

§ 205.157-3

40 CFR Ch. I (7-1-03 Edition)

§ 205.157-3 Configuration identification.

(a) A separate vehicle configuration shall be determined by each combination of the following parameters:

(1) Exhaust system (engine): (i) Mufflers; (ii) expansion chambers; (iii) spark arrestors; and (iv) other exhaust system components.

(2) Air induction system (engine): (i) Intake muffler; (ii) intake ducting; and (iii) air cleaner element.

(3) Vehicle drive train: (i) Chain; and (ii) shaft.

(4) Transmission gear ratio: (i) Standard transmission; and (ii) automatic transmission.

(5) Cooling system configuration: (i) Natural air cooled; (ii) liquid cooled; and (iii) forced air cooled.

(6) Category parameters listed in § 205.157-2.

(b) [Reserved]

§ 205.158 Labeling requirements.

(a)(1) The manufacturer of any vehicle subject to this subpart must, at the time of manufacture, affix a label, of the type specified in paragraphs (a)(2), (3), and (4) of this section, to all such vehicles to be distributed in commerce.

(2) The label must be plastic or metal and be welded, riveted, or otherwise permanently attached in a readily visible position.

(3) The label must be affixed by the vehicle manufacturer to the vehicle in such a manner that the label cannot be removed without destroying or defacing it, and must not be affixed to any piece of equipment that is easily detached from such vehicle.

(4) The label must be lettered in the English language in legible block letters and numerals, which must be of a color that contrasts with the background of the label.

(5) The label must contain the following information:

(i) The label heading: Motorcycle Noise Emission Control Information;

(ii) The statement:

This _____ (model year) _____ (model specific code) motorcycle, _____ (serial number), meets EPA noise emission requirements of _____ (noise emission standard) dBA at _____ (closing rpm) rpm by the Federal test procedure. Modifications which cause this motorcycle to exceed Federal

noise standards are prohibited by Federal law. See owner's manual.

(6) The model specific code is limited to ten spaces which includes three spaces for the manufacturer's abbreviation (see paragraph (a)(7) of this section), three spaces for the class identification, and four spaces for the advertised engine displacement respectively.

(7) All motorcycle manufacturers shall use the following abbreviations in their model specific code.

BMW	BMW
Bultaco	BUL
Can-Am Bombardier	CAB
Chaparral	CHA
Cheeta	CHE
Ducati	DUC
Fox	FOX
Harley Davidson	HAR
Heald	HEA
Hercules	HER
Hodaka	HOD
Honda	HON
Husqvarna	HUS
JAWA/CZ	JAW
Kawasaki	KAW
KTM	KTM
Laverda	LAV
Moto Benelli	BEN
Moto Guzzi	GUZ
Moto Morini	MOR
MV Agusta	MVA
Norton Triumph	TRI
Rokon	ROK
Suzuki	SUZ
Yamaha	YAM

(8) Moped manufacturers only shall use the following abbreviations in their model specific code.

AMF	AMF
Benelli	BEL
Califfo	CAL
Carabela	CAR
Cimatti	CIM
Columbia	COL
E-Z Rider	EZR
Flying Dutchman	FLY
Foxi	FOI
Gadabout	GAD
Garelli	GAR
Gitane	GIT
Honda	HON
Indian	IND
Intramotor	INT
Italvelo	ITA
Kreidler	KRE
Lazer	LAZ
Malagati	MAL
Morini	MOI
Motobecane/Solex	MBE
Moto Guzzi	GUZ
Negrini	NEG
Odyssey	ODY
Pacer	PAC
Pack-A-Way	PAK
Peugeot	PEU
Puch	PUC
Riviera	RIV
Sachs	SAC
Safari	SAF

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Scorpion	SCO
Smily	SMI
Snark	SNA
Sori II	SON
Speed Bird	SPE
Sprinter	SPR
SuVega	SUV
Tomas	TOM
Vaespa	VES
Yankee Peddler	YAN

(9) If a new motorcycle manufacturer begins production of vehicles subject to this regulation, the Administrator will assign him a 3-letter manufacturer abbreviation as soon as reasonably practical after his existence is known to the Agency.

(b) Any vehicle manufactured in the United States solely for use outside the United States must be clearly labeled in accordance with the provisions of paragraphs (a) (2), (3), and (4) of this section with the statement; "For Export Only".

(c) Any competition motorcycle as defined in §205.151(a)(3), shall be labeled in accordance with the provisions of paragraphs (a)(1), (2), (3) and (4) of this section with the statement:

This motorcycle is designed for closed course competition use only. It does not conform to U.S. EPA motorcycle noise standards.

(d) It will be permissible for manufacturers to meet the requirements of this section by consolidating these labeling requirements with other government labeling requirements in one or more labels, provided the provisions of paragraphs (a) (2), (3) and (4) of this section are met.

[45 FR 86708, Dec. 31, 1980, as amended at 47 FR 57721, Dec. 28, 1982]

§ 205.159 Testing by the Administrator.

(a)(1) In order for the Administrator to determine whether such vehicles or a manufacturer's test facility conform to applicable regulations, the Administrator may require that vehicles to be tested pursuant to the Act be submitted to him, at such place and time as he reasonably designates. He may designate the quantity of vehicles and the duration of time he reasonably requires for the purpose of conducting tests in accordance with test procedures described in appendix I. The manner in which the Administrator conducts such tests, the EPA test facility,

and the test procedures employed will be based upon good engineering practice and meet or exceed the requirements of appendix I of the regulations.

(2) If the Administrator specifies that he will conduct such testing at the manufacturer's facility, the manufacturer shall make available instrumentation and equipment of the type required for test operations by these regulations. The Administrator may conduct such tests with his own equipment, having specifications equal to or exceeding the performance specifications of the instrumentation and equipment required in these regulations.

(3) The manufacturer may observe tests conducted by the Administrator pursuant to this section on vehicles produced by the manufacturer and may copy the data accumulated from such tests. The manufacturer may inspect any of the vehicles before and after testing by the Administrator.

(b)(1) If, based on tests conducted by the Administrator, or on other relevant information, the Administrator determines that the test facility does not meet the requirements of appendix I (or the requirements for an alternative test procedure approved under §205.154), the Administrator will give notice to the manufacturer in writing of his determination and the reasons underlying it.

(2) The manufacturer may, at any time within 15 days after receipt of a notice issued under paragraph (b)(1) of this section, request a hearing conducted in accordance with 5 U.S.C. 554 on the issue of whether his test facility met the requirements as specified in appendix I (or the alternative procedure). Such notice will not take effect until 15 days after its receipt by the manufacturer or, if a hearing is requested under this paragraph, until adjudication by the Administrative law judge.

(3) After any notice issued under paragraph (b)(1) of this section has taken effect, no data thereafter derived from that test facility will be acceptable for purposes of this subpart.

(4) The manufacturer may request in writing that the Administrator reconsider his determination under paragraph (b)(1) of this section based on data or information which indicates