Administration (MSHA) in 30 CFR parts 7, 31, 32, 36, 56, 57, 70, and 75;

(3) Engines used in motorcycles and regulated in 40 CFR part 86, subpart E;

(4) Engines used in aircraft, as that term is defined in 40 CFR 87.1(a);

(5) Engines used in recreational vehicles. Recreational vehicles are defined as engines which have no speed governor and which have a rated speed of greater than or equal to 5,000 revolutions per minute (rpm). Engines used in recreational vehicles, by definition, are not used to propel marine vessels, and they cannot be capable of meeting the criteria to be categorized as a Class III, IV, or V engine under this rule.

3. Model Year and Effective Date

The model year definition employed for the engines covered by this rulemaking is the same as that employed for on-highway certification. A model year includes January 1 of the calendar year for which it is designated, but does not include a January 1 for any other calendar year. The maximum duration of a model year is one calendar year plus 364 days.

This rule is effective with model year 1997. A manufacturer may choose to produce both certified engine families and uncertified engine families during annual production periods that start before September 1, 1996. Annual production periods commencing prior to September 1, 1996 must not exceed twelve months in duration; this limitation is only applicable for the start-up of this program. Engines manufactured in a production period commencing on or after September 1, 1996 must be certified. The sole exception among regulated engines is for Class V engines that are preempted from regulation in the State of California; for these engines, the effective date of the rule is January 1, 1998.

New replacement engines manufactured after the applicable effective date are subject to this rule. The Agency is not establishing a separate effective date for nonroad equipment and vehicle manufacturers. However, as long as they do not stockpile noncertified engines, equipment and vehicle manufacturers may continue to use noncertified engines built prior to the effective date until noncertified engine inventories are used up.

4. Engine Classes

Engine classes are specified both by engine displacement, as measured in cubic centimeters (cc), and by the type of equipment the engine powers—either handheld or nonhandheld. There are five engine classes covered by this rule. Each has a unique set of emission standards. Nonhandheld engine classes are: Class I—engines less than 225 cc in displacement; and Class II—engines greater than or equal to 225 cc in displacement. Engines powering equipment defined as handheld are classified as Class III: engines less than 20 cc in displacement, or Class IV: engines equal to or greater than 20 cc and less than 50 cc in displacement, or Class V: engines equal to or greater than 50 cc in displacement. The emission standards promulgated today are considered Phase 1 new small SI engine standards.

5. Handheld Engine Qualifications

Small SI engines are categorized as either handheld or nonhandheld, depending on the use of the equipment in which the engine is installed. A handheld engine must meet at least one of the following four conditions:

(1) The engine must be used in a piece of equipment that is carried by the operator throughout the performance of the intended function(s).

(2) The engine must be used in a piece of equipment that must operate multipositionally, such as upside-down and/or sideways, to meet its intended function(s).

(3) The engine must be used in a one-person auger for which the combined engine and equipment dry weight is under 20 kilograms (kg).

(4) The engine must be used in a piece of equipment, other than an augur, for which the combined engine and equipment dry weight is under 14 kg, no more than two wheels are present, and at least one of the following attributes is also present:

- The operator must alternately provide support or carry the equipment throughout the performance of its intended function(s).
- The operator must provide support or attitudinal control for the equipment throughout the performance of its intended function(s).
- The engine is used in a hand portable generator or pump.

6. Emission Standards

Under this rule, exhaust emissions from new nonroad small SI engines must not exceed the standards applicable to their engine families based on their engine class, as listed in Table 1.

TABLE 1.—EXHAUST EMISSION STANDARDS

Engine characteristics			Pollutant (gram per kilowatt-hour)			
Class	Application	Displacement (cubic cm)	HC + NO_X	HC	CO	NO_X
I	Nonhandheld	<225	16.1		469	
II	Nonhandheld	≥225	13.4		469	
III	Handheld	<20		295	805	5.36
IV	Handheld	≥20, <50		241	805	5.36
V	Handheld	≥50		161	603	5.36

The Agency is providing exceptions to nonhandheld standards for engines used in two types of nonhandheld equipment. Engines used in two-stroke snowthrowers and engines used in two-stroke lawnmowers are allowed to comply with the handheld standards. In addition, the number of two-stroke lawnmower engines allowed to meet handheld standards is subject to a declining annual production cap; any excess annual production would have to meet nonhandheld standards. Moreover, manufacturers of engines used exclusively in snowthrowers and ice-augers will be required to certify to and comply with only the applicable nonhandheld or handheld CO standard, and will not have to meet the HC standards, either nonhandheld or handheld, unless they opt to certify to those standards. The Agency has decided to finalize the combined HC + NO_X standard for Classes I and II while requiring that the individual test results for HC and NO_X also be submitted, as proposed.

The Agency has not addressed standards for air toxics in this action.