich exhaust).

(m) Before using a ZrO_2 analyzer for emission testing in exhaust that has an oxygen debt, demonstrate that corrective action resulted in an oxygen debt check that returns a mean in paragraph (k)(5) of this section of at least 98% of the tri-blend NO concentration.

(n) You may use a NO_X ZrO_2 analyzer for emission testing in exhaust that has an oxygen debt if the mean in paragraph (k)(5) of this section is greater than 102% of the tri-blend NO concentration as long as you meet all the following criteria:

(1) You try to correct the problem.

(2) The measurement deficiency does not affect your ability to show that your engines comply with all applicable emission standards.

§ 1065.376 Chiller NO_2 penetration.

(a) *Scope and frequency.* If you use a chiller to dry a sample upstream of a NO_X measurement instrument, but you don't use an NO_2 to NO converter upstream of the chiller, you must perform this check. Perform this check after initial installation and after major maintenance.

(b) *Measurement principles.* A chiller removes water, which can otherwise interfere with a NO_X measurement. However, liquid water in an improperly designed chiller can remove NO_2 from the sample. Therefore, if a chiller is used without an NO_2 to NO converter upstream, it could remove NO_2 from the sample prior to NO_X measurement.

(c) *System requirements.* An chiller must meet the following performance check so that at least 95% of the total NO_X is measured at the lowest expected NO/NO_X fraction.

(d) *Procedure.* Use the following procedure to check the performance of your chiller.

(1) *Instrument setup.* Follow the analyzer and chiller manufacturers' start-up and operation instructions. Adjust the analyzer and chiller as needed to optimize performance.

(2) *Equipment setup.* Connect an ozonator's inlet to a zero air source and connect its outlet to one port of a 3-way tee fitting. Connect an NO span gas to another port of the tee. Connect a heated line at 100 °C to the last port, and connect a heated 3-way tee to the other end of the line. Connect a dewpoint generator set at a dewpoint of 50 °C to one end of a heated line at 100 °C. Connect the other end of the line to the heated tee, and connect a third 100 °C heated line to the chiller inlet. Provide an overflow vent line at the chiller inlet.

(3) For the steps in paragraphs (d)(4) through (7) of this section, set your analyzer to measure only NO (e.g., NO mode), or only read the NO channel of your analyzer.

(4) *Initial NO_X adjustment.* With the dewpoint generator and the ozonator off, adjust the NO and zero gas flows so that the NO concentration at the analyzer is at 2 times the peak total NO_X concentration expected during testing. Verify that gas is flowing out of the overflow vent line.

(5) *Total NO_X adjustment.* Turn on the dewpoint generator and adjust its flow so that the NO concentration at the analyzer is at the peak total NO_X concentration expected during testing. Verify that gas is flowing out of the overflow vent line.

(6) *NO/NO_X adjustment.* Turn on the ozonator and adjust the ozonator so that the NO concentration measured by the analyzer decreases to represent the minimum NO/NO_X fraction expected during testing. Calculate this fraction as the NO concentration with the ozonator on divided by the NO concentration with the ozonator off. Determine your expected minimum fraction from previous emission tests or estimate it based on good engineering judgment. For example, for a stoichiometric spark-ignition engine, this minimum fraction may be (90 to 95)% NO/NO_X; for a compression-ignition engine, this minimum fraction may be (65 to 85)% NO/NO_X. In the case of a compression-ignition engine with an NO_2 storage and reduction aftertreatment system, this ratio may be (0 to 10)% NO/NO_X.

(7) If you cannot adjust the ozonator to achieve the expected minimum NO/NO_X fraction, select a higher concentration NO span gas and repeat steps in paragraphs (d)(3) through (6). This will increase the amount of zero air flow to the ozonator. If this solution does not work, you may substitute the zero air with purified O_2.

(8) *Data collection.* Maintain the ozonator adjustment in paragraph (d)(6) of this section, but turn off power to the ozonator.

(i) Switch the analyzer to measure total NO_X (NO_X mode) or measure NO_X as the sum of your analyzer NO and NO_2 readings.

(ii) Allow for stabilization, accounting for transport delays and instrument response.

(iii) Calculate the mean of 25 samples from the analyzer and record this value as NO_{xref}.

(iv) Turn on the ozonator and allow for stabilization, accounting for transport delays and instrument response.

(v) Calculate the mean of 25 samples from the analyzer and record this value as NO_{xmeas}.

(vi) Switch the ozonator off.

(vii) Repeat steps in paragraphs (d)(8)(i) through (vi) to record seven values of NO_{xref} and seven values of NO_{xmeas}.

(9) *Performance evaluation.* Calculate the means of the NO_{Xref} and NO_{xmeas} values. Divide the mean NO_{xmeas} by the mean NO_{xref}. If the result is less than 95%, repair or replace the chiller.

§ 1065.378 NO_2-to-NO converter conversion check.

(a) *Scope and frequency.* If you use an analyzer that measures only NO to determine NO_X, you must use an NO_2 to NO converter upstream of the analyzer. Perform this check after installing the converter and within six months after the last check. This check must be repeated within six months of the check to verify that the catalytic activity of the NO_2 to NO converter has not deteriorated.

(b) *Measurement principles.* An NO_2 to NO converter allows an analyzer that measures only NO to determine total NO_X by converting the NO_2 in exhaust to NO.

(c) *System requirements.* An NO_2-to-NO converter must meet the following performance check so that at least 95% of the total NO_X is measured at the lowest expected NO/NO_X fraction.

(d) *Procedure.* Use the following procedure to check the performance of your NO_2 to NO converter.

(1) *Instrument setup.* Follow the analyzer and NO_2 to NO converter manufacturers' start-up and operation instructions. Adjust the analyzer and converter as needed to optimize performance.

(2) *Equipment setup.* Connect an ozonator's inlet to a zero air source and connect its outlet to one port of a 4-way cross fitting. Connect an NO span gas to another port of the cross. Connect the NO_2 to NO converter inlet to another port, and connect an overflow vent line to the last port.

(3) *Total NO_X adjustment.* With the NO_2 to NO converter in the bypass mode (e.g., NO mode) and the ozonator off, adjust the NO and zero gas flows so that the NO concentration at the analyzer is at the peak total NO_X concentration expected during testing. Verify that gas is flowing out of the overflow vent.

(4) *NO/NO_X adjustment.* With the NO_2 to NO converter still in the bypass mode, turn on the ozonator and adjust the ozonator so that the NO concentration measured by the analyzer decreases to represent the minimum NO/NO_X fraction expected during testing. Calculate this fraction as the NO concentration with the ozonator on divided by the NO concentration with the ozonator off. Determine your expected minimum fraction from previous emission tests or estimate it based on good engineering judgment. For example, for a stoichiometric spark-ignition engine, this minimum fraction may be (90 to 95)% NO/NO_X; for a compression-ignition engine, this minimum fraction may be (65 to 85)% NO/NO_X. In the case of a compression-ignition engine with an NO_2 storage and reduction aftertreatment system, this ratio may be (0 to 10)% NO/NO_X.

(5) If you cannot adjust the ozonator to achieve the expected minimum NO/NO_X fraction, select a higher concentration NO span gas and repeat steps in paragraphs (d)(3) and (4). This will increase the amount of zero air flow to the ozonator. If this solution does not

work, you may substitute the zero air with purified O_2.

(6) *Data collection*. Maintain the ozonator adjustment in paragraph (d)(4) of this section, but turn off power to the ozonator. Switch the NO_2 to NO converter from bypass mode to sample mode (*e.g.*, NO_X mode) so that the sample flows through the converter to the analyzer.

(i) Allow for stabilization, accounting only for transport delays and instrument response.

(ii) Calculate the mean of 25 samples from the analyzer and record this value as NO_{xref}.

(iii) Turn on the ozonator and allow for stabilization, accounting only for transport delays and instrument response. Do not allow extra stabilization time to account for NO_2 to NO converter response.

(iv) Calculate the mean of 25 samples from the analyzer and record this value as NO_{xmeas}.

(v) Switch the ozonator off.

(vi) Repeat the steps in paragraphs (d)(6)(i) through (v) of this section to record seven values of NO_{xref} and seven values of NO_{xmeas}.

(7) *Performance evaluation*. Calculate the means of the NO_{xref} and NO_{xmeas} values. Divide the mean NO_{xmeas} by the mean NO_{xref}. If the result is less than 95%, repair or replace the NO_2 to NO converter.

PM Measurements

§ 1065.390 PM balance and weighing process performance check.

(a) *Scope and frequency*. If you measure PM, check the balance performance and the PM weighing environment as described in this section within 12 h before weighing.

(b) *Measurement principles*. You must check balance performance by zeroing and spanning it. Use calibration weights that meet the specifications in § 1065.790 to perform this check. You must also check the PM-weighing environment and weighing process to make sure it has not been compromised by improper balance operation, environmental contamination, or some other problem with the weighing process.

(c) *System requirements*. Zero and span the balance. The reference sample weighing procedure described in paragraph (e) of this section must return a change in the reference samples' mean mass of no more than ±10% of the net PM mass expected at the standard or ±10 μg, whichever is higher, and ±10 mg if the expected PM mass at the standard is not known. For example, a central PM weighing lab might not have information about an applicable standard, the amount of exhaust dilution, and the amount of exhaust sampled to determine an expected value. If the reference sample weighing procedure exceeds this threshold, invalidate all PM results that were sampled after the last time the reference sample weighing procedure was within these specifications.

(d) *Procedure for checking balance performance*. If you normally use average values by repeating the weighing process to improve the accuracy and precision of PM measurements, use the same process to check balance performance using either of the following procedures. Use an automated procedure to check balance performance if it meets the intent described in paragraph (b) of this section. Otherwise use a manual procedure in which you zero the balance and span the balance with a calibration weight.

(e) *Procedure for checking reference sample weighing procedures*. Check the reference sample weighing procedure as follows:

(1) Keep at least two unused PM sample media in the PM-stabilization environment for use as reference samples. If you collect PM with filters, select unused filters of the same medium and size for use as reference samples. You may periodically replace reference samples, using good engineering judgment.

(2) Stabilize reference samples. Consider reference samples stabilized if they have been in the PM-stabilization environment for a minimum of 30 min, and the PM-stabilization environment has been within the specifications of § 1065.190(c) for at least the preceding 30 min.

(3) Exercise the balance several times with a reference sample. We recommend weighing ten samples without recording values.

(4) Zero and span the balance.

(5) Weigh each of the reference samples and record the arithmetic mean of their masses. We recommend using substitution weighing as described in § 1065.590(h). You may repeat weighing to improve accuracy and precision.

(6) Record the balance environment dewpoint, ambient temperature, and barometric pressure.

(7) Use the recorded ambient conditions to correct results for buoyancy as described in § 1065.690. Record the buoyancy-corrected mean mass of the reference samples.

(8) Quantify the mean mass change of reference samples by subtracting the buoyancy-corrected mean mass from the corresponding value from the last time you checked PM weighing procedures under this paragraph (e).

(f) If the reference samples' mean mass changes by more than 10% of the net PM mass expected at the standard or by ±10 μg, whichever is greater, invalidate all PM results that were sampled after the last time the reference sample weighing procedure was within this specification. Before using a balance for emission testing, replace reference samples and establish their mean mass.

Subpart E—Engine Selection, Preparation, and Maintenance

§ 1065.401 Test engine selection.

While all engine configurations within a certified engine family must comply with the applicable standards in the standard-setting part, you need not test each configuration for certification.

(a) Select an engine configuration within the engine family for testing, as follows:

(1) Test the engine that we specify, whether we issue general guidance or give you specific instructions.

(2) If we do not tell you which engine to test, follow any instructions in the standard-setting part.

(3) If we do not tell you which engine to test and the standard-setting part does not include specifications for selecting test engines, use good engineering judgment to select the engine configuration within the engine family that is most likely to exceed an emission standard.

(b) In the absence of other information, the following characteristics are appropriate to consider when selecting the engine to test:

(1) Maximum fueling rates.

(2) Maximum loads.

(3) Maximum in-use speeds.

(4) Highest sales volume.

(c) We may select any engine configuration within the engine family for our testing.

§ 1065.405 Test engine preparation and maintenance.

(a) If you are testing an emission-data engine for certification, make sure it is built to represent production engines.

(b) Run the test engine, with all emission-control systems operating, long enough to stabilize emission levels. If you accumulate 50 h of operation for a spark-ignition engine or 125 h for a compression-ignition engine, you may consider emission levels stable without measurement. If the engine needs more operation to stabilize emission levels, record your reasons and the methods for doing this, and give us these records if

we ask for them. You may also use the provisions of § 1065.10 to request a shorter period of engine operation at which emission levels may be considered stable without measurement.

(c) Do not service the test engine before you stabilize emission levels, unless we approve such maintenance in advance. This prohibition does not apply to your recommended oil and filter changes for newly produced engines, or to idle-speed adjustments.

(d) For accumulating operating hours on your test engines, select engine operation that represents normal in-use operation for the engine family.

(e) If your engine will be used in a vehicle equipped with a canister for storing evaporative hydrocarbons for eventual combustion in the engine, attach a canister fully loaded with fuel vapors before running a test. Connect the canister's purge port to the engine and plug the canister port that is normally connected to the fuel tank. Use a canister and plumbing arrangement that represents the in-use configuration of the largest capacity in all expected applications. You may request to omit using an evaporative canister during testing if you can show that it would not affect your ability to show compliance with the applicable emission standards. You do not have to accumulate engine operation with an installed canister.

§ 1065.410 Maintenance limits for stabilized test engines.

(a) After you stabilize the test engine's emission levels, you may do maintenance, other than during emission testing, as the standard-setting part specifies. However, you may not do any maintenance based on emission measurements from the test engine.

(b) Other than critical emission-related maintenance, you specify in your application for certification, you must completely test an engine for emissions before and after doing any maintenance that might affect emissions, unless we waive this requirement.

(c) Unless we approve otherwise in advance, you may not use equipment, instruments, or tools to identify bad engine components unless you specify they should be used for scheduled maintenance on production engines. In this case, if they are not generally available, you must also make them available at dealerships and other service outlets.

(d) You may adjust, repair, disassemble, or replace the test engine only with our approval. We may approve these steps if all the following occur:

(1) Something clearly malfunctions—such as persistent misfire, engine stall, overheating, fluid leaks, or loss of oil pressure—and needs maintenance or repair.

(2) You provide us an opportunity to verify the extent of the malfunction before you do the maintenance.

(e) If we determine that a part failure, system malfunction, or associated repairs have made the engine's emission controls unrepresentative of production engines, you may no longer use it as a test engine. Also, if your test engine has a major mechanical failure that requires you to take it apart, you may no longer use it as a test engine.

§ 1065.415 Durability demonstration.

If the standard-setting part requires durability testing, you must accumulate service in a way that represents how you expect the engine to operate in use. You may accumulate service hours using an accelerated schedule, such as through continuous operation.

(a) *Maintenance.* The following limits apply to the maintenance that we allow you to do on a test engine:

(1) You may perform scheduled maintenance that you recommend to operators, but only if it is consistent with the standard-setting part's restrictions.

(2) You may perform additional maintenance only as specified in § 1065.410(b).

(b) *Emission measurements.* Perform emission tests following the provisions of this part and the standard-setting part. Perform emission tests to determine deterioration factors consistent with good engineering judgment. Evenly space any tests between the first and last test points throughout the durability period, unless we approve otherwise.

Subpart F—Running an Emission Test in the Laboratory

§ 1065.501 Overview.

(a) Use the procedures detailed in this subpart to measure engine emissions in a laboratory by performing the following tasks:

(1) Map your engine by recording specified torque and speed data.

(2) Use your engine map to transform normalized duty cycles into reference duty cycles for your engine.

(3) Prepare your engine, equipment, and measurement instruments for an emission test.

(4) Perform pre-test procedures to verify proper operation of certain equipment and analyzers.

(5) Record pre-test data.

(6) Start or restart the engine and sampling systems.

(7) Sample emissions throughout the duty cycle.

(8) Record post-test data.

(9) Perform post-test procedures to verify proper operation of certain equipment and analyzers.

(b) The general test consists of a duty cycle made of one or more of the following segments (check the standard-setting part for specific duty cycles):

(1) Either a cold-start transient cycle where you measure emissions, or a warm-up cycle where you do not measure emissions. Transient testing consists of a sequence of target values for speed and torque that change continuously throughout the duty cycle.

(2) A hot-start transient test. Some duty cycles may omit engine starting from the ''hot-start'' cycle.

(3) A steady-state test with a warmed-up engine. Steady-state tests may involve discrete-mode testing or ramped-modal testing. Discrete-mode testing consists of a series of discrete test modes with engine operation stabilized at fixed speeds and torques, with separate emission measurements for each mode. Ramped-modal testing consists of a continuous time trace that includes a series of stable operating modes connected by defined transitions, with a single emission measurement for the whole cycle.

(c) Other subparts in this part identify how to select and prepare an engine for testing (subpart E), perform the required engine service accumulation (subpart E), and calculate emission results (subpart G).

(d) Subpart J of this part describes how to perform field testing.

§ 1065.510 Engine mapping.

(a) *Scope and frequency.* An engine map is a data set that consists of a series of paired values for engine speed and maximum brake torque. Map your engine while it is connected to a dynamometer. Use the most recent engine map to transform a normalized duty cycle from the standard-setting part to a reference duty cycle specific to your engine. Normalized duty cycles are specified in the standard-setting part. Map or re-map an engine before a test if any of the following apply:

(1) You have not performed an initial engine map.

(2) The barometric pressure near the engine's air inlet is not within 5% of the barometric pressure recorded at the time of the last engine map.

(3) The engine or emission-control system has undergone changes that might affect maximum torque performance.

(4) You capture an incomplete map on your first attempt or you do not

complete a map within the specified time tolerance. You may repeat mapping as necessary to capture a complete map within the specified time.

(5) You may update an engine map at any time by repeating the engine-mapping procedure.

(b) *Mapping variable-speed engines.* Map variable-speed engines as follows:

(1) Record the barometric pressure.

(2) Warm up the engine by operating it at any speed and at approximately 75% of the engine's expected maximum power until either the engine coolant's temperature or block absolute temperature is within ±2% of its mean value for at least 2 min or until the engine thermostat controls engine temperature.

(3) Operate the engine at its warm, no-load idle speed.

(4) Set operator demand to maximum and control engine speed at (95 ±1)% of its warm, no-load idle speed for at least 15 s. For engines with reference duty cycles whose lowest speed is greater than warm, no-load idle speed, you may start the map at (95 ±1)% of the lowest reference speed.

(5) Perform one of the following:

(i) For any naturally aspirated engine or for any engine subject only to steady-state duty cycles, you may map it at discrete speeds by selecting at least 20 evenly spaced setpoints between warm, no-load idle and the highest speed above maximum mapped power at which (50 to 75)% of maximum power occurs. At each setpoint, stabilize speed and allow torque to stabilize. Record the average speed and torque at each setpoint. We recommend that you stabilize an engine for at least 15 s at each setpoint and record the average feedback speed and torque of the last (4 to 6) s. Use linear interpolation to determine intermediate speed and torque values.

(ii) For any variable-speed engine, you may map it by using a continuous sweep of speed by continuing to record the mean feedback speed and torque at 1 Hz or more frequently and increasing speed at a constant rate such that it takes (4 to 6) min to sweep from 95% of warm, no-load idle to the highest speed above maximum power at which (50 to 75)% of maximum power occurs. Stop recording after you complete the sweep. From the series of mean speed and maximum torque values, use linear interpolation to determine intermediate values. Use this series of speed and torque values to generate the power map as described in paragraph (e) of this section.

(c) *Negative torque mapping.* If your engine is subject to a reference duty cycle that specifies negative torque values, generate a motoring map by any of the following procedures:

(1) Multiply the positive torques from your map by −40%. Use linear interpolation to determine intermediate values.

(2) Map the amount of negative torque required to motor the engine by repeating paragraph (c) of this section without fuel, or with minimum operator demand if operating without fuel would damage the engine.

(3) Determine the amount of negative torque required to motor the engine at the following two points: at warm, no-load idle and at the highest speed above maximum power at which (50 to 75)% of maximum power occurs. Operate the engine without fuel, or with minimum operator demand if operating without fuel would damage the engine. Use linear interpolation to determine intermediate values.

(d) *Mapping constant-speed engines.* For constant-speed engines, generate a map as follows:

(1) Record the barometric pressure.

(2) Warm up the engine by operating it at any speed and at approximately 75% of the engine's expected maximum power until either the engine coolant's temperature or block absolute temperature is within ±2% of its mean value for at least 2 min or until the engine thermostat controls engine temperature.

(3) You may operate the engine with a production constant-speed governor or simulate a constant-speed governor by controlling engine speed with an operator demand control system described in § 1065.110. The installed governor may be an isochronous or a speed-droop governor.

(4) With the governor or simulated governor controlling speed via operator demand, operate the engine at no-load governed speed (at high speed, not low idle) for at least 15 s.

(5) Record mean feedback speed and torque at 1 Hz or more frequently and use the dynamometer to increase torque at a constant rate. Unless the standard setting part specifies otherwise, complete the map such that it takes (2 to 4) min to sweep from no-load governed speed to the lowest speed below maximum mapped power at which the engine develops (85–95)% of maximum mapped power. You may map your engine to lower speeds. Stop recording after you complete the sweep. Use this series of speed and torque values to generate the power map as described in paragraph (e) of this section.

(e) *Power mapping.* For all engines, create a power-versus-speed map by transforming torque and speed values to corresponding power values. Use the mean values from the recorded map data. Do not use any interpolated values. Multiply each torque by its corresponding speed and apply the appropriate conversion factors to arrive at units of power (kW).

(f) *Test speed and test torque.* Transform your duty cycles using maximum test speed for variable-speed engines and maximum test torque for constant-speed engines. You may declare maximum test speed before mapping as long as it is within (97.5 to 102.5)% of its mapped value. You may declare maximum test torque before mapping as long as it is within (95 to 100)% of its mapped value. Otherwise, you must use the measured value for transforming duty cycles.

(g) *Other mapping procedures.* You may use other mapping procedures if you believe the procedures specified in this section are unsafe or unrepresentative for your engine. Any alternate techniques must satisfy the intent of the specified mapping procedures, which is to determine the maximum available torque at all engine speeds that occur during a duty cycle. Report any deviations from this section's mapping procedures.

§ 1065.512 Duty cycle generation.

(a) The standard-setting part defines applicable duty cycles in a normalized format. A normalized duty cycle consists of a sequence of paired values for speed and torque or for speed and power.

(b) Transform normalized values of speed, torque, and power using the following conventions:

(1) *Engine speed for variable-speed engines.* For variable-speed engines, normalized speed may be expressed as a percentage between idle speed and maximum test speed, f_{ntest}, or speed may be expressed by referring to a defined speed by name, such as ''warm, no-load idle,'' ''intermediate speed,'' or ''A,'' ''B,'' or ''C'' speed. Section 1065.610 describes how to transform these normalized values into a sequence of reference speeds, f_{nref}. Note that the cycle validation criteria in § 1065.514 allow an engine to govern itself at its in-use idle speed. This allowance permits you to test engines with enhanced-idle devices.

(2) *Engine torque for variable-speed engines.* For variable-speed engines, normalized torque is expressed as a percentage of the mapped torque at the corresponding reference speed. Section 1065.610 describes how to transform normalized torques into a sequence of reference torques, T_{ref}. Section 1065.610 also describes under what conditions

you may command T_{ref} greater than the reference torque you calculated from a normalized duty cycle. This provision permits you to command T_{ref} values representing curb-idle transmission torque (CITT).

(3) *Engine torque speed for constant-speed engines.* For constant-speed engines, normalized torque is expressed as a percentage of maximum test torque, T_{test}. Section 1065.610 describes how to transform normalized torques into a sequence of reference torques, T_{ref}. Section 1065.610 also describes under what conditions you may command T_{ref} greater than 0 Nm when a normalized duty cycle specifies a 0% torque command.

(4) *Engine power.* For all engines, normalized power is expressed as a percentage of mapped power at maximum test speed, f_{ntest}. Section 1065.610 describes how to transform these normalized values into a sequence of reference powers P_{ref}. You may convert these reference powers to reference speeds and torques for operator demand and dynamometer control.

(c) *Commands for variable-speed engines.* Command reference speeds and torques sequentially to perform a duty cycle. Update commands and record reference and feedback values at a frequency of at least 5 Hz. Use smooth transitions between reference values.

(d) *Commands for constant-speed engines.* Use dynamometer controls to command reference torques sequentially for performing a duty cycle. Operate the engine with a production constant-speed governor or simulate a constant-speed governor by controlling engine speed with an operator demand control system described in § 1065.110. Update commands and record reference and feedback values at a frequency of at least 5 Hz. Use smooth transitions between reference values.

(e) *Practice cycles.* You may perform practice duty cycles with the test engine to optimize operator demand and dynamometer controls to meet the cycle validation criteria specified in § 1065.514.

§ 1065.514 Cycle validation criteria.

This section describes how to determine if a test engine's feedback speeds and torques adequately matched the reference values in a duty cycle. For any data required in this section, use the reference and feedback values that you recorded during a test interval.

(a) *Testing performed by EPA.* Our tests must meet the specifications of paragraph (g) of this section, unless we determine that failing to meet the specifications is related to engine performance rather than shortcomings of the dynamometer or other laboratory equipment.

(b) *Testing performed by manufacturers.* Emission tests that meet the specifications of paragraph (g) of this section satisfy the standard-setting part's requirements for duty cycles. You may ask to use a dynamometer or other laboratory equipment that cannot meet those specifications. We will approve your request as long as using the alternate equipment does not affect your ability to show compliance with the applicable emission standards.

(c) *Time-alignment.* Because time lag between feedback values and the reference values may bias cycle validation results, you may advance or delay the entire sequence of feedback engine speed and torque pairs to synchronize them with the reference sequence.

(d) *Power.* Before omitting any points under paragraph (e) of this section, calculate feedback power, P_i and reference power, P_{refi}, and calculate total work, W and reference work, W_{ref}, as described in § 1065.650. Omit any points recorded during engine cranking. Cranking includes any time when an engine starter is engaged and any time when the engine is motored with a dynamometer for the sole purpose of starting the engine. See § 1065.525(a) and (b) for more information about engine cranking.

(e) *Omitting additional points.* In addition to omitting points recorded during cranking, according to paragraph (d) of this section, you may also omit certain points from duty cycle regression statistics, which are also summarized in Table 1 of this section, as follows:

(1) When operator demand is at its minimum you may omit the following points:

(i) Power and torque, if the reference torque is negative (*i.e.*, engine motoring).

(ii) Power and speed, if the reference speed corresponds to an idle command (0%), the reference torque corresponds to a minimum command (0%), and the absolute value of the feedback torque is less than the corresponding reference torque plus 2% of the maximum mapped torque.

(iii) Two out of three of power, torque, and speed if either feedback speed or feedback torque is greater its reference command. You may not omit a point from regression statistics if both feedback speed and torque are greater than their reference commands.

(2) When operator demand is at its maximum, you may omit two out of three of power, torque, and speed if either feedback speed or feedback torque is less than its reference command. You may not omit a point from regression statistics if both feedback speed and torque are less than their reference commands.

TABLE 1 OF § 1065.514.—SUMMARY OF POINT OMISSION CRITERIA FROM DUTY-CYCLE REGRESSION STATISTICS

When operator demand is at its . . .	you may omit . . .	if . . .
minimum	power and torque	$T_{ref} < 0$.
minimum	power and speed	f_{nref} = idle (0%) and T_{ref} = minimum (0%) and $T < T_{ref} \pm 2\%\ T_{max\ mapped}$.
minimum	2 out of 3 of power, torque, and speed	$f_n > f_{nref}$ or $T > T_{ref}$ but not if $f_n > f_{nref}$ and $T > T_{ref}$.
maximum	2 out of 3 of power, torque, and speed	$f_n < f_{nref}$ or $T < T_{ref}$ but not if $f_n < f_{nef}$ and $T < T_{ref}$.

(f) Use the remaining points to calculate regression statistics described in § 1065.602, as follows:

(1) Slopes for feedback speed, a_{1fn}, feedback torque, a_{1T}, and feedback power a_{1P}.

(2) Intercepts for feedback speed, a_{0fn}, feedback torque, a_{0T}, and feedback power a_{0P}.

(3) Standard estimates of error for feedback speed, SE_{fn}, feedback torque, SE_T, and feedback power SE_P.

(4) Coefficients of determination for feedback speed, r^2_{fn}, feedback torque, r^{2T}, and feedback power r^2_P.

(g) *Cycle statistics.* Unless the standard-setting part specifies otherwise, use the following criteria to validate a duty cycle:

(1) For variable-speed engines only, feedback total work must be at or below 105% of reference total work.

(2) For variable-speed engines only, apply all the statistical criteria in Table 2 of this section.

(3) For constant-speed engines, apply the statistical criteria only for torque in the Table 2 of this section.

TABLE 2 OF § 1065.514>.—DEFAULT STATISTICAL CRITERIA FOR VALIDATING DUTY CYCLES

Parameter	Speed	Torque	Power
Slope, a_1	$0.950 \leq a_1 \leq 1.030$	$0.830 \leq a_1 \leq 1.030$	$0.830 \leq a_1 \leq 1.030$
Absolute value of intercept, $\leq a_0 \leq$	≤ 10% of warm idle	≤ 2% of maximum mapped torque	≤ 2% of maximum mapped power.
Standard error of estimate, SE	≤ 5% of maximum test speed	≤ 10% of maximum mapped torque.	≤ 10% of maximum mapped power.
Coefficient of determination, r^2	≥ 0.970	≥ 0.850	≥ 0.910.

§ 1065.520 Pre-test verification procedures and pre-test data collection.

(a) If your engine must comply with a PM standard, follow the procedures for PM sample preconditioning and tare weighing in § 1065.590.

(b) Unless the standard-setting part specifies different values, verify that ambient conditions before the test are within the following tolerances:

(1) Ambient temperature of (20 to 30) °C.

(2) Barometric pressure of (80.000 to 103.325) kPa and within ±5% of the value recorded at the time of the last engine map.

(3) Dilution air as specified in § 1065.140(b).

(c) You may test engines at any humidity.

(d) You may perform a final calibration of the speed, torque, and proportional-flow control systems, which may include performing practice duty cycles.

(e) You may perform the following recommended procedure to precondition sampling systems:

(1) Start the engine and use good engineering judgment to bring it to 100% torque above its peak-torque speed.

(2) Operate any dilution systems at their expected flow rates. Prevent aqueous condensation in the dilution systems.

(3) Operate any PM sampling systems at their expected flow rates.

(4) Sample PM for at least 10 min using any sample media. You may change sample media during preconditioning. You may discard preconditioning samples without weighing them.

(5) You may purge any gaseous sampling systems during preconditioning.

(6) You may conduct calibrations or performance checks on any idle equipment or analyzers during preconditioning.

(7) Proceed with the test sequence described in § 1065.530(a)(1).

(f) *HC contamination check.* After the last practice or preconditioning cycle before an emission test, check for contamination in the HC sampling system as follows:

(1) Select the HC analyzer range for measuring the flow-weighted average concentration expected at the HC standard.

(2) Zero the HC analyzer using zero air introduced at the analyzer port.

(3) Span the HC analyzer using span gas introduced at the analyzer port. Span on a carbon number basis of one (1), C_1. For example, if you use a C_3H_8 span gas of concentration 200 µmol/mol, span the FID to respond with a value of 600 µmol/mol.

(4) Overflow zero air at the HC probe or into a fitting between the HC probe and the transfer line.

(5) Measure the HC concentration in the sampling system, as follows:

(i) For continuous sampling, record the mean HC concentration as overflow zero air flows.

(ii) For batch sampling, fill the sample medium and record its mean HC concentration.

(6) Record this value as the initial HC concentration, x_{HCinit}, and use it to correct measured values as described in § 1065.660.

(7) If x_{HCinit} exceeds the greatest of the following values, determine the source of the contamination and take corrective action, such as purging the system or replacing contaminated portions:

(i) 2% of the flow-weighted average concentration expected at the standard or measured during testing, whichever is greater.

(ii) 2 µmol/mol.

(8) If corrective action does not resolve the deficiency, you may request to use the contaminated system as an alternate procedure under § 1065.10.

§ 1065.525 Engine starting, restarting, and shutdown.

(a) Start the engine using one of the following methods:

(1) Start the engine as recommended in the owners manual using a production starter motor and a fully charged battery or a power supply.

(2) Use the dynamometer to start the engine. To do this, motor the engine within ± 25% of its typical in-use cranking speed. Accelerate the engine to cranking speed within ± 25% of the time it would take with an in-use engine. Stop cranking within 1 s of starting the engine.

(b) If the engine does not start after 15 s of cranking, stop cranking and determine why the engine failed to start, unless the owners manual or the service-repair manual describes the longer cranking time as normal.

(c) Respond to engine stalling with the following steps:

(1) If the engine stalls during warm-up before emission sampling begins, restart the engine and continue warm-up.

(2) If the engine stalls during preconditioning before emission sampling begins, restart the engine and restart the preconditioning sequence.

(3) If the engine stalls at any other time after emission sampling begins, the test is void.

(d) Shut down the engine according to the manufacturer's specifications.

§ 1065.530 Emission test sequence.

(a) Time the start of testing as follows:

(1) Perform one of the following if you precondition sampling systems as described in § 1065.520(d):

(i) For cold-start duty cycles, shut down the engine. Unless the standard-setting part specifies otherwise, you may use forced cooling to stabilize the temperature of the engine and any aftertreatment systems. You may start a cold-start duty cycle when the temperatures of an engine's lubricant, coolant, and aftertreatment systems are between (20 and 30) °C.

(ii) For hot-start emission measurements, shut down the engine. Start a hot-start duty cycle within 20 min of engine shutdown.

(iii) For testing that involves hot-stabilized emission measurements, such as steady-state testing, you may continue to operate the engine at f_{ntest} and 100% torque if that is the first operating point. Otherwise, operate the

engine at warm, no-load idle or the first operating point of the duty cycle. In any case, start the duty cycle within 10 min after you complete the preconditioning procedure.

(2) For all other testing, perform one of the following:

(i) For cold-start duty cycles, start the engine and the duty cycle when the temperatures of an engine's lubricant, coolant, and aftertreatment systems are between (20 and 30) °C. Unless the standard-setting part specifies otherwise, you may use forced cooling to stabilize the temperature of the engine and any aftertreatment system.

(ii) For hot-start emission measurements, first operate the engine at any speed above peak-torque speed and at (65 to 85)% of maximum mapped power until either the engine coolant temperature or block absolute temperature is within 2% of its mean value for at least 2 min or until the engine thermostat controls engine temperature. Shut down the engine. Start the duty cycle within 20 min of engine shutdown.

(iii) For testing that involves hot-stabilized emission measurements, bring the engine either to warm, no-load idle or the first operating point of the duty cycle. Start the test within 10 min of achieving temperature stability. You may determine temperature stability either as the point at which the engine coolant temperature or the block absolute temperature is within 2% of its mean value for at least 2 min, or the point at which the engine thermostat controls engine temperature.

(b) Take the following steps before emission sampling begins:

(1) For batch sampling, connect clean storage media, such as evacuated bags or tare-weighed filters.

(2) Start all measurement instruments according to the instrument manufacturer's instructions.

(3) Start dilution systems, sample pumps, cooling fans, and the data-collection system.

(4) Preheat any heat exchangers in the sampling system.

(5) Allow heated components such as sample lines, filters, and pumps to stabilize at operating temperature.

(6) Perform vacuum-side leak checks as specified in § 1065.345.

(7) Using bypass, adjust the sample flow rates to desired levels.

(8) Zero any integrating devices.

(9) Zero and span all constituent analyzers using NIST-traceable gases that meet the specifications of § 1065.750. Span flame ionization detector analyzers on a carbon number basis of one (1), C_1. For example, if you use a C_3H_8 span gas of concentration 200 μmol/mol, span the FID to respond with a value of 600 μmol/mol.

(10) If you correct for dilution air background concentrations of engine exhaust constituents, start measuring and recording background constituent concentrations.

(c) Start testing as follows:

(1) If an engine is already running and warmed up, and starting is not part of the duty cycle, simultaneously start running the duty cycle, sampling exhaust gases, recording data, and integrating measured values.

(2) If engine starting is part of the duty cycle, initiate data logging, sampling of exhaust gases, and integrating measured values before attempting to start the engine. Initiate the duty cycle when the engine starts.

(d) Before the end of the test interval, continue to operate all sampling and dilution systems to allow the sampling system's response time to elapse. Then stop all sampling and recording, including the recording of background samples. Finally, stop any integrating devices and indicate the end of the duty cycle on the data-collection medium.

(e) Shut down the engine if you have completed testing or if it is part of the duty cycle.

(f) If testing involves another duty cycle after a soak period with the engine off, start a timer when the engine shuts down, and repeat the steps in paragraphs (b) through (e) of this section as needed.

(g) Take the following steps after emission sampling is complete:

(1) Place any used PM samples into covered or sealed containers and return them to the PM-stabilization environment. Follow the PM sample post-conditioning and total weighing procedures in § 1065.595.

(2) As soon as practical after the duty cycle is complete, analyze any gaseous batch samples, including background samples.

(3) After quantifying exhaust gases, check drift as follows:

(i) Record the mean analyzer value after stabilizing a zero gas to the analyzer. Stabilization may include time to purge the analyzer of any sample gas, plus any additional time to account for analyzer response.

(ii) Record the mean analyzer value after stabilizing the span gas to the analyzer. Stabilization may include time to purge the analyzer of any sample gas, plus any additional time to account for analyzer response.

(iii) Use these data to validate and correct for drift as described in § 1065.657.

(h) Determine if the test meets the validation criteria in § 1065.514.

§ 1065.545 Validation of proportional flow control for batch sampling.

For any proportional batch sample such as a bag sample or PM filter sample, demonstrate that proportional sampling was maintained using one of the following:

(a) Record the sample flow rate and the total flow rate at 1 Hz or more frequently. Use this data with the statistical calculations in § 1065.602 to determine the standard error of the estimate, SE, of the sample flow rate versus the total flow rate. For each test interval, demonstrate that SE was less than or equal to 3.5% of the mean sample flow rate. You may omit up to 5% of the data points as outliers to improve SE.

(b) Record the sample flow rate and the total flow rate at 1 Hz or more frequently. For each test interval, demonstrate that each flow rate was constant within ±2.5% of its respective mean or target flow rate.

(c) For critical-flow venturis, record venturi-inlet conditions at 1 Hz or more frequently. Demonstrate that the density at the venturi inlet was constant within ±2.5% of the mean or target density over each test interval. For a CVS critical-flow venturi, you may demonstrate this by showing that the absolute temperature at the venturi inlet was constant within ±4% of the mean or target temperature over each test interval.

(d) For positive-displacement pumps, record pump-inlet conditions at 1 Hz or more frequently. Demonstrate that the density at the pump inlet was constant within ±2.5% of the mean or target density over each test interval. For a CVS pump, you may demonstrate this by showing that the absolute temperature at the pump inlet was constant within ±2% of the mean or target temperature over each test interval.

(e) Using good engineering judgment, demonstrate using an engineering analysis that the proportional-flow control system inherently ensures proportional sampling under all circumstances expected during testing. For example, you use CFVs for sample flow and total flow and their inlet pressures and temperatures are always the same as each others, and they always operate under critical-flow conditions.

§ 1065.550 Constituent analyzer range validation, drift validation, and drift correction.

(a) Check the results of all analyzers that do not have auto-ranging capability to determine if any results show that an analyzer operated above 100% of its

range. If an analyzer operated above 100% of its range at any time during the test, perform the following steps:

(1) For batch sampling, re-analyze the sample using the nearest analyzer range that results in a maximum instrument response below 100%. Report the result from the lowest range from which the analyzer operates below 100% of its range for the entire test. Report all results.

(2) For continuous sampling, repeat the entire test using the next higher analyzer range. If the analyzer again operates above 100% of its range, repeat the test using the next higher range. Continue to repeat the test until the analyzer operates at less than 100 % of its range for the entire test. Report all results.

(b) Calculate and correct for drift as described in § 1065.657. Drift invalidates a test if the drift correction exceeds ±4% of the flow-weighted average concentration expected at the standard or measured during a test interval, whichever is greater.

§ 1065.590 PM sample preconditioning and tare weighing.

Before an emission test, take the following steps to prepare PM samples and equipment for PM measurements:

(a) Make sure the balance and PM-stabilization environments meet the periodic performance checks in § 1065.390.

(b) Visually inspect unused sample media (such as filters) for defects.

(c) To handle PM samples, use electrically grounded tweezers or a grounding strap, as described in § 1065.190.

(d) Place unused sample media in one or more containers that are open to the PM-stabilization environment. If you are using filters, you may place them in the bottom half of a filter cassette.

(e) Stabilize sample media in the PM-stabilization environment. Consider a sample medium stabilized as long as it has been in the PM-stabilization environment for a minimum of 30 min, during which the PM-stabilization environment has been within the specifications of § 1065.190.

(f) Weigh the sample media automatically or manually, as follows:

(1) For automatic weighing, follow the automation system manufacturer's instructions to prepare samples for weighing. This may include placing the samples in a special container.

(2) For manual weighing, use good engineering judgment to determine if substitution weighing is necessary to show that an engine meets the applicable standard. You may follow the substitution weighing procedure in paragraph (i) of this section, or you may develop your own procedure.

(g) Correct the measured weight for buoyancy as described in § 1065.690. These buoyancy-corrected values are the tare masses of the PM samples.

(h) You may repeat measurements to determine mean masses. Use good engineering judgment to exclude outliers and calculate mean mass values.

(i) Substitution weighing involves measurement of a reference weight before and after each weighing of a PM sample. While substitution weighing requires more measurements, it corrects for a balance's zero-drift and it relies on balance linearity only over a small range. This is advantageous when quantifying net PM masses that are less than 0.1% of the sample medium's mass. However, it may not be advantageous when net PM masses exceed 1% of the sample medium's mass. The following steps are an example of substitution weighing:

(1) Use electrically grounded tweezers or a grounding strap, as described in § 1065.190.

(2) Use a static neutralizer as described in § 1065.190 to minimize static electric charge on any object before it is placed on the balance pan.

(3) Place on the balance pan a calibration weight that has a similar mass to that of the sample medium and meets the specifications for calibration weights in § 1065.790. If you use filters, this mass should be about (80 to 100) mg for typical 47 mm diameter filters.

(4) Record the stable balance reading, then remove the calibration weight.

(5) Weigh an unused sample, record the stable balance reading and record the balance environment's dewpoint, ambient temperature, and barometric pressure.

(6) Reweigh the calibration weight and record the stable balance reading.

(7) Calculate the arithmetic mean of the two calibration-weight readings recorded immediately before and after weighing the unused sample. Subtract that mean value from the unused sample reading, then add the true mass of the calibration weight as stated on the calibration-weight certificate. Record this result.

(8) Repeat the steps in paragraphs (i)(1) through (7) of this section for additional unused sample media.

(j) If you use filters as sample media, load unused filters that have been tare-weighed into filter cassettes and place the loaded cassettes in a covered or sealed container before taking them to the test cell for sampling. We recommend that you keep filter cassettes clean by periodically washing or wiping them with a compatible solvent. Depending upon your cassette material, ethanol might be an acceptable solvent.

§ 1065.595 PM sample post-conditioning and total weighing.

(a) Make sure the balance and PM-stabilization environments meet the periodic performance checks in § 1065.390.

(b) In the PM-stabilization environment, remove PM samples from sealed containers. If you use filters, you may remove them from their cassettes before or after stabilization. When you remove a filter from a cassette, separate the top half of the cassette from the bottom half using a cassette separator designed for this purpose.

(c) To handle PM samples, use electrically grounded tweezers or a grounding strap, as described in § 1065.190.

(d) Visually inspect PM samples. If PM ever contacts the transport container, cassette assembly, filter-separator tool, tweezers, static neutralizer, balance, or any other surface, void the measurements associated with that sample and clean the surface it contacted.

(e) To stabilize PM samples, place them in one or more containers that are open to the PM-stabilization environment, which is described in § 1065.190. Consider a sample stabilized as long as it has been in the PM-stabilization environment for a minimum of 30 min, during which the PM-stabilization environment has been within the specifications of § 1065.190. Alternatively, for engines subject to PM standards above 0.05 g/kW-hr, you may consider a sample medium stabilized after 60 min.

(f) Repeat the procedures in § 1065.590(f) through (h) to weigh used PM samples, but refer to a sample's post-test mass after correcting for buoyancy as its total mass.

(g) Subtract each buoyancy-corrected tare mass from its respective buoyancy-corrected total mass. The result is the net PM mass, m_{PM}. Use m_{PM} in emission calculations in § 1065.650.

Subpart G—Calculations and Data Requirements

§ 1065.601 Overview.

(a) This subpart describes how to use the signals recorded before, during, and after an emission test to calculate brake-specific emissions of each regulated constituent.

(b) You may use data from multiple systems to calculate test results, consistent with good engineering

judgment. We allow weighted averages where appropriate. You may discard statistical outliers, but you must report all results.

(c) Calculations for some calibrations and performance checks are in this subpart.

(d) Statistical values are defined in this subpart.

§ 1065.602 Statistics.

(a) This section contains equations and example calculations for statistics that are specified in this part. In this section we use the letter ''y'' to denote a generic measured quantity, the superscript over-bar ''$^{-}$'' to denote an arithmetic mean, and the subscript ''$_{ref}$'' to denote the reference quantity being measured.

(b) *Arithmetic mean*. Calculate an arithmetic mean, $\bar{y}$ as follows,

$$\bar{y} = \frac{\sum_{i=1}^{N} y_i}{N}$$

Example:
N = 3
γ_1 = 10.60
γ_2 = 11.91
$\gamma N = \gamma_3$ = 11.20

$$\bar{y} = \frac{\sum_{i=1}^{3} y_i}{3} = \frac{10.60 + 11.91 + 11.09}{3}$$

$$\bar{y} = 11.20$$

(c) *Standard deviation*. Calculate a non-biased (*e.g.*, N–1) sample standard deviation, σ, as follows:

$$\sigma_y = \sqrt{\frac{\sum_{i=1}^{N} (y_i - \bar{y})^2}{(N-1)}}$$

Example:
N=3
γ_1=10.60
γ_2=11.91
$\gamma N = \gamma_3$=11.09
$\bar{\gamma}$=11.20

$$\sigma_y = \sqrt{\frac{\sum_{i=1}^{3} (y_i - 11.2)^2}{3-1}} = \sqrt{\frac{(10.60-11.2)^2 + (11.91-11.2)^2 + (11.09-11.2)^2}{2}}$$

$$\sigma_y = 0.6619$$

(d) *Root mean square*. Calculate a root mean square, rmsγ, as follows:

$$rms_y = \sqrt{\frac{1}{N}\sum_{i=1}^{N} y_i^2}$$

Example:
N=3
γ_1=10.60
γ_2=11.91
$\gamma N = \gamma_3$=11.09

$$rms_y = \sqrt{\frac{10.60^2 + 11.91^2 + 11.09^2}{3}}$$

$$rms_y = 11.21$$

(e) *Accuracy*. Calculate an accuracy, as follows, noting that the $\bar{\gamma}_i$ are arithmetic means, each determined by repeatedly measuring one sample of a single reference quantity, γ_{ref}.
accuracy = $|\gamma_{ref} - \bar{\gamma}|$
Example:
γ_{ref} = 1800.0
(N = 10)

$$\bar{y} = \frac{\sum_{i=1}^{10} \bar{y}_i}{10} = 1802.5$$

accuracy = |1800.0 − 1802.5|
accuracy = 2.5

(f) t-test. Determine if your data passes a t-test by using the following equations and tables:

(1) For an unpaired t-test calculate the t statistic and its number of degrees of freedom, ν, as follows:

$$t = \frac{|\bar{y}_{ref} - \bar{y}|}{\sqrt{\frac{\sigma_{ref}^2}{N_{ref}} + \frac{\sigma_y^2}{N}}}$$

Example:
$\bar{\gamma}_{ref}$=1205.3
$\bar{\gamma}$=1123.8
σ_{ref}=9.399
$\sigma\gamma$=10.583
N_{ref}=11
N=7

$$t = \frac{|1205.3 - 1123.8|}{\sqrt{\frac{9.399^2}{11} + \frac{10.583^2}{7}}}$$

$$t = 16.63$$

$$\nu = \frac{\left(\frac{\sigma_{ref}^2}{N_{ref}} + \frac{\sigma_y^2}{N}\right)^2}{\frac{\left(\sigma_{ref}^2/N_{ref}\right)^2}{N_{ref}-1} + \frac{\left(\sigma_{ref}^2/N\right)^2}{N-1}}$$

Example:
σ_{ref}=9.399
N_{ref}=11
$\sigma\gamma$=10.583
N=7

$$\nu = \frac{\left(\frac{9.399^2}{11} + \frac{10.583^2}{7}\right)^2}{\left(\frac{9.399^2/11}{11-1}\right)^2 + \left(\frac{10.583^2/7}{7-1}\right)}$$

$$\nu = 11.76$$

(2) For a paired t-test calculate the t statistic and its number of degrees of freedom, ν, as follows, noting that the ε_i are the errors (*e.g.*, differences) between each pair of y_{refi} and y_i:

$$t = \frac{|\bar{\varepsilon}| \cdot \sqrt{N}}{\sigma_\varepsilon}$$

Example:
$\bar{\varepsilon}$=0.12580
N=16
$\sigma\varepsilon$=0.04837

$$\bar{\varepsilon} = -0.12580$$

$$t = \frac{|-0.12580| \cdot \sqrt{16}}{0.04837}$$

$$t = 10.403$$

ν = N − 1

Example:
N = 16
ν = N − 1
ν = 15

(3) Use Table 1 of this section to compare t to the t_{crit} values tabulated versus the number of degrees of freedom. If t is less than t_{crit}, then t passes the t-test.

TABLE 1 OF § 1065.602-CRITICAL T VALUES VERSUS NUMBER OF DEGREES OF FREEDOM, V

t_{crit} versus *v*		
	Confidence	
v	90%	95%
1	6.314	12.706
2	2.920	4.303
3	2.353	3.182
4	2.132	2.776
5	2.015	2.571
6	1.943	2.447
7	1.895	2.365
8	1.860	2.306
9	1.833	2.262
10	1.812	2.228
11	1.796	2.201
12	1.782	2.179
13	1.771	2.160
14	1.761	2.145
15	1.753	2.131
16	1.746	2.120
18	1.734	2.101
20	1.725	2.086

TABLE 1 OF § 1065.602-CRITICAL T VALUES VERSUS NUMBER OF DEGREES OF FREEDOM, V—Continued

t_{crit} versus *v*		
	Confidence	
v	90%	95%
22	1.717	2.074
24	1.711	2.064
26	1.706	2.056
28	1.701	2.048
30	1.697	2.042
35	1.69	2.03
40	1.684	2.021
50	1.676	2.009
70	1.667	1.994
100	1.66	1.984
INF	1.645	1.96

(g) *F-test*. Calculate the *F* statistic as follows:

$$F_y = \frac{\sigma_y^2}{\sigma_{ref}^2}$$

Example:

$$\sigma_y = \sqrt{\frac{\sum_{i=1}^{N}(y_i - \bar{y})^2}{N-1}} = 10.583$$

$$\sigma_{ref} = \sqrt{\frac{\sum_{i=1}^{N_{ref}}(y_{refi} - \bar{y}_{ref})^2}{N_{ref}-1}} = 9.399$$

$$F = \frac{10.583^2}{9.399^2}$$

$$F = 1.268$$

(1) For a 90% confidence F-test, use Table 2 of this section to compare F to the F_{crit90} values tabulated versus N minus one (N − 1) and N_{ref} minus one (N_{ref} − 1). If F is less than F_{crit90}, then F passes the F-test at 90% confidence.

(2) For a 95% confidence F-test, use Table 3 of this section to compare F to the F_{crit95} values tabulated versus N minus one (N − 1) and N_{ref} minus one (N_{ref} − 1). If F is less than F_{crit95}, then F passes the F-test at 95% confidence.

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Table 2 of §1065.602–Critical F values, F_{crit90}, versus N-1 and N_{ref}-1 at 90 % confidence.

N-1	1	2	3	4	5	6	7	8	9	10	12	15	20	24	30	40	60	120	INF
N_{ref}-1																			
1	39.86	49.50	53.59	55.83	57.24	58.20	58.90	59.43	59.85	60.19	60.70	61.22	61.74	62.00	62.26	62.52	62.79	63.06	63.32
2	8.526	9.000	9.162	9.243	9.293	9.326	9.349	9.367	9.381	9.392	9.408	9.425	9.441	9.450	9.458	9.466	9.475	9.483	9.491
3	5.538	5.462	5.391	5.343	5.309	5.285	5.266	5.252	5.240	5.230	5.216	5.200	5.184	5.176	5.168	5.160	5.151	5.143	5.134
4	4.545	4.325	4.191	4.107	4.051	4.010	3.979	3.955	3.936	3.920	3.896	3.870	3.844	3.831	3.817	3.804	3.790	3.775	3.761
5	4.060	3.780	3.619	3.520	3.453	3.405	3.368	3.339	3.316	3.297	3.268	3.238	3.207	3.191	3.174	3.157	3.140	3.123	3.105
6	3.776	3.463	3.289	3.181	3.108	3.055	3.014	2.983	2.958	2.937	2.905	2.871	2.836	2.818	2.800	2.781	2.762	2.742	2.722
7	3.589	3.257	3.074	2.961	2.883	2.827	2.785	2.752	2.725	2.703	2.668	2.632	2.595	2.575	2.555	2.535	2.514	2.493	2.471
8	3.458	3.113	2.924	2.806	2.726	2.668	2.624	2.589	2.561	2.538	2.502	2.464	2.425	2.404	2.383	2.361	2.339	2.316	2.293
9	3.360	3.006	2.813	2.693	2.611	2.551	2.505	2.469	2.440	2.416	2.379	2.340	2.298	2.277	2.255	2.232	2.208	2.184	2.159
10	3.285	2.924	2.728	2.605	2.522	2.461	2.414	2.377	2.347	2.323	2.284	2.244	2.201	2.178	2.155	2.132	2.107	2.082	2.055
11	3.225	2.860	2.660	2.536	2.451	2.389	2.342	2.304	2.274	2.248	2.209	2.167	2.123	2.100	2.076	2.052	2.026	2.000	1.972
12	3.177	2.807	2.606	2.480	2.394	2.331	2.283	2.245	2.214	2.188	2.147	2.105	2.060	2.036	2.011	1.986	1.960	1.932	1.904
13	3.136	2.763	2.560	2.434	2.347	2.283	2.234	2.195	2.164	2.138	2.097	2.053	2.007	1.983	1.958	1.931	1.904	1.876	1.846
14	3.102	2.726	2.522	2.395	2.307	2.243	2.193	2.154	2.122	2.095	2.054	2.010	1.962	1.938	1.912	1.885	1.857	1.828	1.797
15	3.073	2.695	2.490	2.361	2.273	2.208	2.158	2.119	2.086	2.059	2.017	1.972	1.924	1.899	1.873	1.845	1.817	1.787	1.755
16	3.048	2.668	2.462	2.333	2.244	2.178	2.128	2.088	2.055	2.028	1.985	1.940	1.891	1.866	1.839	1.811	1.782	1.751	1.718
17	3.026	2.645	2.437	2.308	2.218	2.152	2.102	2.061	2.028	2.001	1.958	1.912	1.862	1.836	1.809	1.781	1.751	1.719	1.686
18	3.007	2.624	2.416	2.286	2.196	2.130	2.079	2.038	2.005	1.977	1.933	1.887	1.837	1.810	1.783	1.754	1.723	1.691	1.657
19	2.990	2.606	2.397	2.266	2.176	2.109	2.058	2.017	1.984	1.956	1.912	1.865	1.814	1.787	1.759	1.730	1.699	1.666	1.631
20	2.975	2.589	2.380	2.249	2.158	2.091	2.040	1.999	1.965	1.937	1.892	1.845	1.794	1.767	1.738	1.708	1.677	1.643	1.607
21	2.961	2.575	2.365	2.233	2.142	2.075	2.023	1.982	1.948	1.920	1.875	1.827	1.776	1.748	1.719	1.689	1.657	1.623	1.586
20	2.949	2.561	2.351	2.219	2.128	2.061	2.008	1.967	1.933	1.904	1.859	1.811	1.759	1.731	1.702	1.671	1.639	1.604	1.567
23	2.937	2.549	2.339	2.207	2.115	2.047	1.995	1.953	1.919	1.890	1.845	1.796	1.744	1.716	1.686	1.655	1.622	1.587	1.549
24	2.927	2.538	2.327	2.195	2.103	2.035	1.983	1.941	1.906	1.877	1.832	1.783	1.730	1.702	1.672	1.641	1.607	1.571	1.533
25	2.918	2.528	2.317	2.184	2.092	2.024	1.971	1.929	1.895	1.866	1.820	1.771	1.718	1.689	1.659	1.627	1.593	1.557	1.518
26	2.909	2.519	2.307	2.174	2.082	2.014	1.961	1.919	1.884	1.855	1.809	1.760	1.706	1.677	1.647	1.615	1.581	1.544	1.504
27	2.901	2.511	2.299	2.165	2.073	2.005	1.952	1.909	1.874	1.845	1.799	1.749	1.695	1.666	1.636	1.603	1.569	1.531	1.491
28	2.894	2.503	2.291	2.157	2.064	1.996	1.943	1.900	1.865	1.836	1.790	1.740	1.685	1.656	1.625	1.593	1.558	1.520	1.478
29	2.887	2.495	2.283	2.149	2.057	1.988	1.935	1.892	1.857	1.827	1.781	1.731	1.676	1.647	1.616	1.583	1.547	1.509	1.467
30	2.881	2.489	2.276	2.142	2.049	1.980	1.927	1.884	1.849	1.819	1.773	1.722	1.667	1.638	1.606	1.573	1.538	1.499	1.456
40	2.835	2.440	2.226	2.091	1.997	1.927	1.873	1.829	1.793	1.763	1.715	1.662	1.605	1.574	1.541	1.506	1.467	1.425	1.377
60	2.791	2.393	2.177	2.041	1.946	1.875	1.819	1.775	1.738	1.707	1.657	1.603	1.543	1.511	1.476	1.437	1.395	1.348	1.291
120	2.748	2.347	2.130	1.992	1.896	1.824	1.767	1.722	1.684	1.652	1.601	1.545	1.482	1.447	1.409	1.368	1.320	1.265	1.193
INF	2.706	2.303	2.084	1.945	1.847	1.774	1.717	1.670	1.632	1.599	1.546	1.487	1.421	1.383	1.342	1.295	1.240	1.169	1.000

Table 3 of §1065.602–Critical F values, F_{crit95}, versus N-1 and N_{ref}-1 at 95 % confidence

N-1	1	2	3	4	5	6	7	8	9	10	12	15	20	24	30	40	60	120	INF
N_{ref}-1																			
1	161.4	199.5	215.7	224.5	230.1	233.9	236.7	238.8	240.5	241.8	243.9	245.9	248.0	249.0	250.1	251.1	252.2	253.2	254.3
2	18.51	19.00	19.16	19.24	19.29	19.33	19.35	19.37	19.38	19.39	19.41	19.42	19.44	19.45	19.46	19.47	19.47	19.48	19.49
3	10.12	9.552	9.277	9.117	9.014	8.941	8.887	8.845	8.812	8.786	8.745	8.703	8.660	8.639	8.617	8.594	8.572	8.549	8.526
4	7.709	6.944	6.591	6.388	6.256	6.163	6.094	6.041	5.999	5.964	5.912	5.858	5.803	5.774	5.746	5.717	5.688	5.658	5.628
5	6.608	5.786	5.410	5.192	5.050	4.950	4.876	4.818	4.773	4.735	4.678	4.619	4.558	4.527	4.496	4.464	4.431	4.399	4.365
6	5.987	5.143	4.757	4.534	4.387	4.284	4.207	4.147	4.099	4.060	4.000	3.938	3.874	3.842	3.808	3.774	3.740	3.705	3.669
7	5.591	4.737	4.347	4.120	3.972	3.866	3.787	3.726	3.677	3.637	3.575	3.511	3.445	3.411	3.376	3.340	3.304	3.267	3.230
8	5.318	4.459	4.066	3.838	3.688	3.581	3.501	3.438	3.388	3.347	3.284	3.218	3.150	3.115	3.079	3.043	3.005	2.967	2.928
9	5.117	4.257	3.863	3.633	3.482	3.374	3.293	3.230	3.179	3.137	3.073	3.006	2.937	2.901	2.864	2.826	2.787	2.748	2.707
10	4.965	4.103	3.708	3.478	3.326	3.217	3.136	3.072	3.020	2.978	2.913	2.845	2.774	2.737	2.700	2.661	2.621	2.580	2.538
11	4.844	3.982	3.587	3.357	3.204	3.095	3.012	2.948	2.896	2.854	2.788	2.719	2.646	2.609	2.571	2.531	2.490	2.448	2.405
12	4.747	3.885	3.490	3.259	3.106	2.996	2.913	2.849	2.796	2.753	2.687	2.617	2.544	2.506	2.466	2.426	2.384	2.341	2.296
13	4.667	3.806	3.411	3.179	3.025	2.915	2.832	2.767	2.714	2.671	2.604	2.533	2.459	2.420	2.380	2.339	2.297	2.252	2.206
14	4.600	3.739	3.344	3.112	2.958	2.848	2.764	2.699	2.646	2.602	2.534	2.463	2.388	2.349	2.308	2.266	2.223	2.178	2.131
15	4.543	3.682	3.287	3.056	2.901	2.791	2.707	2.641	2.588	2.544	2.475	2.403	2.328	2.288	2.247	2.204	2.160	2.114	2.066
16	4.494	3.634	3.239	3.007	2.852	2.741	2.657	2.591	2.538	2.494	2.425	2.352	2.276	2.235	2.194	2.151	2.106	2.059	2.010
17	4.451	3.592	3.197	2.965	2.810	2.699	2.614	2.548	2.494	2.450	2.381	2.308	2.230	2.190	2.148	2.104	2.058	2.011	1.960
18	4.414	3.555	3.160	2.928	2.773	2.661	2.577	2.510	2.456	2.412	2.342	2.269	2.191	2.150	2.107	2.063	2.017	1.968	1.917
19	4.381	3.522	3.127	2.895	2.740	2.628	2.544	2.477	2.423	2.378	2.308	2.234	2.156	2.114	2.071	2.026	1.980	1.930	1.878
20	4.351	3.493	3.098	2.866	2.711	2.599	2.514	2.447	2.393	2.348	2.278	2.203	2.124	2.083	2.039	1.994	1.946	1.896	1.843
21	4.325	3.467	3.073	2.840	2.685	2.573	2.488	2.421	2.366	2.321	2.250	2.176	2.096	2.054	2.010	1.965	1.917	1.866	1.812
22	4.301	3.443	3.049	2.817	2.661	2.549	2.464	2.397	2.342	2.297	2.226	2.151	2.071	2.028	1.984	1.938	1.889	1.838	1.783
23	4.279	3.422	3.028	2.796	2.640	2.528	2.442	2.375	2.320	2.275	2.204	2.128	2.048	2.005	1.961	1.914	1.865	1.813	1.757
24	4.260	3.403	3.009	2.776	2.621	2.508	2.423	2.355	2.300	2.255	2.183	2.108	2.027	1.984	1.939	1.892	1.842	1.790	1.733
25	4.242	3.385	2.991	2.759	2.603	2.490	2.405	2.337	2.282	2.237	2.165	2.089	2.008	1.964	1.919	1.872	1.822	1.768	1.711
26	4.225	3.369	2.975	2.743	2.587	2.474	2.388	2.321	2.266	2.220	2.148	2.072	1.990	1.946	1.901	1.853	1.803	1.749	1.691
27	4.210	3.354	2.960	2.728	2.572	2.459	2.373	2.305	2.250	2.204	2.132	2.056	1.974	1.930	1.884	1.836	1.785	1.731	1.672
28	4.196	3.340	2.947	2.714	2.558	2.445	2.359	2.291	2.236	2.190	2.118	2.041	1.959	1.915	1.869	1.820	1.769	1.714	1.654
29	4.183	3.328	2.934	2.701	2.545	2.432	2.346	2.278	2.223	2.177	2.105	2.028	1.945	1.901	1.854	1.806	1.754	1.698	1.638
30	4.171	3.316	2.922	2.690	2.534	2.421	2.334	2.266	2.211	2.165	2.092	2.015	1.932	1.887	1.841	1.792	1.740	1.684	1.622
40	4.085	3.232	2.839	2.606	2.450	2.336	2.249	2.180	2.124	2.077	2.004	1.925	1.839	1.793	1.744	1.693	1.637	1.577	1.509
60	4.001	3.150	2.758	2.525	2.368	2.254	2.167	2.097	2.040	1.993	1.917	1.836	1.748	1.700	1.649	1.594	1.534	1.467	1.389
120	3.920	3.072	2.680	2.447	2.290	2.175	2.087	2.016	1.959	1.911	1.834	1.751	1.659	1.608	1.554	1.495	1.429	1.352	1.254
INF	3.842	2.996	2.605	2.372	2.214	2.099	2.010	1.938	1.880	1.831	1.752	1.666	1.571	1.517	1.459	1.394	1.318	1.221	1.000

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(h) *Slope.* Calculate a least-squares regression slope, as follows:

$$a_{1y} = \frac{\sum_{i=1}^{N}(y_i - \bar{y})\cdot(y_{refi} - \bar{y}_{ref})}{\sum_{i=1}^{N}(y_{refi} - \bar{y}_{ref})^2}$$

Example:

N = 6000

y_1 = 2045.8

$y_{ref\ 1}$ = 2045.0

$\bar{y}$ = 1050.1

$\bar{y}_{ref}$ = 1055.3

$$a_{1y} = \frac{(2045.8 - 1050.1)\cdot(2045.0 - 1055.3) + \cdots + (y_{6000} - 1050.1)\cdot(y_{ref\ 6000} - 1055.3)}{(2045.0 - 1055.3)^2 + \cdots + (y_{ref\ 6000} - 1055.3)^2}$$

$$a_{1y} = 1.0110$$

(i) *Intercept.* Calculate a least-squares regression intercept, aO_y as follows:

$$a_{0y} = \bar{y} - (a_{1y}\cdot\bar{y}_{ref})$$

Example:

$\bar{y}$ = 1050.1

a_{1y} = 1.0110

$\bar{y}_{ref}$ = 1055.3

aO_y = 1050.1 − (1.0110·1055.3)

aO_y = − 16.8083

(j) *Standard estimate of error.* Calculate a standard estimate of error, SE, as follows:

$$SE_y = \sqrt{\frac{\sum_{i=1}^{N}\left[y_i - a_{0y} - (a_{1y}\times y_{refi})\right]^2}{N-2}}$$

Example:

N = 6000

y_1 = 2045.8

a_{oy} = 16.8083

a_{1y} = 1.0110

$y_{ref\ 1}$ = 2045.0

$$SE_y = \sqrt{\frac{\left[2045.8 - (-16.8083) - (1.0110\times 2045.0)\right]^2 + \ldots\left[y_{6000} - (-16.8083) - (1.0110\times y_{ref\ 6000})\right]^2}{6000-2}}$$

$$SE_y = 5.348$$

(k) *Coefficient of determination.* Calculate a coefficient of determination, r^2, as follows:

$$r_y^2 = 1 - \frac{\sum_{i=1}^{N}\left[y_i - a_{0y} - (a_{1y}\cdot y_{refi})\right]^2}{\sum_{i=1}^{N}\left[y_i - \bar{y}\right]^2}$$

Example:

N = 6000

y_1 = 2045.8

a_{oy} = 16.8083

a_{1y} = 1.0110

$y_{ref\ 1}$ = 2045.0

$\bar{y}$ = 1480.5

$$r_y^2 = 1 - \frac{\left[2045.8 - (-16.8083) - (1.0110\times 2045.0)\right]^2 + \ldots\left[y_{6000} - (-16.8083) - (1.0110\times y_{ref\ 6000})\right]^2}{\left[2045.8 - 1480.5\right]^2 + \ldots\left[y_{6000} - 1480.5\right]^2}$$

$$r_y^2 = 0.9859$$

(1) *Flow weighted average concentration.* A flow-weighted average means the average of a quantity after it is weighted proportional to a corresponding flow rate. For example, if a gas concentration is measured continuously from the raw exhaust of an engine, its flow-weighted average concentration is the sum of the products of each recorded concentration times its respective exhaust flow rate, divided by the number of recorded values. As another example, the bag concentration from a CVS system is the same as the flow-weighted average concentration because the CVS system itself flow-weights the bag concentration. You might already expect a certain flow weighted average concentration of an emission at its standard based on previous testing with similar engines or testing with similar equipment and instruments. If you need to estimate your expected flow weighted average concentration of an emission at its standard, we recommend using the following examples as a guide for how to estimate the flow weighted average concentration expected at a standard. Note that these examples are not exact and that they contain assumptions that are not always valid. Use good engineering judgement to determine if you can use similar assumptions.

(1) To estimate the flow weighted average raw exhaust NO_X concentration from a turbo-charged heavy-duty compression-ignition engine at a NO_X standard of 2.5 g/kWhr, you may do the following:

(i) Based on your engine design, approximate a maximum torque versus speed map and use it with the applicable normalized duty cycle in the standard-setting part to generate a reference duty cycle as described in § 1065.610. Calculate the total reference work, W_{ref}, as described in § 1065.650. Divide the reference work by the duty cycle's time interval, $\Delta t_{duty\ cycle}$ to determine average reference power, $\overline{P}_{ref}$.

(ii) Based on your engine design, estimate maximum power, P_{max}, the design speed at maximum power, f_{nmax}, and the design maximum intake manifold boost pressure, P_{inmax} and temperature T_{inmax}. Also estimate an average fraction of power that is lost due to friction and pumping, $\overline{P}_{frict}$. Use this information along with the engine displacement volume, v_{disp}, an

approximate volumetric efficiency, η_V, and the number of engine power strokes per cycle (e.g., 2-stroke or 4-stroke) to estimate the maximum raw exhaust flow rate, $\overline{n}_{exhmax}$.

(iii) Use your estimated values as described in the following example calculation:

$$\overline{x}_{exp} = \frac{e_{std} \cdot W_{ref}}{M \cdot \dot{n}_{exhmax} \cdot \Delta t_{duty\ cycle} \cdot \left(\frac{\overline{P}_{ref} + \left(\overline{P}_{frict} \cdot P_{max} \right)}{P_{max}} \right)}$$

$$\dot{n}_{exhmax} = \frac{P_{max} \cdot V_{disp} \cdot f_{nmax} \cdot \frac{2}{N_{stroke}} \cdot \eta_V}{R \cdot T_{max}}$$

Example:

e_{NOx}=2.5 g/(kW·hr)
W_{ref}=11.883 kW·hr
$\Delta t_{duty\ cycle}$=20 min
MNO_x=46.0055 g/mol
$\overline{P}_{ref}$=35.65 kW
P_{max}=125 kW
$\overline{P}_{frict}$=15%
η_v=0.9
p_{max}=300 kPa
V_{disp}=3.0 l
f_{nmax}=2800 rev/min
N_{stroke}=4 1/rev
R=8.314472 J/(mol·K)
T_{max}=348.15 K
C_p=1000 Pa/kPa
C_v=1000 l/m^3
C_t=60 s/min
C_{mol}=1000000 µmol/mol

$$\dot{n}_{exhmax} = \frac{300 \cdot 3.0 \cdot 2800 \cdot \frac{2}{4} \cdot 0.9 \cdot 1000}{8.314472 \cdot 348.15 \cdot 1000 \cdot 60} = 6.53 \text{ mol/s}$$

$$\overline{x}_{exp} = \frac{2.5 \cdot 11.883}{46.0055 \cdot 6.53 \cdot 20 \cdot 60 \cdot \left(\frac{35.65 + (0.15 \cdot 125)}{125} \right)} \cdot 1000000$$

$\overline{x}_{exp} = 189.4$ µmol/mol

(2) To estimate the flow weighted average NMHC concentration in a CVS from a naturally aspirated nonroad spark-ignition engine at an NMHC standard of 0.5 g/kW·hr, you may do the following:

(i) Based on your engine design, approximate a maximum torque versus speed map and use it with the applicable normalized duty cycle in the standard-setting part to generate a reference duty cycle as described in § 1065.610. Calculate the total reference work, W_{ref}, as described in § 1065.650.

(ii) Multiply your CVS total flow rate by the time interval of the duty cycle, $\Delta t_{duty\ cycle}$. The result is the total diluted exhaust flow of the n_{dexh}.

(iii) Use your estimated values as described in the following example calculation:

$$\overline{x}_{NMHC} = \frac{e_{std} \cdot W_{ref}}{M \cdot \dot{n}_{dexh} \cdot \Delta t_{duty\ cycle}}$$

Example:

e_{NMHC}=1.5 g/(kW·hr)
W_{ref}=5.389 kW·hr
M_{NMHC}=13.875389 g/mol

$_{dexh}$=6.021 mol/s
$\Delta t_{duty\ cycle}$=30 min
C_t=60 s/min
C_{mol}=1000000 µmol/mol

$$\overline{x}_{NMHC} = \frac{1.5 \cdot 5.389}{13.875389 \cdot 6.021 \cdot 30 \cdot 60} \cdot 1000000$$

$\overline{x}_{NMHC} = 53.8$ µmol/mol

§ 1065.605 Field test system overall performance check.

(a) This section contains equations and example calculations for statistics that are specified in § 1065.920 for field-testing systems. In this section we use the letter ''e'' to denote the brake-specific emissions of a test interval, the superscript over-bar ''-'' to denote an arithmetic mean, the subscript ''$_{lab}$'' to denote a laboratory result, and the subscript ''$_{field}$'' to denote a field-testing result.

(b) Assume that the brake-specific data in the following table was collected by performing the overall field test system check as described in § 1065.920.

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Table 1 of §1065.605–Example of ~~data~~ set from a field test system overall check

Duty cycle repeats	Test intervals (e.g. NTE events)									
	1	2	3	4	5	6	7	8	9	10
1_{field}	2.00	4.00	1.90	2.80	3.20	2.60	1.60	2.40	3.20	3.60
1_{lab}	1.90	3.60	2.00	2.70	3.00	2.50	1.50	2.30	3.00	3.40
2_{field}	2.10	3.40	1.80	2.50	3.40	2.50	1.80	2.20	3.00	3.40
2_{lab}	2.00	3.80	1.90	2.70	3.20	2.60	1.70	2.10	3.40	3.20
3_{field}	2.30	3.20	1.50	2.20	3.10	2.40	1.50	1.90	3.50	3.20
3_{lab}	2.20	3.50	1.90	2.70	3.20	2.70	1.40	2.00	3.30	3.10
4_{field}	2.40	3.30	2.10	2.80	3.30	3.00	1.40	2.10	3.10	3.20
4_{lab}	2.30	3.30	2.20	2.50	3.30	2.90	1.30	2.00	3.40	3.10
5_{field}	2.20	3.10	1.90	2.50	3.60	3.50	1.30	2.00	3.20	3.00
5_{lab}	2.10	3.20	2.10	2.40	3.20	3.30	1.30	1.80	3.30	3.30
6_{field}	2.00	3.50	1.90	2.40	3.40	2.90	1.50	2.10	3.00	3.00
6_{lab}	1.90	3.40	1.80	2.20	3.40	2.50	1.40	2.10	3.40	3.10
7_{field}	2.20	3.50	2.20	2.70	3.00	3.00	1.50	2.20	3.50	2.90
7_{lab}	2.10	3.70	2.00	2.50	3.40	3.10	1.60	2.10	3.30	3.40
Calculations										
$\bar{e}_{field}$	2.17	3.43	1.90	2.56	3.29	2.84	1.51	2.13	3.21	3.19
$\bar{e}_{lab}$	2.07	3.50	1.99	2.53	3.24	2.80	1.46	2.06	3.30	3.23
$\Delta\bar{e} / e_{lab\ std}$ [a]	4.0%	-2.9%	-3.4%	1.1%	1.7%	1.7%	2.3%	2.9%	-3.4%	-1.7%
UCL_{field}	2.35	3.81	2.23	2.85	3.51	3.42	1.74	2.33	3.46	3.50
UCL_{lab}	2.37	3.93	2.25	2.91	3.52	3.42	1.76	2.36	3.58	3.50
Δ_{UCL}	-0.02	-0.12	-0.02	-0.05	-0.01	0.00	-0.02	-0.03	-0.13	-0.01

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(c) For example, calculate for the first test interval $\bar{e}_{field\ 1}$, $\bar{e}_{lab\ 1}$, and $\Delta\bar{e}_1 / e_{lab\ std}$, and as follows:

$$\bar{e}_{field\ 1} = \frac{\sum_{i=1}^{N} e_{field\ i}}{N} \qquad N = 7$$

$$\bar{e}_{field\ 1} = \frac{2.00 + 2.10 + 2.30 + 2.40 + 2.20 + 2.00 + 2.20}{7}$$

$\bar{e}_{field\ 1} = 2.17\ \ g/kW \cdot hr$

similarly,

$$\bar{e}_{lab\ 1} = \frac{1.90 + 2.00 + 2.20 + 2.30 + 2.10 + 1.90 + 2.10}{7}$$

$\bar{e}_{lab\ 1} = 2.07\ g/kW \cdot hr$

$\Delta\bar{e}_1 / e_{lab\ std} = (\bar{e}_{field\ 1} - \bar{e}_{lab\ 1)} / elab\ std$

$e_{lab\ std} = 2.50\ g / kW \cdot hr$

$\Delta\bar{e}_1 / e_{lab\ std} = (2.17 - 2.07) / 2.50$

$\Delta\bar{e}_1 / e_{lab\ std} = 4.0\%$

(d) For example, calculate for the second test interval $UCL_{field\ 2}$, $UCL_{lab\ 2}$, $\Delta_{UCL\ 2}$ as follows≦

$UCL_{field\ 2} = \breve{e}\leq_{field\ 2} + 2 \bullet \sigma_{e\ field\ 2}$

see 1065.602(c) for $\sigma_{e\ field\ 2}$.

For UCL, recalculate $\breve{e}\leq_{field\ 2}$ and $\sigma_{e\ field\ 2}$ after applying measurement allowance.

Example:

measurement allowance = 0.95

$UCL_{field\ 2} = 3.258 + 2 \bullet 0.278$

$UCL_{field\ 2} = 3.81\ g/kW \bullet hr$

similarly,

$UCL_{lab\ 2} = 3.500 + 2 \bullet 0.216$

$UCL_{lab\ 2} = 3.93\ g/kW \bullet hr$

$\Delta UCL_2 = UCL_{field\ 2} - UCL_{lab\ 2}$

$\Delta UCL_2 = 3.81 - 3.93$

$\Delta UCL_2 = -0.12\ g/kW \bullet hr$

§ 1065.610 Test cycle generation.

(a) *Maximum test speed,* f_{ntest} *and maximum test torque* T_{test}. For all engines, calculate test speed from the power versus speed map generated as per § 1065.510.

(1) Based on the power versus speed map, determine the maximum power and the speed at which maximum power occurred. Divide each recorded power by the maximum power and divide each recorded speed by the speed at which maximum power occurred. The resulting data set is a normalized data set of power versus speed. Use this data set to determine test speed. Test speed is the speed at which the normalized data set returns a maximum value of the sum of the squares of normalized speed and normalized power.

(2) For example:

$$f_{ntest} = f_{n@P_{max}} \cdot \left[f_{nnormi} @ \max_{i=1}^{N} \left(f_{nnormi}{}^2 + P_{normi}{}^2 \right) \right]$$

Example:

$f_{n@P\max} = 2355$ rev/min

$f_{nnorm1} = 1.002$, $P_{norm1} = 0.978$

$f_{nnorm2} = 1.004$, $P_{norm2} = 0.977$

$f_{nnorm3} = 1.006$, $P_{norm3} = 0.974$

$$\left(f_{nnorm1}{}^2 + P_{norm1}{}^2 \right) = \left(1.002^2 + 0.978^2 \right) = 1.960$$

$$\left(f_{nnorm2}{}^2 + P_{norm2}{}^2 \right) = \left(1.004^2 + 0.977^2 \right) = 1.963$$

$$\left(f_{nnorm3}{}^2 + P_{norm3}{}^2 \right) = \left(1.006^2 + 0.974^2 \right) = 1.961$$

max = 1.963 @ $i = 2$

$f_{ntest} = 2355 \bullet [1.004] = 2364$ rev/min

(3) For variable-speed engines, use this measured test speed—or your declared test speed as described in § 1065.510—to transform normalized speeds to reference speeds as described in paragraph (b) of this section.

(4) For constant-speed engines, use the torque corresponding to this measured test speed as measured test torque—or your declared test torque as described in § 1065.510—to transform normalized torques to reference torques as described in paragraph (c) of this section.

(b) *Speed.* Transform normalized speed values to reference values as follows:

(1) % speed. If your normalized duty cycle specifies % speed values, use your declared warm no-load idle speed and your test speed to transform the duty cycle, as follows:

$f_{nref} = \%\ speed \bullet (f_{ntest} - f_{nidle}) + f_{nidle}$

Example:

% speed = 85%

$f_{ntest} = 2364$ rev/min

$f_{nidle} = 650$ rev/min

$f_{nref} = 85\% \bullet (2364 - 650) + 650$

$f_{nref} = 2107$ rev/min

(2) A, B, and C speeds. If your normalizsed duty cycle specifies speed values as A, B, or C values, use your power versus speed curve to determine the lowest speed below maximum power at which 50% of maximum power occurs. Denote this value as n_{lo}. Also determine the highest speed above maximum power at which 70% of maximum power occurs. Denote this value as n_{hi}. Use n_{hi} and n_{lo} to calculate reference values for A, B, or C speeds as follows:

$f_{nrefA} = 0.25 \bullet (n_{hi} - n_{lo}) + n_{lo}$

$f_{nrefB} = 0.50 \bullet (n_{hi} - n_{lo}) + n_{lo}$

$f_{nrefC} = 0.75 \bullet (n_{hi} - n_{lo}) + n_{lo}$

Example:

$n_{lo} = 1005$ rev/min

$n_{lo} = 2385$ rev/min

$f_{nrefA} = 0.25 \bullet (2385 - 1005) + 1005$

$f_{nrefB} = 0.50 \bullet (2385 - 1005) + 1005$

$f_{nrefC} = 0.75 \bullet (2385 - 1005) + 1005$

$f_{nrefA} = 1350$ rev/min

$f_{nrefB} = 1695$ rev/min

$f_{nrefC} = 2040$ rev/min

(3) Intermediate speed. If your normalized duty cycle specifies a speed as ''intermediate speed'', use your torque versus speed curve to determine the speed at which maximum torque occurs.

(i) Determine the speed at which peak torque occurs. This is peak torque speed.

(ii) If peak torque speed is between (60 to 75) % of test speed, then your reference intermediate speed is peak torque speed.

(iii) If peak torque speed is less than 60% of test speed, then your reference intermediate speed is 60% of test speed.

(iv) If peak torque speed is greater than 75% of test speed, then your reference intermediate speed is 75% of test speed.

(c) *Torque.* Transform normalized torque values to reference values using your maximum torque versus speed map. For variable-speed engines you must first transform normalized speed values into reference speed values. For constant-speed engines, you need only your test torque value.

(1) *% torque for variable-speed engines.* For a given speed point, multiply the corresponding % torque by the maximum torque at that speed, according to your map. Linearly interpolate mapped torque values to determine torque between mapped speeds. The result is the reference torque for that speed point.

(2) *% torque for constant-speed engines.* Multiply a % torque value by your test torque. The result is the reference torque for that point.

(3) *Permissible deviations for any engine.* If your engine does not operate in-use below a certain torque under certain conditions, you may use a declared minimum torque as the reference value instead of the value calculated in paragraph (c)(1) or (2) of this section. For example, if your engine is connected to an automatic transmission, it may have a minimum torque called curb idle transmission torque (CITT). In this case, at idle conditions (*i.e.*, 0% speed, 0% torque), you may use CITT as a reference value instead of 0 N·m.

(d) *Power.* Transform normalized power values to reference speed and

torque values using your maximum power versus speed map. For variable-speed engines you must first transform normalized speed values into reference speed values. For constant-speed engines, you need only your maximum power value.

(1) *% power for variable-speed engines.* For a given speed point, multiply the corresponding % power by the maximum power of your entire map. The result is the reference power for that speed point. You may calculate a corresponding reference torque for that point and command that reference torque instead of a reference power.

(2) *% torque for constant-speed engines.* Multiply a % power value by the maximum power of your entire map. The result is the reference power for that point. You may calculate a corresponding reference torque for that point and command that reference torque instead of a reference power.

(3) *Permissible deviations for any engine.* If your engine does not operate in-use below a certain power under certain conditions, you may use a declared minimum power as the reference value instead of the value calculated in paragraph (d)(1) or (2) of this section. For example, if your engine is directly connected to a propeller, it may have a minimum power called idle power. In this case, at idle conditions (*i.e.*, 0% speed, 0% torque), you may use a corresponding idle torque as a reference torque instead of 0 N·m.

§ 1065.630 1980 International Gravity Formula.

Calculate the acceleration of Earth's gravity at your latitude, as follows:

$a_g = 9.7803267715\times(1+5.2790414E-03\times\sin(\theta)^2 + 2.32718E-05\times\sin(\theta)^4 +1.262E-07\times\sin(\theta)^6 + 7E-10\times\sin(\theta)^8)$

Example:

$\theta = 45°$

$a_g = 9.7803267715\times(1+5.2790414E-03\times\sin(45)^2 + 2.32718E-05\times\sin(45)^4 +1.262E-07\times\sin(45)^6 + 7E-10\times\sin(45)^8)$

$a_g = 9.8178291229$ m/s²

§ 1065.640 PDP and venturi (SSV and CFV) calibration calculations.

(a) *Reference meter conversions.* The following calibration equations use molar flow rate, n_{ref} as a reference quantity. If your reference meter outputs a flow rate in a different quantity such as standard volume rate, $\dot{V}_{stdref}$actual volume rate, $\dot{V}_{actref}$or mass rate, $\dot{m}_{ref}$, convert your reference meter output to molar flow rate using the following:

$$\dot{n}_{ref} = \frac{\dot{V}_{stdref}\cdot P_{std}}{T_{std}\cdot R} = \frac{\dot{V}_{actref}\cdot P_{act}}{T_{act}\cdot R} = \frac{\dot{m}_{ref}}{M_{mix}}$$

Examples:

$\dot{V}_{stdref}$ =1000.00 ft³/min

P_{std} =29.9213 in Hg @ 32 °F

T_{std} = 68.0 °F

R = 8.314472 J/(mol·K)

C_p = 3386.38 Pa/in Hg @32 °F

C_T = (T + 459.67)/1.8 K/°F

C_V = 35.314662 ft³/m³

C_t = 60 s/min

$$\dot{n}_{ref} = \frac{1000.00\cdot 29.9213\cdot 3386.38}{[(68.0+459.67)/1.8]\cdot 8.314472\cdot 35.314662\cdot 60} = 19.619 \text{ mol/s}$$

$\dot{m}_{ref}$ = 17.2683 kg/mih

M_{mix} = 28.7805 g/mol

C_m = 1000 g/kg

$$\dot{n}_{ref} = \frac{17.2683\cdot 1000}{28.7805\cdot 60} = 10.000 \text{ mol/s}$$

(b) *PDP calibration calculations.* For each restrictor position, calculate the following values, from the mean values determined in § 1065.340, as follows:

(1) PDP volume pumped per revolution, V_{rev} m³/rev:

$$V_{rev} = \frac{\bar{\dot{n}}_{ref}\cdot R\cdot \bar{T}_{in}}{\bar{P}_{in}\cdot \bar{f}_{PDP}}$$

Example:

$\dot{n}_{ref}$ = 25.096 mol/s

R = 8.314472 J/mol·K

$\bar{T}_{in}$ = 299.5 K

$\bar{P}_{in}$ = 98.290 kPa

$\bar{f}_{PDP}$ = 1205.1 rev/min

C_t = 60 s/min

C_p = 1000 (J/m³)/kPa

$$V_{rev} = \frac{60\cdot 25.096\cdot 8.314472\cdot 299.5}{1000\cdot 98.290\cdot 1205.1}$$

$$V_{rev} = 0.03166 \text{ m}^3\text{/rev}$$

(2) PDP slip correction factor, Ks s/rev:

$$K_s = \frac{1}{\bar{f}_{PDP}}\cdot\sqrt{\frac{\bar{P}_{out}-\bar{P}_{in}}{\bar{P}_{out}}}$$

Example:

$\bar{f}_{PDP}$ = 1205.1 rev/min

$\bar{P}_{out}$ = 100.103 kPa

$\bar{P}_{in}$ = 98.290 kPa

$\bar{C}_t$ = 60 s/min

$$K_s = \frac{60\cdot 1}{1205.1}\cdot\sqrt{\frac{100.103-98.290}{100.103}}$$

$$K_s = 0.006700 \text{ s/rev}$$

(3) Perform a least-squares regression of PDP volume pumped per revolution, V_{rev} versus PDP slip correction factor, K_s, by calculating slope, a_1 and intercept a_0 as described in § 1065.602.

(4) Repeat the procedure in paragraphs (a)(1) through (3) of this section for every speed that you run your PDP.

(5) Use the slopes and intercepts to calculate flow rate during emission testing as described in § 1065.642.

(c) *Venturi governing equations and allowable assumptions.* Because a subsonic venturi (SSV) and a critical-flow venturi (CFV) both operate similarly, their governing equations are the same, except for the equation describing their pressure ratio r (*i.e.*, r_{SSV} versus r_{CFV}). The following symbols are used for the following quantities in subsequent calculations:

A_t = venturi throat cross-sectional area

C_d = discharge coefficient

C_f = flow coefficient

C_m = mass conversion factor

C_p = pressure conversion factor

d_t = venturi throat diameter

M_{mix} = molar mass of gas mixture

$\dot{n}$ = molor flow rate

p_{in} = venturi inlet absolute static pressure

r = pressure ratio

T_{in} = venturi inlet absolute temperature

Z = compressibility factor

β = ratio of venturi throat to inlet diameters

Δp = differential static pressure; venturi inlet minus venturi throat

γ = ratio of specific heats of gas mixture

$$\dot{n} = C_d \cdot C_f \cdot \frac{A_t \cdot p_{in}}{\sqrt{Z \cdot M_{mix} \cdot R \cdot T_{in}}}$$

$$C_f = \left[\frac{2 \cdot \gamma \cdot \left(1 - r^{\frac{\gamma-1}{\gamma}}\right)}{(\gamma - 1) \cdot \left(r^{\frac{-2}{\gamma}} - \beta^4\right)} \right]^{\frac{1}{2}}$$

$$r_{SSV} = 1 - \frac{\Delta p}{p_{in}}$$

$$r_{CFV}^{\frac{1-\gamma}{\gamma}} + \left(\frac{\gamma - 1}{2}\right) \cdot \beta^4 \cdot r_{CFV}^{\frac{2}{\gamma}} = \frac{\gamma + 1}{2}$$

(1) You may iterate to solve for r_{CFV} and subsequently calculate C_f for a CFV, C_{fCFV}, or you may determine C_{fCFV} from Table 1 of § 1065.640, based on your β and γ.

TABLE 1 OF § 1065.640.—C_{fCFV} VERSUS β AND γ

	C_{fCFV}	
β	γ_{exh} = 1.385	$\gamma_{dexh} = \gamma_{air}$ = 1.399
0.000	0.6822	0.6846
0.400	0.6857	0.6881
0.500	0.6910	0.6934
0.550	0.6953	0.6977
0.600	0.7011	0.7036
0.625	0.7047	0.7072
0.650	0.7089	0.7114
0.675	0.7137	0.7163
0.700	0.7193	0.7219
0.720	0.7245	0.7271
0.740	0.7303	0.7329
0.760	0.7368	0.7395
0.770	0.7404	0.7431
0.780	0.7442	0.7470
0.790	0.7483	0.7511
0.800	0.7527	0.7555
0.810	0.7573	0.7602
0.820	0.7624	0.7652
0.830	0.7677	0.7707
0.840	0.7735	0.7765
0.850	0.7798	0.7828

(2) *Permissible assumptions.* You may make several simplifying assumptions of the governing equations.

(i) For emission testing over the full ranges of raw exhaust, diluted exhaust and dilution air, you may assume that the gas mixture behaves as an ideal gas: Z = 1.

(ii) For the full range of raw exhaust you may assume a constant ratio of specific heats of γ = 1.385.

(iii) For the full range of diluted exhaust and air (*e.g.*, calibration air or dilution air), you may assume a constant ratio of specific heats of γ = 1.399.

(iv) For the full range of diluted exhaust and air, you may assume the molar mass of the mixture is a function only of the amount of water in the dilution air or calibration air, x_{H2O}, determined as described in § 1065.645, as follows:

$$M_{mix} = M_{air} \cdot \left(1 - x_{H2O}\right) + M_{H2O} \cdot x_{H2O}$$

Example:

M_{air} = 28.96559 g/mol
x_{H2O} = 0.0169 mol/mol
M_{H2O} = 18.01528 g/mol
M_{MIX}=28.96559 · (1–0.0169)+18.01528·0.0169
M_{MIX}28.7805 g/mol

(v) For the full range of diluted exhaust and air, you may assume a constant molar mass of the mixture, M_{mix} such that the assumed molar mass differs from the actual molar mass by no more than ± 1% for all calibration and all testing. This might occur if you sufficiently control the amount of water in calibration air and in dilution air, and this might occur if you remove sufficient water from both calibration air and dilution air. Table 2 of this section gives examples of permissible emission testing dilution air dewpoints versus calibration air dewpoints.

TABLE 2. OF § 1065.640.—PERMISSIBLE RANGES OF DILUTION AIR DEWPOINT VERSUS CALIBRATION DEWPOINT WHERE A CONSTANT M_{mix} MAY BE ASSUMED

If calibration T_{dew}	Assume constant M_{mix}	For emissions test T_{dew} range [a]
°C	g/mol	°C
dry	28.96559	dry to 18
0	28.89263	dry to 21
5	28.86148	dry to 22
10	28.81911	dry to 24
15	28.76224	dry to 26
20	28.68685	−8 to 28
25	28.58806	12 to 31
30	28.46005	23 to 34

[a] Range valid for all calibration and emissions testing over the barometric pressure range (80.000 to103.325) kPa.

(3) *Calibration equation for SSV and CFV.* For each data point collected in § 1065.340, solve for C_d. The following example illustrates the use of the governing equations for the SSV. Note that for the case of the CFV, the equation for C_d would be the same. However, for C_f you would use your values of B and γ to determine C_f iteratively as described in paragraph (b)(1) of this section, or you would look up a constant value of C_f for all calibration and testing in Table 1 of § 1065.640.

$$C_d = \dot{n}_{ref} \cdot \frac{\sqrt{Z \cdot M_{mix} \cdot R \cdot T_{in}}}{C_f \cdot A_t \cdot p_{in}}$$

$$C_f = \left[\frac{2 \cdot \gamma \cdot \left(1 - r^{\frac{\gamma-1}{\gamma}}\right)}{(\gamma - 1) \cdot \left(r^{\frac{-2}{\gamma}} - \beta^4\right)} \right]^{\frac{1}{2}}$$

$$r_{SSV} = 1 - \frac{\Delta p}{p_{in}}$$

Example:

$\dot{n}_{ref}$ = 57.625 mol/s

Z = 1

M_{mix} = 28.7805 g/mol

R = 8.314472 J/mol·K

T_{in} = 298.15 K

A_t = 0.01824 m²

P_{in} = 99.132 kPa

γ = 1.399

β = 0.8

Δp = 2.312 kPa

C_m = 1000 g/kg

C_p = Pa/kPa

$$r_{SSV} = 1 - \frac{\Delta p}{p_{in}}$$

$$r_{SSV} = 0.977$$

$$C_f = \left[\frac{2 \cdot 1.399 \cdot \left(1 - 0.977^{\frac{1.399-1}{1.399}}\right)}{(1.399-1) \cdot \left(0.977^{\frac{-2}{1.399}} - 0.8^4\right)} \right]^{\frac{1}{2}}$$

$C_f = 0.274$

$$C_d = 57.625 \cdot \frac{\sqrt{1 \cdot 28.7805 \cdot 8.314472 \cdot 298.15/1000}}{0.274 \cdot 0.01824 \cdot 99.132 \cdot 1000}$$

$C_d = 0.981$

(i) *SSV calibration*. For each data point collected in § 1065.340, also calculate *Re#* at the throat of the venturi. Because the dynamic viscosity, μ. is needed to compute *Re#*, you may use your own fluid viscosity model to determine μ, using good engineering judgment. Alternatively, you may use the Sutherland three coefficient viscosity model for air at moderate pressures and temperatures. An example of this is shown in the following example calculation for Re#:

$$Re^{\#} = \frac{4 \cdot M_{mix} \cdot \dot{n}_{ref}}{\pi \cdot d \cdot \mu}$$

Sutherland model:

$$\mu = \mu_0 \cdot \left(\frac{T_{in}}{T_0}\right)^{\frac{3}{2}} \cdot \left(\frac{T_0 + S}{T_{in} + S}\right)$$

$\mu o = 1.7894 \cdot 10^{-5}$ kg/(m·s)

To = 273.11 K

S = 110.56 K

Example:

M_{mix} = 28.7805 g/mol

$\dot{\eta}_{ref}$ = 57.625 mol/s

$d\tau$ = 0.1524 m

T_{in} = 298.15 K

C_m = 1000 g/kg

$$\mu = 1.7894 \cdot 10^{-5} \cdot \left(\frac{298.15}{273.11}\right)^{\frac{3}{2}} \cdot \left(\frac{273.11 + 110.56}{298.15 + 110.56}\right)$$

$\mu = 1.916 \cdot 10^{-5}$ kg /(m · s)

$$Re^{\#} = \frac{4 \cdot 28.7805 \cdot 57.625}{3.14159 \cdot 0.1524 \cdot 1.916 \cdot 10^{-5} \cdot 1000}$$

$Re^{\#} = 7.2317 \cdot 10^5$

(ii) Create a regression equation to calculate C_d versus *Re#*. You may use any mathematical expression such as a least-square polynomial or a power series. The regression equation must cover the flow range of *Re#* expected during testing.

(iii) The regression equation must predict C_d values within ±0.5% of the individual C_d values determined from calibration.

(iv) If the ±0.5% criterion is met, transfer the regression equation to the SSV real time calculation system for use in emission tests as described in § 1065.642. Do not use the equation beyond the upper and lower calibration points used to determine the equation.

(v) If the ±0.5% criterion is not met for an individual data point, based upon good engineering judgment, you may omit data points and recalculate the regression equation, provided you use at least 7 points that meet the criterion. Do not use the equation beyond the upper and lower calibration points used to determine the equation. If omitting points does not resolve outliers, take corrective action. For example, check for leaks or repeat the calibration process. If you must repeat the process, we recommend applying tighter tolerances to measurements and allow more time for flows to stabilize.

(vi) *CFV calibration*. Calculate the mean and standard deviation of all the C_d as described in § 1065.602. If the standard deviation is less than or equal to 0.3% of the mean, use the mean C_d in flow equations as described in § 1054.642, and use the CFV only down to the lowest inlet pressure measured during calibration. If the standard deviation exceeds 0.3% of the mean, omit the data point collected at the lowest venturi inlet pressure. Recalculate the mean and standard deviation and determine if the new standard deviation is less than or equal to 0.3% of the new mean. If it is, then use that mean C_d in flow calculations and use the CFV down to the lowest inlet pressure of the remaining data points. If the standard deviation still exceeds 0.3% of the mean, continue omitting the data point at the lowest inlet pressure and recalculating the standard deviation and the mean. If the number of remaining data points becomes less than seven, take corrective action. For example, check for leaks or repeat the calibration process. If you must repeat the process, we recommend applying tighter tolerances to measurements and allow more time for flows to stabilize.

§ 1065.642 SSV, CFV, and PDP flow rate calculations.

(a) *PDP flow rate*. Based on the slopes and intercepts calculated in § 1065.640 for the speed that you operate your PDP during an emission test, calculate flow rate, $\dot{n}$ as follows:

$$\dot{n} = f_{PDP} \cdot \frac{p_{in} \cdot V_{rev}}{R \cdot T_{in}}$$

$$V_{rev} = \frac{a_1}{f_{PDP}} \cdot \sqrt{\frac{p_{out} - p_{in}}{p_{in}}} + a_0$$

Example:

f_{PDP} = 755 rev/min

P_{in} = 98.575 kPa

R = 8.314472 J/(mol·K)

T_{in} = 323.5 K

a_l = 50.43

a_o = 0.056

P_{out} = 99.950 kPa

C_p = 1000 (J/m³)/kPa

c_t = 60 s/min

$$V_{rev} = \frac{50.43}{755} \cdot \sqrt{\frac{99.950 - 98.575}{98.575}} + 0.056$$

$$V_{rev} = 0.06389\ m^3/rev$$

$$\dot{n} = 755 \cdot \frac{98.575 \cdot 0.06389}{8.314472 \cdot 323.5} \cdot \frac{1000}{60}$$

$$\dot{n} = 29.464\ mol/s$$

(b) *SSV flow rate*. Based on the C_d versus $Re^{\#}$ regression you determined as described in § 1065.640, calculate SSV flow rate, ṅ during an emission test as follows:

$$\dot{n} = C_d \cdot C_f \cdot \frac{A_t \cdot p_{in}}{\sqrt{Z \cdot M_{mix} \cdot R \cdot T_{in}}}$$

$$C_d = 0.998 - 0.00653 \cdot \sqrt{\frac{10^6}{Re^{\#}}}$$

$$C_f = \left[\frac{2 \cdot \gamma \cdot \left(1 - r^{\frac{\gamma-1}{\gamma}}\right)}{(\gamma - 1) \cdot \left(r^{\frac{-2}{\gamma}} - \beta^4\right)} \right]^{\frac{1}{2}}$$

$$r_{ssv} = 1 - \frac{\Delta p}{p_{in}}$$

Example:

A_t = 0.01824 m²
P_{in} = 99.132 kPa
Z = 1
M_{mix} = 28.7805 g/mol
R = 8.314472 J/mol•K
T_{in} = 298.15 K
$Re^{\#}$ = 7.232•10⁵
γ = 1.399
β = 0.8
Δp = 2.31 kPa
C_m = 1000 g/kg
C_p = 1000 Pa/kPa

$$r_{SSV} = 1 - \frac{2.312}{99.132}$$

$$r_{SSV} = 0.977$$

$$C_f = 0.274$$

$$C_d = 0.998 - 0.00653 \cdot \sqrt{\frac{10^6}{7.232 \cdot 10^5}}$$

$$C_d = 0.990$$

$$C_f = \left[\frac{2 \cdot 1.399 \cdot \left(1 - 0.977^{\frac{1.399-1}{1.399}}\right)}{(1.399 - 1) \cdot \left(0.977^{\frac{-2}{1.399}} - 0.8^4\right)} \right]^{\frac{1}{2}}$$

$$\dot{n} = 0.990 \cdot 0.274 \cdot \frac{0.01824 \cdot 99.132 \cdot 1000}{\sqrt{1 \cdot 28.7805 \cdot 8.314472 \cdot 298.15/1000}}$$

$$\dot{n} = 58.173\ mol/s$$

(c) *CFV flow rate*. Based on the mean C_d and other constants you determined as described in § 1065.640, calculate CFV flow rate, ṅ during an emission test as follows:

$$\dot{n} = C_d \cdot C_{fCFV} \cdot \frac{A_t \cdot p_{in}}{\sqrt{Z \cdot M_{mix} \cdot R \cdot T_{in}}}$$

Example:

C_d = 0.985
C_{fCFV} = 0.7219
A_t = 0.00456 m²
P_{in} = 98.836 kPa
Z = 1
M_{mix} = 28.7805 g/mol
R = 8.314472 J/mol•K
T_{in} = 378.15 K
γ = 1.399
β = 0.7
C_m = 1000 g/kg
C_p = 1000 Pa/kPa

$$\dot{n} = 0.985 \cdot 0.7219 \cdot \frac{0.00456 \cdot 98.836 \cdot 1000}{\sqrt{1 \cdot 28.7805 \cdot 8.314472 \cdot 378.15/1000}}$$

$$\dot{n} = 33.690\ mol/s$$

§ 1065.645 Amount of water in an ideal gas.

(a) For various emission calculations, you must calculate the amount of water in an ideal gas, x_{H20}.

(1) Based on the measured dewpoint, T_{dew} or frost point T_{ice} and the triple point of water, T_0, use the formulations of the World Meteorological Organization (General Meteorological Standards and Recommended Practices, Appendix A, WMO Technical Regulations, WMO-No. 49, 2000, incorporated by reference at § 1065.1010), to first calculate the pressure of water, p_{H2O} in an ideal gas as follows:

$$p_{sat} = \frac{10\wedge\left[\begin{array}{l} 10.79574\cdot\left(1-\frac{T_0}{T_{dew}}\right)-5.02800\cdot\log\left(\frac{T_{dew}}{T_0}\right)+1.50475\cdot10^{-4}\cdot\left(1-10^{-8.2969\cdot\left(\frac{T_{dew}}{T_0}-1\right)}\right) \\ +0.42873\cdot10^{-3}\cdot\left(10^{-4.76955\cdot\left(1-\frac{T_0}{T_{dew}}\right)}-1\right)+0.78614 \end{array}\right]}{10}$$

$T_0 = 273.16$ K

Example:

T_{dew} = 9.5 °C

T_{dew} = 9.5 + 273.15 = 282.65 K

$$p_{sat} = \frac{10\wedge\left[\begin{array}{l} 10.79574\cdot\left(1-\frac{273.16}{282.65}\right)-5.02800\cdot\log\left(\frac{282.65}{273.16}\right)+1.50475\cdot10^{-4}\cdot\left(1-10^{-8.2969\cdot\left(\frac{282.65}{273.16}-1\right)}\right) \\ +0.42873\cdot10^{-3}\cdot\left(10^{-4.76955\cdot\left(1-\frac{273.16}{282.65}\right)}-1\right)+0.78614 \end{array}\right]}{10}$$

$p_{sat} = 1.186$ kPa

(2) And for frost point:

$$p_{H20} = \frac{10\wedge\left[-9.09685\cdot\left(\frac{T_0}{T_{ice}}-1\right)-3.56654\cdot\log\left(\frac{T_0}{T_{ice}}\right)+0.87682\cdot\left(1-\frac{T_{ice}}{T_0}\right)+0.78614\right]}{10}$$

Example:

T_{ice} = −15.4 °C

T_{ice} = −15.4 + 273.15 = 275.75 K

$T_0 = 273.16$ K

$$p_{H20} = \frac{10\wedge\left[-9.09685\cdot\left(\frac{273.16_0}{257.75}-1\right)-3.56654\cdot\log\left(\frac{273.16_0}{257.75}\right)+0.87682\cdot\left(1-\frac{257.75}{273.16_0}\right)+0.78614\right]}{10}$$

$p_{H20} = 0.1591$ kPa

(3) The equation that uses dewpoint has been experimentally confirmed from (0 to 100) °C, and the same formula may be used over super-cooled water from (−50 to 0) °C with insignificant error. The equation for frostpoint is valid from (−100 to 0) °C.

(b) You may also use other formulas to convert dewpoint or frostpoint to p_{H2O}, provided that their use does not affect your ability to show compliance with the applicable standards. Formulas such as the commonly known the Goff-Gratch formula may be used. Note however that the Wexler-Greenspan formula that we previously specified is not valid for dewpoints below 0 °C.

(c) To calculate the amount of water in an ideal gas, divide p_{H2O} by the absolute pressure (for example, barometric pressure) at which you measured dewpoint or frostpoint, as follows:

$$x_{H2O} = \frac{p_{sat}}{p_{total}}$$

Example:

P_{sat} = 1.186 kPa

P_{total} = 99.980 kPa

$$x_{H2O} = \frac{1.186}{99.980}$$

$x_{H2O} = 0.01186$ mol/mol

§ 1065.650 Emission calculations.

(a) *General.* Calculate brake-specific emissions over each test interval in a duty cycle. Refer to the standard-setting part for any calculations you might need to determine a composite result, such as a calculation that weights and sums the results of individual test intervals in a duty cycle. We specify three ways to calculate brake-specific emissions, as follows:

(1) Calculate the total mass of emissions and then divide it by the total work generated over the test interval. In this section, we describe how to calculate the total mass of different emissions. We describe how to calculate total work. Divide the total mass by the total work to determine brake-specific emissions, as follows:

$$e = \frac{m}{W}$$

Example:

M_{NOx} = 64.975 g

W = 25.783 kW·hr

$$e_{NOx} = \frac{64.975}{25.783}$$

e_{NOx} = 2.520 g/(kW·hr)

(2) For steady-state testing, you may calculate the ratio of emission mass rate to power. In this special case you determine a mean mass rate of emissions during steady-state operation, and then divide that rate by the steady-state mean power. The result is a brake-specific emission value calculated as follows:

$$e = \frac{\overline{\dot{m}}}{\overline{P}}$$

Example:

$$\overline{\dot{m}}_{NMHC} = 2.885 \text{ mg/s}$$

$\overline{P}$ = 54.342 kW
C_t = 3600 s/hr
C_m = 1000 mg/g

$$e_{NMHC} = \frac{2.885 \cdot 3600}{54.342 \cdot 1000}$$

$$e_{NMHC} = 0.191 \text{ g/(kW} \cdot \text{hr)}$$

(3) Calculate the ratio of total mass to total work. This is a special case in which you use a signal linearly proportional to raw exhaust flow rate to determine a value proportional to total emissions. You then use the same linearly proportional signal to determine total work using a chemical balance of fuel, intake air and exhaust as described in § 1065.655, plus information about your engine's brake-specific fuel consumption. In this case we do not require any flow meter to be accurate, but we do require any flow meter you use must meet the applicable linearity and repeatability specifications in subpart D (performance checks) or subpart J (field testing) of this part. The result is a brake-specific emission value calculated as follows:

$$e = \frac{\tilde{m}}{\tilde{W}}$$

Example:

$\tilde{m}_{co}$ = 805.5 ~g
$\tilde{w}$ = 52.102 ~kW·hr

$$e_{CO} = \frac{805.5}{52.102}$$

$$e_{CO} = 2.520 \text{ g/(kW} \cdot \text{hr)}$$

(b) *Total mass of emissions.* To determine brake-specific emissions for a test interval under paragraph (a)(1) of this section, calculate the total mass of each emission. To calculate the total mass of an emission, you multiply a concentration by its respective flow. Follow these steps to calculate total mass of emissions:

(1) *Concentration corrections and calculations.* Before multiplying concentrations by a flow, perform the following calculations on recorded concentrations, in order, as follows:

(i) Correct all concentrations for drift, including dilution air background concentrations. Correct for drift as described in § 1065.657.

(ii) Optionally, correct all concentrations for instrument noise, including dilution air background concentrations. Correct for noise as described in § 1065.658.

(iii) Correct all concentrations measured on a ''dry'' basis to a ''wet'' basis, including dilution air background concentrations. Correct for drift as described in § 1065.659.

(iv) Calculate all NMHC concentrations, including dilution air background concentrations as described in § 1065.660.

(v) If you performed an emission test with an oxygenated fuel (see subpart E or this part) calculate any NMHCE concentrations including dilution air background concentrations as described in § 1065.665.

(2) *Continuous sampling.* For continuous sampling you frequently record a continuously updated concentration signal. You may measure this concentration from a changing flow rate or a constant flow rate, as follows:

(i) If you continuously sample from a changing exhaust flow rate, synchronously multiply it by the flow rate of the flow from which you extracted it. We consider the following flows changing flows that require a continuous multiplication of concentration times flow rate: raw exhaust, exhaust diluted with a constant flow rate of dilution air, and CVS dilution with a CVS flow meter that does not have an upstream heat exchanger or electronic flow control. Account for dispersion and time alignment as described in § 1065.201. This multiplication results in the flow rate of the emission itself. Integrate the emission flow rate over a test interval to determine the total emission. If the total emission is a molar quantity, convert this quantity to a mass by multiplying it by its molar mass, M. The result is the mass of the emission, m. The following is a continuous sampling with variable flow example:

$$m = M \cdot \sum_{i=1}^{N} x_i \cdot \dot{n}_i \cdot \Delta t$$

$$\Delta t = \frac{1}{f_{record}}$$

Example:

M_{NMHC} = 13.875389 g/mol
N = 1200
x_{NMHC1} = 84.5 µmol/mol
x_{NMHC2} = 86.0 µmol/mol
$\dot{n}_{exh1}$ = 2.876 mol/s
$\dot{n}_{exh2}$ = 2.224 mol/s
f_{record} = 1 Hz
C_{mol} = 1000000 µol/mol

$$\Delta t = \frac{1}{1} = 1 \text{ s}$$

m_{NMHC} = 13.875389 · (84.5 · 2.876 + 86.0·2.224 + ... + $x_{NMHC1200} \cdot \dot{n}_{exh1200}$ ·) · 1 · 1000000
m_{NMHC} = 25.23 g

(ii) If you continuously sample from a constant exhaust flow rate, you may calculate the mean concentration recorded over the test interval and treat the mean as a batch sample (*e.g.*, bag sample) as described in paragraph (b)(3)(ii) of this section. We consider the following flows constant exhaust flows: CVS diluted exhaust with a CVS flow meter that has either an upstream heat exchanger, electronic flow control, or both.

(3) *Batch sampling.* The concentration may also be a single concentration from a proportionally extracted batch sample (*e.g.*, a bag). In this case, you multiply the mean concentration of the batch sample by the total flow from which the sample was extracted. You may calculate total flow by integrating a changing flow rate or by determining the mean of a constant flow rate, as follows:

(i) If you batch sample from a changing exhaust flow rate, extract a sample proportional to the changing exhaust flow rate. We consider the following flows changing flows that require proportional sampling: raw exhaust, exhaust diluted with a constant flow rate of dilution air, and CVS dilution with a CVS flow meter that does not have an upstream heat exchanger or electronic flow control. Integrate the flow rate over a test interval to determine the total flow from which you extracted the proportional sample. Multiply the mean concentration of the batch sample by the total flow from which the sample was extracted. If the total emission is a molar quantity, convert this quantity to a mass by multiplying it by its molar mass. If the total emission is a molar quantity, convert this quantity to a mass by multiplying it by its molar mass, M. The result is the mass of the emission, m. In the case of PM emissions, where the mean PM concentration is already in units of mass per mole of sample, $\overline{M}_{PM}$, simply multiply the total flow by $\overline{M}_{PM}$. The result is the total mass of PM, m_{PM}.

The following is a batch sample extracted from a variable flow rate example:

$$m = M \cdot \bar{x} \cdot \sum_{i=1}^{N} \dot{n}_i \cdot \Delta t$$

$$\Delta t = \frac{1}{f_{record}}$$

Example:

M_{NOx} = 46.0055 g/mol
N=9000
x_{NOx} = 85.6 μmol/mol
$\dot{n}_{dexh1}$ = 25.534 mol/s
$\dot{n}_{dexh2}$ = 26.950 mol/s
f_{record} = 5 Hz
C_{mol} = 1000000 μmol/mol

$$\Delta t = \frac{1}{5} = 0.2 \text{ s}$$

m_{NOx} = 46.0055 · 85.6(25.534 + 26.950 + ... + $\dot{n}_{dexh9000}$) · 0.2 · 1000000
m_{NOx} = 4.201 g

(ii) If you batch sample from a constant exhaust flow rate, extract a sample at a constant flow rate. We consider the following flows constant exhaust flows: CVS diluted exhaust with a CVS flow meter that has either an upstream heat exchanger, electronic flow control, or both. Determine the mean flow rate from which you extracted the constant flow rate sample. Multiply the mean concentration of the batch sample by the mean flow rate of the exhaust from which the sample was extracted, and multiply the result by the time of the test interval. If the total emission is a molar quantity, convert this quantity to a mass by multiplying it by its molar mass, *M*. The result is the mass of the emission, *m*. In the case of PM emissions, where the mean PM concentration is already in units of mass per mole of sample, $\overline{M}_{PM}$, simply multiply the total flow by $\overline{M}_{PM}$. The result is the total mass of PM, m_{PM}.

(iii) The following is a batch sample extracted from a constant flow rate example:

$$m = M \cdot \bar{x} \cdot \bar{\dot{n}} \cdot \Delta t$$

$$M \cdot \bar{x} = \overline{M}_{PM}$$

Example:

$\overline{M}_{PM}$ = 0.144 mg/mol
$\dot{n}_{dexh}$ = 57.692 mol/s
Δt = 20 min
C_t = 60 s/min
C_m = 1000 mg/g

$$m_{PM} = \frac{0.144 \cdot 57.692 \cdot 20 \cdot 60}{1000}$$

$$m_{PM} = 37.661 \text{ g}$$

(4) *Diluted exhaust sampling; continuous or batch.* If you sampled emissions from diluted exhaust, you must consider two additional steps.

(i) If you diluted a sample at a constant ratio of dilution air flow rate to exhaust flow rate (raw or dilute), you must multiply your total mass emissions by the sum of the dilution ratio, DR, plus one. The following is an example of a secondary dilution system for sampling PM from a CVS:

$m_{PM} = m_{PMdil} \bullet (DR+1)$

Example:

m_{PMdil} = 6.853 g
DR = 5:1
m_{PM} = 6.853•(5+1)
m_{PM} = 41.118 g

(ii) You may optionally measure background emissions in dilution air by either continuous sampling or batch sampling. You may then subtract the background you would have otherwise attributed to your engine as described in § 1065.667.

(5) *NO_X correction for intake-air humidity.* Correct the total mass of NO_X based on intake-air humidity as described in § 1065.670. Note that if you performed diluted exhaust sampling, perform this correction after correcting for any dilution air background.

(c) *Total work.* To determine brake-specific emissions for a test interval as described in paragraph (a)(1) of this section, you must also calculate the total work. To calculate total work, multiply the feedback engine speed by its respective feedback torque and apply the appropriate units conversion factors. This results in the power of the engine. Integrate the power over a test interval to determine the total work. If your standard is in the units g/hp.hr use the following conversion factor: 1 hp =550 ft lbf/s = 0.77456999 kW, and round the resulting value. The following is an example:

$$W = \sum_{i=1}^{N} P_i \cdot \Delta t$$

$$P_i = f_{ni} \cdot T_i$$

$$\Delta t = \frac{1}{f_{record}}$$

Example:

N = 9000
f_{n1} = 1800.2 rev/min
f_{n2} = 1805.8 rev/min
T_1 = 177.23 N•m
T_2 = 175.00 N•m
C_{rev} = 2•π rad/rev
C_{t1} = 60 s/min
C_p = 1000 (N•m/s)/kW
f_{record} = 5 Hz
C_{t2} = 3600 s/hr

$$P_1 = \frac{1800.2 \cdot 177.23 \cdot 2 \cdot 3.14159}{60 \cdot 1000}$$

$$P_1 = 33.41 \text{ kW}$$

$$P_2 = 33.09 \text{ kW}$$

$$\Delta t = \frac{1}{5} = 0.2 \text{ s}$$

$$W = \frac{\left(33.41 + 33.09 + K + P_{9000}\right) \cdot 0.2}{3600}$$

$$W = 16.75 \text{ kW} \cdot \text{hr}$$

(d) *Steady-state mass rate divided by power.* To determine steady-state brake-specific emissions for a test interval as described in paragraph (a)(2) of this section, calculate the steady-state mass rate of the emission. Then calculate the steady-state power. Divide the mean mass rate of the emission by the mean power to determine steady-state brake-specific emissions.

(1) To calculate the mass rate of an emission, multiply its mean concentration (*e.g.*, $\bar{x}$) by its respective mean flow rate,

$$\bar{\dot{n}}.$$

If the result is a molar flow rate, convert this quantity to a mass rate by multiplying it by its molar mass, M. The result is the mean mass rate of the emission,

$$\bar{\dot{m}}.$$

In the case of PM emissions, where the mean PM concentration is already in units of mass per mole of sample, M_{PM}, simply multiply the mean flow rate,

$$\bar{\dot{n}}$$

by $\overline{M}_{PM}$. The result is the mass rate of PM,

$_{PM}$.

(2) To calculate power, multiply mean engine speed, $\bar{f}_n$, by its respective mean torque, $\overline{T}$, and apply the appropriate units conversion factors. The results is the mean power of the engine, $\overline{P}$.

(3) Divide emission mass rate by power to calculate a brake-specific emission result as described in paragraph (a)(2) of this section.

(4) The following is an example of how to calculate mean mass rate and mean power:

$$\overline{\dot{m}} = M \cdot \overline{x} \cdot \overline{\dot{n}}$$

$$\overline{P} = \overline{f}_n \cdot \overline{T}$$

Examples:

$\overline{M}_{CO}$=28.0101 g/mol

$\overline{x}_{CO}$=12.00 mmol/mol

$\overline{\dot{n}}$=1.530 mol/s

C_{mol}=1000 mmol/mol

$\overline{f}$=3584.5 rev/min

$\overline{T}$=121.50 N·m

C_{rev}=2·π rad/rev

C_t=60 s/min

C_p=1000 (N·m/s)/kW

$$\overline{\dot{m}} = \frac{28.0101 \cdot 12.00 \cdot 1.530}{1000}$$

$$\overline{\dot{m}} = 0.514 \text{ g/s}$$

$$\overline{P} = \frac{3584.5 \cdot 121.50 \cdot 2 \cdot \pi}{1000 \cdot 60}$$

$$\overline{P} = 45.61 \text{ kW}$$

(e) *Ratio of total mass of emissions to total work.* To determine brake-specific emissions for a test interval as described in paragraph (a)(3) of this section, calculate a value proportional to the total mass of each emission. Divide each proportional value by a value that is similarly proportional to total work. The result is a brake-specific emission.

(1) *Total mass.* To determine a value proportional to the total mass of an emission, determine total mass as described in paragraph (b) of this section, except substitute for the flow rate, $\dot{n}$, or the total flow, n with a signal that is linearly proportional to flow rate, or linearly proportional to total flow, $\tilde{n}$.

(2) *Total work.* To calculate a value proportional to total work over a test interval, integrate a value that is proportional to power. Use information about the brake-specific fuel consumption of your engine, e_{fuel} to convert a signal proportional to fuel flow rate to a signal proportional to power. To determine a signal proportional to fuel flow rate, divide a signal that is proportional to the mass rate of carbon products by the fraction of carbon in your fuel, w_c.. For your fuel, you may use a measured w_c or you may use the default values in Table 1 of § 1065.655. Calculate the mass rate of carbon from the amount of carbon and water in the exhaust, which you determine with a chemical balance of fuel, intake air, and exhaust as described in § 1065.655. In the chemical balance, you must use concentrations from the flow that generated the signal proportional to flow rate, $\tilde{n}$, in paragraph (e)(1) of this section. The following is an example of how to determine a signal proportional to total work over a test interval:

$$\tilde{W} = \sum_{i-1}^{N} \tilde{P}_i \cdot \Delta t$$

$$\tilde{P}_i = \frac{\tilde{\dot{m}}_{fueli}}{e_{fuel}}$$

$$\tilde{\dot{m}}_{fueli} = \frac{1}{w_{fuel}} \cdot \frac{M_C \cdot \tilde{\dot{n}}_i \cdot x_{Cproddryi}}{1 + x_{H2Oi}}$$

$$\Delta t = \frac{1}{f_{record}}$$

Example:

N = 3000

f_{record} = 5 Hz

e_{fuel} = 285 g/(kW·hr

w_{fuel} = 0.869 g/g

M_c = 12.0107 g/mol

$\overline{\dot{n}}_1$ = 3.922 ~ mol/s

$x_{Cproddry1}$ = 91.634 mmol/mol

x_{H2O1} = 26.16 mmol/mol

$\overline{\dot{n}}_2$ = 4.139 ~ mol/s

$x_{Cproddry2}$ = 98.005 mmol/mol

x_{H2O2} = 27.21 mmol/mol

C_{mol} = 1000 mmol/mol

C_t s/hr

$$\tilde{W} = \frac{12.0107 \cdot \left[\frac{3.922 \cdot \frac{91.634}{1000}}{1 + \frac{26.16}{1000}} + \frac{4.139 \cdot \frac{98.005}{1000}}{1 + \frac{27.21}{1000}} + K + \frac{\tilde{\dot{n}}_{3000} \cdot \frac{X_{Cpdry3000}}{1000}}{1 + \frac{X_{H20n3000}}{1000}} \right] \cdot 0.2}{}$$

$$\tilde{W} = 5.09 \sim \text{kW} \cdot \text{hr}$$

(3) Use the value proportional to total mass and the value proportional to total work to determine brake-specific emissions as described in paragraph (a)(3) of this section.

(f) *Rounding.* Round emission values only after all calculations are complete and the result is in g/kW·hr or units equivalent to the units of the standard (*i.e.*, g/hp·hr.).

(1) *General.* To replace a number having a given number of digits with a number having a smaller number of digits, follow these rules:

(i) If the digits to be discarded begin with a digit less than 5, the digit preceding the 5 is not changed. Example : 6.9749515 rounded to 3 digits is 6.97.

(ii) If the digits to be discarded begin with a 5 and at least one of the following digits is greater than 0, the digit preceding the 5 is increased by 1. Examples : 6.9749515 rounded to 2 digits is 7.0, 6.9749515 rounded to 5 digits is 6.9750.

(iii) If the digits to be discarded begin with a 5 and all of the following digits are 0, the digit preceding the 5 is unchanged if it is even and increased by 1 if it is odd. (Note that this means that the final digit is always even.) Examples : 6.9749515 rounded to 7 digits is 6.974952, 6.974950 5 rounded to 7 digits is 6.974950.

(2) *Rounding converted numerical values.* In most cases the product of the unconverted numerical value and a conversion factor will be a numerical value with a number of digits that exceeds the number of significant digits of the unconverted numerical value. Proper conversion procedure requires rounding this converted numerical value to the number of significant digits that is consistent with the maximum possible rounding error of the unconverted numerical value. Example : To express the value 1 = 36 ft in meters, use the factor 0.3048 and write 1 = 36 ft 3 0.3048 m/ft = 10.9728 m = 11.0 m. The final result, 1 = 11.0 m, is based on the following reasoning: The numerical value ''36'' has two significant digits, and thus a relative maximum possible rounding error (abbreviated RE) of 0.5/36 = 1.4% because it could have resulted from rounding the number 35.5, 36.5, or any number between 35.5 and 36.5. To be consistent with this RE, the converted numerical value ''10.9728'' is rounded to 11.0 or three significant digits

because the number 11.0 has an RE of 0.05/11.0 = 0.45%. Although this 0.45% RE is one-third of the 1.4% RE of the unconverted numerical value ''36,'' if the converted numerical value ''10.9728'' had been rounded to 11 or two significant digits, information contained in the unconverted numerical value ''36'' would have been lost. This is because the RE of the numerical value ''11'' is 0.5/11 = 4.5%, which is three times the 1.4% RE of the unconverted numerical value ''36.'' This example therefore shows that when selecting the number of digits to retain in the numerical value of a converted quantity, one must often choose between discarding information or providing unwarranted information. Consideration of the end use of the converted value can often help one decide which choice to make. Note: Consider that one had been told initially that the value 1 = 36 ft had been rounded to the nearest inch. Then in this case, since 1 is known to within 1 in, the RE of the numerical value ''36'' is 1 in/(36 ft 3 12 in/ft) = 0.23%. Although this is less than the 0.45% RE of the number 11.0, it is comparable to it. Therefore, the result 1 = 11.0 m is still given as the converted value. Note that the numerical value ''10.97'' would give excessive unwarranted information because it has an RE that is one-fifth of 0.23%.

§ 1065.655 Chemical balances of fuel, intake air, and exhaust.

(a) *General.* Chemical balances of fuel, intake air, and exhaust may be used to calculate ratios of their flows, the amount of water in their flows, and the concentration of constituents in their flows. Along with the flow rate of either fuel, intake air, or exhaust you may use chemical balances to determine the flows of the other two. For example, you may use chemical balances along with exhaust flow to determine fuel flow and intake flow.

(b) *Procedures that require chemical balances.* We require chemical balances when you determine the following:

(1) A value proportional to total work, $\tilde{W}$, when you choose to determine brake-specific emissions as described in § 1065.650(e).

(2) The amount of water in a raw or diluted exhaust flow, x_{H2On}, when you do not measure the amount of water in a flow to correct for the amount water removed, as described in § 1065.659(c)(2).

(3) The flow-weighted average fraction of dilution air in diluted exhaust, $\overline{DF}$, when you do not measure dilution air flow to correct for background emissions as described in § 1065.667(c).

(c) *Chemical balance procedure.* The calculations for a chemical balance involve a system of equations that require iteration. We recommend using a computer to solve this system of equations. You must guess the initial values of up to three quantities: the amount of water in the measured flow, x_{H2O}, fraction of dilution air in diluted exhaust, DF, and the amount of products on a C_1 basis per dry mole of dry measured flow, $x_{Cproddry}$. For each emissions concentration, x, and amount of water x_{H2O}, you must determine their completely dry concentrations. x_{dry} and x_{H2Odry}. You must also use your fuel's atomic hydrogen to carbon ratio, α, and oxygen to carbon ratio, β. For your fuel, you may measure α and β or you may use the default values in Table 1 of § 1065.650. Use the following steps to complete a chemical balance:

(1) Convert your measured concentrations such as, $x_{CO2meas}$, x_{NOmeas}, and x_{H2Oint}, to dry concentrations by dividing them by one minus the amount of water present during their respective measurements: $x_{H2OxCO2}$, x_{H2OxNO}, and x_{H2Oint}. If the amount of water present during a ''wet'' measurement is the same as the unknown amount of water in the exhaust flow, x_{H2O}, iteratively solve for that value in the system of equations. If you measure only total NO_X and not NO and NO_2 separately, use good engineering judgement to split your total NO_X between NO and NO_2 for the chemical balances. For example, if you measure emissions from a stoichiometric spark-ignition engine, you may assume all NO_X is NO. For a compression-ignition engine, you may assume NO_X is 75% NO and 25% NO_2. For NO_2 storage aftertreatment systems, you may assume NO_X is 75% NO_2 and 25% NO. Note that for emissions calculations you must use the molar mass of NO_2 for the molar mass of all NO_X, regardless of the actual NO_2 fraction of NO_X.

(2) Enter the equations in paragraph (c)(3) of this section into a computer program to iteratively solve for x_{H2O} and $x_{Cproddry}$. If you measure raw exhaust flow, set DF equal to zero (0). If you measure diluted exhaust flow, iteratively solve for DF. Use good engineering judgment to guess initial values for x_{H2O}, $x_{Cproddry}$, and DF. We recommend guessing an initial amount of water that is about twice the amount of water in your intake or dilution air. We recommend guessing an initial value of $x_{Cproddry}$ as the sum of your measured CO_2, CO, and THC values. If you measure diluted exhaust, we also recommend guessing an initial DF between 0.75 and 0.95, such as 0.8. Perform iteration until the most recently updated guesses are all within ±1% of their respective most recently calculated values.

(3) In the equations that follow, we use the following symbols and subscripts:

x^{H20} = amount of water in measured flow

x^{H20dry} = amount of water per dry mole of measured flow

$x^{Cproddry}$ = amount of carbon products on a C^1 basis per dry mole of measured flow

DF = fraction of dilution air in measured flow—assuming stoichiometric exhaust

$x^{prod/intdry}$ = amount of dry stoichiometric products per dry mole of intake air

$x^{02proddry}$ = amount of oxygen products on an O^2 basis per dry mole of measured flow

$x^{[emission]dry}$ = amount of emission per dry mole of measured flow

$x^{[emission]meas}$ = amount of emission in measured flow

$x^{H20[emission]meas}$ = amount of water at emission measurement location

x^{H20int} = amount of water in intake air

x^{H20dil} = amount of water in dilution air

$x^{02airdry}$ = amount of oxygen per dry mole of air; 0.209445 mol/mol

$x^{02airdry}$ = amount of carbon dioxide per dry mole air; 375 μmol/mol

α = atomic hydrogen to carbon ratio in fuel

β = oxygen to carbon ratio in fuel

$$x_{H2O} = \frac{x_{H2Odry}}{1 + x_{H2Odry}}$$

$$x_{H2Odry} = \frac{\alpha}{2} \cdot x_{Cproddry} + (1 - DF) \cdot \frac{x_{H2O\,intdry}}{x_{prod/intdry}} + DF \cdot x_{H2Odildry}$$

$$x_{Cproddry} = x_{CO2dry} + x_{COdry} + x_{THCdry}$$

$$DF = 1 - \frac{x_{02proddry} \cdot x_{prod/intdry}}{x_{02airdry}} \cdot \left(1 + x_{H20\,intdry}\right)$$

$$x_{prod/intdry} = \frac{1}{1 - \frac{1}{1 - DF} \cdot \frac{1}{2} \cdot \left(x_{COdry} - \frac{\alpha}{2} \cdot x_{Cproddry} - x_{NO2dry}\right)}$$

$$x_{02proddry} = x_{CO2dry} + \frac{1}{2} \cdot \left(x_{COdry} + \frac{\alpha}{2} \cdot x_{Cproddry} + x_{NOdry}\right) + x_{NO2dry} - \beta \cdot x_{Cproddry}$$

$$x_{CO2dry} = \frac{x_{CO2meas}}{1 - x_{H2OCO2meas}} - \frac{X_{CO2airdry}}{1 - \frac{1}{2} \cdot \left(x_{COdry} - \frac{\alpha}{2} \cdot x_{Cproddry} - x_{NO2dry}\right)}$$

$$x_{COdry} = \frac{x_{COmeas}}{1 - x_{H2OCOmeas}}$$

$$x_{THCdry} = \frac{x_{THCmeas}}{1 - x_{H2OTHCmeas}}$$

$$x_{H2O_{intdry}} = \frac{x_{H2O\,int}}{1 - x_{H2O\,int}}$$

$$x_{H2Odildry} = \frac{x_{H2Odil}}{1 - x_{H2Odil}}$$

$$x_{NO2dry} = \frac{x_{NO2meas}}{1 - x_{H2ONO2meas}}$$

$$x_{NOdry} = \frac{x_{NOmeas}}{1 - x_{H2ONOmeas}}$$

(4) The following is an example; iteratively solved using the equations in paragraph (c)(3) of this section:

$$x_{H2O} = \frac{35.24}{1 + \frac{35.24}{1000}} = 34.04 \text{ mmol/mol}$$

$$x_{H2Odry} = \frac{1.8}{2} \cdot 24.69 + (1 - 0.843) \cdot \frac{17.22}{0.9338} + 0.843 \cdot 12.01 = 35.24 \text{ mmol/mol}$$

$$x_{Cproddry} = 24.614 + \frac{29.3}{1000} + \frac{47.6}{1000} = 24.69 \text{ mmol/mol}$$

$$DF = 1 - \frac{\frac{34.54}{1000} \cdot 0.9338}{0.209445} \cdot \left(1 + \frac{17.22}{1000}\right) = 0.843$$

$$x_{prod/int\,dry} = \frac{1}{1 - \frac{1}{1 - 0.843} \cdot \frac{1}{2} \cdot \left(\frac{29.3}{1000000} - \frac{1.8}{2} \cdot \frac{24.69}{1000} - \frac{12.1}{1000000}\right)} = 0.9338 \text{ mol/mol}$$

$$x_{02\,proddry} = 24.614 + \frac{1}{2} \cdot \left(\frac{29.3}{1000} + \frac{1.8}{2} \cdot 24.69 + \frac{50.4}{1000}\right) + \frac{12.1}{1000} - 0.05 \cdot 24.69 = 34.54 \text{ mol/mol}$$

$$x_{CO2\,dry} = \frac{24.770}{1 - \frac{8.601}{1000}} - \frac{\frac{375}{1000}}{1 - \frac{1}{2} \cdot \left(\frac{29.3}{1000000} - \frac{1.8}{2} \cdot \frac{24.69}{1000} - \frac{12.1}{1000000}\right)} = 24.614 \text{ mmol/mol}$$

$$x_{COdry} = \frac{29.0}{1 - \frac{8.601}{1000}} = 29.3\ \mu mol/mol$$

$$x_{THCdry} = \frac{46}{1 - \frac{34.04}{1000}} = 47.6\ \mu mol/mol$$

$$x_{H2O_{intdry}} = \frac{16.93}{1 - \frac{16.93}{1000}} = 17.22\ mmol/mol$$

$$x_{H2Odildry} = \frac{11.87}{1 - \frac{11.87}{1000}} = 12.01\ mmol/mol$$

$$x_{NO2dry} = \frac{12.0}{1 - \frac{8.601}{1000}} = 12.1\ \mu mol/mol$$

$$x_{NOdry} = \frac{50.0}{1 - \frac{8.601}{1000}} = 50.4\ \mu mol/mol$$

$x_{02airdry} = 0.209445$ mol/mol

$x_{CO2airday} = 375\ \mu mol/mol$

$\alpha = 1.8$

$\beta = 0.05$

TABLE 1 OF § 1065.655.—DEFAULT VALUES OF ATOMIC HYDROGEN TO CARBON RATIO, α, ATOMIC OXYGEN TO CARBON RATIO, β, AND CARBON MASS FRACTION OF FUEL, w_C, FOR VARIOUS FUELS

Fuel	Atomic hydrogen and oxygen to carbon ratios $CH\alpha O\beta$	Carbon mass concentration, w_c g/g
Gasoline	$CH_{1.85}O_0$	0.866
#2 Diesel ...	$CH_{1.80}O_0$	0.869
#1 Diesel ...	$CH_{1.93}O_0$	0.861
LPG (C_3H_8)	$CH_{2.67}O_0$	0.817
LNG/CNG ..	$CH_{3.79}O_{0.02}$	0.707
Ethanol	$CH_3O_{0.5}$	0.521
Methanol ...	CH_4O_1	0.375

§ 1065.657 Drift validation and correction.

(a) Determine if measurement instrument drift invalidates a test. Use the following quantities and calculation to determine if drift invalidates a test:

(1) Span reference, x_{ref}.

(2) Post-test span check, $x_{spanchk}$.

(3) Post-test zero check, $x_{zerochk}$.

(4) Flow-weighted amount expected at either the standard or during a test interval, whichever is greater, x_{exp}.

(5) Calculate drift correction, as follows:

$$\text{drift correction} = \frac{\frac{x_{zerochk} - x_{spanchk}}{x_{ref}} + 1 - \frac{x_{zerochk}}{x_{exp}}}{2}$$

Example:

$x_{spanchk} = 1695.8\ \mu mol/mol$

$x_{zerochk} = -5.2\ \mu mol/mol$

$x_{ref} = 1800.0\ \mu mol/mol$

$x_{exp} = 435.5\ \mu mol/mol$

$$\text{drift correction} = \frac{\frac{-5.2 - 1695.8}{1800.0} + 1 - \frac{-5.2}{435.5}}{2} = 0.033 = 3.3\%$$

(b) You may correct every recorded amount for drift if drift did not invalidate the test. Use the following quantities and calculation to correct for drift:

(1) The quantities from paragraph (a) of this section.

(2) Each recorded amount, $x_{\bar{i}}$ or for batch sampling, $\bar{x}$.

(3) Correct for drift as follows:

$$x_{i\ drift\ corrected} = \frac{\left(\frac{x_{zerochk} - x_{spanchk}}{x_{ref}} + 3\right) \cdot x_i - x_{zerochk}}{2}$$

Example:

$x_{spanchk} = 1695.8\ \mu mol/mol$

$x_{zerochk} = -5.2\ \mu mol/mol$

$x_{ref} = 1800.0\ \mu mol/mol$

x_i or $\bar{x} = 435.5\ \mu mol/mol$

$$x_{i\ drift\ corrected} = \frac{\left(\frac{-5.2 - 1695.8}{1800.0} + 3\right) \cdot 435.5 - -5.2}{2} = 450.1\ \mu mol/mol$$

§ 1065.658 Noise correction.

(a) You may set to zero any recorded data point if that point's numerical value is smaller than the least of the following values:

(1) The measurement instrument noise determined according to § 1065.305.

(2) For lab instruments the recommended noise limit specified in Table 1 of § 1065.205.

(3) For field-testing instruments, the recommended noise limit specified in Table 1 of § 1065.915.

(b) If you perform this noise correction on samples that are corrected for background concentrations in dilution air, then noise correct the respective dilution air measurements the same way.

(c) If you perform this noise correction on a THC concentration that you use to determine NMHC, then correct the CH_4 concentration the same way.

§ 1065.659 Removed water correction.

(a) If you remove water upstream of a concentration measurement, *x*, or upstream of a flow measurement, *n*, correct for the removed water. Perform this correction based on the amount of water at the concentration measurement, $x_{H2O[emission]meas}$, and at the flow meter, x_{H2O}, whose flow is used to determine the concentration's total mass over a test interval.

(b) Downstream of where you removed water, you may determine the amount of water remaining by any of the following:

(1) Measure the dewpoint temperature and absolute pressure downstream of the water removal location and then calculate the amount of water remaining as described in § 1065.645.

(2) If you can justify assuming saturated water vapor conditions at a given location, you may use the measured temperature at that location as the dewpoint temperature.

(3) You may also use a nominal value of absolute pressure based on an alarm setpoint, a pressure regulator setpoint, or good engineering judgment.

(c) For a corresponding concentration or flow measurement where you did not remove water, you may determine the amount of initial water by any of the following:

(1) Use any of the techniques described in paragraph (b) of this section.

(2) If the measurement is a raw exhaust measurement, you may determine the amount of water based on intake-air humidity, plus a chemical balance of fuel, intake air and exhaust as described in § 1065.655.

(3) If the measurement is a diluted exhaust measurement, you may determine the amount of water based on intake-air humidity, dilution air humidity, and a chemical balance of fuel, intake air and exhaust as described in § 1065.655.

(d) Perform a removed water correction to the concentration measurement using the following calculation:

$$x = x_{[emission]\ meas} \cdot \left[\frac{1 - x_{H2O}}{1 - x_{H2O\ [emission]\ meas}} \right]$$

Example:

x_{COmeas} = 29.0 μmol/mol

$x_{H2OCOmeas}$ = 8.601 μmol/mol

x_{H20} = 34.4 μmol/mol

C_{mol} = 1000 μmol/mol

$$x_{CO} = 29.0 \cdot \left[\frac{1 - \frac{34.04}{1000}}{1 - \frac{8.601}{1000}} \right]$$

$$x_{CO} = 28.3\ \mu mol/mol$$

§ 1065.660 THC and NMHC determination.

(a) *THC determination.* If we require you to determine THC emission, calculate x_{THC} using the initial THC contamination concentration $x_{THCinit}$ from § 1065.520 as follows:

$$x_{THC} = x_{THCinit}$$

Example:

x_{THC} = 150.3 μmol/mol

$x_{THCinit}$ = 1.1 μmol/mol

x_{THC} = 150.3 − 1.1

x_{THC} = 149.2 μmol/mol

(b) *NMHC determination.* Use one of the following to determine NMHC emission, x_{NMHC}

(1) If you did not measure CH_4, you may report x_{NMHC} as 0.98.$x_{THC.}$

(2) For nonmethane cutters, calculate x_{NMHC} using the nonmethane cutter's penetration fractions (PF) of CH_4, and C_2H_6, from § 1065.331, and using the initial NMHC contamination concentration $x_{NMHCinit}$ from § 1065.520 as follows:

$$x_{NMHC} = \frac{PF_{CH4} \cdot x_{THC} - x_{CH4}}{PF_{CH4} - PF_{C2H6}} - x_{NMHCinit}$$

Example:

x_{THC} = 150.3 μmol/mol

x_{CH4} = 20.5 μmol/mol

PF_{CH4} = 0.980

PF_{C2H6} = 0.050

$x_{NMHCinit}$ = 1.1 μmol/mol

$$x_{NMHC} = \frac{0.980 \cdot 150 - 20}{0.980 - 0.050} - 1.1$$

(3) For a gas chromatograph, calculate x_{NMHC} using the THC analyzer's response factor (RF) CH_4, from § 1065.366, and using the initial NMHC contamination concentration $x_{NMHCinit}$ from § 1065.520 as follows:

$$x_{NMHC} = x_{THC} - RF_{CH4} \cdot x_{CH4} - x_{NMHCinit}$$

Example:

x_{THC} = 145.6 μmol/mol

x_{CH4} = 18.9 μmol/mol

RF_{CH4} = 0.970

$x_{NMHCinit}$ = 1.1 μmol/mol

x_{NMHC} = 145.6 − 0.970·18.9 − 1.1

x_{NMHC} = 126.2 μmol/mol

(4) If the result of paragraph (b)(2) or (3) of this section is greater than the result of paragraph (b)(1) of this section, use the value calculated under paragraph (b)(1) of this section.

§ 1065.665 THCE and NMHCE determination.

(a) If we require you to determine THCE, consider references to NMHC and NMHCE in this section to mean THC and THCE, respectively. If we require you to determine NMHCE, first determine NMHC as described in § 1065.660.

(b) If you measured an oxygenated hydrocarbon's mass concentration (per mole of exhaust), then first calculate its molar concentration by dividing its mass concentration by the molar mass of the oxygenated hydrocarbon.

(c) Then multiply each oxygenated hydrocarbon's molar concentration by its respective number of carbon atoms per molecule. Add these carbon-equivalent molar concentrations to the molar concentration of NMHC. The result is the molar concentration of NMHCE.

(d) For example, if you measured ethanol (C_2H_5OH) and methanol (CH_3OH) as molar concentrations, and acetaldehyde (C_2H_4O) and formaldehyde (HCHO) as mass concentrations, you

would determine NMHCE emissions as follows:

$$x_{NMHCE} = x_{NMHC} + \sum_{i=1}^{N} x_{OHC_i}$$

$$x_{OHC_i} = \frac{M_{exhOHC_i}}{M_{OHC_i}}$$

Example:

x_{NMHC} = 127.3 µmol/mol
x_{C2H5OH} = 100.8 µmol/mol
x_{CH3OH} = 25.5 µmol/mol
$M_{exhC2H4O}$ = 0.841 mg/mol
$M_{exhHCHO}$ = 39.0 µg/mol
M_{C2H4O} = 44.05256 g/mol
M_{HCHO} = 30.02598 g/mol

$$x_{C2H4O} = \frac{0.841}{44.05256} \times 1000 = 19.1\ \mu mol/mol$$

$$x_{HCHO} = \frac{39}{30.02598} = 1.3\ \mu mol/mol$$

$$x_{NMHCE} = 127.3 + 2 \times 100.8 + 25.5 + 2 \times 19.1 + 1.3 = 393.9\ \mu mol/mol$$

§ 1065.667 Dilution air background emission correction.

(a) *General.* To determine the mass of background emissions to subtract from a diluted exhaust sample, first determine the total flow of dilution air, n_{dil}, over the test interval. This may be a measured quantity or a quantity calculated from the diluted exhaust flow and the flow-weighted average fraction of dilution air in diluted exhaust, $\overline{DF}$. Multiply the total flow of dilution air by the mean concentration of a background emission, $\bar{x}_{dil}$. This may a time-weighted mean or a flow-weighted mean (*e.g.* a proportionally sampled background). The product of n_{dil} and $\bar{x}_{dil}$ is the total amount of a background emission. If this is a molar quantity, convert it to a mass by multiplying it by its molar mass, M. The result is the mass of the background emission, m. In the case of PM, where the mean PM concentration is already in units of mass per mole of sample, $\overline{M}_{PM}$, simply multiply the total amount of dilution air by $\overline{M}_{PM}$. The result is the total background mass of PM, m_{PM}. Subtract the total background mass from the total mass to correct for background emissions.

(b) You may determine the total flow of dilution air by a direct flow measurement. In this case calculate the total mass of background as described in § 1065.650(b), using the dilution air flow, n_{dil}. Subtract the background mass from the total mass. Use the result in brake-specific emissions calculations.

(c) You may determine the total flow of dilution air from the total flow of diluted exhaust and a chemical balance of the fuel, intake air and exhaust as described in § 1065.655. In this case calculate the total mass of background as described in § 1065.650(b), using the total flow of diluted exhaust, n_{dexh}. Then multiply this result by the flow-weighted average fraction of dilution air in diluted exhaust, $\overline{DF}$. Calculate $\overline{DF}$ using flow-weighted average concentrations of emissions in the chemical balance, as described in § 1065.655. You may assume that your engine operates stoichiometrically, even if it is a lean-burn engine, such as a compression-ignition engine. Note that for lean-burn engines this assumption could result in an error in emissions calculations. This error could occur because the chemical balances in § 1065.655 correct excess air passing through a lean-burn engine as if it was dilution air. If an emission concentration expected at the standard is about 100 times its dilution air background concentration, this error is negligible. However, if an emission concentration expected at the standard is similar to its background concentration, this error could be significant. If you are concerned about this error, we recommend that you remove background emissions from dilution air by HEPA filtration, chemical adsorption, or catalytic scrubbing. You might also consider using a partial-flow dilution technique such as a bag mini-diluter, which uses purified air as the dilution air.

(d) The following is an example of using the flow-weighted average fraction of dilution air in diluted exhaust, $\overline{DF}$. and the total mass of background emissions calculated using the total flow of diluted exhaust, n_{dexh}, as described in § 1065.650(b):

$M_{bkgnd} = \overline{df} \cdot M_{bkgnddexh}$
$M_{bkgnddexh} = M \cdot \bar{x}_{bkgnd} \cdot n\overline{dexh}$

Example:

M_{NOx} = 46.0055 g/mol
$\bar{x}_{bkgnd}$ = 0.05 µmol/mol
n_{dexh} = 23280.5 mol
$\overline{DF}$ = 0.843
C_{mol} = 1000000 µmol/mol

$$m_{bkgndNOxdexh} = 46.0055 \cdot \frac{0.05}{1000000} \cdot 23280.5$$

$$m_{bkgndNOxdexh} = 0.0536\ g$$

$$m_{bkgndNOx} = 0.843 \cdot 0.0536$$

$$m_{bkgndNOx} = 0.0452\ g$$

§ 1065.670 NO_X intake-air humidity correction.

(a) Correct NO_X concentrations for intake-air humidity after applying all other corrections.

(b) For compression-ignition engines correct for intake-air humidity as follows or develop your own correction, based on good engineering judgment:

$X_{NOcorr} = X_{NOxuncorr} \cdot (9.953 \cdot X_{H20} + 0.832)$

Example:

$X_{NOxuncorr}$ = 700.5 µmol/mol
X_{H20} = 0.022 mol/mol
$X_{NOxcorr} = 700.5 \cdot (9.953 \cdot 0.022 + 0.832)$
$X_{NOxcorr}$ = 736.2 µmol/mol

(c) For spark-ignition engines you may use the same correction as for compression-ignition engines, or you

may develop your own correction, based on good engineering judgment.

§ 1065.672 CLD quench check calculations.

Perform CLD quench check calculations as follows:

(a) Calculate the amount of water in the span gas, $x_{H2Ospan}$ assuming complete saturation at the span gas temperature.

(b) Estimate the expected amount of water, x_{H2Oexp} in the exhaust you sample by considering the maximum expected amounts of water in combustion air, in fuel combustion products, and in dilution air if you dilute.

(c) Calculate water quench as follows:

$$\text{quench} = \left(\frac{x_{NOwet}}{x_{NOdry}} \cdot \left(1 + x_{H2Ocalc}\right) - 1\right) \cdot \frac{x_{H2Oexp}}{x_{H2Ocalc}} + \frac{x_{NO,CO2} - x_{NO,N2}}{x_{NO,N2}} \cdot \frac{x_{CO2exp}}{x_{CO2meas}}$$

Example:

X_{NOdry} = 1800 μmol/mol
X_{NOwet} = 1760 μmol/mol
X_{H20exp} = 0.03 mol/mol
$X_{H20calc}$ = 0.017 mol/mol
$X_{NO,CO2}$ = 1480 μmol/mol
$X_{NO,N2}$ = 1500 μmol/mol
X_{CO2exp} = 2.0%
$X_{CO2meas}$ = 3.0%

$$\text{quench} = \left(\frac{1760}{1800} \cdot (1 + 0.017) - 1\right) \cdot \frac{0.03}{0.017} + \frac{1480 - 1500}{1500} \cdot \frac{2.0}{3.0}$$

$$\text{quench} = -0.0099 - 0.0089 = -1.88\%$$

§ 1065.690 PM sample media buoyancy correction.

(a) *General.* Correct PM sample media for their buoyancy in air if you weigh them on a balance. The buoyancy correction depends on the sample media density, the density of air, and the density of the calibration weight used to calibrate the balance. The buoyancy correction does not account for the buoyancy of the PM itself because the mass of PM typically accounts only for (0.01 to 0.10)% of the total weight. A correction to this small fraction of mass would be at the most (0.001 to 0.010)%.

(b) *PM sample media density.* Different PM sample media have different densities. Use the known density of your sample media, or use one of the densities for some common sampling media:

(1) For PTFE coated borosilicate glass, use a sample media density: 2300 kg/m^3.

(2) For PTFE membrane (film) media with an integral support ring of polymethylpentene that accounts for 95% of the media mass, use a sample media density: 920 kg/m^3.

(c) *Air density.* Because a PM balance environment must be tightly controlled to an ambient temperature of (22 ±1) °C and a dewpoint of (9.5 ±1) °C, air density is only a function of barometric pressure for this correction.

(d) *Calibration weight density.* Use the stated density of the material of your metal calibration weight. The example calculation in this section uses a density of 8000 kg/m^3, but you should know the density of your weight from the calibration weight supplier or the balance manufacturer if it is an internal weight.

(e) *Correction calculation.* Buoyancy correct PM sample media using the following:

$$m_{corr} = m_{uncorr} \cdot \left[\frac{1 - \frac{\rho_{air}}{\rho_{weight}}}{1 - \frac{\rho_{air}}{\rho_{media}}}\right]$$

$$\rho_{air} = \left(\frac{M_{air}}{R \cdot T_{amb}}\right) \cdot p_{barom} - \left(\frac{p_{H2O}}{R \cdot T_{amb}}\right) \cdot \left(M_{air} - M_{H2O}\right)$$

$$@T_{amb} = 22\ ^{o}C, T_{dew} = 9.5\ ^{o}C, p_{barom}\ /\text{kPa}$$

$$\rho_{air} = \left(1.1803 \cdot 10^{-2} \cdot p_{barom}\right) - 5.2922 \cdot 10^{-3}$$

Example:

m_{uncorr} = 100.0000 mg
ρ_{barom} = 101.325 kPa
ρ_{weight} = 8000 kg/m^3
ρ_{media} = 920 kg/m^3
ρ_{air} = $(1.1803 \cdot 10^{-2} \cdot 101.325) - 5.2922 \cdot 10^{-3}$
$(1.1803 \cdot 10^{-2} \cdot 101.325) - 5.2922 \cdot 10^{-3}$
ρ_{air} = 1.1906 kg/m^3

$$m_{corr} = 100.0000 \cdot \left[\frac{1 - \frac{1.1906}{8000}}{1 - \frac{1.1906}{920}}\right]$$

$$m_{corr} = 100.1147 \text{ mg}$$

§ 1065.695 Data requirements.

(a) To determine the information we require from engine tests, refer to the standard-setting part and request from your Designated Compliance Officer the application format for certification. We may require different information for different purposes such as for certification applications, alternate procedure approval requests, selective enforcement audits, laboratory audits, production-line test reports, and field-test reports.

(b) See the standard-setting part and § 1065.25 regarding recordkeeping.

(c) We may ask you the following about your testing:

(1) What approved alternative procedures did you use? For example:

(i) Partial-flow dilution for proportional PM.

(ii) CARB test procedures.

(iii) ISO test procedures.

(2) What laboratory equipment did you use? For example, the make, model, and description of the following:

(i) Engine dynamometer and operator demand.

(ii) Probes, dilution, transfer lines, and sample preconditioning components.

(iii) Batch storage media (*e.g.*, bag material, PM filter material).

(3) What measurement instruments did you use? For example, the make, model, and description of the following:

(i) Speed, torque instruments.

(ii) Flow meters.

(iii) Gas analyzers.

(iv) PM balance.

(4) When did you conduct calibrations and performance checks and what were the results? For example, the dates and results of the following:

(i) Linearity checks.

(ii) Interference checks.

(iii) Response checks.

(iv) Leak checks.

(v) Flow meter checks.

(5) What engine did you test? For example, the following:

(i) Manufacturer.

(ii) Family name on engine label.

(iii) Model.

(iv) Model year.

(v) Identification number.

(6) How did you prepare and configure your engine for testing? For example, the following:

(i) Service accumulation; dates, hours, duty cycle and fuel.

(ii) Scheduled maintenance; dates and description.

(iii) Unscheduled maintenance; dates and description.

(iv) Intake restriction allowable pressure range.

(v) Charge air cooler volume.

(vi) Charge air cooler outlet temperature, specified engine conditions and location of temperature measurement.

(vii) Exhaust restriction allowable pressure range.

(viii) Fuel temperature and location of measurement.

(ix) Any aftertreatment system configuration and description.

(x) Any crankcase ventilation configuration and description (*e.g.*, open, closed, PCV, crankcase scavenged).

(7) How did you test your engine? For example:

(i) Constant speed or variable speed.

(ii) Mapping procedure: step or sweep.

(iii) Continuous or batch sampling for each emission.

(iv) Raw or dilute; any dilution air background sampling.

(v) Duty cycle and test intervals.

(vi) Cold-start, hot-start, warmed-up running.

(vii) Intake and dilution air absolute pressure, temperature, dewpoint.

(viii) Simulated engine loads, curb idle transmission torque value.

(ix) Warm idle speed value, any enhanced idle speed value.

(x) Simulated vehicle signals applied during testing.

(xi) Bypassed governor controls during testing.

(xii) Date, time, and location of test (*e.g.*, dynamometer laboratory identification).

(xiii) Cooling medium for engine and charge air.

(xiv) Operating temperatures: coolant, head, block.

(xv) Full names of engine operators and laboratory operators.

(xvi) Natural or forced cool-down and cool-down time.

(xvii) Cannister loading.

(8) How did you validate your testing? For example, results from the following:

(i) Duty cycle regression statistics for each test interval.

(ii) Proportional sampling.

(iii) Drift.

(iv) Reference PM sample media in PM-stabilization environment.

(9) How did you calculate results? For example, results from the following:

(i) Drift correction.

(ii) Noise correction.

(iii) ''Dry-to-wet'' correction.

(iv) NMHC CH_4 and contamination correction.

(v) NO_x humidity correction.

(vi) Brake-specific emission formulation: total mass divided by total work, mass rate divided by power, or ratio of mass to work.

(vii) Rounding emission results.

(10) What were the results of your testing? For example:

(i) Maximum mapped power and speed at maximum power.

(ii) Maximum mapped torque and speed at maximum torque.

(iii) For constant-speed engines: no-load governed speed.

(iv) For constant-speed engines: test torque.

(v) For variable-speed engines: test speed.

(vi) Speed versus torque map.

(vii) Speed versus power map.

(viii) Duty cycle and test interval brake-specific emissions.

(ix) Brake-specific fuel consumption.

(11) What fuel did you use? For example:

(i) Fuel that met specifications of subpart H of this part.

(ii) Alternative fuel.

(iii) Oxygenated fuel.

(12) How did you field test your engine? For example:

(i) Data from paragraphs (c)(1), (3), (4), (5), and (9) of this section.

(ii) Probes, dilution, transfer lines, and sample preconditioning components.

(iii) Batch storage media (*e.g.*, bag material, PM filter material).

(iv) Continuous or batch sampling for each emission.

(v) Raw or dilute; any dilution air background sampling.

(vi) Cold-start, hot-start, warmed-up running.

(vii) Intake and dilution air absolute pressure, temperature, dewpoint.

(viii) Curb idle transmission torque value.

(ix) Warm idle speed value, any enhanced idle speed value.

(x) Date, time, and location of test (*e.g.*, dynamometer laboratory identification).

(xi) Proportional sampling validation.

(xii) Drift validation.

(xiii) Operating temperatures: coolant, head, block.

(xiv) Full name of vehicle operator.

(xv) Full names of field test operators.

(xvi) Vehicle make, model, model year, identification number.

Subpart H—Engine Fluids, Test Fuels, and Analytical Gases

§ 1065.701 General requirements for test fuels.

(a) For all emission tests, use test fuels meeting the specifications in this subpart unless the standard-setting part directs otherwise. If we do not specify a service-accumulation fuel for a test engine, use a fuel typical of what you would expect the engine to use in service.

(b) If you produce engines that can run on a type of fuel (or mixture of fuels) that we do not specify in this subpart, you must get our approval to test with fuel representing commercially available fuels of that type. We must approve your fuel specifications before you start testing.

(c) You may use a test fuel other than those we specify in this subpart if you do all the following:

(1) Show that it is commercially available.

(2) Show that your engines will use only the designated fuel in service.

(3) Show that operating the engines on the fuel we specify would increase emissions or decrease durability.

(4) Get our written approval before you start testing.

(d) We may allow you to use a different test fuel (such as California Phase 2 gasoline) if you show us that using it does not affect your ability to comply with all applicable emission standards.

§ 1065.703 Distillate diesel fuel.

(a) Distillate diesel fuels for testing must be clean and bright, with pour and

cloud points adequate for proper engine operation.

(b) There are three grades of #2 diesel fuel specified for use as a test fuel. *See* the standard-setting part to determine which grade to use. If the standard-setting part does not specify which grade to use, use good engineering judgment to select the grade that represents the fuel on which the engines will operate in use. The three grades are specified in Table 1 of this section.

(c) You may use the following nonmetallic additives with distillate diesel fuels:

(1) Cetane improver.

(2) Metal deactivator.

(3) Antioxidant, dehazer.

(4) Rust inhibitor.

(5) Pour depressant.

(6) Dye.

(7) Dispersant.

(8) Biocide.

TABLE 1 OF § 1065.703.—TEST FUEL SPECIFICATIONS FOR DISTILLATE DIESEL FUEL

Item	Units	Ultra low sulfur	Low sulfur	High sulfur	Reference procedure [1]
Cetane Number	—	40–50 ...	40–50 ...	40–50	ASTM D 613–03b
Distillation range:					
Initial boiling point	°C	171–204	171–204	171–204 ...	ASTM D 86–03.
10 pct. point		204–238	204–238	204–238 ...	
50 pct. point		243–282	243–282	243–282 ...	
90 pct. point		293–332	293–332	293–332 ...	
Endpoint		321–366	321–366	321–366 ...	
Gravity	°API	32–37 ...	32–37 ...	32–37	ASTM D 287–92.
Total sulfur	mg/kg	7–15	300–500	2000–4000	ASTM D 2622–03.
Aromatics, minimum. (Remainder shall be paraffins, naphthalenes, and olefins)	g/kg	100	100	100	ASTM D 5186–03.
Flashpoint, min.	°C	54	54	54	ASTM D 93–02a.
Viscosity	cSt	2.0–3.2	2.0–3.2	2.0–3.2	ASTM D 445–03.

[1] All ASTM standards are incorporated by reference in § 1065.1010.

§ 1065.705 Residual fuel. [Reserved]

§ 1065.710 Gasoline.

(a) Gasoline for testing must have octane values that represent commercially available fuels for the appropriate application.

(b) There are two grades of gasoline specified for use as a test fuel. If the standard-setting part requires testing with fuel appropriate for low temperatures, use the test fuel specified for low-temperature testing. Otherwise, use the test fuel specified for general testing. The two grades are specified in Table 1 of this section.

TABLE 1 OF § 1065.710.—TEST FUEL SPECIFICATIONS FOR GASOLINE

Item	Units	General testing	Low temperature testing	Reference procedure [1]
Distillation Range:				
Initial boiling point	°C	[2] 24–35	24–36	ASTM D 86–01.
10% point		49–57	37–48	
50% point		93–110	82–101	
90% point		149–163	158–174	
End point		Maximum, 213	Maximum, 212	
Hydrocarbon composition:				
1. Olefins	$\mu m^3/m^3$	Maximum, 100,000	Maximum, 175,000	ASTM D 1319–02.
2. Aromatics		Maximum, 350,000	Maximum, 304,000	
3. Saturates		Remainder	Remainder	
Lead (organic)	g/liter	Maximum, 0.013	Maximum, 0.013	ASTM D 3237–97.
Phosphorous	g/liter	Maximum, 0.0013	Maximum, 0.005	ASTM D 3231–02.
Total sulfur	mg/kg	Maximum, 80	Maximum, 80	ASTM D 1266–98.
Volatility (Reid Vapor Pressure)	kPa	[2,3] 60.0–63.4	77.2–81.4	ASTM D 323–99a.

[1] All ASTM standards are incorporated by reference in § 1065.1010.

[2] For testing at altitudes above 1 219 m, the specified volatility range is (52 to 55) kPa and the specified initial boiling point range is (23.9 to 40.6) °C.

[3] For testing unrelated to evaporative emissions, the specified range is (55 to 63) kPa.

§ 1065.715 Natural gas.

(a) Natural gas for testing must meet the specifications in the following table:

TABLE 1 OF § 1065.715.—TEST FUEL SPECIFICATIONS FOR NATURAL GAS

Item	Reference procedure	Value
1. Methane, CH_4	ASTM D 1945–96	Minimum, 87.0 μmol/mol.
2. Ethane, C_2H_6	ASTM D 1945–96	Maximum, 5.5 μmol/mol.
3. Propane, C_3H_8	ASTM D 1945–96	Maximum, 1.2 μmol/mol.
4. Butane, C_4H_{10}	ASTM D 1945–96	Maximum, 0.35 μmol/mol.
5. Pentane, C_5H_{12}	ASTM D 1945–96	Maximum, 0.13 μmol/mol.
6. C_6 and higher	ASTM D 1945–96	Maximum, 0.1 μmol/mol.
7. Oxygen	ASTM D 1945–96	Maximum, 1.0 μmol/mol.
8. Inert gases (sum of CO_2 and N_2)	ASTM D 1945–96	Maximum, 5.1 μmol/mol.

[1] All ASTM standards are incorporated by reference in § 1065.1010.

(b) At ambient conditions, natural gas must have a distinctive odor detectable down to a concentration in air not more than one-fifth the lower flammability limit.

§ 1065.720 Liquefied petroleum gas.

(a) Liquefied petroleum gas for testing must meet the specifications in the following table:

TABLE 1 OF § 1065.720—TEST FUEL SPECIFICATIONS FOR LIQUEFIED PETROLEUM GAS

Item	Reference procedure [1]	Value
1. Propane, C_3H_8	ASTM D 2163–91	Minimum, 850,000 $\mu m^3/m^3$.
2. Vapor pressure at 38 °C	ASTM D 1267–02 or 2598–02 [2]	Maximum, 1400 kPa.
3. Volatility residue (evaporated temperature, 35°C).	ASTM D 1837–02	Maximum −38 °C.
4. Butanes	ASTM D 2163–91	Maximum, 50,000 $\mu m^3/m^3$.
5. Butenes	ASTM D 2163–91	Maximum, 20,000 $\mu m^3/m^3$.
6. Pentenes and heavier	ASTM D 2163–91	Maximum, 5,000 $\mu m^3/m^3$.
7. Propene	ASTM D 2163–91	Maximum, 100,000 $\mu m^3/m^3$.
8. Residual matter (residue on evap. of 100) ml oil stain observ.).	ASTM D 2158–02	Maximum, 0.05 ml pass.[3]
9. Corrosion, copper strip	ASTM D 1838–91	Maximum, No. 1.
10. Sulfur	ASTM D 2784–98	Maximum, 80 mg/kg.
11. Moisture content	ASTM D 2713–91	Pass.

[1] All ASTM standards are incorporated by reference in § 1065.1010.
[2] If these two test methods yield different results, use the results from ASTM D 1267–02.
[3] The test fuel must not yield a persistent oil ring when you add 0.3 ml of solvent residue mixture to a filter paper in 0.1 ml increments and examine it in daylight after two minutes.

(b) At ambient conditions, liquefied petroleum gas must have a distinctive odor detectable down to a concentration in air not more than one-fifth the lower flammability limit.

§ 1065.740 Lubricants.

(a) Use commercially available lubricating oil that represents the oil that will be used in your engine in use.

(b) You may use lubrication additives, up to the levels that the additive manufacturer recommends.

§ 1065.745 Coolants.

(a) You may use commercially available antifreeze mixtures or other coolants that will be used in your engine in use.

(b) For laboratory testing of liquid-cooled engines, you may use water with or without rust inhibitors.

(c) For coolants allowed in paragraphs (a) and (b) of this section, you may use rust inhibitors and additives required for lubricity, up to the levels that the additive manufacturer recommends.

§ 1065.750 Analytical Gases.

Analytical gases must meet the accuracy and purity specifications of this section, unless you can show that other specifications would not affect your ability to show that your engines comply with all applicable emission standards.

(a) Subparts C and D of this part refer to the following gas specifications:

(1) Use purified gases to zero measurement instruments and to blend with calibration gases. Use gases with contamination up to the highest of the following values in the gas cylinder or at the outlet of a zero-gas generator:

(i) 2% contamination, measured relative to the flow-weighted average concentration expected at the standard.

(ii) 2% contamination, measured relative to the flow-weighted average concentration measured during testing.

(iii) Contamination as specified in the following table:

TABLE 1 OF § 1065.750—GENERAL SPECIFICATIONS FOR PURIFIED GASES

Constituent	Purified Air [1]	Purified N_2 [1]
THC (C1 equivalent)	< 0.05 μmol/mol	< 0.05 μmol/mol.
CO_1 μmol/mol	< 1 μmol/mol..	
CO_2	< 10 μmol/mol	< 10 μmol/mol.
O_2	0.205 to 0.215 mol/mol	< 2 μmol/mol.

TABLE 1 OF § 1065.750—GENERAL SPECIFICATIONS FOR PURIFIED GASES—Continued

Constituent	Purified Air [1]	Purified N_2 [1]
NO_X	< 0.02 µmol/mol	< 0.02 µmol/mol.

[1] We do not require that these levels of purity be traceable to NIST standards.

(2) Use the following gases with a flame-ionization detector (FID) analyzer:

(i) Use FID fuel with an H2 concentration of (0.4 ±0.02) mol/mol, balance He. Make sure the mixture contains no more than 0.05 µmol/mol THC.

(ii) Use FID burner air that meets the specifications of purified air in paragraph (a)(1) of this section.

(iii) Zero flame-ionization detectors with purified air meeting the specifications in paragraph (a)(1) of this section.

(3) Use the following gas mixtures, with gases traceable within ±1% of the NIST true value or other gas standards we approve:

(i) CH_4, balance purified synthetic air or N_2.

(ii) C_2H_6, balance purified synthetic air or N_2.

(iii) C_3H_8, balance purified synthetic air or N_2.

(iv) CO, balance purified N_2.

(v) CO_2, balance purified N_2.

(vi) NO, balance purified N_2.

(vii)) NO_2, balance purified N_2.

(viii) O_2, balance purified N_2.

(ix) C_3H_8, CO, CO_2, NO, balance purified N_2.

(4) You may use gases for species other than those listed in paragraph (a)(3) of this section (such as methanol in air, which you may use to determine response factors), as long as they are traceable to ±1% of the NIST true value or other similar standards we approve.

(5) You may generate your own calibration gases using a precision blending device, such as a gas divider, to dilute gases with purified N_2 or purified synthetic air. Gas dividers must meet the specifications in § 1065.248.

(b) Record the concentration of any calibration gas standard and its expiration date specified by the gas supplier. Do not use any calibration gas standard after its expiration date.

(c) Transfer gases from their source to analyzers using components that are dedicated to controlling and transferring only those gases. For example, do not use a regulator, valve, or transfer line for zero gas if those components were previously used to transfer a different gas mixture. We recommend that you label regulators, valves, and transfer lines to prevent contamination. Note that even small traces of a gas mixture in the dead volume of a regulator, valve, or transfer line can diffuse upstream into a high-pressure volume of gas, which would contaminate the entire high-pressure gas source, such as a compressed-gas cylinder.

§ 1065.790 Mass standards.

(a) *PM balance calibration weights.* Use PM balance calibration weights that are certified as traceable to NIST standards to within 0.1% uncertainty. Calibration weights may be certified by any calibration lab that maintains NIST traceability. Make sure your lowest calibration weight has no greater than ten times the mass of an unused PM-sample medium.

(b) *Dynamometer calibration weights.* [Reserved]

Subpart I—Testing With Oxygenated Fuels

§ 1065.801 Applicability.

(a) This subpart applies for testing with oxygenated fuels. Unless the standard-setting part specifies otherwise, the requirements of this subpart do not apply for fuels that contain less than 25% oxygenated compounds by volume. For example, you generally do not need to follow the requirements of this subpart for tests performed using a fuel containing 10% ethanol and 90% gasoline, but you must follow these requirements for tests performed using a fuel containing 85% ethanol and 15% gasoline.

(b) This subpart specifies sampling procedures and calculations that are different than those used for non-oxygenated fuels. All other test procedures of this part 1065 apply for testing with oxygenated fuels.

§ 1065.805 Sampling system.

(a) Proportionally dilute engine exhaust, and use batch sampling collect flow-weighted dilute samples at a constant flow rate.

(b) You may collect background samples for correcting dilution air for background concentrations.

(c) Maintain sample temperatures within probes and sample lines that prevent aqueous condensation up to the point where a sample is collected.

(d) You may bubble a sample of the exhaust through water to collect alcohols for later analysis.

(e) For alcohol-containing oxygenated fuels, sample the exhaust through cartridges impregnated with 2,4-dinitrophenylhydrazine to collect carbonyls for later analysis. If the standard-setting part specifies a duty cycle that has multiple test intervals (such as multiple engine starts or an engine-off soak phase), you may proportionally collect a single carbonyl sample for the entire duty cycle.

(f) You may use a photo-acoustic analyzer to quantify ethanol and methanol in an exhaust sample.

(g) Use good engineering judgment to sample other oxygenated hydrocarbon compounds in the exhaust.

§ 1065.810 Calculations.

Use the calculations specified in § 1065.665 to determine THCE or NMHCE.

Subpart J—Field Testing

§ 1065.901 Applicability.

(a) The test procedures in this subpart measure brake-specific emissions from engines while they are installed in vehicles in the field.

(b) These test procedures apply to your engines only as specified in the standard-setting part.

§ 1065.905 General provisions.

(a) Unless the standard-setting part specifies deviations from the provisions of this subpart, field testing must conform to all of the provisions of this subpart.

(b) Testing conducted under this subpart may include any normal in-use operation of an engine.

(c) This part specifies procedures for field testing various categories of engines. See the standard-setting part for directions in applying specific provisions in this part for a particular type of engine. Before using this subpart's procedures, read the standard-setting part to answer at least the following questions:

(1) How many engines must I test?

(2) How many times must I repeat a field test on an individual engine?

(3) How do I select vehicles for field testing?

(4) What maintenance steps may I take before or between tests?

(5) What data are needed for a single field test on an individual engine?

(6) What are the limits on ambient conditions for field testing?

(7) Which exhaust constituents do I need to measure?

(8) How do I account for crankcase emissions?

(9) Which engine and ambient parameters do I need to measure?

(10) How do I process the data recorded during field testing to determine if my engine meets field-testing standards? How are individual test intervals determined? Note that ''test interval'' is defined in subpart K of this part (Part 1065).

(11) Should I warm up the test engine before measuring emissions, or do I need to measure cold-start emissions during a warm-up segment of in-use operation?

(12) Do any unique specifications apply for test fuels?

(13) Do any special conditions invalidate a field test?

(14) Does any special margin apply to field-test emission results based on the accuracy and repeatability of field-testing measurement instruments?

(15) Do results of initial field testing trigger any requirement for additional field testing?

(16) How do I report field-testing results?

(d) Use the following specifications in other subparts of this part (Part 1065) for field testing:

(1) Use the applicability and general provisions of subpart A of this part.

(2) Use equipment specifications in § 1065.101 and in § 1065.140 through § 1065.190. Section 1065.910 specifies additional equipment specific to field testing.

(3) Use measurement instruments in subpart C of this part, except as specified in § 1065.915.

(4) Use calibrations and performance checks in subpart D of this part, except as specified in § 1065.920. Section 1065.920 also specifies additional calibration and performance checks for field testing.

(5) Use the provisions of the standard-setting part for selecting and maintaining engines instead of the specifications in subpart E of this part.

(6) Use the procedures in §§ 1065.930 and 1065.935 to start and run a field test. If you use a gravimetric balance for PM, weigh PM samples according to §§ 1065.590 and 1065.595.

(7) Use the calculations in subpart G of this part to calculate emissions over each test interval. Note that ''test interval'' is defined in subpart K of this part (Part 1065), and that the standard setting parts indicate how to determine test intervals for your engine. Section 1065.940 specifies additional calculations for field testing. Use any calculations specified in the standard-setting part to determine if your engines meet the field-testing standards. The standard-setting part may also contain additional calculations that determine when further field testing is required.

(8) Use a fuel typical of what you would expect the engine to use in service. You need not use the fuel specified in subpart H of this part.

(9) Use the lubricant and coolant specifications in § 1065.740 and § 1065.745.

(10) Use the analytical gases and other calibration standards in § 1065.750 and § 1065.790.

(11) Use the procedures specified for testing with oxygenated fuels in subpart I of this part.

(12) Apply the definitions and reference materials in subpart K of this part.

(e) The following table summarizes the requirements of paragraph (d) of this section:

TABLE 1 OF § 1065.905—SUMMARY OF FIELD-TESTING REQUIREMENTS THAT ARE SPECIFIED OUTSIDE OF THIS SUBPART J [1]

Subpart * * *	Use for field testing * * *
A: Applicability and general provisions	Use all.
B: Equipment for testing	Use § 1065.101and § 1065.140 through end of subpart B. § 1065.910 specifies equipment specific to field testing.
C: Measurement instruments	Use all. § 1065.915 allows deviations.
D: Calibrations and performance checks	Use all. § 1065.920 allows deviations, but also has additional.
E: Test engine maintenance, and durability	Do not use. selection, Use standard-setting part.
F: Running an emission test in the laboratory	Use §§ 1065.590 and 1065.595 for weighing PM with a gravimetric balance. § 1065.930 and § 1065.935 to start and run a field test.
G: Calculations	Use all. Use standard-setting part.
H: Fuels, engine fluids, analytical gases, and other calibration materials	Use an in-use fuel. You do not have to use fuels in subpart H.
I: Testing with oxygenated fuels	Use all.
K: Definitions and reference materials	Use all.

[1] Refer to § 1065.905 (d) for complete specifications.

§ 1065.910 Field-testing equipment.

(a) Use field-testing equipment that meets the specifications of § 1065.101 and § 1065.140 through § 1065.190.

(b) This section describes additional equipment that is specific to field testing.

(c) To field test an engine, you will likely route its exhaust to a raw exhaust flow meter and to sample probes. Route exhaust, as follows:

(1) Use short flexible connectors at the end of the engine's exhaust pipe.

(i) You may use flexible connectors to enlarge or reduce the exhaust-pipe diameter to match that of your test equipment.

(ii) Use flexible connectors that do not exceed a length of three times their largest inside diameter.

(iii) Use at least 315 °C temperature rated, four-ply silicone fiberglass fabric material for flexible connectors. You may use connectors with a spring steel wire helix for support and/or Nomex™ coverings or linings for durability. You may also use any other material that performs equivalently in terms of permeability, and durability as long as it seals tightly around tailpipes and does not react with exhaust.

(iv) Use stainless steel hose clamps to seal flexible connectors to the outside diameter of tailpipes or use clamps that seal equivalently.

(v) You may use additional flexible connectors to connect to flow meters and sample probe locations.

(2) Use rigid 300 series stainless steel tubing to connect between flexible connectors. Tubing may be straight or bent to accommodate vehicle geometry. You may use 300 series stainless steel tubing ''T'' or ''Y'' fittings to join exhaust from multiple tailpipes. Alternatively, you may cap or plug redundant tailpipes if it is recommended by the engine manufacturer.

(3) Use connectors and tubing that do not increase back pressure so much that it exceeds the manufacturer's maximum specified exhaust restriction. You may verify this at the maximum exhaust flow rate by measuring back pressure at the vehicle tailpipe with your system connected. Alternatively, you may verify this by engineering analysis, taking into account the maximum exhaust flow rate expected and the flexible connectors and tubing pressure drops versus flow characteristics.

(d) Use mounting hardware as required for securing flexible connectors and exhaust tubing. We recommend mounting hardware such as clamps, suction cups, and magnets that are specifically designed for vehicle applications. We also recommend using structurally sound mounting points such as vehicle frames, trailer hitches, and payload tie-down fittings.

(e) Field testing may require portable electrical power to run your test equipment. Power your equipment, as follows:

(1) You may use electrical power from the vehicle, up to the highest power level, such that all the following are true:

(i) The vehicle power system is capable of safely supplying your power, such that your demand does not overload the vehicle's power system.

(ii) The engine emissions do not significantly change when you use vehicle power.

(iii) The power you demand does not increase output from the engine by more than 1 % of its maximum power.

(2) You may install your own portable power supply. For example, you may use batteries, fuel cells, a portable electrical generator, or any other power supply to supplement or replace your use of vehicle power. However, in no case may you provide power to the vehicle's power system.

§ 1065.915 Measurement instruments.

(a) *Instrument specifications.* We recommend that you use field-testing equipment that meets the specifications of subpart C of this part. For field testing, the specifications in Table 1 of § 1065.915 apply instead of the specifications in Table 1 of § 1065.205.

TABLE 1 OF § 1065.915.—RECOMMENDED MINIMUM MEASUREMENT INSTRUMENT PERFORMANCE FOR FIELD TESTING

Measurement	Measured quantity symbol	Rise time and fall time	Recording update frequency	Accuracy [1]	Repeatability [1]	Noise [1]
Engine speed transducer	f_n	1 s	5 Hz	5.0% of pt., or 1.0% of max.	2.0% of pt., 1.0% of max.	0.5% of max.
Engine torque estimator, BSFC	T	1 s	5 Hz	8.0% of pt., or 3% of max.	2.0% of pt., 1.0% of max.	1.0 of max.
General pressure transducer (not a part of another instrument).	p	5 s	1 Hz	5.0% of pt., or 2.0% of max.	2.0% of pt., or 0.5% of max.	1.0% of max.
Barometer	p_{barom}	50 s	0.1 H	250 Pa	200 Pa	100 Pa.
General temperature sensor (not a part of another instrument).	T	5 s	1 Hz	1.0% of pt., or 3 °C	0.5% of pt., or 2 °C	0.5 °C.
General dewpoint sensor	T_{dew}	50 S	0.1 Hz	3 °C	1 °C	0.5 °C.
Exhaust flow meter	$\dot{n}$	1 s	5 Hz	5.0% of pt., or 3.0% of max.	2.0% of pt.	2.0% of max.
Constituent concentration continuous analyzer.	x	5 s	1 Hz	2.5% of pt., 2.5% of meas.	1.0% of pt., 1.0% of meas.	0.4% of max.
Inertial PM balance	m_{PM}	5 s	1 Hz	2.0% of pt., 2.0% of meas.	1.0% of pt., 1.0% of meas.	0.4% of max.
Gravimetric PM balance	m_{PM}	N/A	N/A	See § 1065.790	0.25 µg	0.1 µg.

[1] Accuracy, repeatability, and noise are determined with the same collected data as described in § 1065.305. ''pt.'' refers to a single point at the average value expected during testing at the standard—the reference value used in § 1065.305; ''max.'' refers to the maximum value expected during testing at the standard over a test interval, not the maximum of the instrument's range; ''meas'' refers to the flow-weighted average measured value during any test interval.

(b) *ECM signals.* You may use signals from the engine's electronic control module (ECM) in place of values recorded by measurement instruments, subject to the following provisions:

(1) You must filter ECM signals to discard discontinuities and irrational records.

(2) You must perform time-alignment and dispersion of ECM signals, as described in § 1065.201.

(3) You may use any combination of ECM signals, with or without other measurements, to determine the start-time and end-time of a test interval. Note that ''test interval'' is defined in subpart K of this part (Part 1065).

(4) You may use any combination of ECM signals along with other measurements to determine brake-specific emissions over a test interval.

(5) For each ECM signal that you use, you must state one of the following:

(i) The signal meets all the specifications, calibrations, and performance checks of any measurement instrument or system that the signal replaces.

(ii) The signal deviates from one or more of the specifications, calibrations, or performance checks, but its deviation does not prevent you from demonstrating that you meet the applicable standards. For example, your emissions results are sufficiently below the applicable standard such that the deviation would not significantly change the result.

(c) *Redundant measurements.* You may make any other measurements, such as redundant measurements, to

ensure the quality of the data you collect.

(d) *Ambient effects on instruments.* Measurement instruments must not be affected by ambient conditions such as temperature, pressure, humidity, physical orientation, or mechanical shock and vibration. If an instrument is inherently affected by ambient conditions, those conditions must be monitored and the instrument's signals must be adjusted in a way that compensates for the ambient effect. Follow the instrument manufacturer's instructions for proper field installation.

(e) *Engine torque estimator.* Because engine brake torque may be difficult or impossible to measure during field testing, we allow other means of estimating torque based on other parameters. We recommend that the overall performance of any torque estimator should meet the performance specifications in Table 1 of § 1065.915. Although you may develop your own torque estimator, we recommend using one of the following:

(1) *ECM signals.* You may use ECM signals to estimate torque if they meet the specifications of paragraph (b) of this section. Some electronic control modules calculate torque directly, based on the amount of fuel commanded to the engine and possibly other parameters. Other electronic control modules output a signal that is the ratio of the amount of fuel commanded divided by the maximum possible command at the given engine speed. This value is commonly called ''% load''. You may use this value in combination with the engine manufacturer's published maximum torque versus speed data to estimate engine torque. You may use a combination of ECM signals such as intake manifold pressure and temperature and engine speed if you have detailed laboratory data that can correlate such signals to torque.

(2) *Brake-specific fuel consumption.* You may multiply brake-specific fuel consumption (BSFC) information by fuel-specific emission results to determine brake-specific emission results. This approach avoids any requirement to estimate torque in the field. Fuel-specific results can be calculated from emission concentrations and a signal linear to exhaust flow rate. See § 1065.650 for the calculations. You may interpolate brake-specific fuel consumption data, which might be available from an engine laboratory as a function of engine speed and other engine parameters that you can measure in the field. You may also use a single BSFC value that approximates the mean BSFC over a test interval (as defined in subpart K). This value may be a nominal BSFC value for all engine operation, which may be determined over one or more laboratory duty cycles. Refer to the standard-setting part to determine if the range of engine operation represented by a duty cycle approximates the range of operation that defines a field-testing test interval. Select a nominal BSFC based on duty cycles that best represent the range engine operation that defines a field-testing test interval.

§ 1065.920 Calibrations and performance checks.

(a) Use all of the applicable calibrations and performance checks in subpart D of this part, including the linearity checks in § 1065.307, to calibrate and check your field test system.

(b) Your field-testing system must also meet an overall check. We require only that you maintain a record that shows that the make, model, and configuration of your system meets this check. The record itself may be supplied to you by the field-testing system manufacturer. However, we recommend that you generate your own record to verify that your specific system meets this check. If you upgrade or change the configuration of your field test system, we require that your record shows that your new configuration meets this check. The check consists of comparing field test data and laboratory data that are generated simultaneously over a repeated duty cycle in a laboratory. Two statistical comparisons are made. One statistical comparison checks the difference between the field test and lab data with respect to the lab standard. The second statistical comparison checks the field-testing system's upper confidence limit with respect to the lab's upper confidence limit. The field test upper confidence limit is determined only after applying any measurement allowance that is specified in the standard-setting part. Refer to § 1065.605 for an example calculation of these two statistical tests. Perform the check as follows:

(1) Install your field-testing system on an engine in a dynamometer laboratory that meets all of the specifications of this part with respect to the engine and its applicable emission standards. We recommend that you select an engine that has emissions near its applicable laboratory standards.

(2) If the standard-setting part does not specify a duty cycle specifically for this check, select or create a duty cycle that has all of the following:

(i) Expected in-use engine operation. Consider using data from previous field tests to generate a cycle.

(ii) (20 to 40) min duration.

(iii) At least 10 discrete field-testing test intervals (*e.g.*, 10 NTE events).

(iv) At least 50% of its time in the operating range where valid field-testing test intervals may be calculated. For example, for heavy-duty highway compression-ignition engines, select a duty cycle in which at least 50% of the engine operating time can be used to calculate valid NTE events.

(3) Prepare the laboratory and field-testing systems for emission testing as described in this part.

(4) Run at least seven valid repeat emission tests with the duty cycle, using a warmed up running engine. For a valid repeat of the duty cycle, the laboratory and field test systems must both return validated tests (*e.g.*, tests must meet drift check, hydrocarbon contamination check, proportional validation, etc).

(5) Calculate all brake-specific emission results with the lab and the field test data for every field-testing test interval (*e.g.*, each NTE event) that occurred. Repeat this for every repeated duty cycle.

(6) Calculate the mean for each test interval (*e.g.*, each NTE event) with the repeated data for each test interval.

(7) For each test interval (*e.g.*, each NTE event), subtract its lab mean from its field test mean, and divide the result by the applicable lab standard. If this result is within ±5% for all test intervals (*e.g.*, all NTE events), then the field test system passes this statistical test.

(8) First apply any measurement allowance to the field-testing results in paragraph (b)(5) of this section and recalculate the field test results in the same way you calculated the results for paragraph (b)(6) of this section. Then calculate two times the standard deviation for each of the test interval means from the adjusted field test results and the lab means from (b)(6) of this section. Add these values to each of their respective means. The result is the upper confidence limit for each test interval (*e.g.*, each NTE event). For each test interval subtract the laboratory upper confidence limit from the field test upper confidence limit. If the result of this subtraction is less than or equal to zero for all the test intervals (*e.g.*, all NTE events), then the field test system passes this statistical test.

(c) If the field test system passes both statistical tests in paragraphs (b)(7) and (b)(8) of this section, then the field-test system passes the overall field-testing system check.

§ 1065.925 Measurement equipment and analyzer preparation.

(a) If your engine must comply with a PM standard and you use a gravimetric balance to measure PM, follow the procedures for PM sample preconditioning and tare weighing as described in § 1065.590.

(b) Verify that ambient conditions are initially within the limits specified in the standard-setting part.

(c) Install all of the equipment and measurement instruments required to conduct a field test.

(d) Power the measurement system, and allow pressures, temperatures, and flows to stabilize to their operating set points.

(e) Operate dilution systems and PM sampling systems at their expected flow rates using a bypass.

(f) Bypass or purge any gaseous sampling systems until sampling begins.

(g) Conduct calibrations and performance checks.

(h) Check for contamination in the NMHC sampling system as follows:

(1) Select the NMHC analyzer range for measuring the flow-weighted average concentration expected at the NMHC standard.

(2) Zero the NMHC analyzer using zero air introduced at the analyzer port.

(3) Span the NMHC analyzer using span gas introduced at the analyzer port.

(4) Overflow zero air at the NMHC probe or into a fitting between the NMHC probe and the transfer line.

(5) Measure the NMHC concentration in the sampling system:

(i) For continuous sampling, record the mean NMHC concentration as overflow zero air flows.

(ii) For batch sampling, fill the sample medium and record its mean concentration.

(6) Record this value as the initial NMHC concentration, $x_{NMHCinit}$ and use it to correct measured values as described in § 1065.660.

(7) If this initial NMHC concentration exceeds the greatest of the following, determine the source of the contamination and take corrective action, such as purging the system or replacing contaminated portions:

(i) 2% of the flow-weighted average concentration expected at the standard or during testing.

(ii) 2 mmol/mol.

(8) If corrective action does not resolve the deficiency, you may request to use the contaminated system as an alternate procedure under § 1065.10.

§ 1065.930 Engine starting, restarting, and shutdown.

(a) Unless the standard-setting part specifies otherwise, follow these steps to start, restart, and shut down the test engine.

(b) Start or restart the engine according to the procedure recommended in the owners manual.

(c) If the engine does not start after 15s of cranking, stop cranking and determine the reason it failed to start. However, you may crank the engine longer than 15s, as long as the owners manual or the service-repair manual describes the longer cranking time as normal.

(d) Respond to engine stalling with the following steps:

(1) If the engine stalls during a required warm-up before emission sampling begins, restart the engine and continue warm-up.

(2) If the engine stalls at any other time after emission sampling begins, restart the engine and continue testing.

(e) Shut down and/or restart the engine according to the manufacturer's specifications, as needed during normal operation in-use, but continue emission sampling until the field test is completed.

§ 1065.935 Emission test sequence.

(a) Time the start of testing as follows:

(1) If the standard-setting part requires only hot-stabilized emission measurements, operate the engine in-use until the engine coolant's absolute temperature is within ±10% of its mean value for the previous 2 min or until the engine thermostat controls engine temperature. For hot-stabilized emission measurements, bring the engine to idle. Start the field test within 10 min of achieving coolant temperature tolerance.

(2) If the standard-setting part requires hot-start emission measurements, shut down the engine after at least 2 min at the temperature tolerance specified in paragraph (a)(1) of this section. Start the field test within 20 min of engine shutdown.

(3) If the standard-setting part requires cold-start emission measurements, you may start the engine and test cycle if the highest temperature of an engine's lubricant, coolant, and aftertreatment systems is within the standard-setting part's ambient temperature limits for field testing.

(b) Take the following steps before emission sampling begins:

(1) For batch sampling, connect clean storage media, such as evacuated bags or tare-weighed PM sample media.

(2) Operate all measurement instruments according to the instrument manufacturer's instructions.

(3) Operate heaters, dilution systems, sample pumps, cooling fans, and the data-collection system.

(4) Preheat any heat exchangers in the measurement system.

(5) Allow heated components such as sample lines, filters, and pumps to stabilize at operating temperature.

(6) Perform vacuum side leak checks as described in § 1065.345.

(7) Using bypass, adjust the sample flow rates to desired levels.

(8) Zero any integrating devices.

(9) Zero and span all constituent analyzers using NIST-traceable gases that meet the specifications of § 1065.750.

(c) Start testing as follows:

(1) If the engine is already running and warmed up and starting is not part of field testing, start the field test by simultaneously sampling exhaust gases, recording data, and integrating measured values.

(2) If engine starting is part of field testing, start field testing by simultaneously sampling exhaust gases, recording data, and integrating measured values. Then start the engine.

(d) Continue the test as follows:

(1) Continue to sample exhaust, record data and integrate measured values throughout normal in-use operation of the engine. The engine may be stopped and started, but continue to sample emissions throughout the entire field test.

(2) Conduct periodic performance checks such as zero and span checks on measurement instruments, as recommended by the instrument manufacturer. Do not include data recorded during performance checks in emission calculations.

(3) You may periodically condition and analyze batch samples in-situ, including PM samples if you use an inertial balance.

(e) Stop testing as follows:

(1) On the last record of the field test, allow sampling system response times to elapse and cease sampling. Stop any integrator and indicate the end of the test cycle on the data-collection medium.

(2) Shut down the engine if it is not already shut down.

(f) Take the following steps after emission sampling is complete:

(1) Unless you weighed PM in-situ, such as by using an inertial PM balance, place any used PM samples into covered or sealed containers and return them to the PM-stabilization environment for subsequent weighing on a gravimetric balance. If you weigh PM samples with a gravimetric balance, weigh PM samples according to § 1065.595.

(2) As soon as practical after the duty cycle is complete, analyze any gaseous batch samples.

(3) Analyze background samples if dilution air was used.

(4) After quantifying exhaust gases, check drift of each analyzer:

(i) Record the mean analyzer value after stabilizing a zero gas to each analyzer. Stabilization may include time to purge an analyzer of any sample gas, plus any additional time to account for analyzer response.

(ii) Record mean analyzer values after stabilizing the span gas to the analyzer. Stabilization may include time to purge the analyzer of any sample gas, plus any additional time to account for analyzer response.

(iii) Use this data to validate and correct for drift as described in § 1065.658.

(5) Drift invalidates a test if the drift correction exceeds ±4% of the flow-weighted average concentration expected at either the standard or during a test interval, whichever is greater. Calculate and correct for drift as described in § 1065.657.

(g) For any proportional batch sample such as a bag sample or PM sample, demonstrate that proportional sampling was maintained using one of the following:

(1) Record the sample flow rate and the total flow rate at 1 Hz or more frequently. Use this data with the statistical calculations in § 1065.602 to determine the standard error of the estimate, SE, of the sample flow rate versus the total flow rate. For each test interval (as defined in subpart K), demonstrate that SE was less than or equal to 2.5% of the mean sample flow rate. You may omit up to 5% of the data points as outliers to improve SE.

(2) Record the sample flow rate and the total flow rate at 1 Hz or more frequently. For each test interval, demonstrate that each flow rate was constant within ±2.5% of its respective mean or target flow rate.

(3) For critical-flow venturis, record venturi-inlet conditions at 1 Hz or more frequently. Demonstrate that the density at the venturi inlet was constant within ±2.5% of the mean or target density over each test interval. For a CVS critical-flow venturi, you may demonstrate this by showing that the absolute temperature at the venturi inlet was constant within ±4% of the mean or target temperature over each test interval.

(4) For positive-displacement pumps, record pump-inlet conditions at 1 Hz or more frequently. Demonstrate that the density at the pump inlet was constant within ±2.5% of the mean or target density over each test interval. For a CVS pump, you may demonstrate this by showing that the absolute temperature at the pump inlet was constant within ±2% of the mean or target temperature over each test interval.

(5) Using good engineering judgment, demonstrate using an engineering analysis that the proportional-flow control system inherently ensures proportional sampling under all circumstances expected during testing. For example, you use CFVs for sample flow and total flow and their inlet pressures and temperatures are always the same as each others, and they always operate under critical-flow conditions.

(h) Check all non-auto-ranging analyzer results to determine if any results indicate that an analyzer ever operated above 100% of its range during the test. If an analyzer operated above 100% of its range, perform the following:

(1) For a batch sample, re-analyze the batch sample using the next higher analyzer range that results in an instrument response less than 100%. Report the result from the lowest range that results in analyzer operation at less than 100% of its range.

(2) For continuous sampling, repeat the field test using the same vehicle, but use the next higher analyzer range that you estimate will not respond greater than 100% of range. If the analyzer still operates above 100% of its range, repeat the field test again using a higher range. Continue to repeat the field test until the analyzer operates at less than 100% of its range for an entire field test. Report all results.

§ 1065.940 Emission calculations.

(a) Follow instructions in the standard-setting part for any other emission calculations.

(b) For each test interval, as determined by information in the standard-setting part, perform emission calculations as described in § 1065.650 to calculate brake-specific emissions, using the field-testing specifications for analyzer noise in Table 1 of § 1065.915.

Subpart K—Definitions and Other Reference Information

§ 1065.1001 Definitions.

The following definitions apply to this part. The definitions apply to all subparts unless we note otherwise. All undefined terms have the meaning the Act gives to them. The definitions follow:

300 series stainless steel means any stainless steel alloy with a Unified Numbering System for Metals and Alloys number designated from S30100 to S39000. For all instances in this part where we specify 300 series stainless steel, such parts must also have a smooth inner-wall construction. We recommend an average roughness, R_a no greater than 4 mm.

Accuracy means the absolute difference between a reference quantity and the arithmetic mean of ten mean measurements of that quantity. Instrument accuracy, repeatability, and noise are determined from the same data set. We specify a procedure for determining accuracy in § 1065.305.

Act means the Clean Air Act, as amended, 42 U.S.C. 7401–7671q.

Adjustable parameter means any device, system, or element of design that someone can adjust (including those which are difficult to access) and that, if adjusted, may affect emissions or engine performance during emission testing or normal in-use operation. This includes, but is not limited to, parameters related to injection timing and fueling rate. In some cases this may exclude a parameter that is difficult to access if it cannot be adjusted to affect emissions without significantly degrading engine performance, or if it will not be adjusted in a way that affects emissions during in-use operation.

Aerodynamic diameter means the diameter of a spherical water droplet which settles at the same constant velocity as the particle being sampled.

Aftertreatment means relating to a catalytic converter, particulate filter, or any other system, component, or technology mounted downstream of the exhaust valve (or exhaust port) whose design function is to decrease emissions in the engine exhaust before it is exhausted to the environment. Exhaust-gas recirculation (EGR) and turbochargers are not aftertreatment.

Allowed procedures means procedures that we either specify in this part 1065 or in the standard-setting part or approve under § 1065.10.

Aqueous condensation means the precipitation of water (H_2O)-containing constituents from a gas phase to a liquid phase. Aqueous condensation is a function of humidity, pressure, temperature, and concentrations of other constituent such as sulfuric acid. These parameters vary as a function of engine intake-air humidity, dilution air humidity, engine air-to-fuel ratio, and fuel composition—including the amount of hydrogen and sulfur in the fuel.

Auto-ranging means a constituent analyzer function that automatically changes the analyzer gain to a higher range as a constituent's concentration approaches 100% of the analyzer's current range.

Auxiliary emission-control device means any element of design that senses temperature, motive speed, engine RPM,

transmission gear, or any other parameter for the purpose of activating, modulating, delaying, or deactivating the operation of any part of the emission-control system.

Barometric pressure means the wet, absolute, atmospheric static pressure. Note that if you measure barometric pressure in a duct, you must ensure that there are negligible pressure losses between the atmosphere and your measurement location, and you must account for changes in the duct's static pressure resulting from the flow.

Brake power has the meaning given in the standard-setting part. If it is not defined in the standard-setting part, brake power means the usable power output of the engine, not including power required to fuel, lubricate, or heat the engine, circulate coolant to the engine, or to operate aftertreatment devices. If these accessories are not powered by the engine during a test, subtract the work required to perform these functions from the total work used in brake-specific emission calculations. Subtract engine fan work from total work only for air-cooled engines.

Calibration means the set of specifications and tolerances specific to a particular design, version, or application of a component or assembly capable of functionally describing its operation over its working range.

Certification means obtaining a certificate of conformity for an engine family that complies with the emission standards and requirements in this part.

Compression-ignition means relating to a type of reciprocating, internal-combustion engine that is not a spark-ignition engine.

Confidence interval means the range associated with a probability that a quantity will be considered statistically equivalent to a reference quantity.

Constant-speed engine means an engine whose certification is limited to constant-speed operation. Engines whose constant-speed governor function is removed or disabled are no longer constant-speed engines.

Constant-speed operation means engine operation with a governor that controls the operator input to maintain an engine at a reference speed, even under changing load. For example, an isochronous governor changes reference speed temporarily during a load change, then returns the engine to its original reference speed after the engine stabilizes. Isochronous governors typically allow speed changes up to 1.0%. Another example is a speed-droop governor, which has a fixed reference speed at zero load and allows the reference speed to decrease as load increases. With speed-droop governors, speed typically decreases (3 to 10)% below the reference speed at zero load, such that the minimum reference speed occurs near the engine's point of maximum power.

Coriolis meter means a flow-measurement instrument that determines the mass flow of a fluid by sensing the vibration and twist of specially designed flow tubes as the flow passes through them. The twisting characteristic is called the Coriolis effect. According to Newton's Second Law of Motion, the amount of sensor tube twist is directly proportional to the mass flow rate of the fluid flowing through the tube. *See* § 1065.220.

Designated Compliance Officer means the Manager, Engine Programs Group (6405-J), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

Discrete-mode means relating to the discrete-mode type of steady-state test described in the standard-setting part.

Drift means the difference between a zero or calibration signal and the respective value reported by a measurement instrument immediately after it was used in an emission test, provided that the instrument was zeroed and spanned just before the test.

Duty cycle means a series of speeds and torques that an engine must follow during a laboratory test. Duty cycles are specified in the standard-setting part. A single duty cycle may consist of one or more test intervals. For example, a duty cycle may be a ramped-modal cycle, which has one test interval; a cold-start plus hot-start transient cycle, which has two test intervals; or a discrete-mode cycle, which has one test interval for each mode.

Electronic control module means an engine's electronic device that uses data from engine sensors to control engine parameters.

Emission-control system means any device, system, or element of design that controls or reduces the regulated emissions from an engine.

Emission-data engine means an engine that is tested for certification. This includes engines tested to establish deterioration factors.

Emission-related maintenance means maintenance that substantially affects emissions or is likely to substantially affect emission deterioration.

Engine means an engine to which this part applies.

Engine family means a group of engines with similar emission characteristics throughout the useful life, as specified in the standard-setting part.

Exhaust-gas recirculation means a technology that reduces emissions by routing exhaust gases that had been exhausted from the combustion chamber(s) back into the engine to be mixed with incoming air before or during combustion. The use of valve timing to increase the amount of residual exhaust gas in the combustion chamber(s) that is mixed with incoming air before or during combustion is not considered exhaust-gas recirculation for the purposes of this part.

Fall time, t_{90-10}, means the time interval from (90 to 10) % of a measurement instrument's response after any step decrease to the input.

Flow-weighted average means the average of a quantity after it is weighted proportional to a corresponding flow rate. For example, if a gas concentration is measured continuously from the raw exhaust of an engine, its flow-weighted average concentration is the sum of the products of each recorded concentration times its respective exhaust flow rate, divided by the number of recorded values. As another example, the bag concentration from a CVS system is the same as the flow-weighted average concentration because the CVS system itself flow-weights the bag concentration.

Fuel system means all components involved in transporting, metering, and mixing the fuel from the fuel tank to the combustion chamber(s), including the fuel tank, fuel tank cap, fuel pump, fuel filters, fuel lines, carburetor or fuel-injection components, and all fuel-system vents.

Fuel type means a general category of fuels such as gasoline or LPG. There can be multiple grades within a single type of fuel, such as summer-grade gasoline and winter-grade gasoline.

Good engineering judgment means judgments made consistent with generally accepted scientific and engineering principles and all available relevant information. See 40 CFR 1068.5 for the administrative process we use to evaluate good engineering judgment.

HEPA filter means high-efficiency particulate air filters that are rated to achieve a minimum particle-removal efficiency of 99.97% using ASTM F 1471–93 (incorporated by reference in § 1065.1010).

Identification number means a unique specification (for example, a model number/serial number combination) that allows someone to distinguish a particular engine from other similar engines.

Idle speed means the lowest engine speed possible with zero load where an engine governor function controls engine speed. For engines without a governor function that controls idle speed, idle speed means the

manufacturer-declared value for lowest engine speed possible with zero load. Note that warm idle speed is the idle speed of a warmed-up engine.

Intermediate test speed has the meaning we give in § 1065.610.

Linearity means the degree to which measured values agree with respective reference values. Linearity is quantified using a linear regression of pairs of measured values and reference values over the range from the minimum to the maximum values expected or observed during testing. Perfect linearity would result in an intercept value of zero and a slope of one. (**Note:** The term ''linearity'' is not used in this part to refer to the shape of a measurement instrument's unprocessed response curve, such as a curve relating emission concentration to voltage output. A properly performing instrument with a nonlinear response curve will meet linearity specifications.)

Manufacturer has the meaning given in section 216(1) of the Act. In general, this term includes any person who manufactures an engine or vehicle for sale in the United States or otherwise introduces a new nonroad engine into commerce in the United States. This includes importers who import engines or vehicles for resale.

Maximum engine speed has the meaning we give in § 1065.610.

Maximum test torque has the meaning we give in § 1065.610.

NIST-traceable means relating to a standard value that can be related to NIST-stated references through an unbroken chain of comparisons, all having stated uncertainties.

Noise means the precision of 25 consecutive samples from a measurement instrument as it quantifies a zero or reference value. Instrument noise, repeatability, and accuracy are determined from the same data set. We specify a procedure for determining noise in § 1065.305.

Nonmethane hydrocarbons means the sum of all hydrocarbon species except methane. Refer to § 1065.660 for NMHC determination.

Nonroad means relating to nonroad engines.

Nonroad engine has the meaning we give in 40 CFR 1068.30. In general this means all internal-combustion engines except motor vehicle engines, stationary engines, engines used solely for competition, or engines used in aircraft.

Operator demand means an engine operator's input to control engine output. The operator may be a person, a governor, or other controller that mechanically or electronically signals an input that demands engine output. Input may be an accelerator pedal or signal, a throttle-control lever or signal, a fuel lever or signal, a speed lever or signal, or a governor setpoint or signal. Output means engine power, P, which is the product of engine speed, f_n, and engine torque, T.

Oxides of nitrogen means compounds containing only nitrogen and oxygen as measured by the procedures specified in this part. Oxides of nitrogen are expressed quantitatively as if the NO is in the form of NO_2, such that you use a molar mass for all oxides of nitrogen equivalent to that of NO_2. We specify a procedure for determining NO_X in § 1065.650.

Oxygenated fuels means fuels composed of oxygen-containing compounds, such as ethanol or methanol. Generally, testing engines that use oxygenated fuels requires the use of the sampling methods in subpart I of this part. However, you should read the standard-setting part and subpart I of this part to determine which sampling methods to use.

Partial pressure means the pressure, p attributable to a constituent in a gas mixture. For an ideal gas the partial pressure divided by the total pressure is equal to the constituent's molar concentration, x.

Precision means the two times the standard deviation of a set of measured values of a single zero or reference quantity.

Procedures means all aspects of engine testing, including the equipment specifications, calibrations, calculations and other protocols and specifications needed to measure emissions, unless we specify otherwise.

PTFE means polytetrafluoroethylene, which is commonly known as Teflon™.

Ramped-modal means relating to the ramped-modal type of steady-state test described in the standard-setting part.

Regression statistics means any of the set of statistics specified in § 1065.602(i) through (l).

Repeatability means the precision of ten mean measurements of a reference quantity. Instrument repeatability, accuracy, and noise must be determined from the same data set. We specify a procedure for determining repeatability in § 1065.305.

Revoke has the meaning we give in 40 CFR 1068.30.

Rise time, t_{10-90} means the time interval from (10 to 90)% of a measurement instrument's response after any step increase to the input.

Roughness (or average roughness, R_a) means the size of finely distributed vertical surface deviations from a smooth surface, as determined when traversing a surface. It is an integral of the absolute value of the roughness profile measured over an evaluation length.

Round means to round numbers according to ASTM E29–02 (incorporated by reference in § 1065.1010), unless otherwise specified.

Scheduled maintenance means adjusting, repairing, removing, disassembling, cleaning, or replacing components or systems periodically to keep a part or system from failing, malfunctioning, or wearing prematurely. It also may mean actions you expect are necessary to correct an overt indication of failure or malfunction for which periodic maintenance is not appropriate.

Span means to adjust an instrument so that it gives a proper response to a calibration standard that represents between 75% and 100% of the maximum value in the instrument range or expected rang of use.

Spark-ignition means relating to a gasoline-fueled engine or any other type of engine with a spark plug (or other sparking device) and with operating characteristics significantly similar to the theoretical Otto combustion cycle. Spark-ignition engines usually use a throttle to regulate intake air flow to control power during normal operation.

Specified procedures means procedures we specify in this part 1065 or the standard-setting part.

Standard-setting part means the part in the Code of Federal Regulations that defines emission standards for a particular engine. See § 1065.1(a).

Steady-state means relating to emission tests in which engine speed and load are held at a finite set of essentially constant values. Steady-state tests are either discrete-mode tests or ramped-modal tests.

Stoichiometric means the ratio of air and fuel such that if the fuel were fully oxidized, there would be no remaining fuel or oxygen. For example, stoichiometric combustion in a gasoline-fueled engine typically occurs at an air-to-fuel mass ratio of about 14.7.

Test engine means an engine in a test sample.

Test interval means a duration of time over which you determine brake-specific emissions. For example, a standard-setting part may specify a complete laboratory duty cycle as a cold-start test interval, plus a hot-start test interval. As another example, a standard-setting part may specify a field test interval (e.g., an NTE event), as a duration of time over which an engine operates within a certain range of speed and torque. In cases where multiple test intervals occur, the standard-setting parts specify additional calculations

that weight and combine results to arrive at composite values for comparison against the applicable standards.

Test sample means the collection of engines selected from the population of an engine family for emission testing.

Tolerance means the interval in which 95% of a set of recorded values of a certain quantity must lie. Use the specified recording frequencies and time intervals to determine if a quantity is within the applicable tolerance.

Total hydrocarbon means the combined mass of organic compounds measured by the specified procedure for measuring total hydrocarbon, expressed as a hydrocarbon with a hydrogen-to-carbon mass ratio of 1.85:1.

Total hydrocarbon equivalent means the sum of the carbon mass contributions of non-oxygenated hydrocarbons, alcohols and aldehydes, or other organic compounds that are measured separately as contained in a gas sample, expressed as exhaust hydrocarbon from petroleum-fueled engines. The hydrogen-to-carbon ratio of the equivalent hydrocarbon is 1.85:1.

United States means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, and the U.S. Virgin Islands.

Useful life means the period during which a new nonroad engine is required to comply with all applicable emission standards. The standard-setting part defines the specific useful-life periods for individual engines.

Variable-speed engine means an engine that is not a constant-speed engine.

Vehicle means any vehicle, vessel, or type of equipment using engines to which this part applies. For purposes of this part, *vehicle* may include immobile machines.

We (us, our) means the Administrator of the Environmental Protection Agency and any authorized representatives.

Zero means to adjust an instrument so it gives a zero response to a zero calibration standard, such as purified nitrogen or purified air for measuring concentrations of emission constituents.

§ 1065.1005 Symbols, abbreviations, acronyms, and units of measure.

The procedures in this part generally follow the International System of Units (SI), as detailed in NIST Special Publication 811, 1995 Edition, ''Guide for the Use of the International System, of Units (SI),'' which we incorporate by reference in § 1065.1010. *See* § 1065.25 for specific provisions related to these conventions. This section summarizes the way we use symbols, units of measure, and other abbreviations.

(a) *Symbols for quantities.* This part uses the following symbols and units of measure for various quantities:

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Symbol	Quantity	Unit	Unit Symbol	Base SI units
%	percent	0.01	%	10^{-2}
α	atomic hydrogen to carbon ratio	mole per mole	mol/mol	1
A	area	square meter	m^2	m^2
a_0	intercept of least squares regression			
a_1	slope of least squares regression			
β	ratio of diameters	meter per meter	m/m	1
β	atomic oxygen to carbon ratio	mole per mole	mol/mol	1
D	diameter	meter	m	m
DF	dilution air fraction	mole per mol	mol/mol	1
h	viscosity, dynamic	pascal second	Pa·s	$m^{-1}\cdot kg\cdot s^{-1}$
ε	error between a quantity and its reference			
e	brake-specific emission	gram per kilowatt hour	g/kW·h	$g\cdot 3.6^{-1}\cdot 10^{6}\cdot m^{-2}\cdot kg\cdot s^{2}$
F	F-test statistic			
f	frequency	hertz	Hz	s^{-1}
f_n	rotational frequency (shaft)	revolutions per minute	rev/min	$2\cdot pi\cdot 60^{-1}\cdot s^{-1}$
γ	ratio of specific heats	(joule per kilogram kelvin) per (joule per kilogram kelvin)	(J/(kg·K))/(J/(kg·K))	1
K	correction factor			1
l	length	meter	m	m
M	molar mass	gram per mole	g/mol	$10^{-3}\cdot kg\cdot mol^{-1}$
m	mass	kilogram	kg	kg
$\dot{m}$	mass rate	kilogram per second	kg/s	$kg\cdot s^{-1}$

Symbol	Quantity	Unit	Unit Symbol	Base SI units
ν	viscosity, kinematic	meter squared per second	m^2/s	$m^2\cdot s^{-1}$
N	total number in series			
n	amount of substance	mole	mol	mol

$\dot{n}$	amount of substance rate	mole per second	mol/s	$mol \cdot s^{-1}$
P	power	kilowatt	kW	$103 \cdot m^2 \cdot kg \cdot s^{-3}$
PF	penetration fraction			
p	pressure	pascal	Pa	$m^{-1} \cdot kg \cdot s^{-2}$
ρ	mass density	kilogram per cubic meter	kg/m^3	$kg \cdot m^{-3}$
r	ratio of pressures	pascal per pascal	Pa/Pa	1
r^2	coefficient of determination			
R_a	average surface roughness	micrometer	µm	m^{-6}
$Re^{\#}$	Reynolds number			
RF	response factor			
σ	non-biased standard deviation			
SE	standard estimate of error			
T	absolute temperature	kelvin	K	K
T	Celsius temperature	degree Celsius	°C	K-273.15
T	torque (moment of force)	newton meter	N·m	$m^2 \cdot kg \cdot s^{-2}$
t	time	second	s	s
Δt	time interval, period, 1/frequency	second	s	s
V	volume	cubic meter	m^3	m^3
$\dot{V}$	volume rate	cubic meter per second	m^3/s	$m^3 \cdot s^{-1}$
W	work	kilowatt hour	kW·h	$3.6 \cdot 10^{-6} \cdot m^2 \cdot kg \cdot s^{-2}$
x	amount of substance fraction	mole per mole	mol/mol	1
$\overline{x}$	flow-weighted average concentration	mole per mole	mol/mol	1
y	generic variable			

(b) Symbols for chemical species. This part uses the following symbols for chemical species and exhaust constituents:

Symbol	Species
Ar	argon
C	carbon
CH_4	methane
C_2H_6	ethane
C_3H_8	propane
C_4H_{10}	butane
C_5H_{12}	pentane
CO	carbon monoxide
CO_2	carbon dioxide
H	atomic hydrogen

H_2	molecular hydrogen
H_2O	water
He	helium
^{85}Kr	krypton 85
N_2	molecular nitrogen
NMHC-	nonmethane hydrocarbon
NMHCE	nonmethane hydrocarbon equivalent
NO	nitric oxide
NO_2	nitrogen dioxide
NO_x	oxides of nitrogen
O_2	molecular oxygen
^{210}Po	polonium 210
PM	particulate mass
S	sulfur
THC	total hydrocarbons

(c) Prefixes. This part uses the following prefixes to define a quantity:

Symbol	Quantity	Value
μ	micro	10^{-6}
m	milli	10^{-3}
c	centi	10^{-2}
k	kilo	10^{3}
M	mega	10^{6}

(d) Superscripts. This part uses the following superscripts to define a quantity:

Superscript	Quantity
overbar (such as $\overline{y}$)	arithmetic mean.
overdot (such as $\dot{y}$)	quantity per unit time.

(e) Subscripts. This part uses the following subscripts to define a quantity:

Subscript	Quantity
abs	absolute quantity
act	actual condition
air	air, dry
barom	barometer
cal	calibration quantity
CFV	critical flow venturi
cor	corrected quantity
dil	dilution air
dexh	diluted exhaust
exh	raw exhaust
exp	expected quantity
i	an individual of a series
idle	condition at idle

in	quantity in
j	an individual of a series
max	the maximum (i.e., peak) value expected at the standard over a test interval; not the maximum of an instrument range.
meas	measured quantity
out	quantity out
part	partial quantity
PDP	positive-displacement pump
ref	reference quantity
rev	revolution
sat	saturated condition
slip	PDP slip
span	span quantity
SSV	subsonic venturi
std	standard condition
test	test quantity
uncor	uncorrected quantity
zero	zero quantity

(f) Constants. (1) This part uses the following constants for the composition of dry air:

Symbol	Quantity	mol/mol
x_{Arair}	amount of argon in dry air	0.00934
x_{CO2air}	amount of carbon dioxide in dry air	0.000375
x_{N2air}	amount of nitrogen in dry air	0.78084
x_{O2air}	amount of oxygen in dry air	0.209445

(2) This part uses the following molar masses of chemical species:

Symbol	Quantity	g/mol (10^{-3}·kg·mol^{-1})
M_{air}	molar mass of dry air [1]	28.96559
M_{Ar}	molar mass of argon	39.948
M_C	molar mass of carbon	12.0107
M_{CO}	molar mass of carbon monoxide	28.0101
M_{CO2}	molar mass of carbon dioxide	44.0095
M_H	molar mass of atomic hydrogen	1.00794
M_{H2}	molar mass of molecular hydrogen	2.01588
M_{H2O}	molar mass of water	18.01528
M_{He}	molar mass of helium	4.002602
M_N	molar mass of atomic nitrogen	14.0067
M_{N2}	molar mass of molecular nitrogen	28.0134
M_{NMHC}	molar mass of nonmethane hydrocarbon [2]	13.875389
M_{NMHCE}	molar mass of nonmethane equivalent hydrocarbon [2]	13.875389
M_{NOx}	molar mass of oxides of nitrogen equivalent (NO_2)	46.0055
M_O	molar mass of atomic oxygen	15.9994

M_{O2}	molar mass of molecular oxygen	31.9988
M_{C3H8}	molar mass of propane	44.09562
M_S	molar mass of sulfur	32.065
M_{THC}	molar mass of total hydrocarbon [2]	13.875389
M_{THCE}	molar mass of total hydrocarbon equivalent [2]	13.875389

[1] See paragraph (f)(1) of this section for the composition of dry air.

[2] The molar masses of THC, THCE, NMHC, and NMHCE are defined by an atomic hydrogen-to-carbon ratio, α, of 1.85.

(3) This part uses the following molar gas constant for ideal gases:

Symbol	Quantity	J/mol·K ($m^2 \cdot kg \cdot s^{-2} \cdot mol^{-1} \cdot K^{-1}$)
R	molar gas constant	8.314472

(4) This part uses the following ratios of specific heats for dilution air and diluted exhaust:

Symbol	Quantity	[J/(kg·K)]/[J/(kg·K)]
γ_{dil}	ratio of specific heats for diluted exhaust	1.385
γ_{air}	ratio of specific heats for dilution or intake air	1.399

(g) Other acronyms and abbreviations. This part uses the following additional abbreviations and acronyms:

ASTM	American Society for Testing and Materials.
BSFC	brake-specific fuel consumption.
CFR	Code of Federal Regulations.
CFV	critical-flow venturi.
CI	compression-ignition.
CLD	chemiluminescent detector.
CVS	constant-volume sampler.
DF	deterioration factor.
ECM	electronic control module.
EFC	electronic flow control.
EPA	Environmental Protection Agency.
FID	flame ionization detector.
IBP	initial boiling point.
INF	infinity.
ISO	International Organization for Standardization.
LPG	liquefied petroleum gas.
NDIR	nondispersive infrared.
NDUV	nondispersive ultraviolet.
NIST	National Institute for Standards and Technology.
PDP	positive-displacement pump.

PFD	partial-flow dilution.
pt.	a single point at the average value expected at the standard.
PTFE	polytetrafluoroethylene (commonly known as Teflon™).
RMS	root-mean square.
RTD	resistive temperature detector.
SSV	subsonic venturi.
SI	spark-ignition.
UFM	ultrasonic flow meter.
U.S.C.	United States Code.
ZrO_2	Zirconia.

BILLING CODE 6560–50–C

§ 1065.1010 Reference materials.

Documents listed in this section have been incorporated by reference into this part. 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.*

(a) *ASTM material.* Table 1 of this section 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., P.O. Box C700, West Conshohocken, PA 19428. Table 1 follows:

TABLE 1 OF § 1065.1010.—ASTM MATERIALS

Document number and name	Part 1065 reference
ASTM D 86–03, Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure	1065.73, 1065.710
ASTM D 93–02a, Standard Test Methods for Flash Point by Pensky-Martens Closed Cup Tester	1065.703
ASTM D 287–92, (Reapproved 2000), Standard Test Method for API Gravity of Crude Petroleum and Petroleum Products (Hydrometer Method)	1065.703
ASTM D 323–99a, Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method).	1065.710
ASTM D 445–03, Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (and the Calculation of Dynamic Viscosity)	1065.703
ASTM D 613–03b, Standard Test Method for Cetane Number of Diesel Fuel Oil	1065.703
ASTM D 1266–98, Standard Test Method for Sulfur in Petroleum Products (Lamp Method)	1065.710
ASTM D 1319–02a, Standard Test Method for Hydrocarbon Types in Liquid Petroleum Products by Fluorescent Indicator Adsorption	1065.710
ASTM D 1267–02, Standard Test Method for Gage Vapor Pressure of Liquefied Petroleum (LP) Gases (LP-Gas Method)	1065.720
ASTM D 1837–02a, Standard Test Method for Volatility of Liquefied Petroleum (LP) Gases	1065.720
ASTM D 1838–03, (Reapproved 2001), Standard Test Method for Copper Strip Corrosion by Liquefied Petroleum (LP) Gases	1065.720
ASTM D 1945–03, (Reapproved 2001), Standard Test Method for Analysis of Natural Gas by Gas Chromatography	1065.715
ASTM D 2158–02, Standard Test Method for Residues in Liquefied Petroleum (LP) Gases.	1065.720
ASTM D 2163–91, (Reapproved 1996), Standard Test Method for Analysis of Liquefied Petroleum (LP) Gases and Propene Concentrates by Gas Chromatography	1065.720
ASTM D 2598–02, Standard Practice for Calculation of Certain Physical Properties of Liquefied Petroleum (LP) Gases from Compositional Analysis	1065.720
ASTM D 2622–03, Standard Test Method for Sulfur in Petroleum Products by Wavelength Dispersive X-ray Fluorescence Spectrometry	1065.703
ASTM D 2713–91, (Reapproved 2001), Standard Test Method for Dryness of Propane (Valve Freeze Method)	1065.720
ASTM D 2784–98, Standard Test Method for Sulfur in Liquefied Petroleum Gases (Oxy-Hydrogen Burner or Lamp)	1065.720
ASTM D 2986–95a, (Reapproved 1999), Standard Practice for Evaluation of Air Assay Media by the Monodisperse DOP (Dioctyl Phthalate) Smoke Test	1065.170
ASTM D 3231–02, Standard Test Method for Phosphorus in Gasoline	1065.710
ASTM D 3237–02, Standard Test Method for Lead in Gasoline By Atomic Absorption Spectroscopy	1065.710
ASTM D 5186–03, Standard Test Method for Determination of the Aromatic Content and Polynuclear Aromatic Content of Diesel Fuels and Aviation Turbine Fuels By Supercritical Fluid Chromatography	1065.703
ASTM E 617–97, (Reapproved 2003), Standard Specification for Laboratory Weights and Precision Mass Standards	1065.790
ASTM F 1471–93, (Reapproved 2001), Standard Test Method for Air Cleaning Performance of a High-Efficiency Particulate Air Filter System	1065.140

(b) *ISO material.* Table 2 of this section 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 § 1065.1010.—ISO MATERIALS

Document number and name	Part 1065 reference
ISO 8178–1, Reciprocating internal combustion engines—Exhaust emission measurement—Part 1: Test-bed measurement of gaseous and particulate exhaust emissions, 2004.	1065.130, 1065.135, 1065.140, 1065.155
ISO 14644–1, Cleanrooms and associated controlled environments.	1065.190

(c) *NIST material.* Table 3 of this section lists material from the National Institute of Standards and Technology 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 request these materials from the National Institute of Standards and Technology, NIST, 100 Bureau Drive, Stop 3460, Gaithersburg, MD 20899–3460. Table 3 follows:

TABLE 3 OF § 1065.1010.—NIST MATERIALS

Document number and name	Part 1065 reference
Special Publication 811, 1995 Edition, Guide for the Use of the International System of Units (SI), Barry N. Taylor, Physics Laboratory.	1065.20, 1065.650, 1065.1005

(d) *SAE material.* Table 4 of this section lists material from the Society of Automotive Engineering 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 Society of Automotive Engineers, 400 Commonwealth Drive, Warrendale, PA 15096. Table 4 follows:

TABLE 4 OF § 1065.1010.—SAE MATERIALS

Document number 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	1065.201

PART 1068—GENERAL COMPLIANCE PROVISIONS FOR NONROAD PROGRAMS

260. The authority citation for part 1068 is revised to read as follows:

Authority: 42 U.S.C. 7401–7671q.

261. Section 1068.10 is revised to read as follows:

§ 1068.10 What provisions apply to confidential information?

(a) Clearly show what you consider confidential by marking, circling, bracketing, stamping, or some other method.

(b) We will store your confidential information as described in 40 CFR part 2. Also, we will disclose it only as specified in 40 CFR part 2. This applies both to any information you send us and to any information we collect from inspections, audits, or other site visits.

(c) If you send us a second copy without the confidential information, we will assume it contains nothing confidential whenever we need to release information from it.

(d) If you send us information without claiming it is confidential, we may make it available to the public without further notice to you, as described in 40 CFR 2.204.

262. Section 1068.30 is amended by revising the definition for ''United States'' and adding definitions for ''Days'', ''Defeat device'', ''Exempted'', ''Good engineering judgment'', ''Motor vehicle'', ''Revoke'', ''Suspend'', and ''Void'' in alphabetical order to read as follows:

§ 1068.30 What definitions apply to this part?

* * * * *

Days means calendar days, including weekends and holidays.

Defeat device means has the meaning we give in the standard-setting part.

* * * * *

Exempted means relating to an engine that is not required to meet otherwise applicable standards. Exempted engines must conform to regulatory conditions specified for an exemption in this part 1068 or in the standard-setting part. Exempted engines are deemed to be ''subject to'' the standards of the standard-setting part, even though they are not required to comply with the otherwise applicable requirements. Engines exempted with respect to a certain tier of standards may be required to comply with an earlier tier of standards as a condition of the exemption; for example, engines exempted with respect to Tier 2 standards may be required to comply with Tier 1 standards.

Good engineering judgment means judgments made consistent with generally accepted scientific and engineering principles and all available relevant information. See 40 CFR 1068.5 for the administrative process we use to evaluate good engineering judgment.

* * * * *

Motor vehicle has the meaning we give in 40 CFR 85.1703(a). In general, motor vehicle means any vehicle that EPA deems to be capable of safe and practical use on streets or highways that has a maximum ground speed above 40 kilometers per hour (25 miles per hour) over level, paved surfaces.

* * * * *

Revoke means to terminate the certificate or an exemption for an engine family. If we revoke a certificate or exemption, you must apply for a new certificate or exemption before continuing to introduce the affected engines into commerce. This does not apply to engines you no longer possess.

* * * * *

Suspend means to temporarily discontinue the certificate or an exemption for an engine family. If we suspend a certificate, you may not introduce into commerce engines from that engine family unless we reinstate the certificate or approve a new one. If we suspend an exemption, you may not introduce into commerce engines that were previously covered by the exemption unless we reinstate the exemption.

* * * * *

United States means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, and the U.S. Virgin Islands.

Void means to invalidate a certificate or an exemption *ab initio.* If we void a certificate, all the engines introduced into commerce under that engine family for that model year are considered noncompliant, and you are liable for each engine introduced into commerce under the certificate and may face civil or criminal penalties or both. This applies equally to all engines in the engine family, including engines introduced into commerce before we voided the certificate. If we void an exemption, all the engines introduced into commerce under that exemption are considered uncertified (or nonconforming), and you are liable for each engine introduced into commerce under the exemption and may face civil or criminal penalties or both. You may not introduce into commerce any additional engines using the voided exemption.

* * * * *

263. Section 1068.101 is amended by revising the introductory text and paragraphs (a) and (b) to read as follows:

§ 1068.101 What general actions does this regulation prohibit?

This section specifies actions that are prohibited and the maximum civil penalties that we can assess for each violation. The maximum penalty values listed in paragraphs (a) and (b) of this section are shown for calendar year 2004. As described in paragraph (e) of this section, maximum penalty limits for later years are set forth in 40 CFR part 19.

(a) The following prohibitions and requirements apply to manufacturers of new engines and manufacturers of equipment containing these engines, except as described in subparts C and D of this part:

(1) *Introduction into commerce.* You may not sell, offer for sale, or introduce or deliver into commerce in the United States or import into the United States any new engine or equipment after emission standards take effect for that engine or equipment, unless it has a valid certificate of conformity for its model year and the required label or tag. You also may not take any of the actions listed in the previous sentence with respect to any equipment containing an engine subject to this part's provisions, unless the engine has a valid and appropriate certificate of conformity and the required engine label or tag. For purposes of this paragraph (a)(1), an appropriate certificate of conformity is one that applies for the same model year as the model year of the equipment (except as allowed by § 1068.105(a)), covers the appropriate category of engines (such as locomotive or CI marine), and conforms to all requirements specified for equipment in the standard-setting part. The requirements of this paragraph (a)(1) also cover new engines you produce to replace an older engine in a piece of equipment, unless the engine qualifies for the replacement-engine exemption in § 1068.240. We may assess a civil penalty up to $32,500 for each engine in violation.

(2) *Reporting and recordkeeping.* This chapter requires you to record certain types of information to show that you meet our standards. You must comply with these requirements to make and maintain required records (including those described in § 1068.501). You may not deny us access to your records or the ability to copy your records if we have the authority to see or copy them. Also, you must give us the required reports or information without delay. Failure to comply with the requirements of this paragraph is prohibited. We may assess a civil penalty up to $32,500 for each day you are in violation.

(3) *Testing and access to facilities.* You may not keep us from entering your facility to test engines or inspect if we are authorized to do so. Also, you must perform the tests we require (or have the tests done for you). Failure to perform this testing is prohibited. We may assess a civil penalty up to $32,500 for each day you are in violation.

(b) The following prohibitions apply to everyone with respect to the engines to which this part applies:

(1) *Tampering.* You may not remove or disable a device or element of design that may affect an engine's emission levels. This restriction applies before and after the engine is placed in service. Section 1068.120 describes how this applies to rebuilding engines. For a manufacturer or dealer, we may assess a civil penalty up to $32,500 for each engine in violation. For anyone else, we may assess a civil penalty up to $2,750 for each engine in violation. This prohibition does not apply in any of the following situations:

(i) You need to repair an engine and you restore it to proper functioning when the repair is complete.

(ii) You need to modify an engine to respond to a temporary emergency and you restore it to proper functioning as soon as possible.

(iii) You modify a new engine that another manufacturer has already certified to meet emission standards and recertify it under your own engine family. In this case you must tell the original manufacturer not to include the modified engines in the original engine family.

(2) *Defeat devices.* You may not knowingly manufacture, sell, offer to sell, or install, an engine part that bypasses, impairs, defeats, or disables the engine's control of the emissions of any pollutant. We may assess a civil penalty up to $2,750 for each part in violation.

(3) *Stationary engines.* For an engine that is excluded from any requirements of this chapter because it is a stationary engine, you may not move it or install it in any mobile equipment, except as allowed by the provisions of this chapter. You may not circumvent or attempt to circumvent the residence-time requirements of paragraph (2)(iii) of the nonroad engine definition in § 1068.30. We may assess a civil penalty up to $32,500 for each day you are in violation.

(4) *Competition engines.* For an uncertified engine or piece of equipment that is excluded or exempted from any requirements of this chapter because it is to be used solely for competition, you may not use it in a manner that is inconsistent with use

solely for competition. We may assess a civil penalty up to $32,500 for each day you are in violation.

(5) *Importation.* You may not import an uncertified engine or piece of equipment if it is defined to be new in the standard-setting part and it is built after emission standards start to apply in the United States. We may assess a civil penalty up to $32,500 for each day you are in violation. Note the following:

(i) The definition of new is broad for imported engines; uncertified engines and equipment (including used engines and equipment) are generally considered to be new when imported.

(ii) Engines that were originally manufactured before applicable EPA standards were in effect are generally not subject to emission standards.

(6) *Warranty.* You must meet your obligation to honor your emission-related warranty under § 1068.115 and to fulfill any applicable responsibilities to recall engines under § 1068.505. Failure to meet these obligations is prohibited. We may assess a civil penalty up to $32,500 for each engine in violation.

* * * * *

264. Section 1068.105 is amended by revising paragraph (a) to read as follows:

§ 1068.105 What other provisions apply to me specifically if I manufacture equipment needing certified engines?

* * * * *

(a) *Transitioning to new engine-based standards.* If new emission standards apply in a given model year, your equipment in that model year must have engines that are certified to the new standards, except that you may use up your normal inventory of earlier engines that were built before the date of the new or changed standards. For example, if your normal inventory practice is to keep on hand a one-month supply of engines based on your upcoming production schedules, and a new tier of standard starts to apply for the 2015 model year, you may order engines based on your normal inventory requirements late in the engine manufacturer's 2014 model year and install those engines in your equipment, regardless of the date of installation. Also, if your model year starts before the end of the calendar year preceding new standards, you may use engines from the previous model year for those units you produce before January 1 of the year that new standards apply. If emission standards do not change in a given model year, you may continue to install engines from the previous model year without restriction. You may not circumvent the provisions of § 1068.101(a)(1) by stockpiling engines that were built before new or changed standards take effect. Note that this allowance does not apply for equipment subject to equipment-based standards.

* * * * *

265. Section 1068.110 is amended by revising paragraph (e) to read as follows:

§ 1068.110 What other provisions apply to engines in service?

* * * * *

(e) *Warranty and maintenance.* Owners are responsible for properly maintaining their engines; however, owners may make warranty claims against the manufacturer for all expenses related to diagnosing and repairing or replacing emission-related parts, as described in § 1068.115. The warranty period begins when the engine is first placed into service. See the standard-setting part for specific requirements. It is a violation of the Act for anyone to disable emission controls; see § 1068.101(b)(1) and the standard-setting part.

266. Section 1068.115 is amended by revising paragraph (a) to read as follows:

§ 1068.115 When must manufacturers honor emission-related warranty claims?

* * * * *

(a) As a certifying manufacturer, you may deny warranty claims only for failures that have been caused by the owner's or operator's improper maintenance or use, by accidents for which you have no responsibility, or by acts of God. For example, you would not need to honor warranty claims for failures that have been directly caused by the operator's abuse of an engine or the operator's use of the engine in a manner for which it was not designed, and are not attributable to you in any way.

* * * * *

267. Section 1068.125 is amended by revising paragraph (b) introductory text to read as follows:

§ 1068.125 What happens if I violate the regulations?

* * * * *

(b) *Administrative penalties.* Instead of bringing a civil action, we may assess administrative penalties if the total is less than $270,000 against you individually. This maximum penalty may be greater if the Administrator and the Attorney General jointly determine that is appropriate for administrative penalty assessment, or if the limit is adjusted under 40 CFR part 19. No court may review such a determination. Before we assess an administrative penalty, you may ask for a hearing (subject to 40 CFR part 22). The Administrator may compromise or remit, with or without conditions, any administrative penalty that may be imposed under this section.

* * * * *

268. Section 1068.201 is amended by revising paragraph (i) to read as follows:

§ 1068.201 Does EPA exempt or exclude any engines from the prohibited acts?

* * * * *

(i) If you want to take an action with respect to an exempted or excluded engine that is prohibited by the exemption or exclusion, such as selling it, you need to certify the engine. We will issue a certificate of conformity if you send us an application for certification showing that you meet all the applicable requirements from the standard-setting part and pay the appropriate fee. Also, in some cases, we may allow manufacturers to modify the engine as needed to make it identical to engines already covered by a certificate. We would base such an approval on our review of any appropriate documentation. These engines must have emission control information labels that accurately describe their status.

269. Section 1068.240 is amended by revising paragraph (d) to read as follows:

§ 1068.240 What are the provisions for exempting new replacement engines?

* * * * *

(d) If the engine being replaced was certified to emission standards less stringent than those in effect when you produce the replacement engine, add a permanent label with your corporate name and trademark and the following language:

THIS ENGINE COMPLIES WITH U.S. EPA NONROAD EMISSION REQUIREMENTS FOR [APPLICABLE MODEL YEAR] ENGINES UNDER 40 CFR 1068.240. SELLING OR INSTALLING THIS ENGINE FOR ANY PURPOSE OTHER THAN TO REPLACE A NONROAD ENGINE BUILT BEFORE JANUARY 1, [Insert appropriate year reflecting when the next tier of emission standards began to apply] MAY BE A VIOLATION OF FEDERAL LAW SUBJECT TO CIVIL PENALTY.

* * * * *

270. Section 1068.245 is amended by revising paragraphs (a)(4) and (f)(4) to read as follows:

§ 1068.245 What temporary provisions address hardship due to unusual circumstances?

(a) * * *

(4) No other allowances are available under the regulations in this chapter to avoid the impending violation, including the provisions of § 1068.250.

* * * * *

(f) * * *

(4) One of the following statements:

(i) If the engine does not meet any emission standards: ''THIS ENGINE IS EXEMPT UNDER 40 CFR 1068.245 FROM EMISSION STANDARDS AND RELATED REQUIREMENTS.''.

(ii) If the engine meets alternate emission standards as a condition of an exemption under this section: ''THIS ENGINE COMPLIES WITH U.S. EPA NONROAD EMISSION REQUIREMENTS UNDER 40 CFR 1068.245.''.

271. Section 1068.250 is amended by revising paragraph (k)(4) to read as follows:

§ 1068.250 What are the provisions for extending compliance deadlines for small-volume manufacturers under hardship?

* * * * *

(f) * * *

(4) One of the following statements:

(i) If the engine does not meet any emission standards: ''THIS ENGINE IS EXEMPT UNDER 40 CFR 1068.250 FROM EMISSION STANDARDS AND RELATED REQUIREMENTS.''.

(ii) If the engine meets alternate emission standards as a condition of an exemption under this section: ''THIS ENGINE COMPLIES WITH U.S. EPA NONROAD EMISSION REQUIREMENTS UNDER 40 CFR 1068.250.''.

272. Section 1068.255 is amended by revising paragraphs (a) introductory text and (b)(4) to read as follows:

§ 1068.255 What are the provisions for exempting engines for hardship for equipment manufacturers and secondary engine manufacturers?

* * * * *

(a) *Equipment exemption.* As an equipment manufacturer, you may ask for approval to produce exempted equipment for up to 12 months. We will generally limit this to the first year that new or revised emission standards apply. Send the Designated Officer a written request for an exemption before you are in violation. In your request, you must show you are not at fault for the impending violation and that you would face serious economic hardship if we do not grant the exemption. This exemption is not available under this paragraph (a) if you manufacture the engine you need for your own equipment or if complying engines are available from other engine manufacturers that could be used in your equipment, unless we allow it elsewhere in this chapter. We may impose other conditions, including provisions to use an engine meeting less stringent emission standards or to recover the lost environmental benefit. In determining whether to grant the exemptions, we will consider all relevant factors, including the following:

* * * * *

(b) * * *

(4) One of the following statements:

(i) If the engine does not meet any emission standards: ''THIS ENGINE IS EXEMPT UNDER 40 CFR 1068.255 FROM EMISSION STANDARDS AND RELATED REQUIREMENTS.''.

(ii) If the engine meets alternate emission standards as a condition of an exemption under this section: ''THIS ENGINE COMPLIES WITH U.S. EPA NONROAD EMISSION REQUIREMENTS UNDER 40 CFR 1068.255.''.

* * * * *

273. Section 1068.260 is amended by revising paragraphs (a)(4), (a)(6)(i), and (f) and adding paragraph (g) to read as follows:

§ 1068.260 What are the provisions for temporarily exempting engines for delegated final assembly?

(a) * * *

(4) Include the cost of all aftertreatment components (including shipping costs) in the cost of the engine.

* * * * *

(6) * * *

(i) Obtain annual affidavits from every equipment manufacturer to whom you sell engines under this section. Include engines that you sell through distributors or dealers. The affidavits must list the part numbers of the aftertreatment devices that equipment manufacturers install on each engine they purchase from you under this section.

* * * * *

(f) You are liable for the in-use compliance of any engine that is exempt under this section.

(g) It is a violation of the Act for any person to complete assembly of the exempted engine without complying fully with the installation instructions.

274. A new § 1068.265 is added to subpart C to read as follows:

§ 1068.265 What provisions apply to engines that are conditionally exempted from certification?

Engines produced under an exemption for replacement engines (§ 1068.240) or for hardship (§ 1068.245, § 1068.250, or § 1068.255) may need to meet alternate emission standards as a condition of the exemption. The standard-setting part may similarly exempt engines from all certification requirements, or allow us to exempt engines from all certification requirements for certain cases, but require the engines to meet alternate standards. In these cases, all the following provisions apply:

(a) Your engines must meet the alternate standards we specify in (or pursuant to) the exemption section, and all other requirements applicable to engines that are subject to such standards.

(b) You need not apply for and receive a certificate for the exempt engines. However, you must comply with all the requirements and obligations that would apply to the engines if you had received a certificate of conformity for them, unless we specifically waive certain requirements.

(c) You must have emission data from test engines using the appropriate procedures that demonstrate compliance with the alternate standards, unless the engines are identical in all material respects to engines that you have previously certified to standards that are the same as, or more stringent than, the alternate standards.

(d) Unless we specify otherwise elsewhere in this part or in the standard-setting part, you must meet the labeling requirements in the standard-setting part, with the following exceptions:

(1) Instead of an engine family designation, use a modified designation to identify the group of engines that would otherwise be included in the same engine family.

(2) Instead of the compliance statement required in the standard-setting part, add the following statement: ''THIS ENGINE MEETS U.S. EPA EMISSION STANDARDS UNDER 40 CFR 1068.265.''.

(e) You may not generate emission credits for averaging, banking, or trading with engines meeting requirements under the provisions of this section.

(f) Keep records to show that you meet the alternate standards, as follows:

(1) If your exempted engines are identical to previously certified engines, keep your most recent application for certification for the certified engine family.

(2) If you previously certified a similar engine family, but have modified the exempted engine in a way that changes it from its previously certified configuration, keep your most recent application for certification for the certified engine family, a description of the relevant changes, and any test data or engineering evaluations that support your conclusions.

(3) If you have not previously certified a similar engine family, keep all the records we specify for the application for certification and any additional

records the standard-setting part requires you to keep.

(g) We may require you to send us an annual report of the engines you produce under this section.

275. Section 1068.315 is amended by revising paragraphs (f)(2)(i) and (f)(2)(iii) to read as follows:

§ 1068.315 What are the permanent exemptions for imported engines?

* * * * *

(f) * * *

(2) * * *

(i) You have owned the engine for at least six months.

* * * * *

(iii) You use data or evidence sufficient to show that the engine is in a configuration that is identical to an engine the original manufacturer has certified to meet emission standards that apply at the time the manufacturer finished assembling or modifying the engine in question. If you modify the engine to make it identical, you must completely follow the original manufacturer's written instructions.

* * * * *

276. Section 1068.410 is amended by adding paragraph (j) to read as follows:

§ 1068.410 How must I select and prepare my engines?

* * * * *

(j) *Retesting after reaching a fail decision.* You may retest your engines once a fail decision for the audit has been reached based on the first test on each engine under § 1068.420(c). You may test each engine up to a total of three times, but you must perform the same number of tests on each engine. You may further operate the engine to stabilize emission levels before testing, subject to the provisions of paragraph (f) of this section. We may approve retesting at other times if you send us a request with satisfactory justification.

277. Section 1068.510 is amended by revising paragraph (a)(10) and adding paragraph (i) to read as follows:

§ 1068.510 How do I prepare and apply my remedial plan?

(a)* * *

(10) If your employees or authorized warranty agents will not be doing the work, state who will and describe their qualifications.

* * * * *

(i) For purposes of recall, *owner* means someone who owns an engine affected by a remedial plan or someone who owns a piece of equipment that has one of these engines.

§ 1068.540 [Removed]

278. Remove § 1068.540.

[FR Doc. 04–19223 Filed 9–9–04; 8:45 am]

BILLING CODE 6560–50–P

Federal Register

Friday,
September 10, 2004

Part III

Department of Housing and Urban Development

Federal Property Suitable as Facilities To Assist the Homeless; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4901–N–37]

Federal Property Suitable as Facilities to Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Kathy Burruss, room 7266, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; telephone (202) 708–1234; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Where property is described as for ''off-site use only'' recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Heather Ranson, Division of Property Management, Program Support Center, HHS, room 5B–17, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Mark Johnston at the address listed at the beginning of this notice. Included in the request for review should be the property address (including ZIP code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: *COE:* Ms. Shirley Middleswarth, Army Corps of Engineers, Civil Division, Directorate of Real Estate, 441 G Street, NW., Washington, DC 20314–1000; (202) 761–7425; *GSA:* Mr. Brian K. Polly, Assistant Commissioner, General Services Administration, Office of Property Disposal, 18th and F Streets, NW., Washington, DC 20405; (202) 501–0084; *Energy:* Mr. Andy Duran, Department of Energy, Office of Engineering & Construction Management, ME–90, 1000 Independence Ave., SW., Washington, DC 20585; (202) 586–4548; *Navy:* Mr. Charles C. Cocks, Director, Department of the Navy, Real Estate Policy Division, Naval Facilities Engineering Command, Washington Navy Yard, 1322 Patterson Ave., SE., Suite 1000, Washington, DC 20374–5065; (202) 685–9200; *VA:* Ms. Amelia E. McLellan, Director, Real Property Service (183C), Department of Veterans Affairs, 810 Vermont Avenue, NW., Room 419, Washington, DC 20420; (202) 565–5398 (These are not toll-free numbers).

Dated: September 2, 2004.

Mark R. Johnston,

Director, Office of Special Needs Assistance Programs.

Title V, Federal Surplus Property Program Federal Register Report for 9/10/04

Suitable/Available Properties

Buildings (by State)

Alaska

House
910 S. Felton Street
Tsunami Warning Center
Palmer Co: AK
Landholding Agency: GSA
Property Number: 54200430007
Status: Surplus
Comment: 1400 sq. ft., off-site use only
GSA Number: 9–C–AK–794

California

Facility #29
Fleet ASW Training Center
Point Loma CA
Landholding Agency: Navy
Property Number: 77200410033
Status: Excess
Comment: metal bldg. most recent use—storage, off-site use only

Bldg. 29
Naval Base Point Loma
San Diego CA
Landholding Agency: Navy
Property Number: 77200420038
Status: Excess
Comment: 40x28x15 metal bldg., most recent use—storage, off-site use only

Colorado

Bldg. 2
VAMC
2121 North Avenue
Grand Junction Co: Mesa CO 81501–
Landholding Agency: VA
Property Number: 97200430001
Status: Unutilized
Comment: 3298 sq. ft., needs major rehab, presence of asbestos/lead paint

Bldg. 3
VAMC
2121 North Avenue

Grand Junction Co: Mesa CO 81501–
Landholding Agency: VA
Property Number: 97200430002
Status: Unutilized
Comment: 7275 sq. ft., needs major rehab, presence of asbestos/lead paint

Hawaii

Bldg. 442, Naval Station
Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77199630088
Status: Excess
Comment: 192 sq. ft., most recent use—storage, off-site use only

Bldg. S180
Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77199640039
Status: Unutilized
Comment: 3412 sq. ft., 2-story, most recent use—bomb shelter, off-site use only, relocation may not be feasible

Bldg. S181
Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77199640040
Status: Unutilized
Comment: 4258 sq. ft., 1-story, most recent use—bomb shelter, off-site use only, relocation may not be feasible

Bldg. 219
Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77199640041
Status: Unutilized
Comment: 620 sq. ft., most recent use—damage control, off-site use only, relocation may not be feasible

Bldg. 220
Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77199640042
Status: Unutilized
Comment: 620 sq. ft., most recent use—damage control, off-site use only, relocation may not be feasible

Bldg. 2600NS
Moanalua Prop/Naval Station
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77200410009
Status: Unutilized
Comment: 841 sq. ft., concrete, possible lead based paint, off-site use only

Bldg. 2602
Moanalua Prop/Naval Station
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77200410022
Status: Unutilized
Comment: 12,960 sq. ft. w/1372 sq. ft. addition, possible lead based paint, off-site use only

Bldg. 2613
Moanalua Prop/Naval Station
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77200410023
Status: Unutilized
Comment: 3200 sq. ft., possible lead based paint

Idaho

Bldg. AFD–16073
Albeni Falls Dam Proj.
Bonner Co: ID
Landholding Agency: COE
Property Number: 31200430001
Status: Unutilized
Comment: 1440 sq. ft., double-wide trailer, most recent use—office, off-site use only

Bldg. CF603
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200020004
Status: Excess
Comment: 15,005 sq ft. cinder block, presence of asbestos/lead paint, major rehab, off-site use only

Indiana

Bldg. 105, VAMC
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 97199230006
Status: Excess
Comment: 310 sq. ft., 1 story stone structure, no sanitary or heating facilities, Natl Register of Historic Places

Bldg. 140, VAMC
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 97199230007
Status: Excess
Comment: 60 sq. ft., concrete block bldg., most recent use—trash house

Bldg. 7
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Landholding Agency: VA
Property Number: 97199810001
Status: Underutilized
Comment: 16,864 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 10
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Landholding Agency: VA
Property Number: 97199810002
Status: Underutilized
Comment: 16,361 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 11
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Landholding Agency: VA
Property Number: 97199810003
Status: Underutilized
Comment: 16,361 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 18
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Landholding Agency: VA
Property Number: 97199810004
Status: Underutilized
Comment: 13,802 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 25
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Landholding Agency: VA
Property Number: 97199810005
Status: Unutilized
Comment: 32,892 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 1
N. Indiana Health Care System
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 97200310001
Status: Unutilized
Comment: 20,287 sq. ft., needs extensive repairs, presence of asbestos, most recent use—patient ward

Bldg. 3
N. Indiana Health Care System
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 97200310002
Status: Unutilized
Comment: 20,550 sq. ft., needs extensive repairs, presence of asbestos, most recent use—patient ward

Bldg. 4
N. Indiana Health Care System
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 97200310003
Status: Unutilized
Comment: 20,550 sq. ft., needs extensive repairs, presence of asbestos, most recent use—patient ward

Bldg. 13
N. Indiana Health Care System
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 97200310004
Status: Unutilized
Comment: 8971 sq. ft., needs extensive repairs, presence of asbestos, most recent use—office

Bldg. 19
N. Indiana Health Care System
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 97200310005
Status: Unutilized
Comment: 12,237 sq. ft., needs extensive repairs, presence of asbestos, most recent use—office

Bldg. 20
N. Indiana Health Care System
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 97200310006
Status: Unutilized
Comment: 14,039 sq. ft., needs extensive repairs, presence of asbestos, most recent use—office/storage

Bldg. 42
N. Indiana Health Care System
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 97200310007
Status: Unutilized

Comment: 5025 sq. ft., needs extensive repairs, presence of asbestos, most recent use—office

Bldg. 60
N. Indiana Health Care System
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 97200310008
Status: Unutilized
Comment: 18,126 sq. ft., needs extensive repairs, presence of asbestos, most recent use—office

Bldg. 122
N. Indiana Health Care System
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 97200310009
Status: Unutilized
Comment: 37,135 sq. ft., needs extensive repairs, presence of asbestos, most recent use—dining hall/kitchen

Kentucky

Green River Lock & Dam #3
Rochester Co: Butler KY 42273–
Location: SR 70 west from Morgantown, KY, approximately 7 miles to site.
Landholding Agency: COE
Property Number: 31199010022
Status: Unutilized
Comment: 980 sq. ft.; 2 story wood frame; two story residence; potential utilities; needs major rehab.

Comfort Station
Rough River Lake
Grayson KY
Landholding Agency: COE
Property Number: 31200420004
Status: Unutilized
Comment: 160 sq. ft., concrete block, off-site use only

SSA Building
148 Second Street
Pikeville Co: KY 41501–
Landholding Agency: GSA
Property Number: 54200430004
Status: Excess
Comment: 4350 sq. ft., possible lead paint, presence of asbestos, most recent use—office
GSA Number: 4–G–KY–0611

Maryland

Bldg. 1639
Naval Air Station
21905 Cuddihy Road
Patuxent River Co: MD
Landholding Agency: Navy
Property Number: 77200430039
Status: Excess
Comment: 6623 sq. ft., presence of asbestos, most recent use—office, off-site use only

Missouri

Trailer
Gasconade Harbor Facility
Gasconade Co: MO 65036–
Landholding Agency: COE
Property Number: 31200430002
Status: Unutilized
Comment: 55 ft. x 12 ft., most recent use—office, off-site use only

Montana

Bldg. 1
Butte Natl Guard
Butte Co: Silverbow MT 59701–
Landholding Agency: COE
Property Number: 31200040010
Status: Unutilized
Comment: 22,799 sq. ft., presence of asbestos, most recent use—cold storage, off-site use only

Bldg. 2
Butte Natl Guard
Butte Co: Silverbow MT 59701–
Landholding Agency: COE
Property Number: 31200040011
Status: Unutilized
Comment: 3292 sq. ft., most recent use—cold storage, off-site use only

Bldg. 3
Butte Natl Guard
Butte Co: Silverbow MT 59701–
Landholding Agency: COE
Property Number: 31200040012
Status: Unutilized
Comment: 964 sq. ft., most recent use—cold storage, off-site use only

Bldg. 4
Butte Natl Guard
Butte Co: Silverbow MT 59701–
Landholding Agency: COE
Property Number: 31200040013
Status: Unutilized
Comment: 72 sq. ft., most recent use—cold storage, off-site use only

Bldg. 5
Butte Natl Guard
Butte Co: Silverbow MT 59701–
Landholding Agency: COE
Property Number: 31200040014
Status: Unutilized
Comment: 1286 sq. ft., most recent use—cold storage, off-site use only

Nebraska

SSA Building 1937 Avenue A
Scottsbluff Co: NE 69361–
Landholding Agency: GSA
Property Number: 54200430005
Status: Excess
Comment: 3142 sq. ft., most recent use—office
GSA Number : 7–G–NE–0529

Ohio

Barker Historic House
Willow Island Locks and Dam
Newport Co: Washington OH 45768–9801
Location: Located at lock site, downstream of lock and dam structure
Landholding Agency: COE
Property Number: 31199120018
Status: Unutilized
Comment: 1600 sq. ft. bldg. with ½ acre of land, 2 story brick frame, needs rehab, on Natl Register of Historic Places, no utilities, off-site use only

Residence 506 Reservoir Rd.
Paint Creek Lake
Bainbridge Co: Highland OH 45612–
Landholding Agency: COE
Property Number: 31200210008
Status: Unutilized
Comment: 1200 sq. ft., needs repair, off-site use only

Pennsylvania

Mahoning Creek Reservoir
New Bethlehem Co: Armstrong PA 16242–
Landholding Agency: COE
Property Number: 31199210008
Status: Unutilized
Comment: 1015 sq. ft., 2 story brick residence, off-site use only

Dwelling
Lock & Dam 6, Allegheny River, 1260 River Rd.
Freeport Co: Armstrong PA 16229–2023
Landholding Agency: COE
Property Number: 31199620008
Status: Unutilized
Comment: 2652 sq. ft., 3-story brick house, in close proximity to Lock and Dam, available for interim use for nonresidential purposes
Govt. Dwelling
Youghiogheny River Lake
Confluence Co: Fayette PA 15424–9103
Landholding Agency: COE
Property Number: 31199640002
Status: Unutilized
Comment: 1421 sq. ft., 2-story brick w/ basement, most recent use—residential

Dwelling
Lock & Dam 4, Allegheny River
Natrona Co: Allegheny PA 15065–2609
Landholding Agency: COE
Property Number: 31199710009
Status: Unutilized
Comment: 1664 sq. ft., 2-story brick residence, needs repair, off-site use only

Dwelling #1
Crooked Creek Lake
Ford City Co: Armstrong PA 16226–8815
Landholding Agency: COE
Property Number: 31199740002
Status: Excess
Comment: 2030 sq. ft., most recent use—residential, good condition, off-site use only

Dwelling #2
Crooked Creek Lake
Ford City Co: Armstrong PA 16226–8815
Landholding Agency: COE
Property Number: 31199740003
Status: Excess
Comment: 3045 sq. ft., most recent use—residential, good condition, off-site use only

Govt Dwelling
East Branch Lake
Wilcox Co: Elk PA 15870–9709
Landholding Agency: COE
Property Number: 31199740005
Status: Underutilized
Comment: approx. 5299 sq. ft., 1-story, most recent use—residence, off-site use only

Dwelling #1
Loyalhanna Lake
Saltsburg Co: Westmoreland PA 15681–9302
Landholding Agency: COE
Property Number: 31199740006
Status: Excess
Comment: 1996 sq. ft., most recent use—residential, good condition, off-site use only

Dwelling #2
Loyalhanna Lake
Saltsburg Co: Westmoreland PA 15681–9302
Landholding Agency: COE
Property Number: 31199740007
Status: Excess
Comment: 1996 sq. ft., most recent use—residential, good condition, off-site use only

Dwelling #1

Woodcock Creek Lake
Saegertown Co: Crawford PA 16433–0629
Landholding Agency: COE
Property Number: 31199740008
Status: Excess
Comment: 2106 sq. ft., most recent use—residential, good condition, off-site use only

Dwelling #2
Lock & Dam 6, 1260 River Road
Freeport Co: Armstrong PA 16229–2023
Landholding Agency: COE
Property Number: 31199740009
Status: Excess
Comment: 2652 sq. ft., most recent use—residential, good condition, off-site use only.

Dwelling #2
Youghiogheny River Lake
Confluence Co: Fayette PA 15424–9103
Landholding Agency: COE
Property Number: 31199830003
Status: Excess
Comment: 1421 sq. ft., 2-story + basement, most recent use—residential.

Residence A
2045 Pohopoco Drive
Lehighton Co: Carbon PA 18235–
Landholding Agency: COE
Property Number: 31200410007
Status: Unutilized
Comment: 1200 sq. ft., presence of asbestos, off-site use only.

Bldg. 3, VAMC
1700 South Lincoln Avenue
Lebanon Co: Lebanon PA 17042–
Landholding Agency: VA
Property Number: 97199230012
Status: Underutilized
Comment: portion of bldg. (4046 sq. ft.), most recent use—storage, second floor—lacks elevator access.

South Dakota

Residence/Tract 143
Pierre SD 57532–
Landholding Agency: COE
Property Number: 31200330008
Status: Excess
Comment: 960 sq. ft., off-site use only.

Residence/Tract 420
Pierre SD 57532–
Landholding Agency: COE
Property Number: 31200330012
Status: Excess
Comment: 1680 sq. ft., off-site use only.

Tract 155
Oahe Dam/Lake Oahe
Pierre Co: Hughes SD 57501–
Landholding Agency: COE
Property Number: 31200420019
Status: Excess
Comment: 1008 sq. ft. residence, off-site use only.

Tract 806
Oake Dam/Lake Oahe
Ft. Pierre Co: Stanley SD 57532–
Landholding Agency: COE
Property Number: 31200420020
Status: Excess
Comment: 1624 sq. ft. residence, off-site use only.

Virginia

Metal Bldg.
John H. Kerr Dam & Reservoir
Co: Boydton VA
Landholding Agency: COE
Property Number: 31199620009
Status: Excess
Comment: 800 sq. ft., most recent use—storage, off-site use only.

Wisconsin

Former Lockmaster's Dwelling
Cedar Locks
4527 East Wisconsin Road
Appleton Co: Outagamie WI 54911–
Landholding Agency: COE
Property Number: 31199011524
Status: Unutilized
Comment: 1224 sq. ft.; 2 story brick/wood frame residence; needs rehab; secured area with alternate access.

Former Lockmaster's Dwelling
Appleton 4th Lock
905 South Lowe Street
Appleton Co: Outagamie WI 54911–
Landholding Agency: COE
Property Number: 31199011525
Status: Unutilized
Comment: 908 sq. ft.; 2 story wood frame residence; needs rehab.

Former Lockmaster's Dwelling
Kaukauna 1st Lock
301 Canal Street
Kaukauna Co: Outagamie WI 54131–
Landholding Agency: COE
Property Number: 31199011527
Status: Unutilized
Comment: 1290 sq. ft.; 2 story wood frame residence; needs rehab; secured area with alternate access.

Former Lockmaster's Dwelling
Appleton 1st Lock
905 South Oneida Street
Appleton Co: Outagamie WI 54911–
Landholding Agency: COE
Property Number: 31199011531
Status: Unutilized
Comment: 1300 sq. ft.; potential utilities; 2 story wood frame residence; needs rehab; secured area with alternate access.

Former Lockmaster's Dwelling
Rapid Croche Lock
Lock Road
Wrightstown Co: Outagamie WI 54180–
Location: 3 miles southwest of intersection State Highway 96 and Canal Road.
Landholding Agency: COE
Property Number: 31199011533
Status: Unutilized
Comment: 1952 sq. ft.; 2 story wood frame residence; potential utilities; needs rehab.

Former Lockmaster's Dwelling
Little KauKauna Lock
Little KauKauna
Lawrence Co: Brown WI 54130–
Location: 2 miles southeasterly from intersection of Lost Dauphin Road (County Trunk Highway ''D'') and River Street.
Landholding Agency: COE
Property Number: 31199011535
Status: Unutilized
Comment: 1224 sq. ft.; 2 story brick/wood frame residence; needs rehab.

Former Lockmaster's Dwelling
Little Chute, 2nd Lock
214 Mill Street
Little Chute Co: Outagamie WI 54140–
Landholding Agency: COE
Property Number: 31199011536
Status: Unutilized
Comment: 1224 sq. ft.; 2 story brick/wood frame residence; potential utilities; needs rehab; secured area with alternate access.

Bldg. 8
VA Medical Center
County Highway E
Tomah Co: Monroe WI 54660–
Landholding Agency: VA
Property Number: 97199010056
Status: Underutilized
Comment: 2200 sq. ft., 2 story wood frame, possible asbestos, potential utilities, structural deficiencies, needs rehab.

Land (by State)

Alabama

VA Medical Center
VAMC
Tuskegee Co: Macon AL 36083–
Landholding Agency: VA
Property Number: 97199010053
Status: Underutilized
Comment: 40 acres, buffer to VA Medical Center, potential utilities, undeveloped.

Alaska

Recreation Site
Harding Lake
Salcha Co: AK
Landholding Agency: GSA
Property Number: 54200430006
Status: Surplus
Comment: 20 acres, no utilities.
GSA Number: 9–D–AK–768

Arkansas

Parcel 01
DeGray Lake
Section 12
Arkadelphia Co: Clark AR 71923–9361
Landholding Agency: COE
Property Number: 31199010071
Status: Unutilized
Comment: 77.6 acres.

Parcel 02
DeGray Lake
Section 13
Arkadelphia Co: Clark AR 71923–9361
Landholding Agency: COE
Property Number: 31199010072
Status: Unutilized
Comment: 198.5 acres.

Parcel 03
DeGray Lake
Section 18
Arkadelphia Co: Clark AR 71923–9361
Landholding Agency: COE
Property Number: 31199010073
Status: Unutilized
Comment: 50.46 acres.

Parcel 04
DeGray Lake
Section 24, 25, 30 and 31
Arkadelphia Co: Clark AR 71923–9361
Landholding Agency: COE
Property Number: 31199010074
Status: Unutilized
Comment: 236.37 acres.

Parcel 05
DeGray Lake
Section 16
Arkadelphia Co: Clark AR 71923–9361
Landholding Agency: COE
Property Number: 31199010075

Status: Unutilized
Comment: 187.30 acres.
Parcel 06
DeGray Lake
Section 13
Arkadelphia Co: Clark AR 71923–9361
Landholding Agency: COE
Property Number: 31199010076
Status: Unutilized
Comment: 13.0 acres

Parcel 07
DeGray Lake
Section 34
Arkadelphia Co: Hot Spring AR 71923–9361
Landholding Agency: COE
Property Number: 31199010077
Status: Unutilized
Comment: 0.27 acres

Parcel 08
DeGray Lake
Section 13
Arkadelphia Co: Clark AR 71923–9361
Landholding Agency: COE
Property Number: 31199010078
Status: Unutilized
Comment: 14.6 acres

Parcel 09
DeGray Lake
Section 12
Arkadelphia Co: Hot Spring AR 71923–9361
Landholding Agency: COE
Property Number: 31199010079
Status: Unutilized
Comment: 6.60 acres

Parcel 10
DeGray Lake
Section 12
Arkadelphia Co: Hot Spring AR 71923–9361
Landholding Agency: COE
Property Number: 31199010080
Status: Unutilized
Comment: 4.5 acres

Parcel 11
DeGray Lake
Section 19
Arkadelphia Co: Hot Spring AR 71923–9361
Landholding Agency: COE
Property Number: 31199010081
Status: Unutilized
Comment: 19.50 acres

Lake Greeson
Section 7, 8 and 18
Murfreesboro Co: Pike AR 71958–9720
Landholding Agency: COE
Property Number: 31199010083
Status: Unutilized
Comment: 46 acres

California

Land
4150 Clement Street
San Francisco Co: San Francisco CA 94121–
Landholding Agency: VA
Property Number: 97199240001
Status: Underutilized
Comment: 4 acres; landslide area.

Iowa

40.66 acres
VA Medical Center
1515 West Pleasant St.
Knoxville Co: Marion IA 50138–
Landholding Agency: VA
Property Number: 97199740002
Status: Unutilized
Comment: golf course, easement requirements

Kansas

Parcel 1
El Dorado Lake
Section 13, 24, and 18 (See County) Co: Butler KS
Landholding Agency: COE
Property Number: 31199010064
Status: Unutilized
Comment: 61 acres; most recent use—recreation.

Kentucky

Tract 2625
Barkley Lake, Kentucky, and Tennessee
Cadiz Co: Trigg KY 42211–
Location: Adjoining the village of Rockcastle.
Landholding Agency: COE
Property Number: 31199010025
Status: Excess
Comment: 2.57 acres; rolling and wooded.

Tract 2709–10 and 2710–2
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211–
Location: 2½ miles in a southerly direction from the village of Rockcastle.
Landholding Agency: COE
Property Number: 31199010026
Status: Excess
Comment: 2.00 acres; steep and wooded.

Tract 2708–1 and 2709–1
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211–
Location: 2½ miles in a southerly direction from the village of Rockcastle.
Landholding Agency: COE
Property Number: 31199010027
Status: Excess
Comment: 3.59 acres; rolling and wooded; no utilities.

Tract 2800
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211–
Location: 4½ miles in a southeasterly direction from the village of Rockcastle.
Landholding Agency: COE
Property Number: 31199010028
Status: Excess
Comment: 5.44 acres; steep and wooded.

Tract 2915
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211–
Location: 6½ miles west of Cadiz.
Landholding Agency: COE
Property Number: 31199010029
Status: Excess
Comment: 5.76 acres; steep and wooded; no utilities.

Tract 2702
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211–
Location: 1 mile in a southerly direction from the village of Rockcastle.
Landholding Agency: COE
Property Number: 31199010031
Status: Excess
Comment: 4.90 acres; wooded; no utilities.

Tract 4318
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Location: Trigg Co. adjoining the city of Canton, KY on the waters of Hopson Creek.
Landholding Agency: COE
Property Number: 31199010032
Status: Excess
Comment: 8.24 acres; steep and wooded.

Tract 4502
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Location: 3½ miles in a southerly direction from Canton, KY.
Landholding Agency: COE
Property Number: 31199010033
Status: Excess
Comment: 4.26 acres; steep and wooded.

Tract 4611
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Location: 5 miles south of Canton, KY.
Landholding Agency: COE
Property Number: 31199010034
Status: Excess
Comment: 10.51 acres; steep and wooded; no utilities.

Tract 4619
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Location: 4½ miles south of Canton, KY.
Landholding Agency: COE
Property Number: 31199010035
Status: Excess
Comment: 2.02 acres; step and wooded; no utilities.

Tract 4817
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Location: 6½ miles south of Canton, KY.
Landholding Agency: COE
Property Number: 31199010036
Status: Excess
Comment: 1.75 acres; wooded.

Tract 1217
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: On the north side of the Illinois Central Railroad.
Landholding Agency: COE
Property Number: 31199010042
Status: Excess
Comment: 5.80 acres; steep and wooded.

Tract 1906
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: Approximately 4 miles east of Eddyville, KY.
Landholding Agency: COE
Property Number: 31199010044
Status: Excess
Comment: 25.86 acres; rolling steep and partially wooded; no utilities.

Tract 1907
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42038
Location: On the waters of Pilfen Creek, 4 miles east of Eddyville, KY.
Landholding Agency: COE
Property Number: 31199010045
Status: Excess
Comment: 8.71 acres; rolling steep and wooded; no utilities.

Tract 2001 #1
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: Approximately 4½ miles east of Eddyville, KY.
Landholding Agency: COE
Property Number: 31199010046
Status: Excess

Comment: 47.42 acres; steep and wooded; no utilities.

Tract 2001 #2
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: Approximatel 4½ miles east of Eddyville, KY.
Landholding Agency: COE
Property Number: 31199010047
Status: Excess
Comment: 8.64 acres; steep and wooded; no utilities.

Tract 2005
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: Approximately 5½ miles east of Eddyville, KY.
Landholding Agency: COE
Property Number: 31199010048
Status: Excess
Comment: 4.62 acres; steep and wooded; no utilities.

Tract 2307
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: 7½ miles southeasterly of Eddyville, KY.
Landholding Agency: COE
Property Number: 31199010049
Status: Excess
Comment: 11.43 acres; steep; rolling and wooded; no utilities.

Tract 2403
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: 7 miles southeasterly of Eddyville, KY.
Landholding Agency: COE
Property Number: 31199010050
Status: Excess
Comment: 1.56 acres; steep and wooded; no utilities.

Tract 2504
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: 9 miles southeasterly of Eddyville, KY.
Landholding Agency: COE
Property Number: 31199010051
Status: Excess
Comment: 24.46 acres; steep and wooded; no utilities.

Tract 214
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: South of the Illinois Central Railroad, 1 mile east of the Cumberland River.
Landholding Agency: COE
Property Number: 31199010052
Status: Excess
Comment: 5.5 acres; wooded; no utilities.

Tract 215
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: 5 miles southwest of Kuttawa
Landholding Agency: COE
Property Number: 31199010053
Status: Excess
Comment: 1.40 acres; wooded; no utilities.

Tract 241
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: Old Henson Ferry Road, 6 miles west of Kuttawa, KY.
Landholding Agency: COE
Property Number: 31199010054
Status: Excess
Comment: 1.26 acres; steep and wooded; no utilities.

Tracts 306, 311, 315 and 325
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: 2.5 miles southwest of Kuttawa, KY. on the waters of Cypress Creek.
Landholding Agency: COE
Property Number: 31199010055
Status: Excess
Comment: 38.77 acres; steep and wooded; no utilities.

Tracts 2305, 2306, and 2400–1
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: 6½ miles southeasterly of Eddyville, KY.
Landholding Agency: COE
Property Number: 31199010056
Status: Excess
Comment: 97.66 acres; steep rolling and wooded; no utilities.

Tracts 5203 and 5204
Barkley Lake, Kentucky and Tennessee
Linton Co: Trigg KY 42212–
Location: Village of Linton, KY state highway 1254.
Landholding Agency: COE
Property Number: 31199010058
Status: Excess
Comment: 0.93 acres; rolling, partially wooded; no utilities.

Tract 5240
Barkley Lake, Kentucky and Tennessee
Linton Co: Trigg KY 42212–
Location: 1 mile northwest of Linton, KY.
Landholding Agency: COE
Property Number: 31199010059
Status: Excess
Comment: 2.26 acres; steep and wooded; no utilities.

Tract 4628
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Location: 4½ miles south from Canton, KY.
Landholding Agency: COE
Property Number: 31199011621
Status: Excess
Comment: 3.71 acres; steep and wooded; subject to utility easements.

Tract 4619–B
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Location: 4½ miles south from Canton, KY.
Landholding Agency: COE
Property Number: 31199011622
Status: Excess
Comment: 1.73 acres; steep and wooded; subject to utility easements.

Tract 2403–B
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42038–
Location: 7 miles southeasterly from Eddyville, KY.
Landholding Agency: COE
Property Number: 31199011623
Status: Unutilized
Comment: 0.70 acres, wooded; subject to utility easements.

Tract 241–B
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: South of Old Henson Ferry Road, 6 miles west of Kuttawa, KY.
Landholding Agency: COE
Property Number: 31199011624
Status: Excess
Comment: 11.16 acres; steep and wooded; subject to utility easements.

Tracts 212 and 237
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: Old Henson Ferry Road, 6 miles west of Kuttawa, KY.
Landholding Agency: COE
Property Number: 31199011625
Status: Excess
Comment: 2.44 acres; steep and wooded; subject to utility easements.

Tract 215–B
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: 5 miles southwest of Kuttawa
Landholding Agency: COE
Property Number: 31199011626
Status: Excess
Comment: 1.00 acres; wooded; subject to utility easements.

Tract 233
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: 5 miles southwest of Kuttawa
Landholding Agency: COE
Property Number: 31199011627
Status: Excess
Comment: 1.00 acres; wooded; subject to utility easements.

Tract N–819
Dale Hollow Lake & Dam Project
Illwill Creek, Hwy 90
Hobart Co: Clinton KY 42601–
Landholding Agency: COE
Property Number: 31199140009
Status: Underutilized
Comment: 91 acres, most recent use—hunting, subject to existing easements

Portion of Lock & Dam No. 1
Kentucky River
Carrolton Co: Carroll KY 41008–0305
Landholding Agency: COE
Property Number: 31199320003
Status: Unutilized
Comment: Approx. 3.5 acres (sloping), access monitored

Tract No. F–610
Buckhorn Lake Project
Buckhorn KY 41721–
Landholding Agency: COE
Property Number: 31200240001
Status: Unutilized
Comment: 0.64 acres, encroachments, most recent use—flood control purposes

Louisiana

Wallace Lake Dam and Reservoir
Shreveport Co: Caddo LA 71103–
Landholding Agency: COE
Property Number: 31199011009
Status: Unutilized
Comment: 10.81 acres; wildlife/forestry; no utilities.

Bayou Bodcau Dam and Reservoir
Haughton Co: Caddo LA 71037–9707
Location: 35 miles Northeast of Shreveport, La.
Landholding Agency: COE

Property Number: 31199011010
Status: Unutilized
Comment: 203 acres; wildlife/forestry; no utilities.

Mississippi

Parcel 7
Grenada Lake
Sections 22, 23, T24N
Grenada Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 31199011019
Status: Underutilized
Comment: 100 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 8
Grenada Lake
Section 20, T24N
Grenada Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 31199011020
Status: Underutilized
Comment: 30 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 9
Grenada Lake
Section 20, T24N, R7E
Grenada Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 31199011021
Status: Underutilized
Comment: 23 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 10
Grenada Lake
Sections 16, 17, 18 T24N R8E
Grenada Co: Calhoun MS 38901–0903
Landholding Agency: COE
Property Number: 31199011022
Status: Underutilized
Comment: 490 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 2
Grenada Lake
Section 20 and T23N, R5E
Grenada Co: Grenada MS 38901–0903
Landholding Agency: COE
Property Number: 31199011023
Status: Underutilized
Comment: 60 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 3
Grenada Lake
Section 4, T23N, R5E
Grenada Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 31199011024
Status: Underutilized
Comment: 120 acres; no utilities; most recent use—wildlife and forestry management; (13.5 acres/agriculture lease).

Parcel 4
Grenada Lake
Section 2 and 3. T23N, R5E
Grenada Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 31199011025
Status: Underutilized
Comment: 60 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 5
Grenada Lake
Section 7, T24N, R6E
Grenada Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 31199011026
Status: Underutilized
Comment: 20 acres; no utilities; most recent use—wildlife and forestry management; (14 acres/agriculture lease).

Parcel 6
Grenada Lake
Section 9, T24N, R6E
Grenada Co: Yalobusha MS 38903–0903
Landholding Agency: COE
Property Number: 31199011027
Status: Underutilized
Comment: 80 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 11
Grenada Lake
Section 20, T24N, R8E
Grenada Co: Calhoun MS 38901–0903
Landholding Agency: COE
Property Number: 31199011028
Status: Underutilized
Comment: 30 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 12
Grenada Lake
Section 25, T24N, R7E
Grenada Co: Yalobusha MS 38390–10903
Landholding Agency: COE
Property Number: 31199011029
Status: Underutilized
Comment: 30 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 13
Grenada Lake
Section 34, T24N, R7E
Grenada Co: Yalobusha MS 38903–0903
Landholding Agency: COE
Property Number: 31199011030
Status: Underutilized
Comment: 35 acres; no utilities; most recent use—wildlife and forestry management; (11 acres/agriculture lease).

Parcel 14
Grenada Lake
Section 3, T23N, R6E
Grenada Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 31199011031
Status: Underutilized
Comment: 15 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 15
Grenada Lake
Section 4, T24N, R6E
Grenada Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 31199011032
Status: Underutilized
Comment: 40 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 16
Grenada Lake
Section 9, T23N, R6E
Grenada Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 31199011033
Status: Underutilized
Comment: 70 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 17
Grenada Lake
Section 17, T23N, R7E
Grenada Co: Grenada MS 28901–0903
Landholding Agency: COE
Property Number: 31199011034
Status: Underutilized
Comment: 35 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 18
Grenada Lake
Section 22, T23N, R7E
Grenada Co: Grenada MS 28902–0903
Landholding Agency: COE
Property Number: 31199011035
Status: Underutilized
Comment: 10 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 19
Grenada Lake
Section 9, T22N, R7E
Grenada Co: Grenada MS 38901–0903
Landholding Agency: COE
Property Number: 31199011036
Status: Underutilized
Comment: 20 acres; no utilities; most recent use—wildlife and forestry management.

Missouri

Harry S Truman Dam & Reservoir
Warsaw Co: Benton MO 65355–
Location: Triangular shaped parcel southwest of access road ''B'', part of Bledsoe Ferry Park Tract 150.
Landholding Agency: COE
Property Number: 31199030014
Status: Underutilized
Comment: 1.7 acres; potential utilities.

Oklahoma

Pine Creek Lake
Section 27
(See County) Co: McCurtain OK
Landholding Agency: COE
Property Number: 31199010923
Status: Unutilized
Comment: 3 acres; no utilities; subject to right of way for Oklahoma State Highway 3.

Pennsylvania

Mahoning Creek Lake
New Bethlehem Co: Armstrong PA 16242–9603
Location: Route 28 north to Belknap, Road #4
Landholding Agency: COE
Property Number: 31199010018
Status: Excess
Comment: 2.58 acres; steep and densely wooded.

Tracts 610, 611, 612
Shenango River Lake
Sharpsville Co: Mercer PA 16150–
Location: I–79 North, I–80 West, Exit Sharon. R18 North 4 miles, left on R518, right on Mercer Avenue.
Landholding Agency: COE
Property Number: 31199011001
Status: Excess
Comment: 24.09 acres; subject to flowage easement

Tracts L24, L26
Crooked Creek Lake
Co: Armstrong PA 03051–
Location: Left bank—55 miles downstream of dam.
Landholding Agency: COE
Property Number: 31199011011

Status: Unutilized
Comment: 7.59 acres; potential for utilities.

Portion of Tract L–21A
Crooked Creek Lake, LR 03051
Ford City Co: Armstrong PA 16226–
Landholding Agency: COE
Property Number: 31199430012
Status: Unutilized
Comment: Approximately 1.72 acres of undeveloped land, subject to gas rights

Tennessee

Tract 6827
Barkley Lake
Dover Co: Stewart TN 37058–
Location: 2 1/2 miles west of Dover, TN.
Landholding Agency: COE
Property Number: 31199010927
Status: Excess
Comment: .57 acres; subject to existing easements.

Tracts 6002–2 and 6010
Barkley Lake
Dover Co: Stewart TN 37058–
Location: 3 1/2 miles south of village of Tabaccoport.
Landholding Agency: COE
Property Number: 31199010928
Status: Excess
Comment: 100.86 acres; subject to existing easements.

Tract 11516
Barkley Lake
Ashland City Co: Dickson TN 37015–
Location: 1/2 mile downstream from Cheatham Dam
Landholding Agency: COE
Property Number: 31199010929
Status: Excess
Comment: 26.25 acres; subject to existing easements.

Tract 2319
J. Percy Priest Dam and Resorvoir
Murfreesboro Co: Rutherford TN 37130–
Location: West of Buckeye Bottom Road
Landholding Agency: COE
Property Number: 31199010930
Status: Excess
Comment: 14.48 acres; subject to existing easements.

Tract 2227
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130–
Location: Old Jefferson Pike
Landholding Agency: COE
Property Number: 31199010931
Status: Excess
Comment: 2.27 acres; subject to existing easements.

Tract 2107
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130–
Location: Across Fall Creek near Fall Creek camping area.
Landholding Agency: COE
Property Number: 31199010932
Status: Excess
Comment: 14.85 acres; subject to existing easements.

Tracts 2601, 2602, 2603, 2604
Cordell Hull Lake and Dam Project
Doe Row Creek
Gainesboro Co: Jackson TN 38562–
Location: TN Highway 56
Landholding Agency: COE
Property Number: 31199010933
Status: Unutilized
Comment: 11 acres; subject to existing easements.

Tract 1911
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130–
Location: East of Lamar Road
Landholding Agency: COE
Property Number: 31199010934
Status: Excess
Comment: 6.92 acres; subject to existing easements.

Tract 7206
Barkley Lake
Dover Co: Stewart TN 37058–
Location: 2½ miles SE of Dover, TN.
Landholding Agency: COE
Property Number: 31199010936
Status: Excess
Comment: 10.15 acres; subject to existing easements.

Tracts 8813, 8814
Barkley Lake
Cumberland Co: Stewart TN 37050–
Location: 1½ miles East of Cumberland City.
Landholding Agency: COE
Property Number: 31199010937
Status: Excess
Comment: 96 acres; subject to existing easements.

Tract 8911
Barkley Lake
Cumberland City Co: Montgomery TN 37050–
Location: 4 miles east of Cumberland City.
Landholding Agency: COE
Property Number: 31199010938
Status: Excess
Comment: 7.7 acres; subject to existing easements.

Tract 11503
Barkley Lake
Ashland City Co: Cheatham TN 37015–
Location: 2 miles downstream from Cheatham Dam.
Landholding Agency: COE
Property Number: 31199010939
Status: Excess
Comment: 1.1 acres; subject to existing easements.

Tracts 11523, 11524
Barkley Lake
Ashland City Co: Cheatham TN 37015–
Location: 2½ miles downstream from Cheatham Dam.
Landholding Agency: COE
Property Number: 31199010940
Status: Excess
Comment: 19.5 acres; subject to existing easements.

Tract 6410
Barkley Lake
Bumpus Mills Co: Stewart TN 37028–
Location: 4½ miles SW. of Bumpus Mills.
Landholding Agency: COE
Property Number: 31199010941
Status: Excess
Comment: 17 acres; subject to existing easements.

Tract 9707
Barkley Lake
Palmyer Co: Montgomery TN 37142–
Location: 3 miles NE of Palmyer, TN. Highway 149
Landholding Agency: COE
Property Number: 31199010943
Status: Excess
Comment: 6.6 acres; subject to existing easements.

Tract 6949
Barkley Lake
Dover Co: Stewart TN 37058–
Location: 1½ miles SE of Dover, TN.
Landholding Agency: COE
Property Number: 31199010944
Status: Excess
Comment: 29.67 acres; subject to existing easements.

Tracts 6005 and 6017
Barkley Lake
Dover Co: Stewart TN 37058–
Location: 3 miles south of Village of Tobaccoport.
Landholding Agency: COE
Property Number: 31199011173
Status: Excess
Comment: 5 acres; subject to existing easements.

Tracts K–1191, K–1135
Old Hickory Lock and Dam
Hartsville Co: Trousdale TN 37074–
Landholding Agency: COE
Property Number: 31199130007
Status: Underutilized
Comment: 54 acres, (portion in floodway), most recent use—recreation

Tract A–102
Dale Hollow Lake & Dam Project
Canoe Ridge, State Hwy 52
Celina Co: Clay TN 38551–
Landholding Agency: COE
Property Number: 31199140006
Status: Underutilized
Comment: 351 acres, most recent use—hunting, subject to existing easements

Tract A–120
Dale Hollow Lake & Dam Project
Swann Ridge, State Hwy No. 53
Celina Co: Clay TN 38551–
Landholding Agency: COE
Property Number: 31199140007
Status: Underutilized
Comment: 883 acres, most recent use—hunting, subject to existing easements

Tract D–185
Dale Hollow Lake & Dam Project
Ashburn Creek, Hwy No. 53
Livingston Co: Clay TN 38570–
Landholding Agency: COE
Property Number: 31199140010
Status: Underutilized
Comment: 97 acres, most recent use—hunting, subject to existing easements

Texas

Land
Olin E. Teague Veterans Center
1901 South 1st Street
Temple Co: Bell TX 76504–
Landholding Agency: VA
Property Number: 97199010079
Status: Underutilized
Comment: 13 acres, portion formerly landfill, portion near flammable materials, railroad crosses property, potential utilities.

Wisconsin

VA Medical Center
County Highway E

Tomah Co: Monroe WI 54660–
Landholding Agency: VA
Property Number: 97199010054
Status: Underutilized
Comment: 12.4 acres, serves as buffer between center and private property, no utilities.

Suitable/Unavailable Properties

Buildings (by State)

Hawaii

Bldg. 2601NS
Moanalua Prop/Naval Station
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77200410010
Status: Unutilized
Comment: 275 sq. ft., concrete

Bldg. 2611NS
Moanalua Prop/Naval Station
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77200410015
Status: Unutilized
Comment: 840 sq. ft., concrete, possible lead based paint

Bldg. 2638NS
Moanalua Prop/Naval Station
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77200410016
Status: Unutilized
Comment: 2904 sq. ft., concrete

Bldg. 2643NS
Moanalua Prop/Naval Station
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77200410017
Status: Unutilized
Comment: 1956 sq. ft., concrete

Bldg. 2644NS
Moanalua Prop/Naval Station
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77200410018
Status: Unutilized
Comment: 2460 sq. ft., concrete

Bldg. 2645NS
Moanalua Prop/Naval Station
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77200410019
Status: Unutilized
Comment: 2625 sq. ft., concrete

Bldg. 2647NS
Moanalua Prop/Naval Station
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77200410020
Status: Unutilized
Comment: 2800 sq. ft., concrete

Bldg. 2650NS
Moanalua Prop/Naval Station
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77200410021
Status: Unutilized
Comment: 2190 sq. ft., concrete

Bldg. 284
Naval Station
Pearl Harbor Co: Honolulu HI 96860–4100
Landholding Agency: Navy
Property Number: 77200420031
Status: Unutilized
Comment: 22,304 sq. ft., possible asbestos/lead paint, most recent use—office

Bldg. 285
Naval Station
Pearl Harbor Co: Honolulu HI 96860–4100
Landholding Agency: Navy
Property Number: 77200420032
Status: Unutilized
Comment: 960 sq. ft., possible asbestos/lead paint, most recent use—storage

Idaho

Bldg. CFA–613
Central Facilities Area
Idaho National Engineering Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199630001
Status: Unutilized
Comment: 1219 sq. ft., most recent use—sleeping quarters, presence of asbestos, off-site use only

Illinois

Bldg. 7
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Location: Ohio River Locks and Dam No. 53 at Grand Chain
Landholding Agency: COE
Property Number: 31199010001
Status: Unutilized
Comment: 900 sq. ft.; one floor wood frame; most recent use—residence.

Bldg. 6
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Location: Ohio River Locks and Dam No. 53 at Grand Chain
Landholding Agency: COE
Property Number: 31199010002
Status: Unutilized
Comment: 900 sq. ft.; one floor wood frame; most recent use—residence.

Bldg. 5
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Location: Ohio River Locks and Dam No. 53 at Grand Chain
Landholding Agency: COE
Property Number: 31199010003
Status: Unutilized
Comment: 900 sq. ft.; one floor wood frame; most recent use—residence.

Bldg. 4
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Location: Ohio River Locks and Dam No. 53 at Grand Chain
Landholding Agency: COE
Property Number: 31199010004
Status: Unutilized
Comment: 900 sq. ft.; one floor wood frame; most recent use—residence.

Bldg. 3
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Location: Ohio River Locks and Dam No. 53 at Grand Chain
Landholding Agency: COE
Property Number: 31199010005
Status: Unutilized
Comment: 900 sq. ft.; one floor wood frame.

Bldg. 2
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Location: Ohio River Locks and Dam No. 53 at Grand Chain
Landholding Agency: COE
Property Number: 31199010006
Status: Unutilized
Comment: 900 sq. ft.; one floor wood frame; most recent use—residence.

Bldg. 1
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Location: Ohio River Locks and Dam No. 53 at Grand Chain
Landholding Agency: COE
Property Number: 31199010007
Status: Unutilized
Comment: 900 sq. ft.; one floor wood frame; most recent use—residence.

Montana

VA MT Healthcare
210 S. Winchester
Miles City Co: Custer MT 59301–
Landholding Agency: VA
Property Number: 97200030001
Status: Underutilized
Comment: 18 buildings, total sq. ft. = 123,851, presence of asbestos, most recent use—clinic/office/food production

Ohio

Bldg.—Berlin Lake
7400 Bedell Road
Berlin Center Co: Mahoning OH 44401–9797
Landholding Agency: COE
Property Number: 31199640001
Status: Unutilized
Comment: 1420 sq. ft., 2-story brick w/garage and basement, most recent use—residential, secured w/alternate access

Pennsylvania

Tract 403A
Grays Landing Lock & Dam Project
Greensboro Co: Greene PA 15338–
Landholding Agency: COE
Property Number: 31199430021
Status: Unutilized
Comment: 620 sq. ft., 2-story, needs repair, most recent use—residential, if used for habitation must be flood proofed or removed off-site.

Tract 403B
Grays Landing Lock & Dam Project
Greensboro Co: Greene PA 15338–
Landholding Agency: COE
Property Number: 31199430022
Status: Unutilized
Comment: 1600 sq. ft., 2-story, brick structure, needs repair, most recent use—residential, if used for habitation must be flood proofed or removed off-site.

Tract 403C
Grays Landing Lock & Dam Project
Greensboro Co: Greene PA 15338–
Landholding Agency: COE
Property Number: 31199430023
Status: Unutilized
Comment: 672 sq. ft., 2-story carriage house/stable barn type structure, needs repair, most recent use—storage/garage, if used for habitation must be flood proofed or removed

Wisconsin

Former Lockmaster's Dwelling

DePere Lock
100 James Street
De Pere Co: Brown WI 54115–
Landholding Agency: COE
Property Number: 31199011526
Status: Unutilized
Comment: 1224 sq. ft.; 2 story brick/wood frame residence; needs rehab; secured area with alternate access.

Bldg. 2
VA Medical Center
5000 West National Ave.
Milwaukee WI 53295–
Landholding Agency: VA
Property Number: 97199830002
Status: Underutilized
Comment: 133,730 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—storage

Land (by State)

Hawaii

Lots
Moanalua Prop/Naval Station
43B1, B3, C1, C4, 65A
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77200410008
Status: Unutilized
Comment: 18-acre site

Property 100001AE
Naval Station
Pearl Harbor Co: Honolulu HI 96818–
Landholding Agency: Navy
Property Number: 77200420015
Status: Unutilized
Comment: 1.39 acres w/improvement

Property 100001AU
Naval Station
Pearl Harbor Co: Honolulu HI 96818–
Landholding Agency: Navy
Property Number: 77200420016
Status: Unutilized
Comment: 2.77 acres w/improvement

Property 100019AA
Naval Station
Pearl Harbor Co: Honolulu HI 96818–
Landholding Agency: Navy
Property Number: 77200420017
Status: Unutilized
Comment: 4.48 acres w/improvement

Property 100019AB
Naval Station
Pearl Harbor Co: Honolulu HI 96818–
Landholding Agency: Navy
Property Number: 77200420018
Status: Unutilized
Comment: 3.15 acres w/improvement

Property 100021AC
Naval Station
Pearl Harbor Co: Honolulu HI 96818–
Landholding Agency: Navy
Property Number: 77200420019
Status: Unutilized
Comment: 2.57 acres w/improvement

Property 100021AD
Naval Station
Pearl Harbor Co: Honolulu HI 96818–
Landholding Agency: Navy
Property Number: 77200420020
Status: Unutilized
Comment: 2.77 acres w/improvement

PSD Parcel
Naval Station
Pearl Harbor Co: Honolulu HI 96860–4100
Landholding Agency: Navy
Property Number: 77200420033
Status: Unutilized
Comment: 8.35 acres

Illinois

Lake Shelbyville
Shelbyville Co: Shelby & Moultrie IL 62565–9804
Landholding Agency: COE
Property Number: 31199240004
Status: Unutilized
Comment: 5 parcels of land equalling 0.70 acres, improved w/4 small equipment storage bldgs. and a small access road, easement restrictions.

Iowa

38 acres
VA Medical Center
1515 West Pleasant St.
Knoxville Co: Marion IA 50138–
Landholding Agency: VA
Property Number: 97199740001
Status: Unutilized
Comment: golf course

Michigan

VA Medical Center
5500 Armstrong Road
Battle Creek Co: Calhoun MI 49016–
Landholding Agency: VA
Property Number: 97199010015
Status: Underutilized
Comment: 20 acres, used as exercise trails and storage areas, potential utilities

New York

VA Medical Center
Fort Hill Avenue
Canandaigua Co: Ontario NY 14424–
Landholding Agency: VA
Property Number: 97199010017
Status: Underutilized
Comment: 27.5 acres, used for school ballfield and parking, existing utilities easements, portion leased

Pennsylvania

East Branch Clarion River Lake
Wilcox Co: Elk PA
Location: Free camping area on the right bank off entrance roadway.
Landholding Agency: COE
Property Number: 31199011012
Status: Underutilized
Comment: 1 acre; most recent use—free campground

Dashields Locks and Dam
(Glenwillard, PA)
Crescent Twp. Co: Allegheny PA 15046–0475
Landholding Agency: COE
Property Number: 31199210009
Status: Unutilized
Comment: 0.58 acres, most recent use—baseball field

VA Medical Center
New Castle Road
Butler Co: Butler PA 16001–
Landholding Agency: VA
Property Number: 97199010016
Status: Underutilized
Comment: Approx. 9.29 acres, used for patient recreation, potential utilities.

Land No. 645
VA. Medical Center
Highland Drive
Pittsburgh Co: Allegheny PA 15206–
Location: Between Campania and Wiltsie Streets.
Landholding Agency: VA
Property Number: 97199010080
Status: Unutilized
Comment: 90.3 acres, heavily wooded, property includes dump area and numerous site storm drain outfalls.

Land—34.16 acres
VA Medical Center
1400 Black Horse Hill Road
Coatesville Co: Chester PA 19320–
Landholding Agency: VA
Property Number: 97199340001
Status: Underutilized
Comment: 34.16 acres, open field, most recent use—recreation/buffer

Suitable/To Be Excessed

Land (by State)

Georgia

Lake Sidney Lanier
Co: Forsyth GA 30130–
Location: Located on Two Mile Creek adj. to State Route 369
Landholding Agency: COE
Property Number: 31199440010
Status: Unutilized
Comment: 0.25 acres, endangered plant species

Lake Sidney Lanier-3 parcels
Gainesville Co: Hall GA 30503–
Location: Between Gainesville H.S. and State Route 53 By-Pass
Landholding Agency: COE
Property Number: 31199440011
Status: Unutilized
Comment: 3 parcels totalling 5.17 acres, most recent use—buffer zone, endangered plant species

Kansas

Parcel #1
Fall River Lake
Section 26
Co: Greenwood KS
Landholding Agency: COE
Property Number: 31199010065
Status: Unutilized
Comment: 126.69 acres; most recent use—recreation and leased cottage sites.

Parcel No. 2, El Dorado Lake
Approx. 1 mi east of the town of El Dorado
Co: Butler KS
Landholding Agency: COE
Property Number: 31199210005
Status: Unutilized
Comment: 11 acres, part of a relocated railroad bed, rural area

Massachusetts

Buffumville Dam
Flood Control Project
Gale Road
Carlton Co: Worcester MA 01540–0155
Location: Portion of tracts B–200, B–248, B–251, B–204, B–247, B–200 and B–256
Landholding Agency: COE
Property Number: 31199010016
Status: Excess
Comment: 1.45 acres.

Tennessee

Tract D–456

Cheatham Lock and Dam
Ashland Co: Cheatham TN 37015–
Location: Right downstream bank of Sycamore Creek.
Landholding Agency: COE
Property Number: 31199010942
Status: Excess
Comment: 8.93 acres; subject to existing easements.

Texas

Corpus Christi Ship Channel
Corpus Christi Co: Neuces TX
Location: East side of Carbon Plant Road, approx. 14 miles NW of downtown Corpus Christi
Landholding Agency: COE
Property Number: 31199240001
Status: Unutilized
Comment: 4.4 acres, most recent use—farm land

Unsuitable Properties

Buildings (by State)

Alabama

Bldg. 7
VA Medical Center
Tuskegee Co: Macon AL 36083–
Landholding Agency: VA
Property Number: 97199730001
Status: Underutilized
Reason: Secured Area

Bldg. 8
VA Medical Center
Tuskegee Co: Macon AL 36083–
Landholding Agency: VA
Property Number: 97199730002
Status: Underutilized
Reason: Secured Area

Alaska

Warehouse
Naval Arctic Research Lab
Cape Sabine AK
Landholding Agency: Navy
Property Number: 77200320001
Status: Excess
Reason: Extensive deterioration

Operations Bldg.
Naval Arctic Research Lab
Cape Sabine AK
Landholding Agency: Navy
Property Number: 77200320002
Status: Excess
Reason: Extensive deterioration

Warehouse
Naval Arctic Research Lab
Point McIntyre AK
Landholding Agency: Navy
Property Number: 77200320019
Status: Excess
Reason: Extensive deterioration

Garage
Naval Arctic Research Lab
Point McIntyre AK
Landholding Agency: Navy
Property Number: 77200320020
Status: Excess
Reason: Extensive deterioration

Operations Bldg.
Naval Arctic Research Lab
Point McIntyre AK
Landholding Agency: Navy
Property Number: 77200320021
Status: Excess
Reason: Extensive deterioration

Arkansas

Dwelling
Bull Shoals Lake/Dry Run Road
Oakland Co: Marion AR 72661–
Landholding Agency: COE
Property Number: 31199820001
Status: Unutilized
Reason: Extensive deterioration

Helena Casting Plant
Helena Co: Phillips AR 72342–
Landholding Agency: COE
Property Number: 31200220001
Status: Unutilized
Reason: Extensive deterioration

California

Soil & Materials Testing Lab
Sausalito CA 00000
Landholding Agency: COE
Property Number: 31199920002
Status: Excess
Reason: Contamination

Bldgs. M03, MO14, MO17
Sandia National Lab
Livermore Co: Alameda CA 94550–
Landholding Agency: Energy
Property Number: 41200220001
Status: Excess
Reason: Extensive deterioration

Bldgs. 9163, 962, 9621
Sandia National Lab
Livermore Co: Alameda CA 94551–
Landholding Agency: Energy
Property Number: 41200420001
Status: Unutilized
Reason: Secured Area

Trailer 067E
Lawrence Berkeley National Lab
Berkeley Co: Alameda CA 94720–
Landholding Agency: Energy
Property Number: 41200420002
Status: Excess
Reason: Extensive deterioration

Bldg. 29D
Lawrence Berkeley Natl Lab
Berkeley Co: Alameda CA 94720–
Landholding Agency: Energy
Property Number: 41200430068
Status: Excess
Reason: Extensive deterioration

Bldg. 29D
Berkeley National Lab
Berkeley Co: Alameda CA 94720–
Landholding Agency: Energy
Property Number: 41200430070
Status: Excess
Reason: Extensive deterioration

Bldg. 5B7
Marine Corps Recruit Depot
San Diego CA 92140–
Landholding Agency: Navy
Property Number: 77199930089
Status: Unutilized
Reason: Extensive deterioration

Bldg. 23025
Marine Corps Air Station
Miramar CA 92132–
Landholding Agency: Navy
Property Number: 77200030001
Status: Unutilized
Reason: Secured Area

Bldg. 23027
Marine Corps Air Station
Miramar CA 92132–
Landholding Agency: Navy
Property Number: 77200030002
Status: Unutilized
Reason: Secured Area

Bldg. 33023
Naval Air Weapons Station
China Lake CA 93555–6001
Landholding Agency: Navy
Property Number: 77200120115
Status: Excess
Reason: Extensive deterioration

Bldg. 6
Navy Marine Corps Rsv Ctr
Sacramento CA 95828–
Landholding Agency: Navy
Property Number: 77200210017
Status: Unutilized
Reason: Secured Area

Bldg. 799
Naval Air Station
North Island CA
Landholding Agency: Navy
Property Number: 77200210064
Status: Excess
Reason: Extensive deterioration

Bldg. 799
Naval Air Station
North Island CA
Landholding Agency: Navy
Property Number: 77200210124
Status: Excess
Reason: Extensive deterioration

Bldg. 41308
Marine Corps Base
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200220031
Status: Excess
Reason: Extensive deterioration

Bldgs. 154, 157
Navy Region South West
San Diego CA
Landholding Agency: Navy
Property Number: 77200220072
Status: Excess
Reason: Extensive deterioration

Bldg. P–1019
Marine Corps Base
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200220073
Status: Excess
Reason: Extensive deterioration

Bldg. P–4039
Marine Corps Base
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200220074
Status: Excess
Reason: Extensive deterioration

Bldg. P–5011
Marine Corps Base
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200220075
Status: Excess
Reason: Extensive deterioration

Bldg. P7058
Marine Corps Base
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200220076
Status: Excess

Reason: Extensive deterioration

Bldgs. 18412, 18413, 18414
Marine Warfare Training Ctr
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200230040
Status: Excess
Reason: Extensive deterioration

Bldg. 394
Space & Naval Warfare Systems Center
San Diego CA
Landholding Agency: Navy
Property Number: 77200240041
Status: Unutilized
Reason: Extensive deterioration

Bldg. 428
Space & Naval Warfare Systems Center
San Diego CA
Landholding Agency: Navy
Property Number: 77200240042
Status: Unutilized
Reason: Extensive deterioration

Bldg. 513
Naval Postgraduate School
Monterey CA 93943—
Landholding Agency: Navy
Property Number: 77200310004
Status: Excess
Reason: Extensive deterioration

Bldg. 1232
Marine Corps Base
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200310036
Status: Excess
Reason: Extensive deterioration

Bldg. 2297
Marine Corps Base
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200310037
Status: Excess
Reason: Extensive deterioration

Bldg. 25037
Marine Corps Base
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200310038
Status: Excess
Reason: Extensive deterioration

Bldg. 25168
Marine Corps Base
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200310039
Status: Excess
Reason: Extensive deterioration

Bldg. 31339
Marine Corps Base
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200310040
Status: Excess
Reason: Extensive deterioration

Bldg. 31350
Marine Corps Base
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200310041
Status: Excess
Reason: Extensive deterioration

Bldg. 31628
Marine Corps Base
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200310042
Status: Excess
Reason: Extensive deterioration

Bldg. 31629
Marine Corps Base
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200310043
Status: Excess
Reason: Extensive deterioration

Bldg. 31753
Marine Corps Base
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200310044
Status: Excess
Reason: Extensive deterioration

Bldg. 31754
Marine Corps Base
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200310045
Status: Excess
Reason: Extensive deterioration

Bldg. 31764
Marine Corps Base
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200310046
Status: Unutilized
Reason: Extensive deterioration

Bldg. 52540
Marine Corps Base
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200310047
Status: Excess
Reason: Extensive deterioration

Bldg. 220178
Marine Corps Base
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200310048
Status: Excess
Reason: Extensive deterioration

Bldg. 232
Naval Air Facility
El Centro CA 92243–
Landholding Agency: Navy
Property Number: 77200310055
Status: Unutilized
Reason: Extensive deterioration

Bldg. 2203
Marine Corps Base
Camp Pendleton CA
Landholding Agency: Navy
Property Number: 77200320022
Status: Excess
Reason: Extensive deterioration

Bldg. 2683
Marine Corps Base
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200320023
Status: Excess
Reason: Extensive deterioration

Bldg. 2685
Marine Corps Base
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200320024
Status: Excess
Reason: Extensive deterioration

Bldg. 2692
Marine Corps Base
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200320025
Status: Excess
Reason: Extensive deterioration

Bldg. 20735
Marine Corps Base
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200320026
Status: Excess
Reason: Extensive deterioration

Bldg. 21546
Marine Corps Base
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200320027
Status: Excess
Reason: Extensive deterioration

Bldg. 26034
Marine Corps Base
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200320028
Status: Excess
Reason: Extensive deterioration

Bldg. 141MG
Naval Recreation Center
Naval Base
San Diego CA
Landholding Agency: Navy
Property Number: 77200320054
Status: Excess
Reason: Extensive deterioration

Bldg. 56
Naval Air Station
Lemoore CA
Landholding Agency: Navy
Property Number: 77200330001
Status: Excess
Reasons: Secured Area; Extensive deterioration

Structure 63
Naval Air Station
Lemoore CA
Landholding Agency: Navy
Property Number: 77200330002
Status: Excess
Reason: Secured Area

Structure 64
Naval Air Station
Lemoore CA
Landholding Agency: Navy
Property Number: 77200330003
Status: Excess
Reason: Secured Area

Structure 65
Naval Air Station
Lemoore CA
Landholding Agency: Navy
Property Number: 77200330004
Status: Excess
Reason: Secured Area

Bldg. 70
Naval Air Station
Lemoore CA
Landholding Agency: Navy
Property Number: 77200330005
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. 75

Naval Air Station
Lemoore CA
Landholding Agency: Navy
Property Number: 77200330006
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. 776
Naval Air Station
Lemoore CA
Landholding Agency: Navy
Property Number: 77200330007
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. 818
Naval Air Station
Lemoore CA
Landholding Agency: Navy
Property Number: 77200330008
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. 827
Naval Air Station
Lemoore CA
Landholding Agency: Navy
Property Number: 77200330009
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. 931
Naval Air Station
Lemoore CA
Landholding Agency: Navy
Property Number: 77200330010
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. 935
Naval Air Station
Lemoore CA
Landholding Agency: Navy
Property Number: 77200330011
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. 742
Naval Air Station
Lemoore CA
Landholding Agency: Navy
Property Number: 77200330015
Status: Excess
Reason: Secured Area

Bldg. 743
Naval Air Station
Lemoore CA
Landholding Agency: Navy
Property Number: 77200330016
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. 744
Naval Air Station
Lemoore CA
Landholding Agency: Navy
Property Number: 77200330017
Status: Excess
Reason: Secured Area

Bldg. 745
Naval Air Station
Lemoore CA
Landholding Agency: Navy
Property Number: 77200330018
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. 746
Naval Air Station
Lemoore CA
Landholding Agency: Navy
Property Number: 77200330019
Status: Excess
Reason: Secured Area

Bldg. 751
Naval Air Station
Lemoore CA
Landholding Agency: Navy
Property Number: 77200330020
Status: Excess
Reason: Secured Area

Bldg. 754
Naval Air Station
Lemoore CA
Landholding Agency: Navy
Property Number: 77200330021
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. 483
Naval Air Station
North Island
San Diego CA
Landholding Agency: Navy
Property Number: 77200330022
Status: Excess
Reason: Extensive deterioration

Bldg. 490
Naval Air Station
North Island
San Diego CA 92135–7040
Landholding Agency: Navy
Property Number: 77200330023
Status: Excess
Reason: Extensive deterioration

Bldg. 606
Naval Air Station
North Island
San Diego CA
Landholding Agency: Navy
Property Number: 77200330024
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. 620
Naval Air Station
North Island
San Diego CA 92135–7040
Landholding Agency: Navy
Property Number: 77200330025
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. 697
Naval Air Station
North Island
San Diego CA 92135–7040
Landholding Agency: Navy
Property Number: 77200330026
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. 76
Space & Naval Warfare
San Diego CA
Landholding Agency: Navy
Property Number: 77200330027
Status: Excess
Reason: Extensive deterioration

Bldgs. 15 & 16
Fleet ASW Training Center
San Diego CA
Landholding Agency: Navy
Property Number: 77200330028
Status: Excess
Reason: Extensive deterioration

Bldgs. 20 & 21
Fleet ASW Training Center
San Diego CA
Landholding Agency: Navy
Property Number: 77200330029
Status: Excess
Reason: Extensive deterioration

Bldg. 23
Fleet ASW Training Center
San Diego CA
Landholding Agency: Navy
Property Number: 77200330030
Status: Excess
Reason: Extensive deterioration

Bldg. 28
Fleet ASW Training Center
San Diego CA
Landholding Agency: Navy
Property Number: 77200330031
Status: Excess
Reason: Extensive deterioration

Bldg. 32
Fleet ASW Training Center
San Diego CA
Landholding Agency: Navy
Property Number: 77200330032
Status: Excess
Reason: Extensive deterioration

Bldgs. 37 & 39
Fleet ASW Training Center
San Diego CA
Landholding Agency: Navy
Property Number: 77200330033
Status: Excess
Reason: Extensive deterioration

Bldg. 63
Fleet ASW Training Center
San Diego CA
Landholding Agency: Navy
Property Number: 77200330034
Status: Excess
Reason: Extensive deterioration

Bldg. 69
Fleet ASW Training Center
San Diego CA
Landholding Agency: Navy
Property Number: 77200330035
Status: Excess
Reason: Extensive deterioration

Bldg. 2043
Fleet ASW Training Center
San Diego CA
Landholding Agency: Navy
Property Number: 77200330036
Status: Excess
Reason: Extensive deterioration

Bldg. 116
Naval Submarine Base
San Diego CA
Landholding Agency: Navy
Property Number: 77200330037
Status: Excess
Reason: Extensive deterioration

Bldg. 508
Naval Submarine Base
San Diego CA

Landholding Agency: Navy
Property Number: 77200330038
Status: Excess
Reason: Extensive deterioration

Bldg. 19
Naval Submarine Base
San Diego CA
Landholding Agency: Navy
Property Number: 77200330039
Status: Excess
Reason: Extensive deterioration

Bldgs. 62341 & 62342
Marine Corps Base
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200330040
Status: Excess
Reason: Extensive deterioration

Bldg. 1361
Marine Corps Base
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200340001
Status: Excess
Reason: Extensive deterioration

Bldg. 22135
Marine Corps Base
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200340002
Status: Excess
Reason: Extensive deterioration

Bldg. 22136
Marine Corps Base
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200340003
Status: Excess
Reason: Extensive deterioration

Bldg. 22144
Marine Corps Base
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200340004
Status: Excess
Reason: Extensive deterioration

Bldg. 22147
Marine Corps Base
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200340005
Status: Excess
Reason: Extensive deterioration

Bldg. 22148
Marine Corps Base
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200340006
Status: Excess
Reason: Extensive deterioration

Bldg. 22149
Marine Corps Base
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200340007
Status: Excess
Reason: Extensive deterioration

Bldg. 21595
Marine Corps Base
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200410002
Status: Excess
Reason: Extensive deterioration

Bldg. 210583
Marine Corps Base
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200410003
Status: Excess
Reason: Extensive deterioration

Bldg. P7057
Marine Corps Base
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200410024
Status: Excess
Reason: Extensive deterioration

Bldg. 26
Fleet ASW Training Center
San Diego CA
Landholding Agency: Navy
Property Number: 77200410034
Status: Excess
Reason: Secured Area

Bldgs. 64, 65, 66
Fleet Combat Training Center
San Diego CA
Landholding Agency: Navy
Property Number: 77200410035
Status: Excess
Reason: Secured Area

Bldgs. 2537, 2538
Marine Corps Base
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200410037
Status: Excess
Reason: Extensive deterioration

Bldg. 18416
Marine Corps Base
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200410038
Status: Excess
Reason: Extensive deterioration

Bldg. 33439
Marine Corps Base
Camp Pendledton CA 92055–
Landholding Agency: Navy
Property Number: 77200410039
Status: Excess
Reason: Extensive deterioration

Bldg. 43299
Marine Corps Base
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200410040
Status: Excess
Reason: Extensive deterioration

Bldg. CH1078
Naval Base
Oxnard Co: Ventura CA 93042–5000
Landholding Agency: Navy
Property Number: 77200420001
Status: Unutilized
Reason: Extensive deterioration

Bldg. 1223
Marine Corps Base
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200420002
Status: Excess
Reason: Extensive deterioration

Bldg. 2514
Marine Corps Base
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200420003
Status: Excess
Reason: Extensive deterioration

Bldg. 14103
Marine Corps Base
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200420004
Status: Excess
Reason: Extensive deterioration

Bldg. 14104
Marine Corps Base
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200420005
Status: Excess
Reason: Extensive deterioration

Bldg. 27604
Marine Corps Base
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200420006
Status: Excess
Reason: Extensive deterioration

Bldg. 43311
Marine Corps Base
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200420007
Status: Excess
Reason: Extensive deterioration

Bldg. 22150
Marine Corps Base
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200420008
Status: Excess
Reason: Extensive deterioration

Bldg. 22154
Marine Corps Base
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200420009
Status: Excess
Reason: Extensive deterioration

Bldg. 22156
Marine Corps Base
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200420010
Status: Excess
Reason: Extensive deterioration

Bldg. 210582
Marine Corps Base
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200420011
Status: Excess
Reason: Extensive deterioration

Bldg. 62458
Marine Corps Base
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200420021
Status: Excess
Reason: Extensive deterioration

Bldg. 2660
Marine Corps Base
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200420022
Status: Excess
Reason: Extensive deterioration

Bldg. 1223

Marine Corps Base
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200420023
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. 2514
Marine Corps Base
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200420024
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. 2660
Marine Corps Base
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200420025
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldgs. 14103, 14104
Marine Corps Base
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200420026
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. 27604
Marine Corps Base
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200420027
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. 43311
Marine Corps Base
Camp Pendleton CA 92055–
Landholding Agency: Navy
Property Number: 77200420028
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. 178
Naval Air Facility
El Centro CA 92243–
Landholding Agency: Navy
Property Number: 77200420035
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 187
Naval Air Facility
El Centro CA 92243–
Landholding Agency: Navy
Property Number: 77200420036
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 197
Naval Air Facility
El Centro CA 92243–
Landholding Agency: Navy
Property Number: 77200420037
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 972
Naval Air Station
Lemoore CA
Landholding Agency: Navy
Property Number: 77200420039
Status: Excess
Reason: Extensive deterioration

Bldgs. 26, 27, 28
Naval Outlying Landing Field
Imperial Beach CA
Landholding Agency: Navy
Property Number: 77200420040
Status: Excess
Reason: Extensive deterioration

Bldg. 99
Naval Base
San Diego CA
Landholding Agency: Navy
Property Number: 77200420041
Status: Excess
Reason: Extensive deterioration

Bldg. 197
Naval Base
San Diego CA
Landholding Agency: Navy
Property Number: 77200420042
Status: Excess
Reason: Extensive deterioration

Bldg. 3139
Naval Base
San Diego CA
Landholding Agency: Navy
Property Number: 77200420043
Status: Excess
Reason: Extensive deterioration

Bldg. 135
Naval Base
San Diego CA
Landholding Agency: Navy
Property Number: 77200420044
Status: Excess
Reason: Extensive deterioration

Bldg. 253
Naval Base
San Diego CA
Landholding Agency: Navy
Property Number: 77200420045
Status: Excess
Reason: Extensive deterioration

Bldg. 68
Naval Weapons Station
Seal Beach CA 90740–5000
Landholding Agency: Navy
Property Number: 77200420046
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 72–73
Naval Weapons Station
Seal Beach CA 90740–5000
Landholding Agency: Navy
Property Number: 77200420047
Status: Unutilized
Reason: Extensive deterioration

Bldg. 76
Naval Weapons Station
Seal Beach CA 90740–5000
Landholding Agency: Navy
Property Number: 77200420048
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 81–84
Naval Weapons Station
Seal Beach CA 90740–5000
Landholding Agency: Navy
Property Number: 77200420049
Status: Unutilized
Reason: Extensive deterioration

Bldg. 91
Naval Weapons Station
Seal Beach CA 90740–5000
Landholding Agency: Navy
Property Number: 77200420050
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 93–94
Naval Weapons Station
Seal Beach CA 90740–5000
Landholding Agency: Navy
Property Number: 77200420051
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 98–104
Naval Weapons Station
Seal Beach CA 90740–5000
Landholding Agency: Navy
Property Number: 77200420052
Status: Unutilized
Reason: Extensive deterioration

Bldg. 108
Naval Weapons Station
Seal Beach CA 90740–5000
Landholding Agency: Navy
Property Number: 77200420057
Status: Unutilized
Reason: Extensive deterioration

Bldg. 599
Naval Weapons Station
Seal Beach CA 90740–5000
Landholding Agency: Navy
Property Number: 77200420058
Status: Unutilized
Reason: Extensive deterioration

Bldg. 89
Naval Base
San Diego Co: CA
Landholding Agency: Navy
Property Number: 77200420059
Status: Excess
Reason: Extensive deterioration

Bldg. 128
Naval Base
San Diego Co: CA
Landholding Agency: Navy
Property Number: 77200420060
Status: Excess
Reason: Extensive deterioration

Bldg. 249
Naval Base
San Diego Co: CA
Landholding Agency: Navy
Property Number: 77200420061
Status: Excess
Reason: Extensive deterioration

Bldg. 250
Naval Base
San Diego Co: CA
Landholding Agency: Navy
Property Number: 77200420062
Status: Excess
Reason: Extensive deterioration

Bldg. 357
Naval Base
San Diego Co: CA
Landholding Agency: Navy
Property Number: 77200420063
Status: Excess
Reason: Extensive deterioration

Bldg. 467

Naval Base
San Diego Co: CA
Landholding Agency: Navy
Property Number: 77200420064
Status: Excess
Reason: Extensive deterioration

Bldg. 469
Naval Base
San Diego Co: CA
Landholding Agency: Navy
Property Number: 77200420065
Status: Excess
Reason: Extensive deterioration

Bldgs. 620 & 497
Fleet Anti-Submarine
Warfare Center
San Diego Co: CA
Landholding Agency: Navy
Property Number: 77200430028
Status: Unutilized
Reason: Extensive deterioration

Bldg. 68
Naval Air Station
Lemoore Co: CA
Landholding Agency: Navy
Property Number: 77200430049
Status: Unutilized
Reason: Secured Area

Bldg. 500
Naval Air Station
Lemoore Co: CA
Landholding Agency: Navy
Property Number: 77200430050
Status: Unutilized
Reason: Secured Area

Bldgs. 911, 912, 913
Naval Air Station
Lemoore Co: CA
Landholding Agency: Navy
Property Number: 77200430051
Status: Unutilized
Reason: Secured Area

Colorado

Bldg. 34
Grand Junction Projects Office
Grand Junction Co: Mesa CO 81503–
Landholding Agency: Energy
Property Number: 41199540001
Status: Underutilized
Reasons: Contamination; Secured Area

Bldg. 35
Grand Junction Projects Office
Grand Junction Co: Mesa CO 81503–
Landholding Agency: Energy
Property Number: 41199540002
Status: Underutilized
Reasons: Contamination; Secured Area

Bldg. 36
Grand Junction Projects Office
Grand Junction Co: Mesa CO 81503–
Landholding Agency: Energy
Property Number: 41199540003
Status: Underutilized
Reasons: Contamination Secured Area

Bldg. 727
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199910001
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 717
Rocky Flats Env. Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199930022
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 770
Rocky Flats Env. Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199930023
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 771
Rocky Flats Env. Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199930024
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 771B
Rocky Flats Env. Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199930025
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 771C
Rocky Flats Env. Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199930026
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 774
Rocky Flats Env. Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199930029
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 776
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200010001
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 777
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200010002
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 778
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200010003
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Structure 771 TUN
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200010006
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldgs. 124, 129
Rocky Flats Env. Tech. Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200220002
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldgs. 371, 374, 374A
Rocky Flats Env. Tech. Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200220003
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldgs. 561, 562
Rocky Flats Env. Tech. Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200220007
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldgs. 701, 705–708
Rocky Flats Env. Tech. Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200220011
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldgs. 714, 715, 718
Rocky Flats Env. Tech. Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200220012
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldgs. 731, 732
Rocky Flats Env. Tech. Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200220013
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldgs. 881, 881F, 881H
Rocky Flats Env. Tech. Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200220018
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldgs. 883–885, 887
Rocky Flats Env. Tech. Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200220019
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 891
Rocky Flats Env. Tech. Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200220020
Status: Excess

Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldgs. 120, 120B
Rocky Flats Env Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200340004
Status: Excess
Reason: Secured Area

Bldgs. 121, 122, 122S
Rocky Flats Env. Tech. Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200340005
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 223
Rocky Flats Env Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200340008
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldgs. 331, 331A
Rocky Flats Env Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200340010
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldgs. 444, 445
Rocky Flats Env Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200340013
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldgs. 447, 448
Rocky Flats Env Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200340014
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 460
Rocky Flats Env Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200340016
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldgs. 920, 920B
Rocky Flats Env Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200340019
Status: Excess
Reason: Secured Area

Connecticut

Hezekiah S. Ramsdell Farm
West Thompson Lake
North Grosvenordale Co: Windham CT 06255–9801
Landholding Agency: COE
Property Number: 31199740001
Status: Unutilized
Reasons: Floodway; Extensive deterioration

Bldgs. 25 and 26
Prospect Hill Road
Windsor Co: Hartford CT 06095–
Landholding Agency: Energy
Property Number: 41199440003
Status: Excess
Reason: Secured Area

9 Bldgs.
Knolls Atomic Power Lab, Windsor Site
Windsor Co: Hartford CT 06095–
Landholding Agency: Energy
Property Number: 41199540004
Status: Excess
Reason: Secured Area

Bldg. 8, Windsor Site
Knolls Atomic Power Lab
Windsor Co: Hartford CT 06095–
Landholding Agency: Energy
Property Number: 41199830006
Status: Unutilized
Reason: Extensive deterioration

Bldgs. A92, A93, A94
Naval Submarine Base
Groton Co: New London CT 06349–
Landholding Agency: Navy
Property Number: 77200340008
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Florida

Bldg. SF–15
Sub-Office Operations
Clewiston Co: Hendry FL 33440–
Landholding Agency: COE
Property Number: 31200430003
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldg. SF–16
Sub-Office Operations
Clewiston Co: Hendry FL 33440–
Landholding Agency: COE
Property Number: 31200430004
Status: Unutilized
Reason: Secured Area

Bldg. SF–17
Sub-Office Operations
Clewiston Co: Hendry FL 33440–
Landholding Agency: COE
Property Number: 31200430005
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldg. C–26
Naval Air Station
Key West Co: Monroe FL 33040–
Landholding Agency: Navy
Property Number: 77200240043
Status: Unutilized
Reason: Extensive deterioration

Bldg. F–44
Naval Air Station
Key West Co: Monroe FL 33040–
Landholding Agency: Navy
Property Number: 77200240044
Status: Unutilized
Reason: Extensive deterioration

Bldg. 292
Naval Air Facility
Key West Co: Monroe FL 33040–
Landholding Agency: Navy
Property Number: 77200310058
Status: Unutilized
Reason: Extensive deterioration

Bldg. 1481
Naval Air Station
Milton FL 32570–6001
Landholding Agency: Navy
Property Number: 77200310059
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

8 Bldgs.
Naval Air Station
Milton FL 32570–6001
Location: 1440, 1440A, 1437, 1444, 1444A, 1444G, 2927, 2886
Landholding Agency: Navy
Property Number: 77200320055
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 607B
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200410004
Status: Unutilized
Reason: Secured Area

Bldg. 1404
Naval Air Station
Milton FL 32570–6008
Landholding Agency: Navy
Property Number: 77200420029
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 583
Naval Air Station
Jacksonville Co: Duval FL 32212–
Landholding Agency: Navy
Property Number: 77200420030
Status: Unutilized
Reason: Extensive deterioration

Bldg. 9
Naval Air Station
Jacksonville Co: Duval FL 32212–
Landholding Agency: Navy
Property Number: 77200430030
Status: Underutilized
Reason: Secured Area

Bldgs. 553 & 554
Naval Air Station
Jacksonville Co: Duval FL 32212–
Landholding Agency: Navy
Property Number: 77200430031
Status: Underutilized
Reason: Secured Area

Bldg. 582
Naval Air Station
Jacksonville Co: Duval FL 32212–
Landholding Agency: Navy
Property Number: 77200430032
Status: Underutilized
Reason: Secured Area

Bldg. 590
Naval Air Station
Jacksonville Co: Duval FL 32212–
Landholding Agency: Navy
Property Number: 77200430033
Status: Underutilized
Reason: Secured Area

Bldg. 808
Naval Air Station
Jacksonville Co: Duval FL 32212–
Landholding Agency: Navy

Property Number: 77200430034
Status: Underutilized
Reason: Secured Area

Bldg. 1019
Naval Station Mayport
Jacksonville Co: Duval FL 32228–
Landholding Agency: Navy
Property Number: 77200430035
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldg. 1032
Naval Station Mayport
Jacksonville Co: Duval FL 32228–
Landholding Agency: Navy
Property Number: 77200430036
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldg. 1065
Naval Station Mayport
Jacksonville Co: Duval FL 32228–
Landholding Agency: Navy
Property Number: 77200430037
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldg. 1404
Naval Air Station
Milton Co: FL 32570–
Landholding Agency: Navy
Property Number: 77200430042
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldgs. 673, 1877
Naval Air Station
Jacksonville Co: Duval FL 32212–
Landholding Agency: Navy
Property Number: 77200430052
Status: Unutilized
Reason: Secured Area

Georgia

Prop. ID HAR18015
Hartwell Project
Hartwell GA 30643–
Landholding Agency: COE
Property Number: 31200310001
Status: Unutilized
Reason: Extensive deterioration

Prop. ID RBR17830
Russell Dam Dr.
Elberton GA 30635–
Landholding Agency: COE
Property Number: 31200310002
Status: Unutilized
Reason: Secured Area

Prop. ID RBR17832
Russell Dam Drive
Elberton GA 30635–
Landholding Agency: COE
Property Number: 31200310003
Status: Unutilized
Reason: Secured Area

Bldg. #WRSH18
West Point Lake
West Point Co: GA 31833–
Landholding Agency: COE
Property Number: 31200430006
Status: Unutilized
Reason: Secured Area

Bldg. W03
West Point Lake
West Point Co: GA 31833–
Landholding Agency: COE
Property Number: 31200430007
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 14
Naval Air Station
Marietta Co: Cobb GA 30060–
Landholding Agency: Navy
Property Number: 77200310049
Status: Unutilized
Reasons: Within airport runway clear zone; Secured Area; Extensive deterioration

Bldg. 15
Naval Air Station
Marietta Co: Cobb GA 30060–
Landholding Agency: Navy
Property Number: 77200310050
Status: Unutilized
Reasons: Within airport runway clear zone; Secured Area; Extensive deterioration

Bldg. 109
Naval Air Station
Marietta Co: Cobb GA 30060–
Landholding Agency: Navy
Property Number: 77200310051
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldg. 80
Naval Air Station
Marietta Co: Cobb GA 30060–
Landholding Agency: Navy
Property Number: 77200410036
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

17 Bldgs.
Naval Air Station
Marietta Co: Cobb GA 30060—
Location: 50–52, 61–61, 55–59, 66–69, 86–87, 206
Landholding Agency: Navy
Property Number: 77200420066
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Guam

Bldg. 138
Naval Forces, Marianas
Marianas GU 96540–
Landholding Agency: Navy
Property Number: 77200210100
Status: Unutilized
Reason: Secured Area

Bldg. 460
Naval Forces, Marianas
Marianas GU 96540–
Landholding Agency: Navy
Property Number: 77200210101
Status: Unutilized
Reason: Secured Area

Bldg. 1741
Naval Forces, Marianas
Marianas GU 96540–
Landholding Agency: Navy
Property Number: 77200210102
Status: Unutilized
Reason: Secured Area

Bldg. 1742
Naval Forces, Marianas
Marianas GU 96540–
Landholding Agency: Navy
Property Number: 77200210103
Status: Underutilized
Reason: Secured Area

Bldg. 1743
Naval Forces, Marianas
Marianas GU 96540–
Landholding Agency: Navy
Property Number: 77200210104
Status: Underutilized
Reason: Secured Area

Bldg. 6012
Naval Forces, Marianas
Marianas GU 96540–
Landholding Agency: Navy
Property Number: 77200210105
Status: Unutilized
Reason: Secured Area

Bldg. 6011
Naval Forces, Marianas
Marianas GU 96540–
Landholding Agency: Navy
Property Number: 77200220024
Status: Unutilized
Reason: Secured Area

Bldgs. 23, 25 29
US Naval Ship Repair Facility
Marianas GU
Landholding Agency: Navy
Property Number: 77200320003
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldgs. 31, 36, 38
US Naval Ship Repair Facility
Marianas GU
Landholding Agency: Navy
Property Number: 77200320004
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldgs. 93–1, 94
US Naval Ship Repair Facility
Marianas GU
Landholding Agency: Navy
Property Number: 77200320005
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldgs. 2001A, 2004
US Naval Ship Repair Facility
Marianas GU
Landholding Agency: Navy
Property Number: 77200320006
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldgs. 2008, 2062
US Naval Ship Repair Facility
Marianas GU
Landholding Agency: Navy
Property Number: 77200320007
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldgs. 2010, 2013, 2028
US Naval Ship Repair Facility
Marianas GU
Landholding Agency: Navy
Property Number: 77200320008
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldgs. 2039–2044
US Naval Ship Repair Facility
Marianas GU
Landholding Agency: Navy
Property Number: 77200320009
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldg. 2049
US Naval Ship Repair Facility
Marianas GU
Landholding Agency: Navy
Property Number: 77200320010
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldgs. 2053, 2054, 2055
US Naval Ship Repair Facility
Marianas GU
Landholding Agency: Navy
Property Number: 77200320011
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldgs. 2061, 2068, 2069
US Naval Ship Repair Facility
Marianas GU
Landholding Agency: Navy
Property Number: 77200320012
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldgs. 2070, 2071, 2074
US Naval Ship Repair Facility
Marianas GU
Landholding Agency: Navy
Property Number: 77200320013
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldg. 2081
US Naval Ship Repair Facility
Marianas GU
Landholding Agency: Navy
Property Number: 77200320014
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldgs. 2100, 2102
US Naval Ship Repair Facility
Marianas GU
Landholding Agency: Navy
Property Number: 77200320015
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldgs. 201, 202
Naval Forces
Marianas Co: Waterfront GU
Landholding Agncy: Navy
Property Number: 77200410025
Status: Excess
Reason: Extensive deterioration

Bldg. 151
Naval Forces
Marianas Co: Waterfront GU
Landholding Agency: Navy
Property Number: 77200410026
Status: Excess
Reason: Extensive deterioration

Bldg. 262
Naval Forces
Marianas Co: Waterfront GU
Landholding Agency: Navy
Property Number: 77200410027
Status: Excess
Reason: Extensive deterioration

Bldg. 369A
Naval Forces
Marianas Co: Waterfront GU
Landholding Agency: Navy
Property Number: 77200410028
Status: Excess
Reason: Extensive deterioration

Bldg. 739
Naval Forces
Marianas Co: Waterfront GU
Landholding Agency: Navy
Property Number: 77200410029
Status: Excess
Reason: Extensive deterioration

Bldg. 741
Naval Forces
Marianas Co: Waterfront GU
Landholding Agency: Navy
Property Number: 77200410030
Status: Excess
Reason: Extensive deterioration

Bldg. 865
Naval Forces
Marianas Co: Waterfront GU
Landholding Agency: Navy
Property Number: 77200410031
Status: Excess
Reason: Extensive deterioration

Bldg. 3011
Naval Forces
Marianas Co: Waterfront GU
Landholding Agency: Navy
Property Number: 77200410032
Status: Excess
Reason: Extensive deterioration

Bldg. 464
Naval Forces
Marianas Co: Waterfront GU
Landholding Agency: Navy
Property Number: 77200410041
Status: Excess
Reason: Extensive deterioration

22 Bldgs.
COMNAVMARIANAS
S. Finegayan Co: GU
Location: A1218–A1220, A1222–A1224, A1241–1249, A1250–A1252, A1256–A1259
Landholding Agency: Navy
Property Number: 77200430040
Status: Excess
Reason: Extensive deterioration

9 Bldgs.
COMNAVMARIANAS
N. Finegayan Co: GU
Location: 180, 182, 184, 186, C179, C219, C221, C240, C242
Landholding Agency: Navy
Property Number: 77200430041
Status: Excess
Reason: Extensive deterioration

Hawaii

Bldg. 9
Navy Public Works Center
Kolekole Road
Lualualei Co: Honolulu HI 96782–
Landholding Agency: Navy
Property Number: 77199530009
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. X5
Nanumea Road
Pearl Harbor Co: Honolulu HI 96782–
Landholding Agency: Navy
Property Number: 77199530010
Status: Excess
Reason: Secured Area

Bldg. SX30
Nanumea Road
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77199530011
Status: Excess
Reason: Secured Area

Bldg. Q13
Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77199640035
Status: Unutilized
Reason: Extensive deterioration

Bldg. Q14
Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77199640036
Status: Unutilized
Reason: Extensive deterioration

Bldg. 40
Naval Magazine Lualualei
Co: Oahu HI 96792–4301
Landholding Agency: Navy
Property Number: 77199830028
Status: Unutilized
Reason: Extensive deterioration

Bldg. 50
Naval Magazine Lualualei
Co: Oahu HI 96792–4301
Landholding Agency: Navy
Property Number: 77199830029
Status: Unutilized
Reason: Extensive deterioration

Bldg. Q76
Naval Magazine Lualualei
Co: Oahu HI 96792–4301
Landholding Agency: Navy
Property Number: 77199830030
Status: Unutilized
Reason: Extensive deterioration

Bldg. Q334
Naval Magazine Lualualei
Co: Oahu HI 96792–4301
Landholding Agency: Navy
Property Number: 77199830031
Status: Unutilized
Reason: Extensive deterioration

Bldg. Q410
Naval Magazine Lualualei
Co: Oahu HI 96792–4301
Landholding Agency: Navy
Property Number: 77199830034
Status: Unutilized
Reason: Extensive deterioration

Bldg. Q422
Naval Magazine Lualualei
Co: Oahu HI 96792–4301
Landholding Agency: Navy
Property Number: 77199830035
Status: Unutilized
Reason: Extensive deterioration

Bldg. 429
Naval Magazine Lualualei
Co: Oahu HI 96792–4301
Landholding Agency: Navy

Property Number: 77199830036
Status: Unutilized
Reason: Extensive deterioration

Bldg. 431
Naval Magazine Lualualei
Co: Oahu HI 96792–4301
Landholding Agency: Navy
Property Number: 77199830037
Status: Unutilized
Reason: Extensive deterioration

Bldg. 447
Naval Magazine Lualualei
Co: Oahu HI 96792–4301
Landholding Agency: Navy
Property Number: 77199830038
Status: Unutilized
Reason: Extensive deterioration
Facility 19
Naval Station
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77199840045
Status: Excess
Reason: Secured Area

Bldg. T47
Naval Shipyard
Pearl Harbor Co: Honolulu HI 96860–5350
Landholding Agency: Navy
Property Number: 77200240045
Status: Unutilized
Reason: Extensive deterioration

Bldg. 621
Naval Station, Pearl Harbor
Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77200310001
Status: Excess
Reason: Extensive deterioration

Bldg. 2603NS
Naval Station
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77200410005
Status: Unutilized
Reason: Extensive deterioration

Bldg. 2604NS
Naval Station
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77200410006
Status: Unutilized
Reason: Extensive deterioration

Bldg. 2612NS
Naval Station
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77200410007
Status: Unutilized
Reason: Extensive deterioration

Bldg. 2605NS
Moanalua Prop/Naval Station
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77200410011
Status: Unutilized
Reason: Extensive deterioration

Bldg. 2606NS
Moanalua Prop/Naval Station
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77200410012
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 2608NS, 2609NS
Moanalua Prop/Naval Station
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77200410013
Status: Unutilized
Reason: Extensive deterioration

Bldg. 2610NS
Moanalua Prop/Naval Station
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77200410014
Status: Unutilized
Reason: Extensive deterioration

Bldg. 79
Naval Station
Ford Island Co: Pearl Harbor HI 96860–
Landholding Agency: Navy
Property Number: 77200430029
Status: Underutilized
Reason: Secured Area

Idaho

Bldg. AFD0070
Albeni Falls Dam
Oldtown Co: Bonner ID 83822–
Landholding Agency: COE
Property Number: 31199910001
Status: Unutilized
Reason: Extensive deterioration

Bldg. PBF–621
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610001
Status: Unutilized Secured Area

Bldg. CPP–691
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610003
Status: Unutilized
Reason: Secured Area

Bldg. CPP–608
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610006
Status: Unutilized
Reason: Secured Area

Bldg. TAN–636
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610008
Status: Unutilized
Reason: Secured Area

Bldg. TAN–670
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610010
Status: Unutilized
Reason: Secured Area

Bldg. TRA–669
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610013
Status: Unutilized
Reason: Secured Area

Bldg. TAN–637
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610014
Status: Unutilized
Reason: Secured Area

Bldg. TAN–635
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610015
Status: Unutilized
Reason: Secured Area

Bldg. TAN–651
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610017
Status: Unutilized
Reason: Secured Area

Bldg. TRA–673
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610018
Status: Unutilized
Reason: Secured Area

Bldg. PBF–620
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610019
Status: Unutilized
Reason: Secured Area

Bldg. PBF–619
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610022
Status: Unutilized
Reason: Secured Area

Bldg. PBF–624
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610023
Status: Unutilized
Reason: Secured Area

Bldg. PBF–625
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610024
Status: Unutilized
Reason: Secured Area

Bldg. PBF–629
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610025
Status: Unutilized
Reason: Secured Area

Bldg. PBF–604
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610026
Status: Unutilized
Reason: Secured Area

Bldg. TRA–641
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610034
Status: Unutilized
Reason: Secured Area

Bldg. CF–606

Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610037
Status: Unutilized
Reason: Secured Area

8 Bldgs.
Idaho Natl Engineering & Environmental Lab
Test Reactor North
Scoville Co: Butte ID 83415–
Location: TRA 643, 644, 655, 660, 704–706, 755
Landholding Agency: Energy
Property Number: 41199830003
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. TAN 616
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200320007
Status: Excess
Reason: Contamination

Bldg. PBF627
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200330008
Status: Excess
Reason: Secured Area

Bldg. PBF634
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200330009
Status: Excess
Reason: Secured Area

TAN 648
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200410001
Status: Excess
Reason: Contamination

Bldg. CPP T1/T5
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200410008
Status: Excess
Reason: Secured Area

Bldg. CPDTB1
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200410009
Status: Excess
Reason: Secured Area

Bldgs. CPPTB4, CPPTB6
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200410010
Status: Excess
Reason: Secured Area

Bldgs. CPP617, CPP619
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200410011
Status: Excess
Reason: Secured Area

Bldg. CPP620A
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200410012
Status: Excess
Reason: Secured Area

Bldg. CPP637/620
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200410013
Status: Excess
Reason: Secured Area

Bldgs. CPP638, CPP642
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200410014
Status: Excess
Reason: Secured Area

Bldgs. CPP656, 664
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200410015
Status: Excess
Reason: Secured Area

Bldgs. CPP665, CPP672
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200410016
Status: Excess
Reason: Secured Area

Bldgs. CPP682, CPP693
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200410017
Status: Excess
Reason: Secured Area

Bldgs. CPP695, CPP702
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200410018
Status: Excess
Reason: Secured Area

Bldgs. CPP710, CPP712
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200410019
Status: Excess
Reason: Secured Area

Bldg. CPP743
Idaho Natl Eng & Env lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200410020
Status: Excess
Reason: Secured Area

Bldgs. CPP1616, 1630
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200410021
Status: Excess
Reason: Secured Area

Bldgs. CPP1647, 1653
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200410022
Status: Excess
Reason: Secured Area

Bldg. CPP1677
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200410023
Status: Excess
Reason: Secured Area

Bldgs. TAN640, TAN641
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200410024
Status: Excess
Reason: Secured Area

Bldgs. TAN642, TAN644
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200410025
Status: Excess
Reason: Secured Area

Bldgs. TAN645, TAN646
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200410026
Status: Excess
Reason: Secured Area

Bldgs. TAN652, TAN728
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200410027
Status: Excess
Reason: Secured Area

Bldg. TAN731
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200410028
Status: Excess
Reason: Secured Area

Bldgs. Tan 603, Tan 608
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200410030
Status: Excess
Reason: Secured Area

Bldg. Tan 624
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200410031
Status: Excess
Reason: Secured Area

Bldgs. Tan 630, Tan 633
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200410032
Status: Excess
Reason: Secured Area

Bldgs. Tan 649, Tan 650
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200410033
Status: Excess
Reason: Secured Area

Bldg. 694
Idaho Natl Eng & Env Lab

Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200410034
Status: Excess
Reason: Secured Area

Bldg. Tan 719
Idaho Natl Eng & Env Lab
Scoville Co: ID ID 83415–
Landholding Agency: Energy
Property Number: 41200410035
Status: Excess
Reason: Secured Area

Bldgs. Tan 725, Tan 726
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200410036
Status: Excess
Reason: Secured Area

Bldg. TAN 628
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200420003
Status: Excess
Reason: Secured Area

Bldg. TRA 611
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200420004
Status: Excess
Reason: Secured Area

Bldg. TRA 624/732
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200420005
Status: Excess
Reason: Secured Area

Bldg. TRA 647
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200420006
Status: Excess
Reason: Secured Area

Bldgs. TRA651, TRA656
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200420007
Status: Excess
Reason: Secured Area

Bldg. TRA 663
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200420008
Status: Excess
Reason: Secured Area

Bldg. TRA 779
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200420009
Status: Excess
Reason: Secured Area

Bldg. PBF 731
Idaho Natl Eng & Env Laboratory
Scovile Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200420023
Status: Excess
Reason: Secured Area

Federal Building
1415 Dover Hwy
Sandpoint Co: ID 83864–
Landholding Agency: GSA
Property Number: 54200430008
Status: Surplus
Reason: Within 2000 ft. of flammable or explosive material
GSA Number: 9–G–ID–547

Illinois

Bldgs. T032, T034
Fermi Natl Lab
Batavia Co: DuPage IL 60510–
Landholding Agency: Energy
Property Number: 41200410004
Status: Excess
Reason: Extensive deterioration

Bldgs. 329, 317B
Argonne Natl Laboratory
Argonne Co: DuPage IL 60439–
Landholding Agency: Energy
Property Number: 41200420024
Status: Excess
Reason: Secured Area

Bldg. 415
Naval Training Center 201 N. Decatur Ave.
Great Lakes IL
Landholding Agency: Navy
Property Number: 77199840023
Status: Unutilized
Reason: Secured Area

Bldg. 1015
Naval Training Center 201 N. Decatur Ave.
Great Lakes IL
Landholding Agency: Navy
Property Number: 77199840024
Status: Unutilized
Reason: Secured Area

Bldg. 1016
Naval Training Center 201 N. Decatur Ave.
Great Lakes IL
Landholding Agency: Navy
Property Number: 77199840025
Status: Unutilized
Reason: Secured Area

Bldg. 910
Naval Training Center
Great Lakes IL 60088–5000
Landholding Agency: Navy
Property Number: 77199920055
Status: Unutilized
Reason: Secured Area

Bldg. 800
Naval Training Center
Great Lakes IL 60088–5000
Landholding Agency: Navy
Property Number: 77199920056
Status: Unutilized
Reason: Secured Area

Bldg. 1000
Naval Training Center
Great Lakes IL 60088–5000
Landholding Agency: Navy
Property Number: 77199920057
Status: Unutilized
Reason: Secured Area

Bldg. 1200
Naval Training Center
Great Lakes IL 60088–5000
Landholding Agency: Navy
Property Number: 77199920058
Status: Unutilized
Reason: Secured Area

Bldg. 1400
Naval Training Center
Great Lakes IL 60088–5000
Landholding Agency: Navy
Property Number: 77199920059
Status: Unutilized
Reason: Secured Area

Bldg. 1600
Naval Training Center
Great Lakes IL 60088–5000
Landholding Agency: Navy
Property Number: 77199920060
Status: Unutilized
Reason: Secured Area

Bldg. 2600
Naval Training Center
Great Lakes IL 60088–5000
Landholding Agency: Navy
Property Number: 77199920061
Status: Unutilized
Reason: Secured Area

Indiana

Bldg. 12
Naval Air Warfare
Crane Co: Martin IN 47522–
Landholding Agency: Navy
Property Number: 77200330041
Status: Excess
Reason: Extensive deterioration

Bldg. 2517
Naval Air Warfare
Crane Co: Martin IN 47522–
Landholding Agency: Navy
Property Number: 77200330042
Status: Excess
Reason: Extensive deterioration

Bldg. BH2
Naval Air Warfare
Crane Co: Martin IN 47522–
Landholding Agency: Navy
Property Number: 77200330043
Status: Excess
Reason: Extensive deterioration

Bldg. 21, VA Medical Center
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 97199230001
Status: Excess
Reason: Extensive deterioration

Bldg. 22, VA Medical Center
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 97199230002
Status: Excess
Reason: Extensive deterioration

Bldg. 62, VA Medical Center
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 97199230003
Status: Excess
Reason: Extensive deterioration

Iowa

Treatment Plant
South Fork Park
Mystic Co: Appanoose IA 52574–
Landholding Agency: COE
Property Number: 31200220002
Status: Excess
Reason: Extensive deterioration

Storage Bldg.

Rathbun Project
Moravia Co: Appanoose IA 52571–
Landholding Agency: COE
Property Number: 31200330001
Status: Excess
Reason: Extensive deterioration

Bldg.
Island View Park
Rathbun Project
Centerville Co: Appanoose IA 52544–
Landholding Agency: COE
Property Number: 31200330002
Status: Excess
Reason: Extensive deterioration

Tract 137
Camp Dodge
Johnston Co: Polk IA 50131–1902
Landholding Agency: COE
Property Number: 31200410001
Status: Excess
Reason: Extensive deterioration

Kansas

No. 01017
Kanopolis Project
Marquette Co: Ellsworth KS 67456–
Landholding Agency: COE
Property Number: 31200210001
Status: Unutilized
Reason: Extensive deterioration

No. 01020
Kanopolis Project
Marquette Co: Ellsworth KS 67456–
Landholding Agency: COE
Property Number: 31200210002
Status: Unutilized
Reason: Extensive deterioration

No. 61001
Kanopolis Project
Marquette Co: Ellsworth KS 67456–
Landholding Agency: COE
Property Number: 31200210003
Status: Unutilized
Reason: Extensive deterioration

Bldg. #1
Kanopolis Project
Marquette Co: Ellsworth KS 67456–
Landholding Agency: COE
Property Number: 31200220003
Status: Excess
Reason: Extensive deterioration

Bldg. #2
Kanopolis Project
Marquette Co: Ellsworth KS 67456–
Landholding Agency: COE
Property Number: 31200220004
Status: Excess
Reason: Extensive deterioration

Bldg. #4
Kanopolis Project
Marquette Co: Ellsworth KS 67456–
Landholding Agency: COE
Property Number: 31200220005
Status: Excess
Reason: Extensive deterioration

Comfort Station
Clinton Lake Project
Lawrence Co: Douglas KS 66049–
Landholding Agency: COE
Property Number: 31200220006
Status: Excess
Reason: Extensive deterioration

Privie
Perry Lake
Perry Co: Jefferson KS 66074–
Landholding Agency: COE
Property Number: 31200310004
Status: Unutilized
Reason: Extensive deterioration

Shower
Perry Lake
Perry Co: Jefferson KS 66073–
Landholding Agency: COE
Property Number: 31200310005
Status: Unutilized
Reason: Extensive deterioration

Tool Shed
Perry Lake
Perry Co: Jefferson KS 66073–
Landholding Agency: COE
Property Number: 31200310006
Status: Unutilized
Reason: Extensive deterioration

Bldg. M37
Minooka Park
Sylvan Grove Co: Russell KS 67481–
Landholding Agency: COE
Property Number: 31200320002
Status: Excess
Reason: Extensive deterioration

Bldg. M38
Minooka Park
Sylvan Grove Co: Russell KS 67481–
Landholding Agency: COE
Property Number: 31200320003
Status: Excess
Reason: Extensive deterioration

Bldg. L19
Lucas Park
Sylvan Grove Co: Russell KS 67481–
Landholding Agency: COE
Property Number: 31200320004
Status: Unutilized
Reason: Extensive deterioration

2 Bldgs.
Tuttle Creek Lake
Near Shelters #3 & #4
Riley KS 66502–
Landholding Agency: COE
Property Number: 31200330003
Status: Excess
Reason: Extensive deterioration

6 Bldgs.
Cottonwood Point/Hillsboro Cove
Marion Co: Coffey KS 66861–
Landholding Agency: COE
Property Number: 31200340001
Status: Excess
Reason: Extensive deterioration

20 Bldgs.
Riverside
Burlington Co: Coffey KS 66839–8911
Landholding Agency: COE
Property Number: 31200340002
Status: Excess
Reason: Extensive deterioration

2 Bldgs.
Canning Creek/Richey Cove
Council Grove Co: Morris KS 66846–9322
Landholding Agency: COE
Property Number: 31200340003
Status: Excess
Reason: Extensive deterioration

6 Bldgs.
Santa Fe Trail/Outlet Channel
Council Grove Co: Morris KS 66846–
Landholding Agency: COE
Property Number: 31200340004
Status: Excess
Reason: Extensive deterioration

Residence
Melvern Lake Project
Melvern Co: Osage KS 66510–
Landholding Agency: COE
Property Number: 31200340005
Status: Excess
Reason: Extensive deterioration

2 Bldgs.
Management Park
Vassar KS 66543–
Landholding Agency: COE
Property Number: 31200340006
Status: Excess
Reason: Extensive deterioration

Bldg.
Hickory Campground
Lawrence KS 66049–
Landholding Agency: COE
Property Number: 31200340007
Status: Excess
Reason: Extensive deterioration

Bldg.
Rockhaven Park Area
Lawrence KS 66049–
Landholding Agency: COE
Property Number: 31200340008
Status: Excess
Reason: Extensive deterioration

Bldg.
Overlook Park Area
Lawrence KS 66049–
Landholding Agency: COE
Property Number: 31200340009
Status: Excess
Reason: Extensive deterioration

Bldg.
Walnut Campground
Lawrence KS 66049–
Landholding Agency: COE
Property Number: 31200340010
Status: Excess
Reason: Extensive deterioration

Bldg.
Cedar Ridge Campground
Lawrence KS 66049–
Landholding Agency: COE
Property Number: 31200340011
Status: Excess
Reason: Extensive deterioration

Bldg.
Woodridge Park Area
Lawrence KS 66049–
Landholding Agency: COE
Property Number: 31200340012
Status: Excess
Reason: Extensive deterioration

8 Bldgs.
Tuttle Cove Park
Manhattan Co: Riley KS 66502–
Landholding Agency: COE
Property Number: 31200410002
Status: Unutilized
Reason: Extensive deterioration

2 Bldgs.
Old Garrison Campground
Pottawatomie KS
Landholding Agency: COE
Property Number: 31200410003
Status: Unutilized
Reason: Extensive deterioration

2 Bldgs.
School Creek ORV Area

Junction City KS 66441–
Landholding Agency: COE
Property Number: 31200410004
Status: Excess
Reason: Extensive deterioration

Bldg.
Slough Creek Park
Perry Co: Jefferson KS 66073–
Landholding Agency: COE
Property Number: 31200410005
Status: Excess
Reason: Extensive deterioration

Bldg.
Spillway Boat Ramp
Sylvan Grove Co: KS 67481–
Landholding Agency: COE
Property Number: 31200430008
Status: Excess
Reason: Extensive deterioration

Bldg.
Minooka Park Area
Sylvan Grove Co: KS 67481–
Landholding Agency: COE
Property Number: 31200430009
Status: Excess
Reason: Extensive deterioration

Bldg.
Lucas Park Area
Sylvan Grove Co: KS 67481–
Landholding Agency: COE
Property Number: 31200430010
Status: Excess
Reason: Extensive deterioration

Bldg.
Sylvan Park Area
Sylvan Grove Co: KS 67481–
Landholding Agency: COE
Property Number: 31200430011
Status: Excess
Reason: Extensive deterioration

Bldg.
North Outlet Area
Junction City Co: KS 66441–
Landholding Agency: COE
Property Number: 31200430012
Status: Excess
Reason: Extensive deterioration

Kentucky

Spring House
Kentucky River Lock and Dam No. 1
Highway 320
Carrollton Co: Carroll KY 41008–
Landholding Agency: COE
Property Number: 21199040416
Status: Unutilized
Reason: Spring House

6-Room Dwelling
Green River Lock and Dam No. 3
Rochester Co: Butler KY 42273–
Location: Off State Hwy 369, which runs off of Western Ky. Parkway
Landholding Agency: COE
Property Number: 31199120010
Status: Unutilized
Reason: Floodway

2-Car Garage
Green River Lock and Dam No. 3
Rochester Co: Butler KY 42273–
Location: Off State Hwy 369, which runs off of Western Ky. Parkway
Landholding Agency: COE
Property Number: 31199120011
Status: Unutilized
Reason: Floodway

Office and Warehouse
Green River Lock and Dam No. 3
Rochester Co: Butler KY 42273–
Location: Off State Hwy 369, which runs off of Western Ky. Parkway
Landholding Agency: COE
Property Number: 31199120012
Status: Unutilized
Reason: Floodway

2 Pit Toilets
Green River Lock and Dam No. 3
Rochester Co: Butler KY 42273–
Landholding Agency: COE
Property Number: 31199120013
Status: Unutilized
Reason: Floodway

Tract 1379
Barkley Lake & Dam
Eddyville Co: Lyon KY 42038–
Landholding Agency: COE
Property Number: 31200420001
Status: Unutilized
Reason: Landlocked

Tract 4300
Barkley Lake & Dam
Cadiz Co: Trigg KY 42211–
Landholding Agency: COE
Property Number: 31200420002
Status: Unutilized
Reason: Floodway

Tracts 317, 318, 319
Barkley Lake & Dam
Grand Rivers Co: Lyon KY 42045–
Landholding Agency: COE
Property Number: 31200420003
Status: Unutilized
Reason: Floodway

Louisiana

Weeks Island Facility
New Iberia Co: Iberia Parish LA 70560–
Landholding Agency: Energy
Property Number: 41199610038
Status: Underutilized
Reason: Secured Area

Maine

Bldg. M–4
Portsmouth Naval Shipyard
Kittery Co: York ME 03904–
Landholding Agency: Navy
Property Number: 77200240012
Status: Excess
Reason: Secured Area

Bldg. M–6
Portsmouth Naval Shipyard
Kittery Co: York ME 03904–
Landholding Agency: Navy
Property Number: 77200240013
Status: Excess
Reason: Secured Area

Bldg. M–9
Portsmouth Naval Shipyard
Kittery Co: York ME 03904–
Landholding Agency: Navy
Property Number: 77200240014
Status: Excess
Reason: Secured Area

Bldg. M–10
Portsmouth Naval Shipyard
Kittery Co: York ME 03904–
Landholding Agency: Navy
Property Number: 77200240015
Status: Excess
Reason: Secured Area

Bldg. M–11
Portsmouth Naval Shippyard
Kittery Co: York ME 03904–
Landholding Agency: Navy
Property Number: 77200240016
Status: Excess
Reason: Secured Area

Bldg. M–18
Portsmouth Naval Shipyard
Kittery Co: York ME 03904–
Landholding Agency: Navy
Property Number: 77200240017
Status: Excess
Reason: Secured Area

Bldg. H–29
Portsmouth Naval Shipyard
Kittery Co: York ME 03904–
Landholding Agency: Navy
Property Number: 77200240018
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 33
Portsmouth Naval Shipyard
Kittery Co: York ME 03904–
Landholding Agency: Navy
Property Number: 77200240019
Status: Excess
Reason: Secured Area

Bldg. 34
Portsmouth Naval Shipyard
Kittery Co: York ME 03904–
Landholding Agency: Navy
Property Number: 77200240020
Status: Excess
Reason: Secured Area

Bldg. 41
Portsmouth Naval Shipyard
Kittery Co: York ME 03904–
Landholding Agency: Navy
Property Number: 77200240021
Status: Excess
Reason: Secured Area

Bldg. 55
Portsmouth Naval Shipyard
Kittery Co: York ME 03904–
Landholding Agency: Navy
Property Number: 77200240022
Status: Excess
Reason: Secured Area

Bldg. 62/62A
Portsmouth Naval Shipyard
Kittery Co: York ME 03904–
Landholding Agency: Navy
Property Number: 77200240023
Status: Excess
Reason: Secured Area

Bldg. 63
Portsmouth Naval Shipyard
Kittery Co: York ME 03904–
Landholding Agency: Navy
Property Number: 77200240024
Status: Excess
Reason: Secured Area

Bldg. 65
Portsmouth Naval Shipyard
Kittery Co: York ME 03904–
Landholding Agency: Navy
Property Number: 77200240025
Status: Excess
Reason: Secured Area

Bldg. 158
Portsmouth Naval Shipyard
Kittery Co: York ME 03904–

Landholding Agency: Navy
Property Number: 77200240026
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 188
Portsmouth Naval Shipyard
Kittery Co: York ME 03904–
Landholding Agency: Navy
Property Number: 77200240027
Status: Excess
Reason: Secured Area

Bldg. 189
Portsmouth Naval Shipyard
Kittery Co: York ME 03904–
Landholding Agency: Navy
Property Number: 77200240028
Status: Excess
Reason: Secured Area

Bldg. 237
Portsmouth Naval Shipyard
Kittery Co: York ME 03904–
Landholding Agency: Navy
Property Number: 77200240029
Status: Excess
Reason: Secured Area

Bldg. 150
Portsmouth Naval Shipyard
Kittery Co: York ME
Landholding Agency: Navy
Property Number: 77200340040
Status: Excess
Reason: Extensive deterioration

Maryland

Bldg. 503A
Naval Air Station
Patuxent River MD
Landholding Agency: Navy
Property Number: 77200330012
Status: Excess
Reason: Extensive deterioration

Bldgs. 200068, 200069
JHU Applied Physics Lab
Laurel Co: Howard MD 20723–
Landholding Agency: Navy
Property Number: 77200340015
Status: Excess
Reason: Extensive deterioration

4 Bldgs.
JHU Applied Physics lab 200075, 200076, 200077, 200079
Laurel Co: Howard MD 20723–
Landholding Agency: Navy
Property Number: 77200340016
Status: Excess
Reason: Extensive deterioration

Bldgs. 200083, 200086
JHU Applied Physics Lab
Laurel Co: Howard MD 20723–
Landholding Agency: Navy
Property Number: 77200340017
Status: Excess
Reason: Extensive deterioration

Bldgs. 200087, 200088, 200089
JHU Applied Physics Lab
Laurel Co: Howard MD 20723–
Landholding Agency: Navy
Property Number: 77200340018
Status: Excess
Reason: Extensive deterioration

5 Bldgs.
JHU Applied Physics Lab 200091, 200095, 200096, 200098, 200099
Laurel Co: Howard MD 20723–
Landholding Agency: Navy
Property Number: 77200340019
Status: Excess
Reason: Extensive deterioration

Bldgs. 200101, 200106, 200107
JHU Applied Physics Lab
Laurel Co: Howard MD 20773–
Landholding Agency: Navy
Property Number: 77200340020
Status: Excess
Reason: Extensive deterioration

Bldgs. 200108, 200109, 200110
JHU Applied Physics Lab
Laurel Co: Howard MD 20723–
Landholding Agency: Navy
Property Number: 77200340021
Status: Excess
Reason: Extensive deterioration

Bldgs. 200120, 200121, 200122
JHU Applied Physics Lab
Laurel Co: Howard MD 20773–
Landholding Agency: Navy
Property Number: 77200340022
Status: Excess
Reason: Extensive deterioration

Bldgs. 200124, 200125, 200126
JHU Applied Physics Lab
Laurel Co: Howard MD 20773–
Landholding Agency: Navy
Property Number: 77200340023
Status: Excess
Reason: Extensive deterioration

Bldgs. 200128, 200133
JHU Applied Physics Lab
Laurel Co: Howard MD 20723–
Landholding Agency: Navy
Property Number: 77200340024
Status: Excess
Reason: Extensive deterioration

Bldgs. 200137, 200138
JHU Applied Physics Lab
Laurel Co: Howard MD 20773–
Landholding Agency: Navy
Property Number: 77200340025
Status: Excess
Reason: Extensive deterioration

Bldg. 461
Naval Air Station
Patuxent River Co: MD
Landholding Agency: Navy
Property Number: 77200430038
Status: Excess
Reason: Extensive deterioration

Massachusetts

Westview Street Wells
Lexington MA 02173–
Landholding Agency: VA
Property Number: 97199920001
Status: Unutilized
Reason: Extensive deterioration

Mississippi

Bldgs. 239, 240
Naval Air Station
Meridian Co: Lauderdale MS 39309–
Landholding Agency: Navy
Property Number: 77200240060
Status: Unutilized
Reason: Secured Area

Bldg. 248
Naval Air Station
Meridian Co: Lauderdale MS 39309–
Landholding Agency: Navy
Property Number: 77200240061
Status: Unutilized
Reason: Secured Area

Bldg. 412
Naval Air Station
Meridian Co: Lauderdale MS 39309–
Landholding Agency: Navy
Property Number: 77200240062
Status: Unutilized
Reason: Secured Area

146 Units
Naval Air Station
Meridian MS 39309–
Landholding Agency: Navy
Property Number: 77200310005
Status: Unutilized
Reason: Secured Area

Bldgs. H–1–2004
Naval Air Station
Meridian MS 39309–
Landholding Agency: Navy
Property Number: 77200420053
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldg. 6, Boiler Plant
Biloxi VA Medical Center
Gulfport Co: Harrison MS 39531–
Landholding Agency: VA
Property Number: 97199410001
Status: Unutilized
Reason: Floodway

Bldg. 67
Biloxi VA Medical Center
Gulfport Co: Harrison MS 39531–
Landholding Agency: VA
Property Number: 97199410008
Status: Unutilized
Reason: Extensive deterioration

Bldg. 68
Biloxi VA Medical Center
Gulfport Co: Harrison MS 39531–
Landholding Agency: VA
Property Number: 97199410009
Status: Unutilized
Reason: Extensive deterioration

Missouri

Rec Office
Harry S. Truman Dam & Reservoir
Osceola Co: St. Clair MO 64776–
Landholding Agency: COE
Property Number: 31200110001
Status: Unutilized
Reason: Extensive deterioration

Privy/Nemo Park
Pomme de Terre Lake
Hermitage MO 65668–
Landholding Agency: COE
Property Number: 31200120001
Status: Excess
Reason: Extensive deterioration

Privy No. 1/Bolivar Park
Pomme de Terre Lake
Hermitage MO 65668–
Landholding Agency: COE
Property Number: 31200120002
Status: Excess
Reason: Extensive deterioration

Privy No. 2/Bolivar Park
Pomme de Terre Lake
Hermitage MO 65668–
Landholding Agency: COE
Property Number: 31200120003
Status: Excess

Reason: Extensive deterioration

#07004, 60006, 60007
Crabtree Cove/Stockton Area
Stockton MO 65785–
Landholding Agency: COE
Property Number: 31200220007
Status: Excess
Reason: Extensive deterioration

Bldg.
Old Mill Park Area
Stockton MO 65785–
Landholding Agency: COE
Property Number: 31200310007
Status: Excess
Reason: Extensive deterioration

Stockton Lake Proj. Ofc.
Stockton Co: Cedar MO 65785–
Landholding Agency: COE
Property Number: 31200330004
Status: Unutilized
Reason: Extensive deterioration

House
Tract 1105
Thurnau Mitigation Site
Craig Co: Holt MO 64437–
Landholding Agency: COE
Property Number: 31200420005
Status: Unutilized
Reason: Extensive deterioration

30x36 Barn
Tract 1105
Thurnau Mitigation Site
Craig Co: Holt MO 64437–
Landholding Agency: COE
Property Number: 31200420006
Status: Unutilized
Reason: Extensive deterioration

30x26 Barn
Tract 1105
Thurnau Mitigation Site
Craig Co: Holt MO 64437–
Landholding Agency: COE
Property Number: 31200420007
Status: Unutilized
Reason: Extensive deterioration

30x10 Shed
Tract 1105
Thurnau Mitigation Site
Craig Co: Holt MO 64437–
Landholding Agency: COE
Property Number: 31200420008
Status: Unutilized
Reason: Extensive deterioration

30x26 Shed
Tract 1105
Thurnau Mitigation Site
Craig Co: Holt MO 64437–
Landholding Agency: COE
Property Number: 31200420009
Status: Unutilized
Reason: Extensive deterioration

9x9 Shed
Tract 1105
Thurnau Mitigation Site
Craig Co: Holt MO 64437–
Landholding Agency: COE
Property Number: 31200420010
Status: Unutilized
Reason: Extensive deterioration

Tract 1111
Thurnau Mitigation Site
Craig Co: Holt MO 64437–
Landholding Agency: COE
Property Number: 31200420011
Status: Excess
Reason: Extensive deterioration

Shower
Pomme de Terre Lake
Hermitage Co: Polk MO 65668–
Landholding Agency: COE
Property Number: 31200420012
Status: Unutilized
Reason: Extensive deterioration

11 Bldgs.
Warsaw Co: MO 65355–
Location: Fairfield, Tally Bend, Cooper Creek, Shawnee Bend
Landholding Agency: COE
Property Number: 31200430013
Status: Excess
Reason: Extensive deterioration

2 Storage Bldgs.
District Service Base
St. Louis Co: MO
Landholding Agency: COE
Property Number: 31200430014
Status: Excess
Reason: Extensive deterioration

Bldg. 3
VA Medical Center
Jefferson Barracks Division
St. Louis MO 63125–
Landholding Agency: VA
Property Number: 97200340001
Status: Underutilized
Reason: Secured Area

Bldg. 4
VA Medical Center
Jefferson Barracks Division
St. Louis MO
Landholding Agency: VA
Property Number: 97200340002
Status: Underutilized
Reason: Secured Area

Bldg. 27
VA Medical Center
Jefferson Barracks Division
St. Louis MO 63125–
Landholding Agency: VA
Property Number: 97200340003
Status: Underutilized
Reason: Secured Area

Bldg. 28
VA Medical Center
Jefferson Barracks Division
St. Louis MO 63125–
Landholding Agency: VA
Property Number: 97200340004
Status: Underutilized
Reason: Secured Area

Bldg. 29
VA Medical Center
Jefferson Barracks Division
St. Louis MO 63125–
Landholding Agency: VA
Property Number: 97200340005
Status: Underutilized
Reason: Secured Area

Bldg. 50
VA Medical Center
Jefferson Barracks Division
St. Louis MO 63125–
Landholding Agency: VA
Property Number: 97200340006
Status: Underutilized
Reason: Secured Area

Nebraska

Vault Toilets
Harlan County Project
Republican NE 68971–
Landholding Agency: COE
Property Number: 31200210006
Status: Unutilized
Reason: Extensive deterioration

Patterson Treatment Plant
Harlan County Project
Republican NE 68971–
Landholding Agency: COE
Property Number: 31200210007
Status: Unutilized
Reason: Extensive deterioration

#30004
Harlan County Project
Republican Co: Harlan NE 68971–
Landholding Agency: COE
Property Number: 31200220008
Status: Unutilized
Reason: Extensive deterioration

#3005, 3006
Harlan County Project
Republican Co: Harlan NE 68971–
Landholding Agency: COE
Property Number: 31200220009
Status: Unutilized
Reason: Extensive deterioration

Nevada

28 Facilities
Nevada Test Site
Mercury Co: Nye NV 89023–
Landholding Agency: Energy
Property Number: 41200310018
Status: Excess
Reasons: Contamination; Secured Area

31 Bldgs./Facilities
Nellis AFB
Tonopah Test Range
Tonopah Co: Nye NV 89049–
Landholding Agency: Energy
Property Number: 41200330003
Status: Unutilized
Reason: Secured Area

42 Bldgs.
Nellis Air Force Base
Tonopah Co: Nye NV 89049–
Location: 49–01, NM104, NM105, 03–35A–H, 03–35J–N, 03–36A–C, 03–36E–H, 03–36J–N, 03–36R, 03–37, 15036, 03–44A–D, 03–46, 03–47, 03–49, 03–88, 03–89, 03–90
Landholding Agency: Energy
Property Number: 41200410029
Status: Unutilized
Reason: Secured Area

7 Bldgs.
Naval Air Station 101, 103, 201, 203, 202, 204, 206
Fallon Co: Churchill NV 89406–
Landholding Agency: Navy
Property Number: 77200420013
Status: Unutilized
Reasons: Within airport runway clear zone; Secured Area

Bldg. 735B
Naval Air Station
Fallon Co: Churchill NV 89406–
Landholding Agency: Navy
Property Number: 77200420014
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

New Hampshire

Bldg. 40

Portsmouth Naval Shipyard
Portsmouth NH 03804–5000
Landholding Agency: Navy
Property Number: 77200240031
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

New Jersey

Bldg. 263
Naval Air Engineering Station
Lakehurst Co: Ocean NJ 08733–5000
Landholding Agency: Navy
Property Number: 77200310002
Status: Unutilized
Reason: Extensive deterioration

Bldg. GB–1
Naval Weapons Station
Colts Neck NJ 07722–
Landholding Agency: Navy
Property Number: 77200310013
Status: Unutilized
Reason: Extensive deterioration

Bldg. D–5
Naval Weapons Station
Colts Neck NJ 07722–
Landholding Agency: Navy
Property Number: 77200310014
Status: Unutilized
Reason: Extensive deterioration

Bldg. 6A
Naval Weapons Station
Colts Neck NJ 07722–
Landholding Agency: Navy
Property Number: 77200310015
Status: Unutilized
Reason: Extensive deterioration

Bldg. C–14
Naval Weapons Station
Colts Neck NJ 07722–
Landholding Agency: Navy
Property Number: 77200310016
Status: Unutilized
Reason: Extensive deterioration

Bldg. C–31
Naval Weapons Station
Colts Neck NJ 07722–
Landholding Agency:Navy
Property Number: 77200310017
Status: Unutilized
Reason: Extensive deterioration

Bldg. C–36
Naval Weapons Station
Colts Neck NJ 07722–
Landholding Agency: Navy
Property Number: 77200310018
Status: Unutilized
Reason: Extensive deterioration

Bldg. S–179
Naval Weapons Station
Colts Neck NJ 07722–
Landholding Agency: Navy
Property Number: 77200310019
Status: Unutilized
Reason: Extensive deterioration

Bldg. 531
Naval Weapons Station
Colts Neck NJ 07722–
Landholding Agency: Navy
Property Number: 77200310020
Status: Unutilized
Reason: Extensive deterioration

Bldg. 569
Naval Weapons Station
Colts Neck NJ 07722–
Landholding Agency: Navy
Property Number: 77200310021
Status: Unutilized
Reason: Extensive deterioration

Bldg. 570
Naval Weapons Station
Colts Neck NJ 07722–
Landholding Agency: Navy
Property Number: 77200310022
Status: Unutilized
Reason: Extensive deterioration

Bldg. 589
Naval Weapons Station
Colts Neck NJ 07722–
Landholding Agency: Navy
Property Number: 77200310023
Status: Unutilized
Reason: Extensive deterioration

New Mexico

Bldgs. 9252, 9268
Kirtland Air Force Base
Albuquerque Co: Bernalillo NM 87185–
Landholding Agency: Energy
Property Number: 41199430002
Status: Unutilized
Reason: Extensive deterioration

Tech Area II
Kirtland Air Force Base
Albuquerque Co: Bernalillo NM 87105–
Landholding Agency: Energy
Property Number: 41199630004
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 26, TA–33
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810004
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldg. 2, TA–21
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810008
Status: Underutilized
Reason: Secured Area

Bldg. 5, TA–21
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810011
Status: Unutilized
Reason: Secured Area

Bldg. 21, TA–21
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810012
Status: Unutilized
Reason: Secured Area

Bldg. 116, TA–21
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810013
Status: Unutilized
Reason: Secured Area

Bldg. 228, TA–21
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810015
Status: Unutilized
Reason: Secured Area

Bldg. 286, TA–21
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810016
Status: Unutilized
Reason: Secured Area

Bldg. 516, TA–16
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810021
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 517, TA–16
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810022
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 31
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199930003
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldg. 21, TA–2
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199940001
Status: Unutilized
Reason: Secured Area

Bldg. 38, TA–14
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199940004
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldg. 8, TA–15
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199940005
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldg. 9, TA–15
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199940006
Status: Unutilized
Reason: Secured Area

Bldg. 22, TA–15
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199940007
Status: Unutilized
Reason: Secured Area

Bldg. 141, TA–15
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199940008
Status: Unutilized
Reason: Secured Area

Bldg. 44, TA–15
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199940009
Status: Unutilized
Reason: Secured Area

Bldg. 2, TA–18
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199940010
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldg. 5, TA–18
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199940011
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldg. 186, TA–18
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199940012
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldg. 188, TA–18
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199940013
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldg. 44, TA–36
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199940015
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldg. 45, TA–36
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199940016
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldg. 19, TA–40
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199940017
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldg. 43, TA–40
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199940018
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldg. 258, TA–46
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199940019
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

TA–3, Bldg. 208
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41200010010
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

TA–6, Bldg. 1
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41200010011
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

TA–6, Bldg. 2
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41200010012
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

TA–6, Bldg. 3
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41200010013
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

TA–6, Bldg. 5
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41200010014
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

TA–6, Bldg. 6
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41200010015
Status: Unutilized
Reason: Secured Area

TA–6, Bldg. 7
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41200010016
Status: Unutilized
Reason: Secured Area

TA–6, Bldg. 8
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41200010017
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

TA–6, Bldg. 9
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41200010018
Status: Unutilized
Reason: Secured Area

TA–14, Bldg. 5
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41200010019
Status: Unutilized
Reason: Secured Area

TA–21, Bldg. 150
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41200010020
Status: Unutilized
Reason: Secured Area

Bldg. 149, TA–21
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41200010024
Status: Unutilized
Reason: Secured Area

Bldg. 312, TA–21
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41200010025
Status: Unutilized
Reason: Secured Area

Bldg. 313, TA–21
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41200010026
Status: Unutilized
Reason: Secured Area

Bldg. 314, TA–21
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41200010027
Status: Unutilized
Reason: Secured Area

Bldg. 315, TA–21
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41200010028
Status: Unutilized
Reason: Secured Area

Bldg. 1, TA–8
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41200010029
Status: Unutilized
Reason: Secured Area

Bldg. 2, TA–8
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41200010030
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldg. 3, TA–8
Los Alamos National Lab
Los Alamos NM 87545–

Landholding Agency: Energy
Property Number: 41200020001
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldg. 51, TA–9
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41200020002
Status: Unutilized
Reason: Secured Area

Bldg. 30, TA–14
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41200020003
Status: Unutilized
Reason: Secured Area

Bldg. 16, TA–3
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41200020009
Status: Unutilized
Reason: Secured Area

Bldg. 339, TA–16
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41200020010
Status: Unutilized
Reason: Secured Area

Bldg. 340, TA–16
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41200020011
Status: Unutilized
Reason: Secured Area

Bldg. 341, TA–16
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41200020012
Status: Unutilized
Reason: Secured Area

Bldg. 342, TA–16
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41200020013
Status: Unutilized
Reason: Secured Area

Bldg. 343, TA–16
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41200020014
Status: Unutilized
Reason: Secured Area

Bldg. 345, TA–16
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41200020015
Status: Unutilized
Reason: Secured Area

Bldg. 48, TA–55
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41200020017
Status: Unutilized
Reason: Secured Area

Bldg. 125, TA–55
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41200020018
Status: Unutilized
Reason: Secured Area

Bldg. 162, TA–55
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41200020019
Status: Unutilized
Reason: Secured Area

Bldg. 22, TA–33
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41200020022
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldg. 23, TA–49
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41200020023
Status: Unutilized
Reason: Secured Area

Bldg. 37, TA–53
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41200020024
Status: Unutilized
Reason: Secured Area

Bldg. 121, TA–49
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41200020025
Status: Unutilized
Reason: Secured Area

5 Bldgs.
Kirtland AFB
Sandia Natl Lab
Albuquerque Co: Bernalillo NM 87185–
Location: 9927, 9970, 6730, 6731, 6555
Landholding Agency: Energy
Property Number: 41200210014
Status: Excess
Reason: Extensive deterioration

6 Bldgs.
Kirtland AFB
Sandia Natl Lab
Albuquerque Co: Bernalillo NM 87185–
Location: 6725, 841, 884, 892, 893, 9800
Landholding Agency: Energy
Property Number: 41200210015
Status: Excess
Reason: Extensive deterioration

TA–53, Bldg. 61
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41200220023
Status: Unutilized
Reason: Extensive deterioration

TA–53, Bldg. 63
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41200220024
Status: Unutilized
Reason: Extensive deterioration

TA–53, Bldg. 65
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41200220025
Status: Unutilized
Reason: Extensive deterioration

Bldg. B117
Kirtland Operations
Albuquerque Co: Bernalillo NM 87117–
Landholding Agency: Energy
Property Number: 41200220032
Status: Excess
Reason: Extensive deterioration

Bldg. B118
Kirtland Operations
Albuquerque Co: Bernalillo NM 87117–
Landholding Agency: Energy
Property Number: 41200220033
Status: Excess
Reason: Extensive deterioration

Bldg. B119
Kirtland Operations
Albuquerque Co: Bernalillo NM 87117–
Landholding Agency: Energy
Property Number: 41200220034
Status: Excess
Reason: Extensive deterioration

Bldg. 6721
Kirtland AFB
Albuquerque Co: Bernalillo NM 87185–
Landholding Agency: Energy
Property Number: 41200220042
Status: Unutilized
Reason: Extensive deterioration

6 Bldgs.
Kirtland Air Force Base
#852, 874, 9939A, 6536, 6636, 833A
Albuquerque NM 87185–
Landholding Agency: Energy
Property Number: 41200230001
Status: Excess
Reason: Secured Area

Bldg. 805
Kirtland Air Force Base
Albuquerque Co: Bernalillo NM 87185–
Landholding Agency: Energy
Property Number: 41200240001
Status: Unutilized
Reason: Secured Area

Bldg. 8898
Kirtland Air Force Base
Albuquerque Co: Bernalillo NM 87185–
Landholding Agency: Energy
Property Number: 41200240002
Status: Unutilized
Reason: Secured Area

8 Bldgs., TA–16
Los Alamos National Lab
195, 220–226
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41200240003
Status: Unutilized
Reason: Secured Area

Bldg. 2, TA–11
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41200240004
Status: Unutilized
Reason: Secured Area

Bldg. 4, TA–41
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41200240005
Status: Unutilized
Reason: Secured Area

Bldg. 16, TA–41
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41200240006
Status: Unutilized
Reason: Secured Area

Bldg. 30, TA–41
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41200240007
Status: Unutilized
Reason: Secured Area

Bldg. 53, TA–41
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41200240008
Status: Unutilized
Reason: Secured Area

Bldg. 2, TA–33
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41200310001
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldgs. 228, 286, TA–21
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200310002
Status: Unutilized
Reason: Secured Area

Bldg. 116, TA–21
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41200310003
Status: Unutilized
Reason: Secured Area

Bldgs. 1, 2, 3, 4, 5, TA–28
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41200310004
Status: Unutilized
Reason: Secured Area

Bldgs. 447, 1483
Los Alamos Natl Laboratory
Los Alamos NM
Landholding Agency: Energy
Property Number: 41200410002
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldgs. 870C & 9830
Kirtland AFB
Albuquerque Co: Bernalillo NM 87185–
Landholding Agency: Energy
Property Number: 41200410037
Status: Excess
Reason: Secured Area

Bldg. N149
Naval Air Warfare
White Sands NM 88002–
Landholding Agency: Navy
Property Number: 77200110104
Status: Excess
Reason: Extensive deterioration

New York

Warehouse
Whitney Lake Project
Whitney Point Co: Broome NY 13862–0706
Landholding Agency: COE
Property Number: 31199630007
Status: Unutilized
Reason: Extensive deterioration

Bldg. 0088
Brookhaven Natl Laboratory
Upton Co: Suffolk NY 11973–
Landholding Agency: Energy
Property Number: 41200410005
Status: Excess
Reason: Extensive deterioration

Bldg. 0207
Brookhaven Natl Laboratory
Upton Co: Suffolk NY 11973–
Landholding Agency: Energy
Property Number: 41200410006
Status: Excess
Reason: Extensive deterioration

Bldgs. 0457, 0458
Brookhaven Natl Laboratory
Upton Co: Suffolk NY 11973–
Landholding Agency: Energy
Property Number: 41200410007
Status: Excess
Reason: Extensive deterioration

North Carolina

Prop. ID WKS20350
Scott Reservoir Project
Wilkesboro NC 28697–7462
Landholding Agency: COE
Property Number: 31200310008
Status: Unutilized
Reason: Extensive deterioration

Bldg. #2–17009
Cape Fear River Lock/Dam
Elizabeth Co: Bladen NC 28337–
Landholding Agency: COE
Property Number: 31200420013
Status: Unutilized
Reason: Extensive deterioration

10 Bldgs.
Kerr Scott Project
Wilkesboro Co: Wilkes NC 28697–7462
Location: WKS16334–16335, 17334–17337, 18227–18228, 18864–18865
Landholding Agency: COE
Property Number: 31200420014
Status: Unutilized
Reason: Extensive deterioration

5 Bldgs.
Kerr Scott Project
Wilkesboro Co: Wilkes NC 28697–7462
Location: WKS15830, 17268, 18687, 18875, 26808
Landholding Agency: COE
Property Number: 31200420015
Status: Unutilized
Reason: Extensive deterioration

Bldgs. WKS16426, 16427, 25928
Kerr Scott Project
Wilkesboro Co: Wilkes NC 28697–7462
Landholding Agency: COE
Property Number: 31200420016
Status: Unutilized
Reason: Extensive deterioration

Bldgs. WKS18234, 18337
Kerr Scott Project
Wilkesboro Co: Wilkes NC 28697–7462
Landholding Agency: COE
Property Number: 31200420017
Status: Unutilized
Reason: Extensive deterioration

Bldg. WKS18691
Kerr Scott Project
Wilkesboro Co: Wilkes NC 28697–7462
Landholding Agency: COE
Property Number: 31200420018
Status: Unutilized
Reason: Extensive deterioration

Bldg. 9
VA Medical Center 1100 Tunnel Road
Asheville Co: Buncombe NC 28805–
Landholding Agency: VA
Property Number: 97199010008
Status: Unutilized
Reason: Extensive deterioration

Ohio

Bldg. 77
Fernald Environmental Management Project
Fernald Co: Hamilton OH 45013–
Landholding Agency: Energy
Property Number: 41199840003
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 82A
Fernald Environmental Mgmt Project
Fernald Co: Hamilton OH 45013–
Landholding Agency: Energy
Property Number: 41199910018
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 16
RMI Environmental Services
Ashtabula OH 44004–
Landholding Agency: Energy
Property Number: 41199930016
Status: Unutilized
Reason: Secured Area

Bldg. 22B
Fernald Env. Mgmt. Proj.
Hamilton OH 45013–9402
Landholding Agency: Energy
Property Number: 41200020026
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 53A
Fernald Env. Mgmt. Project
Fernald Co: Hamilton OH 45013–9402
Landholding Agency: Energy
Property Number: 41200120009
Status: Excess
Reason: Secured Area

Bldg. 8G
Fernald Environmental Mgmt Project
Hamilton OH 45013–
Landholding Agency: Energy
Property Number: 41200210003
Status: Excess
Reason: Secured Area

Bldg. 8H
Fernald Environmental Mgmt Project
Hamilton OH 45013–
Landholding Agency: Energy
Property Number: 41200210004

Status: Excess
Reason: Secured Area

Bldg. 94A
Fernald Environmental Mgmt Project
Hamilton OH 45013–
Landholding Agency: Energy
Property Number: 41200210005
Status: Excess
Reason: Secured Area

Bldg. 11
Fernald Env. Mgmt. Proj.
Hamilton OH 45013–
Landholding Agency: Energy
Property Number: 41200220026
Status: Excess
Reason: Secured Area

Bldg. 14A
Fernald Env. Mgmt. Proj
Hamilton OH 45013–
Landholding Agency: Energy
Property Number: 41200220027
Status: Excess
Reason: Secured Area

Bldg. 15C
Fernald Env. Mgmt. Proj.
Hamilton OH 45013–
Landholding Agency: Energy
Property Number: 41200220029
Status: Excess
Reason: Secured Area

Bldg. 20K
Fernald Env. Mgmt. Proj.
Hamilton OH 45013–
Landholding Agency: Energy
Property Number: 41200220030
Status: Excess
Reason: Secured Area

Bldg. 53B
Fernald Env. Mgmt. Proj.
Hamilton OH 45013–
Landholding Agency: Energy
Property Number: 41200220031
Status: Excess
Reason: Secured Area

Modular Ofc. Bldg.
RMI
Ashtabula OH 44004–
Landholding Agency: Energy
Property Number: 41200310008
Status: Excess
Reason: Contamination

Modular Lab Bldg.
RMI
Ashtabula OH 44004–
Landholding Agency: Energy
Property Number: 41200310009
Status: Excess
Reason: Contamination

Soil Storage Bldg.
RMI
Ashtabula OH 44004–
Landholding Agency: Energy
Property Number: 41200310010
Status: Excess
Reason: Contamination

Soil Washing Bldg.
RMI
Ashtabula OH 44004–
Landholding Agency: Energy
Property Number: 41200310011
Status: Excess
Reason: Contamination

Bldg. 16B
Fernald Env. Mgmt. Proj.
Hamilton Co: Butler OH 45013–
Landholding Agency: Energy
Property Number: 41200310012
Status: Excess
Reasons: Contamination; Secured Area

Bldg. 24C
Fernald Env. Mgmt. Proj.
Hamilton Co: Butler OH 45013–
Landholding Agency: Energy
Property Number: 41200310013
Status: Excess
Reasons: Contamination; Secured Area

Bldg. 50
Fernald Env. Mgmt. Proj.
Hamilton Co: Butler OH 45013–
Landholding Agency: Energy
Property Number: 41200310015
Status: Excess
Reasons: Contamination; Secured Area

Bldg. 52A
Fernald Env. Mgmt. Proj.
Hamilton Co: Butler OH 45013–
Landholding Agency: Energy
Property Number: 41200310016
Status: Excess
Reasons: Contamination; Secured Area

Bldg. 52B
Fernald Env. Mgmt. Proj.
Hamilton Co: Butler OH 45013–
Landholding Agency: Energy
Property Number: 41200310017
Status: Excess
Reasons: Contamination; Secured Area

Bldg. 116
VA Medical Center
Dayton Co: Montgomery OH 45428–
Landholding Agency: VA
Property Number: 97199920002
Status: Unutilized
Reason: Extensive deterioration

Bldg. 402
VA Medical Center
Dayton Co: Montgomery OH 45428–
Landholding Agency: VA
Property Number: 97199920004
Status: Unutilized
Reason: Extensive deterioration

Bldg. 105
VA Medical Center
Dayton Co: Montgomery OH 45428–
Landholding Agency: VA
Property Number: 97199920005
Status: Unutilized
Reason: Extensive deterioration

Oklahoma

Comfort Station
LeFlore Landing PUA
Sallisaw Co: LeFlore OK 74955–9445
Landholding Agency: COE
Property Number: 31200240008
Status: Excess
Reason: Extensive deterioration

Comfort Station
Braden Bend PUA
Sallisaw Co: LeFlore OK 74955–9445
Landholding Agency: COE
Property Number: 31200240009
Status: Excess
Reason: Extensive deterioration

Water Treatment Plant
Salt Creek Cove
Sawyer Co: Choctaw OK 74756–0099
Landholding Agency: COE
Property Number: 31200240010
Status: Excess
Reason: Extensive deterioration

Water Treatment Plant
Wilson Point
Sawyer Co: Choctaw OK 74756–0099
Landholding Agency: COE
Property Number: 31200240011
Status: Excess
Reason: Extensive deterioration

2 Comfort Stations
Landing PUA/Juniper Point PUA
Stigler Co: McIntosh OK 74462–9440
Landholding Agency: COE
Property Number: 31200240012
Status: Excess
Reason: Extensive deterioration

Filter Plant/Pumphouse
South PUA
Stigler Co: McIntosh OK 74462–9440
Landholding Agency: COE
Property Number: 31200240013
Status: Excess
Reason: Extensive deterioration

Filter Plant/Pumphouse
North PUA
Stigler Co: McIntosh OK 74462–9440
Landholding Agency: COE
Property Number: 31200240014
Status: Excess
Reason: Extensive deterioration

Filter Plant/Pumphouse
Juniper Point PUA
Stigler Co: McIntosh OK 74462–9440
Landholding Agency: COE
Property Number: 31200240015
Status: Excess
Reason: Extensive deterioration

Comfort Station
Juniper Point PUA
Stigler Co: McIntosh OK 74462–9440
Landholding Agency: COE
Property Number: 31200240016
Status: Excess
Reason: Extensive deterioration

Comfort Station
Brooken Cove PUA
Stigler Co: McIntosh OK 74462–9440
Landholding Agency: COE
Property Number: 31200240017
Status: Excess
Reason: Extensive deterioration

2 Bldgs.
Outlet Channel/Walker Creek
Waurika OK 73573–0029
Landholding Agency: COE
Property Number: 31200340013
Status: Excess
Reason: Extensive deterioration

2 Bldgs.
Damsite South
Stigler OK 74462–9440
Landholding Agency: COE
Property Number: 31200340014
Status: Excess
Reason: Extensive deterioration

19 Bldgs.
Kaw Lake
Ponca City OK 74601–9962
Landholding Agency: COE
Property Number: 31200340015
Status: Excess
Reason: Extensive deterioration

30 Bldgs.
Keystone Lake

Sand Springs OK 74063–9338
Landholding Agency: COE
Property Number: 31200340016
Status: Excess
Reason: Extensive deterioration

