

days after your initial review of the test data for a selected engine family indicates that three engines in Phase 1 testing have failed to comply with the vehicle-pass criteria. Similarly, send us an electronic notification at the above electronic address within 3 days after your initial review of the test data for a selected engine family indicates that *any* engine in Phase 2 testing failed to comply with the vehicle-pass criteria.

(f) We may ask you to send us less information in your reports than we specify in this section.

(g) We may require you to send us more information to evaluate whether your engine family meets the requirements of this part, or to help inform potential decisions concerning Phase 2 testing under § 86.1915.

[70 FR 34619, June 14, 2005, as amended at 75 FR 68460, Nov. 8, 2010]

§ 86.1925 What records must I keep?

(a) Organize and maintain your records as described in this section. We may review your records at any time, so it is important to keep required information readily available.

(b) Keep the following paper or electronic records of your in-use testing for five years after you complete all the testing required for an engine family:

(1) Keep a copy of the reports described in § 86.1920.

(2) Keep any additional records, including forms you create, related to any of the following:

(i) The procurement and vehicle-selection process described in § 86.1908, including the vehicle owner's name, address, phone number, and e-mail address.

(ii) Pre-test maintenance and adjustments to the engine performed under § 86.1910.

(iii) Test results for all void, incomplete, and voluntary testing described in § 86.1920.

(iv) Evaluations to determine why a vehicle failed the vehicle-pass criteria described in § 86.1912.

(3) Keep a copy of the relevant calibration results required by 40 CFR part 1065.

§ 86.1930 What special provisions apply from 2005 through 2010?

(a) We may direct you to test engines under this subpart for emissions other than PM in 2005 and 2006, and for PM emissions in 2007 through 2010. In those interim periods, all the provisions of this subpart apply, except as specified in this paragraph (a). You may apply the exceptions identified in this section for both years of the applicable years for emissions other than PM. You may omit testing and reporting in two of the four applicable years for PM emissions.

(1) We will select engine families for testing of emissions other than PM only when the manufacturer's Statement of Compliance specifically describes the family as being designed to comply with NTE requirements.

(2) We will not direct you to do the Phase 2 testing in § 86.1915(c), regardless of measured emission levels.

(3) For purposes of calculating the NTE thresholds under § 86.1912(a) for any 2006 and earlier model year engine that is not subject to the emission standards in § 86.007-11, determine the applicable NTE standards as follows:

(i) If any numerical NTE requirements specified in the terms of any consent decree apply to the engine family, use those values as the NTE standards for testing under this subpart.

(ii) If a numerical NTE requirement is not specified in a consent decree for the engine family, the NTE standards are 1.25 times the applicable FELs or the applicable emission standards specified in § 86.004-11(a)(1) or § 86.098-11(a)(1).

(4) In the report required in § 86.1920(b), you must submit the deficiencies and limited testing region reports (see §§ 86.007-11(a)(4)(iv) and 86.1370-2007(b)(6) and (7)) for 2006 and earlier model year engines tested under this section.

(5) You must notify the Designated Compliance Officer by September 30, 2010 whether or not you will submit test reports for PM emissions for each of the four years from 2007 through 2010. See 40 CFR 1068.30 for the contact information for the Designated Compliance Officer.

(6) You must submit reports by the deadlines specified in paragraph (b) of this section.

(b) The following deadlines apply for reporting test results under this subpart:

(1) You must complete all the required testing and reporting under this subpart related to emissions other than PM by the following dates:

(i) November 30, 2007 for engine families that we designate for testing in 2005.

(ii) November 30, 2008 for engine families that we designate for testing in 2006.

(iii) November 30, 2009 for engine families that we designate for testing in 2007.

(iv) March 31, 2010 for engine families we designate for testing in 2008.

(v) April 30, 2011 for engine families we designate for testing in 2009.

(2) You must complete all the required testing and reporting under this subpart related to PM emissions by the following dates:

(i) May 31, 2010 for engine families that we designate for testing in 2007.

(ii) September 30, 2010 for engine families we designate for testing in 2008.

(iii) April 30, 2011 for engine families we designate for testing in 2009.

(iv) November 30, 2011 for engine families we designate for testing in 2009.

(c) For 2007 through 2009 all the provisions of this subpart and paragraph (a) of this section apply, with the following additional exceptions:

(1) You must complete all the required testing and reporting under this subpart by the following dates:

(i) November 30, 2009 for engine families that we designate for non-PM testing in 2007.

(ii) March 31, 2010 for engine families that we designate for non-PM testing in 2008.

(iii) April 30, 2011 for engine families that we designate for non-PM testing in 2009.

(2) You may conduct non-PM and PM testing on different vehicles for engine families that we designate in 2007 and 2008.

(3) You may conduct PM testing as follows for 2007:

(i) Test vehicles may be selected from a vehicle fleet that you own or otherwise directly control.

(ii) Test vehicles may be operated by a driver that you employ.

(iii) Each test vehicle must be operated on a route and under operating conditions that reasonably replicate the use of the selected vehicle type when operated in typical revenue service, unless otherwise approved by us.

[70 FR 34619, June 14, 2005, as amended at 73 FR 13451, Mar. 13, 2008; 75 FR 68460, Nov. 8, 2010]

APPENDIX I TO SUBPART T—SAMPLE GRAPHICAL SUMMARY OF NTE EMISSION RESULTS

The following figure shows an example of a graphical summary of NTE emission results: