machine readable format. The proposed plan shall be accompanied by sufficient technical detail to allow a determination that data requirements of these sections will be met and that the data in such format will be usable by EPA.

(b) Upon approval by the Administrator of the proposed reporting system, the manufacturer may utilize such system until otherwise notified by the Administrator.

§ 85.1906 Report filing: Record retention.

(a) The reports required by §§ 85.1903 and 85.1904 shall be sent to: Director, Manufacturers Operations Division (EN 340), Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460.

(b) The information gathered by the manufacturer to compile the reports required by § 85.1903 and § 85.1904 shall be retained for not less than five years from the date of the manufacture of the vehicles or engines and shall be made available to duly authorized officials of the EPA upon request.

[42 FR 28128, June 2, 1977, as amended at 44 FR 61962, Oct. 29, 1979]

§ 85.1907 Responsibility under other legal provisions preserved.

The filing of any report under the provisions of this subpart shall not affect a manufacturer's responsibility to file reports or applications, obtain approval, or give notice under any provision of law.

§ 85.1908 Disclaimer of production warranty applicability.

(a) The act of filing an Emission Defect Information Report pursuant to § 85.1903 is inconclusive as to the existence of a defect subject to the Production Warranty provided by section 207 (a) of the Act.

(b) A manufacturer may include on each page of its Emission Defect Information Report a disclaimer stating that the filing of a Defect Information Report pursuant to these regulations is not conclusive as to the applicability of the Production Warranty provided by section 207(a) of the Act.

§ 85.1909 Treatment of confidential information.

(a) Any manufacturer may assert that some or all of the information submitted pursuant to this subpart is entitled to confidential treatment as provided by 40 CFR part 2, subpart B.

(b) Any claim of confidentiality must accompany the information at the time it is submitted to EPA.

(c) To assert that information submitted pursuant to this subpart is confidential, a manufacturer must indicate clearly the items of information claimed confidential by marking, circling, bracketing, stamping, or otherwise specifying the confidential information. Furthermore, EPA requests, but does not require, that the submitter also provide a second copy of its submittal from which all confidential information has been deleted. If a need arises to publicly release nonconfidential information, EPA will assume that the submitter has accurately deleted all confidential information from this second copy.

(d) If a claim is made that some or all of the information submitted pursuant to this subpart is entitled to confidential treatment, the information covered by that confidentiality claim will be disclosed by the Administrator only to the extent and by means of the procedures set forth in part 2, subpart B, of this chapter.

(e) Information provided without a claim of confidentiality at the time of submission may be made available to the public by EPA without further notice to the submitter, in accordance with 40 CFR 2.204(c)(2)(i)(A).

[50 FR 34798, Aug. 27, 1985]

Subpart U [Reserved]

Subpart V—Emissions Control System Performance Warranty Regulations and Voluntary Aftermarket Part Certification Program

AUTHORITY: Secs. 203, 207, 208, and 301(a), Clean Air Act, as amended (42 U.S.C. 7522, 7541, 7542, and 7601(a)).

SOURCE: 45 FR 34839, May 22, 1980, unless otherwise noted.