13 Bldgs.
Oologah Lake
Oologah OK 74053–0700
Landholding Agency: COE
Property Number: 31200340017
Status: Excess
Reason: Extensive deterioration

14 Bldgs.
Pine Creek Lake
Valliant OK 74764–9801
Landholding Agency: COE
Property Number: 31200340018
Status: Excess
Reason: Extensive deterioration

6 Bldgs.
Sardis Lake
Clayton OK 74536–9729
Landholding Agency: COE
Property Number: 31200340019
Status: Excess
Reason: Extensive deterioration

24 Bldgs.
Skiatook Lake
Skiatook OK 74070–9803
Landholding Agency: COE
Property Number: 31200340020
Status: Excess
Reason: Extensive deterioration

40 Bldgs.
Eufaula Lake
Stigler OK 74462–5135
Landholding Agency: COE
Property Number: 31200340021
Status: Excess
Reason: Extensive deterioration

2 Bldgs.
Holiday Cove
Stigler OK 74462–5135
Landholding Agency: COE
Property Number: 31200340022
Status: Excess
Reason: Extensive deterioration

18 Bldgs.
Fort Gibson
Ft. Gibson Co: Wagoner OK 74434–0370
Landholding Agency: COE
Property Number: 31200340023
Status: Excess
Reason: Extensive deterioration

2 Bldgs.
Fort Supply
Ft. Supply Co: Woodward OK 73841–0248
Landholding Agency: COE
Property Number: 31200340024
Status: Excess
Reason: Extensive deterioration

Game Bird House
Fort Supply Lake
Ft. Supply Co: Woodward OK 73841–0248
Landholding Agency: COE
Property Number: 31200340025
Status: Excess
Reason: Extensive deterioration

11 Bldgs.
Hugo Lake
Sawyer OK 74756–0099
Landholding Agency: COE
Property Number: 31200340026
Status: Excess
Reason: Extensive deterioration

5 Bldgs.
Birch Cove/Twin Cove
Skiatook OK 74070–9803
Landholding Agency: COE
Property Number: 31200340027
Status: Excess
Reason: Extensive deterioration

2 Bldgs.
Fairview Group Camp
Canton OK 73724–0069
Landholding Agency: COE
Property Number: 31200340028
Status: Excess
Reason: Extensive deterioration

2 Bldgs.
Chouteau & D Bluff
Gore Co: Wagoner OK 74935–9404
Landholding Agency: COE
Property Number: 31200340029
Status: Excess
Reason: Extensive deterioration

2 Bldgs.
Newt Graham L&D
Gore OK 74935–9404
Landholding Agency: COE
Property Number: 31200340030
Status: Excess
Reason: Extensive deterioration

6 Bldgs.
Damsite/Fisherman's Landing
Sallisaw OK 74955–9445
Landholding Agency: COE
Property Number: 31200340031
Status: Excess
Reason: Extensive deterioration

10 Bldgs.
Webbers Falls Lake
Gore OK 74435–5541
Landholding Agency: COE
Property Number: 31200340032
Status: Excess
Reason: Extensive deterioration

14 Bldgs.
Copan Lake
Copan OK 74022–9762
Landholding Agency: COE
Property Number: 31200340033
Status: Excess
Reason: Extensive deterioration

Oregon

2 Floating Docks
Rogue River
Gold Beach Co: Curry OR 97444–
Landholding Agency: COE
Property Number: 31200430015
Status: Excess
Reason: Floodway

Industrial Warehouse
2760 Yeon Avenue
Portland Co: OR 97210–
Landholding Agency: GSA
Property Number: 54200430009
Status: Surplus
Reason: Within 2000 ft. of flammable or explosive material
GSA Number: 9–G–OR–741

Bldg. 30
Naval Weapons Systems Training
Boardman Co: Morrow OR
Landholding Agency: Navy
Property Number: 77200210070
Status: Unutilized
Reason: Secured Area

Bldg. 31
11 Bldgs.
Naval Weapons Systems Training
Boardman Co: Morrow OR
Landholding Agency: Navy
Property Number: 77200210071
Status: Unutilized
Reason: Secured Area

Bldg. 32
Naval Weapons Systems Training
Boardman Co: Morrow OR
Landholding Agency: Navy
Property Number: 77200210072
Status: Unutilized
Reason: Secured Area

Bldg. 33
Naval Weapons Systems Training
Boardman Co: Morrow OR
Landholding Agency: Navy
Property Number: 77200210073
Status: Unutilized
Reason: Secured Area

Bldg. 35
Naval Weapons Systems Training
Boardman Co: Morrow OR
Landholding Agency: Navy
Property Number: 77200210074
Status: Unutilized
Reason: Secured Area

Bldg. 37
Naval Weapons Systems Training
Boardman Co: Morrow OR
Landholding Agency: Navy
Property Number: 77200210075
Status: Unutilized
Reason: Secured Area

Pennsylvania

Z-Bldg.
Bettis Atomic Power Lab
West Mifflin Co: Allegheny PA 15122–0109
Landholding Agency: Energy
Property Number: 41199720002
Status: Excess
Reason: Extensive deterioration

Bldg. 619
Naval Surface Warfare Center
Philadelphia PA 19112–
Landholding Agency: Navy
Property Number: 77200320063
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 106
Naval Support Activity
Mechanicsburg Co: Cumberland PA 17055–0788
Landholding Agency: Navy
Property Number: 77200330013
Status: Excess
Reason: Extensive deterioration

Bldg. 906
Naval Support Activity
Mechanicsburg Co: Cumberland PA 17055–0788
Landholding Agency: Navy
Property Number: 77200330014
Status: Excess
Reason: Extensive deterioration

Bldg. 567
Naval Surface Warfare Center
Philadelphia PA 19112–
Landholding Agency: Navy

Property Number: 77200330060
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

South Carolina

Prop. ID JST18895
Thurmond Project
Clarks Hill Co: McCormick SC
Landholding Agency: COE
Property Number: 31200310010
Status: Unutilized
Reason: Extensive deterioration

5 Bldgs.
Thurmond Project
Clarks Hill Co: McCormick SC
Location: JST15781, JST15784, JST15864, JST15866, TST15868
Landholding Agency: COE
Property Number: 31200310011
Status: Unutilized
Reason: Extensive deterioration

Prop. ID JST17133
Thurmond Project
Clarks Hill Co: McCormick SC
Landholding Agency: COE
Property Number: 31200310012
Status: Unutilized
Reason: Extensive deterioration

Prop. ID JST18428
Thurmond Project
Clarks Hill Co: McCormick SC
Landholding Agency: COE
Property Number: 31200310013
Status: Unutilized
Reason: Extensive deterioration

Bldg.
Fishing Creek/Deer Run
Clarks Hill SC 29821–0010
Landholding Agency: COE
Property Number: 31200340034
Status: Excess
Reason: Extensive deterioration

Bldg. 701–6G
Jackson Barricade
Jackson SC
Landholding Agency: Energy
Property Number: 41200420010
Status: Unutilized
Reason: Secured Area

Bldg. 211–000F
Nuclear Materials Processing Facility
Aiken SC 29802–
Landholding Agency: Energy
Property Number: 41200420011
Status: Excess
Reason: Secured Area

Bldg. 211–001F
Nuclear Materials Processing Facility
Aiken SC 29802–
Landholding Agency: Energy
Property Number: 41200420012
Status: Excess
Reason: Secured Area

Bldg. 211–002F
Nuclear Materials Processing Facility
Aiken SC 29802–
Landholding Agency: Energy
Property Number: 41200420013
Status: Excess
Reason: Secured Area

Bldg. 221–25F
Nuclear Materials Processing Facility
Aiken SC 29802–
Landholding Agency: Energy
Property Number: 41200420014
Status: Excess
Reason: Secured Area

Bldg. 221–001F
Nuclear Materials Processing Facility
Aiken SC 29802–
Landholding Agency: Energy
Property Number: 41200420015
Status: Excess
Reason: Secured Area

Bldg. 704–D
Federal Reserve Site
Aiken SC 29802–
Landholding Agency: Energy
Property Number: 41200420016
Status: Excess
Reason: Secured Area

Bldg. 703–F
Savannah River Operations
Aiken SC 29802–
Landholding Agency: Energy
Property Number: 41200420019
Status: Unutilized
Reason: Secured Area

Bldg. 721–A
Savannah River Operations
Aiken SC 29802–
Landholding Agency: Energy
Property Number: 41200420020
Status: Unutilized
Reason: Secured Area

Bldg. 724–A
Savannah River Operations
Aiken SC 29802–
Landholding Agency: Energy
Property Number: 41200420021
Status: Unutilized
Reason: Secured Area

Bldg. 730–M
Savannah River Operations
Aiken SC 29802–
Landholding Agency: Energy
Property Number: 41200420022
Status: Unutilized
Reason: Secured Area

Bldgs. 183–1R, 183–2R
Savannah River Operations
Aiken SC 29802–
Landholding Agency: Energy
Property Number: 41200420025
Status: Unutilized
Reason: Secured Area

Bldg. 186–C
Savannah River Operations
Aiken SC 29802–
Landholding Agency: Energy
Property Number: 41200420026
Status: Unutilized
Reason: Secured Area

Bldgs. 186–K, 186–1K
Savannah River Operations
Aiken SC 29802–
Landholding Agency: Energy
Property Number: 41200420027
Status: Unutilized
Reason: Secured Area

Bldgs. 186–P, 186–1P
Savannah River Operations
Aiken SC 29802–
Landholding Agency: Energy
Property Number: 41200420028
Status: Unutilized
Reason: Secured Area

Bldg. 190–C
Savannah River Operations
Aiken SC 29802–
Landholding Agency: Energy
Property Number: 41200420029
Status: Unutilized
Reason: Secured Area

Bldg. 190–K
Savannah River Operations
Aiken SC 29802–
Landholding Agency: Energy
Property Number: 41200420030
Status: Unutilized
Reason: Secured Area

Bldg. 190–P
Savannah River Operations
Aiken SC 29802–
Landholding Agency: Energy
Property Number: 41200420031
Status: Unutilized
Reason: Secured Area

Bldg. 186–R
Savannah River Site
Aiken Co: SC
Landholding Agency: Energy
Property Number: 41200430063
Status: Unutilized
Reason: Secured Area

Bldg. 190–R
Savannah River Site
Aiken Co: SC
Landholding Agency: Energy
Property Number: 41200430064
Status: Unutilized
Reason: Secured Area

Bldg. 230-H
Savannah River Site
Aiken Co: SC
Landholding Agency: Energy
Property Number: 41200430065
Status: Unutilized
Reason: Secured Area

4 Bldgs.
Savannah River Site
#281–2F, 281–5F, 285-F, 285–5F
Aiken Co: SC
Landholding Agency: Energy
Property Number: 41200430066
Status: Unutilized
Reason: Secured Area

Bldgs. 711–3N, 717–12N
Savannah River Site
Aiken Co: SC
Landholding Agency: Energy
Property Number: 41200430067
Status: Unutilized
Reason: Secured Area

Bldgs. 186L, 190L
Savannah River Site
Aiken Co: SC 29802–
Landholding Agency: Energy
Property Number: 41200430069
Status: Unutilized
Reason: Secured Area

Bldg. 7
Naval Weapons Station
Goose Creek Co: Berkeley SC 29445–
Landholding Agency: Navy
Property Number: 77200040030
Status: Unutilized
Reason: Secured Area

Bldgs. 314
Naval Weapons Station
Goose Creek Co: Berkeley SC 29445–
Landholding Agency: Navy

Property Number: 77200040031
Status: Unutilized
Reason: Secured Area

17 Bldgs.
Naval Weapons Station
Goose Creek Co: Berkeley SC 29445–
Landholding Agency: Navy
Property Number: 77200320017
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

South Dakota

Mobile Home
Tract L–1295
Oahe Dam
Potter SD 00000–
Landholding Agency: COE
Property Number: 31200030001
Status: Excess
Reason: Extensive deterioration

Tennessee

Bldgs. 204
Cordell Hull Lake and Dam Project.
Defeated Creek Recreation Area
Carthage Co: Smith TN 37030–
Location: US Highway 85
Landholding Agency: COE
Property Number: 31199011499
Status: Unutilized
Reason: Floodway

Tract 2618 (Portion)
Cordell Hull Lake and Dam Project
Roaring River Recreation Area
Gainesboro Co: Jackson TN 38562–
Location: TN Highway 135
Landholding Agency: COE
Property Number: 31199011503
Status: Underutilized
Reason: Floodway

Water Treatment Plant
Dale Hollow Lake & Dam Project
Obey River Park, State Hwy 42
Livingston Co: Clay TN 38351–
Landholding Agency: COE
Property Number: 31199140011
Status: Excess
Reason: Water treatment plant

Water Treatment Plant
Dale Hollow Lake & Dam Project
Lillydale Recreation Area, State Hwy 53
Livingston Co: Clay TN 38351–
Landholding Agency: COE
Property Number: 31199140012
Status: Excess
Reason: Water treatment plant

Water Treatment Plant
Dale Hollow Lake & Dam Project
Willow Grove Recreational Area, Hwy No. 53
Livingston Co: Clay TN 38351–
Landholding Agency: COE
Property Number: 31199140013
Status: Excess
Reason: Water treatment plant

Comfort Station/Land
Cook Campground
Nashville Co: Davidson TN 37214–
Landholding Agency: COE
Property Number: 31200420024
Status: Unutilized
Reason: Floodway

Tracts 915, 920, 931C–1
Cordell Hull Dam/Reservoir
Cathage Co: Smith TN 37030–
Landholding Agency: COE
Property Number: 31200430016
Status: Unutilized
Reasons: Floodway; landlocked

Bldg. 3004
Oak Ridge National Lab
Oak Ridge Co: Roane TN 37831–
Landholding Agency: Energy
Property Number: 41199710002
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldgs. 9714–3, 9714–4, 9983-AY
Y–12 Pistol Range
Oak Ridge Co: Anderson TN 37831–
Landholding Agency: Energy
Property Number: 41199720004
Status: Unutilized
Reason: Secured Area

5 Bldgs.
K–724, K–725, K–1031, K–1131, K–1410
East Tennessee Technology Park
Oak Ridge Co: Roane TN 37831–
Landholding Agency: Energy
Property Number: 41199730001
Status: Unutilized
Reason: Extensive deterioration

Bldg. 9418–1
Y–12 Plant
Oak Ridge Co: Anderson TN 37831–
Landholding Agency: Energy
Property Number: 41199810026
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldg. 9825
Y–12 Plant
Oak Ridge Co: Anderson TN 37831–
Landholding Agency: Energy
Property Number: 41199810027
Status: Unutilized
Reason: Secured Area

17 Bldgs.
Oak Ridge Tech Park
Oak Ridge Co: Roane TN 37831–
Location: K–801, A–D, H, K–891, K–892, K1025A–E, K–1064B–E, H, K, L, K1206–E
Landholding Agency: Energy
Property Number: 41200310007
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldg. SC–3
ORISE
Oak Ridge Co: Anderson TN 37831–
Landholding Agency: Energy
Property Number: 41200340001
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

5 Bldgs.
Naval Support Activity
430, 434, 762, 1765, 397
Millington TN 38054–
Landholding Agency: Navy
Property Number: 77200330045
Status: Excess
Reason: Secured Area

Texas

Comfort Station
Overlook PUA
Powderly Co: Lamar TX 75473–9801
Landholding Agency: COE
Property Number: 31200240018
Status: Excess
Reason: Extensive deterioration

58 Bldgs.
Texoma Lake
Denison TX 75020–6425
Landholding Agency: COE
Property Number: 31200340035
Status: Excess
Reason: Extensive deterioration

Zone 5, Bldg. FS–18
Pantex Plant
Amarillo Co: Carson TX 79120–
Landholding Agency: Energy
Property Number: 41200220044
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Zone 12, Bldg. 12–20
Pantex Plant
Amarillo Co: Carson TX 79120–
Landholding Agency: Energy
Property Number: 41200220053
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldgs. 12–017E, 12–019E
Pantex Plant
Amarillo Co: Carson TX 79120–
Landholding Agency: Energy
Property Number: 41200320010
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

5 Bldgs.
Pantex Plant
#10–002, 11–009, 12–013, 12–078, 12–R–078
Amarillo Co: Carson TX 79120–
Landholding Agency: Energy
Property Number: 41200410003
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 15–016
Pantex Plant
Amarillo Co: Carson TX 79120–
Landholding Agency: Energy
Property Number: 41200420017
Status: Unutilized
Reason: Secured Area

Bldg. 4–052P
Pantex Plant
Amarillo Co: Carson TX 79120–
Landholding Agency: Energy
Property Number: 41200420018
Status: Unutilized
Reason: Secured Area

Bldg. 113
Naval Air Station
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 77200310054
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Facility 13
Naval Air Station
Corpus Christi Co: Nueces TX 78419–5021
Landholding Agency: Navy
Property Number: 77200320051
Status: Excess
Reason: Extensive deterioration

Facility 94
Naval Air Station
Corpus Christi Co: Nueces TX 78419–5021
Landholding Agency: Navy

Property Number: 77200320052
Status: Excess
Reason: Extensive deterioration

Facility 1777
Naval Air Station
Corpus Christi Co: Nueces TX 78419–5021
Landholding Agency: Navy
Property Number: 77200320053
Status: Excess
Reason: Extensive deterioration

Bldg. 1302
Naval Air Station
Ft. Worth Co: Tarrant TX 76127–6200
Landholding Agency: Navy
Property Number: 77200330046
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldg. 1320
Naval Air Station
Ft. Worth Co: Tarrant TX 76127–6200
Landholding Agency: Navy
Property Number: 77200330047
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldg. 1509
Naval Air Station
Ft. Worth Co: Tarrant TX 76127–
Landholding Agency: Navy
Property Number: 77200330048
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldg. 39
Naval Air Station
Corpus Christi Co: Nueces TX 78419–5021
Landholding Agency: Navy
Property Number: 77200420034
Status: Excess
Reason: Extensive deterioration

Bldg. 1423
Naval Air Station
Ft. Worth Co: Tarant TX–
Landholding Agency: Navy
Property Number: 77200420054
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldg. 1560
Naval Air Station
Ft. Worth Co: Tarrant TX
Landholding Agency: Navy
Property Number: 77200420055
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Virginia

Bldg. O2
Naval Weapons Station
Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 77199810073
Status: Excess
Reason: Extensive deterioration

Bldg. 449
Norfolk Naval Shipyard
Portsmouth VA 23709–
Landholding Agency: Navy
Property Number: 77199920068
Status: Excess
Reason: Extensive deterioration

Bldg. 450
Norfolk Naval Shipyard
Portsmouth VA 23709–
Landholding Agency: Navy
Property Number: 77199920069
Status: Excess
Reason: Extensive deterioration

Bldg. 451
Norfolk Naval Shipyard
Portsmouth VA 23709–
Landholding Agency: Navy
Property Number: 77199920070
Status: Excess
Reason: Extensive deterioration

Bldg. 453
Norfolk Naval Shipyard
Portsmouth VA 23709–
Landholding Agency: Navy
Property Number: 77199920071
Status: Excess
Reason: Extensive deterioration

Bldg. 454
Norfolk Naval Shipyard
Portsmouth VA 23709–
Landholding Agency: Navy
Property Number: 77199920072
Status: Excess
Reason: Extensive deterioration

Bldg. 708
Norfolk Naval Shipyard
Portsmouth VA 23709–
Landholding Agency: Navy
Property Number: 77199920073
Status: Excess
Reason: Extensive deterioration

Bldg. 709
Norfolk Naval Shipyard
Portsmouth VA 23709–
Landholding Agency: Navy
Property Number: 77199920074
Status: Excess
Reason: Extensive deterioration

Bldg. 710
Norfolk Naval Shipyard
Portsmouth VA 23709–
Landholding Agency: Navy
Property Number: 77199920075
Status: Excess
Reason: Extensive deterioration

Bldg. 711
Norfolk Naval Shipyard
Portsmouth VA 23709–
Landholding Agency: Navy
Property Number: 77199920076
Status: Excess
Reason: Extensive deterioration

Bldg. 712
Norfolk Naval Shipyard
Portsmouth VA 23709–
Landholding Agency: Navy
Property Number: 77199920077
Status: Excess
Reason: Extensive deterioration

Bldg. 713
Norfolk Naval Shipyard
Portsmouth VA 23709–
Landholding Agency: Navy
Property Number: 77199920078
Status: Excess
Reason: Extensive deterioration

Bldg. 714
Norfolk Naval Shipyard
Portsmouth VA 23709–
Landholding Agency: Navy
Property Number: 77199920079
Status: Excess
Reason: Extensive deterioration

Bldg. 715
Norfolk Naval Shipyard
Portsmouth VA 23709–
Landholding Agency: Navy
Property Number: 77199920080
Status: Excess
Reason: Extensive deterioration

Bldg. 716
Norfolk Naval Shipyard
Portsmouth VA 23709–
Landholding Agency: Navy
Property Number: 77199920081
Status: Excess
Reason: Extensive deterioration

Bldg. 717
Norfolk Naval Shipyard
Portsmouth VA 23709–
Landholding Agency: Navy
Property Number: 77199920082
Status: Excess
Reason: Extensive deterioration

Bldg. 718
Norfolk Naval Shipyard
Portsmouth VA 23709–
Landholding Agency: Navy
Property Number: 77199920083
Status: Excess
Reason: Extensive deterioration

Bldg. 1454
Norfolk Naval Shipyard
Portsmouth VA 23709–
Landholding Agency: Navy
Property Number: 77199920084
Status: Excess
Reason: Extensive deterioration

Bldg. 7
Naval Weapons Station
Yorktown VA 23691–
Landholding Agency: Navy
Property Number: 77200020009
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 12
Naval Weapons Station
Yorktown VA 23691–
Landholding Agency: Navy
Property Number: 77200020010
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 24
Naval Weapons Station
Yorktown VA 23691–
Landholding Agency: Navy
Property Number: 77200020011
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 34
Naval Weapons Station
Yorktown VA 23691–
Landholding Agency: Navy
Property Number: 77200020012
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 103B
Naval Weapons Station
Yorktown VA 23691–
Landholding Agency: Navy
Property Number: 77200120049

Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. B402
Naval Surface Warfare Center
Dalgren Co: King George VA 22448–
Landholding Agency: Navy
Property Number: 77200120059
Status: Unutilized
Reason: Extensive deterioration

Bldg. B425
Naval Surface Warfare Center
Dalgren Co: King George VA 22448–
Landholding Agency: Navy
Property Number: 77200120060
Status: Unutilized
Reason: Extensive deterioration

Bldg. B1379
Naval Surface Warfare Center
Dahlgren Co: King George VA 22448–
Landholding Agency: Navy
Property Number: 77200130066
Status: Unutilized
Reason: Extensive deterioration

Bldg. 51
Naval Weapons Station
Yorktown VA 23691–
Landholding Agency: Navy
Property Number: 77200220054
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 79
Naval Weapons Station
Yorktown VA 23691–
Landholding Agency: Navy
Property Number: 77200220055
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 89
Naval Weapons Station
Yorktown VA 23691–
Landholding Agency: Navy
Property Number: 77200220056
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

5 Bldgs.
Naval Weapons Station
#90, 91, 95, 96, 101
Yorktown VA 23691–
Landholding Agency: Navy
Property Number: 77200220057
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 119A
Naval Weapons Station
Yorktown VA 23691–
Landholding Agency: Navy
Property Number: 77200220058
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 378
Naval Weapons Station
Yorktown VA 23691–
Landholding Agency: Navy
Property Number: 77200220059
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 398
Naval Weapons Station
Yorktown VA 23691–
Landholding Agency: Navy
Property Number: 77200220060
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 415
Naval Weapons Station
Yorktown VA 23691–
Landholding Agency: Navy
Property Number: 77200220061
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldgs. 440, 441
Naval Weapons Station
Yorktown VA 23691–
Landholding Agency: Navy
Property Number: 77200220062
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 508
Naval Weapons Station
Yorktown VA 23691–
Landholding Agency: Navy
Property Number: 77200220063
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 510
Naval Weapons Station
Yorktown VA 23691–
Landholding Agency: Navy
Property Number: 77200220064
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 605
Naval Weapons Station
Yorktown VA 23691–
Landholding Agency: Navy
Property Number: 77200220065
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 624
Naval Weapons Station
Yorktown VA 23691–
Landholding Agency: Navy
Property Number: 77200220066
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 688
Naval Weapons Station
Yorktown VA 23691–
Landholding Agency: Navy
Property Number: 77200220067
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldgs. 1271, 1272, 1273
Naval Weapons Station
Yorktown VA 23691–
Landholding Agency: Navy
Property Number: 77200220068
Status: Excess
Reason: Secured Area

Bldgs. 1465, 1466
Naval Weapons Station
Yorktown VA 23691–
Landholding Agency: Navy
Property Number: 77200220069
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldgs. 1467, 1468, 1469
Naval Weapons Station
Yorktown VA 23691–
Landholding Agency: Navy
Property Number: 77200220070
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 1799
Naval Weapons Station
Yorktown VA 23691–
Landholding Agency: Navy
Property Number: 77200220071
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. CAD40
Naval Weapons Station
Yorktown VA 23691–
Landholding Agency: Navy
Property Number: 77200220084
Status: Excess
Reason: Secured Area

Bldg. CAD41
Naval Weapons Station
Yorktown VA 23691–
Landholding Agency: Navy
Property Number: 77200220085
Status: Excess
Reason: Secured Area

Bldg. CAD479
Naval Weapons Station
Yorktown VA 23691–
Landholding Agency: Navy
Property Number: 77200220086
Status: Excess
Reason: Secured Area

Pier R–1
Naval Weapons Station
Yorktown VA 23691–
Landholding Agency: Navy
Property Number: 77200240053
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 709
Naval Weapons Station
Yorktown VA 23691–
Landholding Agency: Navy
Property Number: 77200240054
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 1443/adj. bldg.
Norfolk Naval Shipyard
Portsmouth VA 23704–
Landholding Agency: Navy
Property Number: 77200320018
Status: Excess
Reason: Extensive deterioration

Bldgs. 3375, 3610–3612
Naval Amphibious Base
Little Creek

Norfolk VA 23521–
Landholding Agency: Navy
Property Number: 77200410001
Status: Excess
Reason: Extensive deterioration

Bldgs. Q–5A, Q–71
Naval Station
Norfolk Co: VA 23511–
Landholding Agency: Navy
Property Number: 77200430046
Status: Unutilized
Reason: Extensive deterioration

Bldg. W–153
Naval Station
Norfolk Co: VA 23511–
Landholding Agency: Navy
Property Number: 77200430047
Status: Unutilized
Reason: Extensive deterioration

2 Fuel Transfer Pits
Naval Station
Norfolk Co: VA 23511–
Landholding Agency: Navy
Property Number: 77200430048
Status: Unutilized
Reason: Extensive deterioration

Washington

Rec Storage Bldg.
Richland Parks
Richland Co: Benton WA 99352–
Landholding Agency: COE
Property Number: 31200240019
Status: Unutilized
Reason: Extensive deterioration

Railroad Club Bldg.
McNary Lock & Dam Proj
Richland Co: Benton WA 99352–
Landholding Agency: COE
Property Number: 31200410006
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 6661
Naval Submarine Base, Bangor
Silverdale Co: Kitsap WA 98315–6499
Landholding Agency: Navy
Property Number: 77199730039
Status: Unutilized
Reason: Secured Area

Bldg. 604
Manchester Fuel Department
Port Orchard WA 98366–
Landholding Agency: Navy
Property Number: 77199810170
Status: Excess
Reasons:
Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 288
Fleet Industrial Supply Center
Bremerton WA 98314–5100
Landholding Agency: Navy
Property Number: 77199810171
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 47
Naval Radio Station T Jim Creek
Arlington Co: Snohomish WA 98223–
Landholding Agency: Navy
Property Number: 77199820056
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldg. 48
Naval Radio Station T Jim Creek
Arlington Co: Snohomish WA 98223–
Landholding Agency: Navy
Property Number: 77199820057
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Coal Handling Facilities
Puget Sound Naval Shipyard
#908, 919, 926–929
Bremerton WA 98314–5000
Landholding Agency: Navy
Property Number: 77199820142
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 193
Puget Sound Naval Shipyard
Bremerton WA 98310–
Landholding Agency: Navy
Property Number: 77199820143
Status: Unutilized
Reason: Contamination

Bldg. 202
Naval Air Station Whidbey Island
Oak Harbor WA 98278–
Landholding Agency: Navy
Property Number: 77199830019
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 2649
Naval Air Station Whidbey Island
Oak Harbor WA 98278–
Landholding Agency: Navy
Property Number: 77199830020
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Extensive deterioration

Bldgs. 35, 36
Naval Radio Station T Jim Creek
Arlington Co: Snohomish WA 98223–
Landholding Agency: Navy
Property Number: 77199830076
Status: Unutilized
Reason: Extensive deterioration

Bldg. 918
Puget Sound Naval Shipyard
Bremerton WA 98314–5000
Landholding Agency: Navy
Property Number: 77199840020
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 894
Naval Undersea Warfare Center
Keyport Co: Kitsap WA 98345–7610
Landholding Agency: Navy
Property Number: 77199920085
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 73
Naval Undersea Warfare Center
Keyport Co: Kitsap WA 98345–
Landholding Agency: Navy
Property Number: 77199920152
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 210A
Naval Station Bremerton
Bremerton WA 98314–
Landholding Agency: Navy
Property Number: 77199930021
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 511
Naval Station Bremerton
Bremerton WA 98314–
Landholding Agency: Navy
Property Number: 77199930022
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 527
Naval Station Bremerton
Bremerton WA 98314–
Landholding Agency: Navy
Property Number: 77199930023
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 97
Naval Air Station
Whidbey Island
Oak Harbor WA 98278–
Landholding Agency: Navy
Property Number: 77199930040
Status: Unutilized
Reason: Extensive deterioration

Bldg. 331
Naval Undersea Warfare Center
Keyport Co: Kitsap WA 98345–
Landholding Agency: Navy
Property Number: 77199930041
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldg. 786
Naval Undersea Warfare Center
Keyport Co: Kitsap WA 98345–
Landholding Agency: Navy
Property Number: 77199930042
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldg. 15
Naval Air Station, Whidbey Island
Oak Harbor WA 98278–3500
Landholding Agency: Navy
Property Number: 77199930071
Status: Unutilized
Reason: Extensive deterioration

Bldg. 119
Naval Air Station, Whidbey Island
Oak Harbor WA 98278–3500
Landholding Agency: Navy
Property Number: 77199930072
Status: Unutilized
Reason: Extensive deterioration

Bldg. 853
Naval Air Station, Whidbey Island
Oak Harbor WA 98278–3500
Landholding Agency: Navy
Property Number: 77199930073
Status: Unutilized
Reason: Extensive deterioration

Bldg. 854
Naval Air Station, Whidbey Island
Oak Harbor WA 98278–3500
Landholding Agency: Navy
Property Number: 77199930074
Status: Unutilized
Reason: Extensive deterioration

Bldg. 166
Puget Sound Naval Shipyard
Bremerton WA 98314–5000
Landholding Agency: Navy
Property Number: 77199930101
Status: Excess
Reason: Secured Area

Bldg. 287
Puget Sound Naval Shipyard
Bremerton WA 98314–5000
Landholding Agency: Navy
Property Number: 77199930102
Status: Excess
Reason: Secured Area

Bldg. 418
Puget Sound Naval Shipyard
Bremerton WA 98314–5000
Landholding Agency: Navy
Property Number: 77199930103
Status: Excess
Reason: Secured Area

Bldg. 858
Puget Sound Naval Shipyard
Bremerton WA 98314–5000
Landholding Agency: Navy
Property Number: 77199930104
Status: Excess
Reason: Secured Area

Bldg. 17
Naval Radio Station
Jim Creek
Arlington WA 98223–8599
Landholding Agency: Navy
Property Number: 77200010073
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. 47
Naval Undersea Warfare
Keyport Co: Kitsap WA 98345–7610
Landholding Agency: Navy
Property Number: 77200010074
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Whitney Point Complex
Brinnon Co: Jefferson WA 98320–9899
Landholding Agency: Navy
Property Number: 77200010102
Status: Excess
Reason: Extensive deterioration

Bldg. 398
Naval Station
Bremerton WA 98314–5000
Landholding Agency: Navy
Property Number: 77200020038
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 976
Naval Station
Bremerton WA 98314–5020
Landholding Agency: Navy
Property Number: 77200020039
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

8 Bldgs.
Naval Station
902, 903, 905, 907, 909–911, 915
Bremerton WA 98314–5020
Landholding Agency: Navy
Property Number: 77200020040
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 109
Naval Weapons Station
Port Hadlock Co: Jefferson WA 98339–9723
Landholding Agency: Navy
Property Number: 77200030020
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 157
Naval Weapons Station
Port Hadlock Co: Jefferson WA 98339–9723
Landholding Agency: Navy
Property Number: 77200030021
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 161
Naval Weapons Station
Port Hadlock Co: Jefferson WA 98339–9723
Landholding Agency: Navy
Property Number: 77200030022
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 170
Naval Weapons Station
Port Hadlock Co: Jefferson WA 98339–9723
Landholding Agency: Navy
Property Number: 77200030023
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 262
Naval Weapons Station
Port Hadlock Co: Jefferson WA 98339–9723
Landholding Agency: Navy
Property Number: 77200030024
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 482
Puget Sound Naval Shipyard
Bremerton WA 98314–5000
Landholding Agency: Navy
Property Number: 77200040019
Status: Excess
Reason: Secured Area

Bldg. 529
Puget Sound Naval Shipyard
Bremerton WA 98314–5000
Landholding Agency: Navy
Property Number: 77200040020
Status: Excess
Reason: Secured Area

Bldg. 133
Naval Undersea Warfare Station
Keyport Co: Kitsap WA 98345–7610
Landholding Agency: Navy
Property Number: 77200120133
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 2511
NAS Whidbey Island
Oak Harbor Co: Island WA 98278–3500
Landholding Agency: Navy
Property Number: 77200120157
Status: Excess
Reason: Secured Area

Bldg. 98
Naval Air Station
Oak Harbor Co: Whidbey Island WA 98278–
Landholding Agency: Navy
Property Number: 77200220022
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Floodway; Extensive deterioration

Bldg. 2667
Naval Air Station
Oak Harbor Co: Whidbey Island WA 98278–
Landholding Agency: Navy
Property Number: 77200220023
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Floodway; Extensive deterioration

Bldg. 899
Puget Sound Naval Shipyard
Bremerton WA 98314–5000
Landholding Agency: Navy
Property Number: 77200230032
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldgs. 935, 936, 956, 957
Naval Station
Bremerton WA 98314–5020
Landholding Agency: Navy
Property Number: 77200230041
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 1990
Naval Station
Everett Co: Snohomish WA 98207–5001
Landholding Agency: Navy
Property Number: 77200230044
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. 530
Naval Station
Bremerton WA 98314–5020
Landholding Agency: Navy
Property Number: 77200230058
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 878
Naval Station
Bremerton WA 98314–5020
Landholding Agency: Navy
Property Number: 77200230059
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 904
Naval Station
Fort Lawton
Everett Co: Snohomish WA 98207–5001
Landholding Agency: Navy
Property Number: 77200230060
Status: Excess
Reason: Extensive deterioration

Bldg. 66
Naval Magazine
Indian Island
Port Hadlock Co: Jefferson WA 98339–9723

Landholding Agency: Navy
Property Number: 77200240032
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 67
Naval Magazine
Indian Island
Port Hadlock Co: Jefferson WA 98339–9723
Landholding Agency: Navy
Property Number: 77200240033
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 180
Naval Magazine
Indian Island
Port Hadlock Co: Jefferson WA 98339–9723
Landholding Agency: Navy
Property Number: 77200240034
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 182
Naval Magazine
Indian Island
Port Hadlock Co: Jefferson WA 98339–9723
Landholding Agency: Navy
Property Number: 77200240035
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 214
Naval Magazine Indian Island
Port Hadlock Co: Jefferson WA 98339–9723
Landholding Agency: Navy
Property Number: 77200240036
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 273
Naval Magazine
Indian Island
Port Hadlock Co: Jefferson WA 98339–9723
Landholding Agency: Navy
Property Number: 77200240037
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 937
Naval Undersea Warfare
Keyport Co: Kitsap WA 98345–7610
Landholding Agency: Navy
Property Number: 77200240038
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 2801A
Naval Undersea Warfare
Keyport Co: Kitsap WA 98345–7610
Landholding Agency: Navy
Property Number: 77200240039
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 7634
Naval Undersea Warfare
Keyport Co: Kitsap WA 98345–7610
Landholding Agency: Navy
Property Number: 77200240040
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 2633
Naval Air Station
Oak Harbor Co: Island WA 98278–
Landholding Agency: Navy
Property Number: 77200340052
Status: Excess
Reason: Extensive deterioration

Land (by State)

Arizona

58 acres
VA Medical Center
500 Highway 89 North
Prescott Co: Yavapai AZ 86313–
Landholding Agency: VA
Property Number: 97190630001
Status: Unutilized
Reason: Floodway

20 acres
VA Medical Center
500 Highway 89 North
Prescott Co: Yavapai AZ 86313–
Landholding Agency: VA
Property Number: 97190630002
Status: Underutilized
Reason: Floodway

California

Space Surv. Field Station
Portion/Off Heritage Road
San Diego CA 90012–1408
Landholding Agency: Navy
Property Number: 77199820049
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Florida

Wildlife Sanctuary, VAMC
10,000 Bay Pines Blvd.
Bay Pines Co: Pinellas FL 33504–
Landholding Agency: VA
Property Number: 97199230004
Status: Underutilized
Reason: Inaccessible

Kentucky

Tract 4626
Barkley, Lake, Kentucky and Tennessee
Donaldson Creek Launching Area
Cadiz Co: Trigg KY 42211–
Location: 14 miles from US Highway 68.
Landholding Agency: COE
Property Number: 31199010030
Status: Underutilized
Reason: Floodway

Tract AA–2747
Wolf Creek Dam and Lake Cumberland
US HWY. 27 to Blue John Road
Burnside Co: Pulaski KY 42519–
Landholding Agency: COE
Property Number: 31199010038
Status: Underutilized
Reason: Floodway

Tract AA–2726
Wolf Creek Dam and Lake Cumberland
KY HWY. 80 to Route 769
Burnside Co: Pulaski KY 42519–
Landholding Agency: COE
Property Number: 31199010039
Status: Underutilized
Reason: Floodway

Tract 1358
Barkley Lake, Kentucky and Tennessee
Eddyville Recreation Area
Eddyville Co: Lyon KY 42038–
Location: US Highway 62 to state highway 93.
Landholding Agency: COE
Property Number: 31199010043
Status: Excess
Reason: Floodway

Red River Lake Project
Stanton Co: Powell KY 40380–
Location: Exit Mr. Parkway at the Stanton and Slade Interchange, then take SR Hand 15 north to SR 613.
Landholding Agency: COE
Property Number: 31199011684
Status: Unutilized
Reason: Floodway

Barren River Lock & Dam No. 1
Richardsville Co: Warren KY 42270–
Landholding Agency: COE
Property Number: 31199120008
Status: Unutilized
Reason: Floodway

Green River Lock & Dam No. 3
Rochester Co: Butler KY 42273–
Location: Off State Hwy. 369, which runs off of Western Ky. Parkway
Landholding Agency: COE
Property Number: 31199120009
Status: Unutilized
Reason: Floodway

Green River Lock & Dam No. 4
Woodbury Co: Butler KY 42288–
Location: Off State Hwy 403, which is off State Hwy 231
Landholding Agency: COE
Property Number: 31199120014
Status: Underutilized
Reason: Floodway

Green River Lock & Dam No. 5
Readville Co: Butler KY 42275–
Location: Off State Highway 185
Landholding Agency: COE
Property Number: 31199120015
Status: Unutilized
Reason: Floodway

Green River Lock & Dam No. 6
Brownsville Co: Edmonson KY 42210–
Location: Off State Highway 259
Landholding Agency: COE
Property Number: 31199120016
Status: Underutilized
Reason: Floodway

Vacant land west of locksite
Greenup Locks and Dam
5121 New Dam Road
Rural Co: Greenup KY 41144–
Landholding Agency: COE
Property Number: 31199120017
Status: Unutilized
Reason: Floodway

Maryland

Tract 131R
Youghiogheny River Lake, Rt. 2, Box 100
Friendsville Co: Garrett MD
Landholding Agency: COE
Property Number: 31199240007
Status: Underutilized
Reason: Floodway

Land/10,000 sq. ft.

Indian Head Division
Indian Head Co: Charles MD 20646–
Landholding Agency: Navy
Property Number: 77200330044
Status: Underutilized
Reason: Secured Area

Minnesota

3.85 acres (Area #2)
VA Medical Center
4801 8th Street
St. Cloud Co: Stearns MN 56303–
Landholding Agency: VA
Property Number: 97199740004
Status: Unutilized
Reason: landlocked

7.48 acres (Area #1)
VA Medical Center
4801 8th Street
St. Cloud Co: Stearns MN 56303–
Landholding Agency: VA
Property Number: 97199740005
Status: Underutilized
Reason: Secured Area

Mississippi

Parcel 1
Grenada Lake
Section 20
Grenada Co: Grenada MS 38901–0903
Landholding Agency: COE
Property Number: 31199011018
Status: Underutilized
Reason: Within airport runway clear zone

Missouri

Ditch 19, Item 2, Tract No. 230
St. Francis Basin Project
2½ miles west of Malden Co: Dunklin MO
Landholding Agency: COE
Property Number: 31199130001
Status: Unutilized
Reason: Floodway

Montana

Sewage Lagoons/40 acres
VA Center
Ft. Harrison MT 59639–
Landholding Agency: VA
Property Number: 97200340007
Status: Excess
Reason: Floodway

New Jersey

2.1 acres
Naval Weapons Station
Earle NJ
Landholding Agency: Navy
Property Number: 77200320016
Status: Excess
Reason: Secured Area

New York

Tract 1
VA Medical Center
Bath Co: Steuben NY 14810–
Location: Exit 38 off New York State Route 17.
Landholding Agency: VA
Property Number: 97199010011
Status: Unutilized
Reason: Secured Area

Tract 2
VA Medical Center
Bath Co: Steuben NY 14810–
Location: Exit 38 off New York State Route 17.
Landholding Agency: VA
Property Number: 97199010012
Status: Underutilized
Reason: Secured Area

Tract 3
VA Medical Center
Bath Co: Steuben NY 14810–
Location: Exit 38 off New York State Route 17.
Landholding Agency: VA
Property Number: 97199010013
Status: Underutilized
Reason: Secured Area

Tract 4
VA Medical Center
Bath Co: Steuben NY 14810–
Location: Exit 38 off New York State Route 17.
Landholding Agency: VA
Property Number: 97199010014
Status: Unutilized
Reason: Secured Area

North Carolina

0.85 parcel of land
Marine Corps Air Station, Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 77199740074
Status: Unutilized
Reason: Secured Area

5 (0.91) Parcels
Marine Corps Base
Camp Lejeune NC
Landholding Agency: Navy
Property Number: 77200210080
Status: Underutilized
Reason: Secured Area

3 (0.91) Parcels
Marine Corps Base
Greater Sandy Run
Camp Lejeune NC
Landholding Agency: Navy
Property Number: 77200210081
Status: Underutilized
Reasons: Within airport runway clear zone; Secured Area

River Road Site
Marine Corps Base
Camp Lejeune Co: NC
Landholding Agency: Navy
Property Number: 77200430043
Status: Underutilized
Reason: Secured Area

Courthouse Bay Site
Marine Corps Base
Camp Lejeune Co: NC
Landholding Agency: Navy
Property Number: 77200430044
Status: Underutilized
Reason: Secured Area

Sneads Ferry Site
Marine Corps Base
Camp Lejeune Co: NC
Landholding Agency: Navy
Property Number: 77200430045
Status: Underutilized
Reason: Secured Area

Ohio

Mosquito Creek Lake
Everett Hull Road Boat Launch
Cortland Co: Trumbull OH 44410–9321
Landholding Agency: COE
Property Number: 31199440007
Status: Underutilized
Reason: Floodway

Mosquito Creek Lake
Housel-Craft Rd., Boat Launch
Cortland Co: Trumbull OH 44410–9321
Landholding Agency: COE
Property Number: 31199440008
Status: Underutilized
Reason: Floodway

36 Site Campground
German Church Campground
Berlin Center Co: Portage OH 44401–9707
Landholding Agency: COE
Property Number: 31199810001
Status: Unutilized
Reason: Floodway

Pennsylvania

Lock and Dam #7
Monongahela River
Greensboro Co: Greene PA
Location: Left hand side of entrance roadway to project.
Landholding Agency: COE
Property Number: 31199011564
Status: Unutilized
Reason: Floodway

Mercer Recreation Area
Shenango Lake
Transfer Co: Mercer PA 16154–
Landholding Agency: COE
Property Number: 31199810002
Status: Unutilized
Reason: Floodway

Tract No. B–212C
Upstream from Gen. Jadwin Dam & Reservoir
Honesdale Co: Wayne PA 18431–
Landholding Agency: COE
Property Number: 31200020005
Status: Unutilized
Reason: Floodway

Puerto Rico

Site 1
Naval Station Roosevelt Roads
Ceiba PR 00735–
Landholding Agency: Navy
Property Number: 77200320029
Status: Unutilized
Reason: Secured Area

Site 2
Naval Station Roosevelt Roads
Ceiba PR 00735–
Landholding Agency: Navy
Property Number: 77200320030
Status: Unutilized
Reason: Secured Area

Site 3
Naval Station Roosevelt Roads
Ceiba PR 00735–
Landholding Agency: Navy
Property Number: 77200320031
Status: Unutilized
Reason: Secured Area

Site 4
Naval Station Roosevelt Roads
Ceiba PR 00735–
Landholding Agency: Navy
Property Number: 77200320032
Status: Unutilized
Reason: Secured Area

Tennessee

Brooks Bend
Cordell Hull Dam and Reservoir
Highway 85 to Brooks Bend Road

Gainesboro Co: Jackson TN 38562–
Location: Tracts 800, 802–806, 835–837, 900–902, 1000–1003, 1025
Landholding Agency: COE
Property Number: 21199040413
Status: Underutilized
Reason: Floodway

Cheatham Lock and Dam
Highway 12
Ashland City Co: Cheatham TN 37015–
Location: Tracts E–513, E–512–1 and E–512–2
Landholding Agency: COE
Property Number: 21199040415
Status: Underutilized
Reason: Floodway

Tract 2321
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130–
Location: South of Old Jefferson Pike
Landholding Agency: COE
Property Number: 31199010935
Status: Excess
Reason: landlocked

Tract 6737
Blue Creek Recreation Area
Barkley Lake, Kentucky and Tennessee
Dover Co: Stewart TN 37058–
Location: US Highway 79/TN Highway 761
Landholding Agency: COE
Property Number: 31199011478
Status: Underutilized
Reason: Floodway

Tracts 3102, 3105, and 3106
Brimstone Launching Area
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38562–
Location: Big Bottom Road
Landholding Agency: COE
Property Number: 31199011479
Status: Excess
Reason: Floodway

Tract 3507
Proctor Site
Cordell Hull Lake and Dam Project
Celina Co: Clay TN 38551–
Location: TN Highway 52
Landholding Agency: COE
Property Number: 31199011480
Status: Unutilized
Reason: Floodway

Tract 3721
Obey
Cordell Hull Lake and Dam Project
Celina Co: Clay TN 38551–
Location: TN Highway 53
Landholding Agency: COE
Property Number: 31199011481
Status: Unutilized
Reason: Floodway

Tracts 608, 609, 611 and 612
Sullivan Bend Launching Area
Cordell Hull Lake and Dam Project
Carthage Co: Smith TN 37030–
Location: Sullivan Bend Road
Landholding Agency: COE
Property Number: 31199011482
Status: Underutilized
Reason: Floodway

Tract 920
Indian Creek Camping Area
Cordell Hull Lake and Dam Project
Granville Co: Smith TN 38564–
Location: TN Highway 53
Landholding Agency: COE
Property Number: 31199011483
Status: Underutilized
Reason: Floodway

Tracts 1710, 1716 and 1703
Flynns Lick Launching Ramp
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38562–
Location: Whites Bend Road
Landholding Agency: COE
Property Number: 31199011484
Status: Underutilized
Reason: Floodway

Tract 1810
Wartrace Creek Launching Ramp
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38551–
Location: TN Highway 85
Landholding Agency: COE
Property Number: 31199011485
Status: Underutilized
Reason: Floodway

Tract 2524
Jennings Creek
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38562–
Location: TN Highway 85
Landholding Agency: COE
Property Number: 31199011486
Status: Unutilized
Reason: Floodway

Tracts 2905 and 2907
Webster
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38551–
Location: Big Bottom Road
Landholding Agency: COE
Property Number: 31199011487
Status: Unutilized
Reason: Floodway

Tracts 2200 and 2201
Gainesboro Airport
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38562–
Location: Big Bottom Road
Landholding Agency: COE
Property Number: 31199011488
Status: Underutilized
Reasons: Within airport runway clear zone; Floodway

Tracts 710C and 712C
Sullivan Island
Cordell Hull Lake and Dam Project
Carthage Co: Smith TN 37030–
Location: Sullivan Bend Road
Landholding Agency: COE
Property Number: 31199011489
Status: Unutilized
Reason: Floodway

Tract 2403, Hensley Creek
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38562–
Location: TN Highway 85
Landholding Agency: COE
Property Number: 31199011490
Status: Unutilized
Reason: Floodway

Tracts 2117C, 2118 and 2120
Cordell Hull Lake and Dam Project
Trace Creek
Gainesboro Co: Jackson TN 38562–
Location: Brooks Ferry Road
Landholding Agency: COE
Property Number: 31199011491
Status: Unutilized
Reason: Floodway

Tracts 424, 425 and 426
Cordell Hull Lake and Dam Project
Stone Bridge
Carthage Co: Smith TN 37030–
Location: Sullivan Bend Road
Landholding Agency: COE
Property Number: 31199011492
Status: Unutilized
Reason: Floodway

Tract 517
J. Percy Priest Dam and Reservoir
Suggs Creek Embayment
Nashville Co: Davidson TN 37214–
Location: Interstate 40 to S. Mount Juliet Road.
Landholding Agency: COE
Property Number: 31199011493
Status: Underutilized
Reason: Floodway

Tract 1811
West Fork Launching Area
Smyrna Co: Rutherford TN 37167–
Location: Florence road near Enon Springs Road
Landholding Agency: COE
Property Number: 31199011494
Status: Underutilized
Reason: Floodway

Tract 1504
J. Perry Priest Dam and Reservoir
Lamon Hill Recreation Area
Smyrna Co: Rutherford TN 37167–
Location: Lamon Road
Landholding Agency: COE
Property Number: 31199011495
Status: Underutilized
Reason: Floodway

Tract 1500
J. Perry Priest Dam and Reservoir
Pools Knob Recreation
Smyrna Co: Rutherford TN 37167–
Location: Jones Mill Road
Landholding Agency: COE
Property Number: 31199011496
Status: Underutilized
Reason: Floodway

Tracts 245, 257, and 256
J. Perry Priest Dam and Reservoir
Cook Recreation Area
Nashville Co: Davidson TN 37214–
Location: 2.2 miles south of Interstate 40 near Saunders Ferry Pike.
Landholding Agency: COE
Property Number: 31199011497
Status: Underutilized
Reason: Floodway

Tracts 107, 109 and 110
Cordell Hull Lake and Dam Project
Two Prong
Carthage Co: Smith TN 37030–
Location: US Highway 85
Landholding Agency: COE
Property Number: 31199011498
Status: Unutilized
Reason: Floodway

Tracts 2919 and 2929
Cordell Hull Lake and Dam Project
Sugar Creek
Gainesboro Co: Jackson TN 38562–
Location: Sugar Creek Road
Landholding Agency: COE
Property Number: 31199011500

Status: Unutilized
Reason: Floodway

Tracts 1218 and 1204
Cordell Hull Lake and Dam Project
Granville—Alvin Yourk Road
Granville Co: Jackson TN 38564–
Landholding Agency: COE
Property Number: 31199011501
Status: Unutilized
Reason: Floodway

Tract 2100
Cordell Hull Lake and Dam Project
Galbreaths Branch
Gainesboro Co: Jackson TN 38562–
Location: TN Highway 53
Landholding Agency: COE
Property Number: 31199011502
Status: Unutilized
Reason: Floodway

Tract 104 et. al.
Cordell Hull Lake and Dam Project
Horshoe Bend Launching Area
Carthage Co: Smith TN 37030–
Location: Highway 70 N
Landholding Agency: COE
Property Number: 31199011504
Status: Underutilized
Reason: Floodway

Tracts 510, 511, 513 and 514
J. Percy Priest Dam and Reservoir Project
Lebanon Co: Wilson TN 37087–
Location: Vivrett Creek Launching Area, Alvin Sperry Road
Landholding Agency: COE
Property Number: 31199120007
Status: Underutilized
Reason: Floodway

Tract A–142, Old Hickory Beach
Old Hickory Blvd.
Old Hickory Co: Davidson TN 37138–
Landholding Agency: COE
Property Number: 31199130008
Status: Underutilized
Reason: Floodway

Tract D, 7 acres
Cheatham Lock & Dam
Nashville Co: Davidson TN 37207–
Landholding Agency: COE
Property Number: 31200020006
Status: Underutilized
Reason: Floodway

Tract F–608
Cheatham Lock & Dam
Ashland Co: Cheatham TN 37015–
Landholding Agency: COE
Property Number: 31200420021
Status: Unutilized
Reason: Floodway

Tracts G702–G706
Cheatham Lock & Dam
Ashland Co: Cheatham TN 37015–
Landholding Agency: COE
Property Number: 31200420022
Status: Unutilized
Reason: Floodway

6 Tracts
Shutes Branch Campground
Lakewood Co: Wilson TN
Landholding Agency: COE
Property Number: 31200420023
Status: Unutilized
Reason: Floodway

Texas
Tracts 104, 105–1, 105–2 & 118
Joe Pool Lake
Co: Dallas TX
Landholding Agency: COE
Property Number: 31199010397
Status: Underutilized
Reason: Floodway

Part of Tract 201–3
Joe Pool Lake
Co: Dallas TX
Landholding Agency: COE
Property Number: 31199010398
Status: Underutilized
Reason: Floodway

Part of Tract 323
Joe Pool Lake
Co: Dallas TX
Landholding Agency: COE
Property Number: 31199010399
Status: Underutilized
Reason: Floodway

Tract 702–3
Granger Lake
Route 1, Box 172
Granger Co: Williamson TX 76530–9801
Landholding Agency: COE
Property Number: 31199010401
Status: Unutilized
Reason: Floodway

Tract 706
Granger Lake
Route 1, Box 172
Granger Co: Williamson TX 76530–9801
Landholding Agency: COE
Property Number: 31199010402
Status: Unutilized
Reason: Floodway

Washington

2.8 acres
Tract P–1003
Kennewick Co: Benton WA 99336–
Landholding Agency: COE
Property Number: 31200240020
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Land-Port Hadlock Detachment
Naval Ordnance Center Pacific Division
Port Hadlock Co: Jefferson WA 98339–
Landholding Agency: Navy
Property Number: 77199640019
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

900 sq. ft. plot
Naval Submarine Base
Bangor WA
Landholding Agency: Navy
Property Number: 77200420056
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

West Virginia

Morgantown Lock and Dam
Box 3 RD #2
Morgantown Co: Monongahelia WV 26505–
Landholding Agency: COE
Property Number: 31199011530
Status: Unutilized
Reason: Floodway
London Lock and Dam
Route 60 East
Rural Co: Kanawha WV 25126–
Location: 20 miles east of Charleston, W. Virginia
Landholding Agency: COE
Property Number: 31199011690
Status: Unutilized
Reason: .03 acres; very narrow strip of land

Portion of Tract #101
Buckeye Creek
Sutton Co: Braxton WV 26601–
Landholding Agency: COE
Property Number: 31199810006
Status: Excess
Reason: inaccessible

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LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with ''P L U S'' (Public Laws Update Service) on 202–741–6043. This list is also available online at *http://www.archives.gov/federal_register/public_laws/public_laws.html*.

The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at *http://www.gpoaccess.gov/plaws/index.html*. Some laws may not yet be available.

H.R. 5005/P.L. 108–303
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