periodic maintenance is not appropriate.

*Test engine* means the engine or group of engines that a manufacturer uses during certification to determine compliance with emission standards.

Ultimate purchaser means, with respect to any new nonroad engine or new nonroad vehicle, the first person who in good faith purchases such new nonroad engine or vehicle for purposes other than resale.

Used solely for competition means exhibiting features that are not easily removed and that would render its use other than in competition unsafe, impractical, or highly unlikely.

Warranty period means the period of time the engine or part is covered by the warranty provisions.

## §90.4 Treatment of confidential information.

(a) Any manufacturer may assert that some or all of the information submitted pursuant to this part is entitled to confidential treatment as provided by part 2, subpart B of this chapter.

(b) Any claim of confidentiality must accompany the information at the time it is submitted to EPA.

(c) To assert that information submitted pursuant to this subpart is confidential, a manufacturer must indicate clearly the items of information claimed confidential by marking, circling, bracketing, stamping, or otherwise specifying the confidential information. Furthermore, EPA requests, but does not require, that the submitter also provide a second copy of its submittal from which all confidential information has been deleted. If a need arises to publicly release nonconfidential information, EPA will assume that the submitter has accurately deleted the confidential information from this second copy.

of the information submitted pursuant

to this subpart is entitled to confidential treatment, the information covered by that confidentiality claim will be disclosed by the Administrator only to the extent and by means of the procedures set forth in part 2, subpart B of this chapter.

(e) Information provided without a claim of confidentiality at the time of submission may be made available to the public by EPA without further notice to the submitter, in accordance with  $\S 2.204(c)(2)(i)(A)$  of this chapter.

## § 90.5 Acronyms and abbreviations.

The following acronyms and abbreviations apply to part 90. AECD—Auxiliary emission control device

ASME—American Society of Mechanical Engineers

ASTM—American Society for Testing and Materials

CAA—Clean Air Act

- CAAA-Clean Air Act Amendments of 1990
- CLD-chemiluminescent detector

CO-Carbon monoxide

CO<sub>2</sub>—Carbon dioxide

- EPA—Environmental Protection Agency
- FTP—Federal Test Procedure

g/kW-hr-grams per kilowatt hour

HC—hydrocarbons

HCLD-heated chemiluminescent

- detector
- HFID-heated flame ionization detector
- ICI-independent Commercial Importer
- NDIR-non-dispersive infrared analyzer
- NIST—National Institute for Standards
- and Testing
- NO-Nitric oxide
- NO<sub>2</sub>—Nitrogen dioxide
- NO<sub>X</sub>—Oxides of nitrogen O<sub>2</sub>—Oxygen
- OEM—original equipment manufacturer

PMD—paramagnetic detector

SAE—Society of Automotive Engineers

SEA—Selective Enforcement Auditing

(d) If a claim is made that some or all SI-spark-ignition

U.S.C.—United States Code

VOC-Volatile organic compounds ZROD-zirconiumdioxide sensor

## § 90.6 Table and figure numbering; position.

(a) Tables for each subpart appear in an appendix at the end of the subpart. Tables are numbered consecutively by order of appearance in the appendix. The table title will indicate the topic.

(b) Figures for each subpart appear in an appendix at the end of the subpart. Figures are numbered consecutively by order of appearance in the appendix. The figure title will indicate the topic.

## § 90.7 Reference materials.

(a) Incorporation by reference. The documents in paragraph (b) of this section have been incorporated by reference. The incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be inspected at U.S. EPA Air and Radiation Docket, room M-1500, 401 M Street, S.W., Washington D.C. 20460, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(b) The following paragraphs and tables set forth the material that has been incorporated by reference in this part.

(1) ASTM material. The following table sets forth material from the American Society for Testing and Materials which has been incorporated by reference. The first column lists the number and name of the material. The second column lists the section(s) of this part, other than § 90.7, in which the matter is referenced. The second column is presented for information only and may not be all inclusive. Copies of these materials may be obtained from American Society for Testing and Materials, 1916 Race St., Philadelphia, PA 19103.

Document number and name	40 CFR part 90 reference
ASTM D86–93:	
Standard Test Method for Distillation of Petroleum Products	Appendix A to subpart D, Table 3.
ASTM D1319–89:	
Standard Test Method for Hydrocarbon Types in Liquid Petroleum Products by Fluorescent Indica- tor Adsorption.	Appendix A to subpart D, Table 3.
ASTM D2622–92:	
Standard Test Method for Sulfur in Petroleum Products by X-ray Spectrometry	Appendix A to subpart D, Table 3.
ASTM D2699–92:	
Standard Test Method for Knock Characteristics of Motor Fuels by the Research Method	Appendix A to subpart D, Table 3.
ASTM D2700–92:	
Standard Test Method for Knock Characteristics of Motor and Aviation Fuels by the Motor Method	Appendix A to subpart D, Table 3.
ASTM D3231–89:	
Standard Test Method for Phosphorus in Gasoline	Appendix A to subpart D, Table 3.
ASTM D3606–92:	
Standard Test Method for Determination of Benzene and Toluene in Finished Motor and Aviation	Appendix A to subpart D, Table 3.
Gasoline by Gas Chromatography.	
ASTM D5191–93a:	
Standard Test Method for Vapor Pressure of Petroleum Products (Mini Method)	Appendix A to subpart D, Table 3.