other information the Administrator may require.

§ 91.119 Certification procedure—use of special test procedures.

(a) *Use of special test procedures by EPA.* The Administrator may establish special test procedures for any engine that the Administrator determines is not susceptible to satisfactory testing under the specified test procedures set forth in subpart E of this part.

(b) *Use of alternative test procedures by an engine manufacturer.* (1) A manufacturer may elect to use an alternative test procedure provided that it yields results equivalent to the results from the specified test procedure in subpart E, its use is approved in advance by the Administrator, and the basis for equivalent results with the specified test procedures is fully described in the manufacturer's application.

(2) An engine manufacturer electing to use alternate test procedures is solely responsible for the results obtained. The Administrator may reject data generated under test procedures which do not correlate with data generated under the specified procedures.

(3) A manufacturer may elect to use the test procedures in 40 CFR part 1065 as an alternate test procedure without getting advance approval by the Administrator or meeting the other conditions of paragraph (b)(1) of this section. The manufacturer must identify in its application for certification that the engines were tested using the procedures in 40 CFR part 1065. For any EPA testing with engines subject to standards under this part, EPA will use the manufacturer's selected procedures for mapping engines, generating duty cycles, and applying cycle-validation criteria. For any other parameters, EPA may conduct testing using either of the specified procedures.

(4) Where we specify mandatory compliance with the procedures of 40 CFR part 1065, manufacturers may elect to use the procedures specified in 40 CFR part 86, subpart N, as an alternate test procedure without advance approval by the Administrator.

[61 FR 52102, Oct. 4, 1996, as amended at 70 FR 40451, July 13, 2005; 73 FR 59183, Oct. 8, 2008]

§ 91.120 Compliance with Family Emission Limits over useful life.

(a) If all test engines representing an engine family have emissions, as determined in paragraph (c)(3)(iii) of this section, less than or equal to the applicable Family Emission Limit (FEL) for each pollutant as determined according to § 91.104 (c), that family complies with the Family Emission Limit .

(b) If any test engine representing an engine family has emissions (as determined in paragraph (c)(3)(iii) of this section, greater than the applicable Family Emission Limit for any pollutant as determined according to § 91.104(c), that family will be deemed not in compliance with the Family Emission Limits.

(c)(1) The engine Family Emission Limits (FELs) apply to the emissions of engines for their useful lives.

(2) Since emission control efficiency generally decreases with the accumulation of service on the engine, deterioration factors must be used in combination with emission data engine test results as the basis for determining compliance with the standards.

(3)(i) Paragraph (c)(3)(ii) of this section describes the procedure for determining compliance of an engine with family emission limits, based on deterioration factors supplied by the manufacturer.

(ii) Separate exhaust emission deterioration factors, determined by the manufacturer, must be supplied for each engine family. The deterioration factors must be applied as follows:

(A) For marine spark-ignition engines not utilizing aftertreatment technology (for example, catalytic converters), the official exhaust emission results for each emission data engine at the selected test point are adjusted by adding the appropriate deterioration factor to the results. However, if the deterioration factor supplied by the manufacturer is less than zero, it is zero for the purposes of this paragraph.

(B) For marine spark-ignition engines utilizing aftertreatment technology (for example, catalytic converters), the official exhaust emission results for each emission data engine at the selected test point are adjusted

by multiplying the results by the appropriate deterioration factor. However, if the deterioration factor supplied by the manufacturer is less than one, it is one for the purposes of this paragraph.

(iii) The emission values to compare with the Family Emission Limits (FELs) are the adjusted emission values of paragraph (c)(3)(ii) of this section, rounded to the same number of significant figures as contained in the applicable standard in accordance with ASTM E 29–93a, for each emission data engine. This procedure has been incorporated by reference. See § 91.6.

§ 91.121 Certification procedure—recordkeeping.

(a) The engine manufacturer must maintain the following adequately organized records:

(1) Copies of all applications and summary information, as applicable, filed with the Administrator;

(2) A copy of all data obtained through the production line and in-use testing programs; and

(3) A detailed history of each test engine used for certification including the following:

(i) A description of the test engine's construction, including a general description of the origin and buildup of the engine, steps taken to insure that it is representative of production engines, description of components specially built for the test engine, and the origin and description of all emission-related components;

(ii) A description of the method used for engine service accumulation, including date(s) and the number of hours accumulated;

(iii) A description of all maintenance, including modifications, parts changes, and other servicing performed, and the date(s), and reason(s) for such maintenance;

(iv) A description of all emission tests performed, including routine and standard test documentation, as specified in subpart E of this part, date(s), and the purpose of each test;

(v) A description of all tests performed to diagnose engine or emission control performance, giving the date and time of each and the reason(s) for the test; and

(vi) A description of any significant event(s) affecting the engine during the period covered by the history of the test engine but not described by an entry under one of the previous paragraphs of this section.

(b) Routine emission test data, such as test cell temperature and relative humidity at start and finish of test and raw emission results from each mode or test phase, must be retained for a period of one year after issuance of all certificates of conformity to which they relate. All other information specified in paragraph (a) of this section must be retained for a period of eight years after issuance of all certificates of conformity to which they relate.

(c) Records may be kept in any format and on any media, provided that, at the Administrator's request, organized, written records in English are promptly supplied by the manufacturer.

(d) The manufacturer must supply, at the Administrator's request, copies of any engine maintenance instructions or explanations issued by the manufacturer.

§ 91.122 Amending the application and certificate of conformity.

(a) The marine engine manufacturer must notify the Administrator

(1) When either an engine is to be added to a certificate of conformity or changes are to be made to a product line covered by a certificate of conformity which may potentially affect emissions, emissions durability, an emission related part, or the durability of an emission related part. Notification occurs when the manufacturer submits and EPA receives a request to amend the original application prior to either producing such engines or making such changes to a product line. For existing technology OB/PWC engines only, notification may occur periodically but must occur at least on a quarterly basis and may be submitted summarily as determined by the Administrator.

(2) When an FEL is changed for an engine family, as allowed under § 91.203. Notification occurs when the manufacturer submits and EPA receives a request to amend the original application. The manufacturer may not