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90 days of the end of the model year in-use testing of a given model year's engine families, or at the same time as the final certification AB&T report (required under §91.210), whichever is later. The end of the model year in-use testing report must contain the required information and show the calculated credits from all the in-use testing conducted by the manufacturer for a given model year.

(b) Reports shall be submitted to: Manager, Engine Compliance Programs Group 6403-J, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

(c) A manufacturer that fails to submit a timely report as required in paragraph (a) of this section will be considered to not have participated in the in-use credit program.

(d) If EPA or the manufacturer determines that a reporting error occurred on an end of model year report previously submitted to EPA under this subpart, or an engine family in-use testing report submitted to EPA under subpart I, the manufacturer's credits and credit calculations will be recalculated. Erroneous positive credits will be void. Erroneous negative credits may be adjusted by EPA. An update of previously submitted "point of first retail sale" information is not considered an error and no increase in the number of credits will be allowed unless an actual error occurred in the calculation of credits due to an error in the "point of first retail sale" information from the time of the original end of model year report.

§91.1310 Notice of opportunity for hearing.

Any voiding of an engine family's certificate of conformity under §91.1308(b) of this subpart will occur only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with §§91.512, 91.513, 91.514 and 91.515.

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PART 92—CONTROL OF AIR POLLUTION FROM LOCOMOTIVES AND LOCOMOTIVE ENGINES

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AUTHORITY: 42 U.S.C. 7522, 7523, 7524, 7525, 7541, 7542, 7543, 7545, 7547, 7549, 7550 and 7601(a).

SOURCE: 63 FR 18998, Apr. 16, 1998, unless otherwise noted.

Subpart A—General Provisions for Emission Regulations for Locomotives and Locomotive Engines

§ 92.1 Applicability.

(a) Except as noted in paragraph (b) of this section, the provisions of this part apply to manufacturers, remanufacturers, owners and operators of:

- (1) Locomotives and locomotive engines manufactured on or after January 1, 2000; and
- (2) Locomotives and locomotive engines manufactured on or after January 1, 1973 and remanufactured on or after January 1, 2000; and
- (3) Locomotives and locomotive engines manufactured prior to January 1,

1973, and upgraded on or after January 1, 2000.

(b) The requirements and prohibitions of this part do not apply with respect to:

(1) Steam locomotives, as defined in § 92.2;

(2) Locomotives powered solely by an external source of electricity;

(3) Locomotive engines which provide only hotel power (see 40 CFR part 89 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 and 89 to determine if such vehicles or engines are subject to EPA emission requirements).

(c) For cases in which there are multiple entities meeting the definition of manufacturer or remanufacturer, see § 92.209 for guidance.

§ 92.2 Definitions.

(a) The definitions of this section apply to this subpart. They also apply to all subparts of this part, except where noted otherwise.

(b) As used in this part, all terms not defined in this section shall have the meaning given them in the Act:

Act means the Clean Air Act as amended (42 U.S.C. 7401 *et seq.*).

Administrator means the Administrator of the Environmental Protection Agency or his/her authorized representative.

Aftertreatment system or *aftertreatment component* or *aftertreatment technology* means any system or component or technology mounted downstream of the exhaust valve or exhaust port whose design function is to reduce exhaust emissions.

Alcohol fuel means a fuel consisting primarily (more than 50 percent by weight) of one or more alcohols: e.g., methyl alcohol, ethyl alcohol.

Alternator/generator efficiency means the ratio of the electrical power output from the alternator/generator to the mechanical power input to the alternator/generator at the operating point.

Alternator/generator input horsepower means the mechanical horsepower input to the main alternator or generator of a locomotive. For the purpose