

(d) Keep the following additional records for each locomotive you produce that generates or uses emission credits under the ABT program:

- (1) Engine family designation.
 - (2) Locomotive identification number. You may identify these numbers as a range.
 - (3) FEL. If you change the FEL after the start of production, identify the date that you started using the new FEL and give the engine identification number for the first engine covered by the new FEL.
 - (4) Rated power and useful life.
 - (5) Purchaser and destination for freshly manufactured locomotives; or owner for remanufactured locomotives.
- (e) We may require you to keep additional records or to send us relevant information not required by this section, as allowed under the Clean Air Act.

§ 1033.740 Credit restrictions.

Use of emission credits generated under this part 1033 or 40 CFR part 92 is restricted depending on the standards against which they were generated.

(a) *Credits from 40 CFR part 92.* NO_x and PM credits generated under 40 CFR part 92 may be used under this part in the same manner as NO_x and PM credits generated under this part.

(b) *General cycle restriction.* Locomotives subject to both switch cycle standards and line-haul cycle standards (such as Tier 2 locomotives) may generate both switch and line-haul credits. Except as specified in paragraph (c) of this section, such credits may only be used to show compliance with standards for the same cycle for which they were generated. For example, a Tier 2 locomotive that is certified to a switch cycle NO_x FEL below the applicable switch cycle standard and a line-haul cycle NO_x FEL below the applicable line-haul cycle standard may generate switch cycle NO_x credits for use in complying with switch cycle NO_x standards and a line-haul cycle NO_x credits for use in complying with line-haul cycle NO_x standards.

(c) *Single cycle locomotives.* As specified in § 1033.101, Tier 0 switch locomotives, Tier 3 and later switch locomotives, and Tier 4 and later line-haul locomotives are not subject to both

switch cycle and line-haul cycle standards.

(1) When using credits generated by locomotives covered by paragraph (b) of this section for single cycle locomotives covered by this paragraph (c), you must use both switch and line-haul credits as described in this paragraph (c)(1).

(i) For locomotives subject only to switch cycle standards, calculate the negative switch credits for the credit using locomotive as specified in § 1033.705. Such locomotives also generate an equal number of negative line-haul cycle credits (in Mg).

(ii) For locomotives subject only to line-haul cycle standards, calculate the negative line-haul credits for the credit using locomotive as specified in § 1033.705. Such locomotives also generate an equal number of negative switch cycle credits (in Mg).

(2) Credits generated by Tier 0, Tier 3, or Tier 4 switch locomotives may be used to show compliance with any switch cycle or line-haul cycle standards.

(3) Credits generated by any line-haul locomotives may not be used by Tier 3 or later switch locomotives.

(d) *Tier 4 credit use.* The number of Tier 4 locomotives that can be certified using credits in any year may not exceed 50 percent of the total number of Tier 4 locomotives you produce in that year for U.S. sales.

(e) *Other restrictions.* Other sections of this part may specify additional restrictions for using emission credits under certain special provisions.

§ 1033.745 Compliance with the provisions of this subpart.

The provisions of this section apply to certificate holders.

(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