

§92.606

for that engine family must be conducted as outlined under paragraph (a)(1) of this section.

(b) At the discretion of the Administrator, a locomotive or locomotive engine manufacturer or remanufacturer may test more locomotives than the minima described above or may concede failure before locomotive number 10.

(c) The Administrator will consider failure rates, average emission levels and the existence of any defects among other factors in determining whether to pursue remedial action. The Administrator may order a recall pursuant to subpart H of this part before testing reaches the tenth locomotive.

(d) *Collection of in-use locomotives.* The locomotive manufacturer or remanufacturer shall procure in-use locomotives which have been operated for between one-half and three-quarters of the locomotive's useful life for testing under this subpart. The manufacturer or remanufacturer shall complete testing required by this section for any engine family before useful life of the locomotives in the engine family passes.

§92.606 Maintenance, procurement and testing of in-use locomotives.

(a) A test locomotive must have a maintenance history that is representative of actual in-use conditions, and identical or equivalent to the manufacturer's or remanufacturer's recommended emission-related maintenance requirements.

(1) In procuring in-use locomotives for in-use testing, a manufacturer or remanufacturer shall question the end users regarding the accumulated usage, maintenance, operating conditions, and storage of the test locomotives.

(2) The selection of test locomotives is made by the manufacturer or remanufacturer, and is subject to EPA approval. Information used by the manufacturer or remanufacturer to procure locomotives for in-use testing shall be maintained as required in §92.215.

(b) The manufacturer or remanufacturer may perform minimal set-to-spec maintenance on a test locomotive prior to conducting in-use testing. Maintenance may include only that which is listed in the owner's instructions for

locomotives with the amount of service and age of the acquired test locomotive. Documentation of all maintenance and adjustments shall be maintained and retained.

(c) Results of one valid emission test using the test procedure outlined in subpart B of this part is required for each in-use locomotive.

(d) If in-use testing results show that an in-use locomotive fails to comply with any applicable emission standards, the manufacturer or remanufacturer shall determine the reason for noncompliance. The manufacturer or remanufacturer must report all determinations for noncompliance in its quarterly in-use test result report pursuant to §92.607(a)(11).

EFFECTIVE DATE NOTE: At 63 FR 19066, Apr. 16, 1998, §92.606 was added. This section contains information collection and record-keeping requirements and will not become effective until approval has been given by the Office of Management and Budget.

§92.607 In-use test program reporting requirements.

(a) The manufacturer or remanufacturer shall submit to the Administrator within three (3) months of completion of testing all emission testing results generated from the in-use testing program. The following information must be reported for each locomotive tested:

- (1) Engine family, and configuration;
- (2) Locomotive and engine models;
- (3) Locomotive and engine serial numbers;
- (4) Date of manufacture and/or remanufacture(s), as applicable;
- (5) Megawatt-hours of use (or miles, as applicable);
- (6) Date and time of each test attempt;
- (7) Results (if any) of each test attempt;
- (8) Results of all emission testing;
- (9) Summary of all maintenance and/or adjustments performed;
- (10) Summary of all modifications and/or repairs;
- (11) Determinations of noncompliance; and
- (12) The following signed statement and endorsement by an authorized representative of the manufacturer or remanufacturer: