

§ 205.3

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

(13) *Reasonable assistance* means providing timely and unobstructed access to test products or products and records required by this part, and opportunity for copying such records or testing such test products.

(14) *Ultimate purchaser* means the first person who in good faith purchases a product for purposes other than resale.

(15) *New product* means (i) a product the equitable or legal title of which has never been transferred to an ultimate purchaser, or (ii) a product which is imported or offered for importation into the United States and which is manufactured after the effective date of a regulation under section 6 or 8 which would have been applicable to such product had it been manufactured in the United States.

(16) *Manufacturer* means any person engaged in the manufacturing or assembling of new products, or the importing of new products for resale, or who acts for and is controlled by any such person in connection with the distribution of such products.

(17) *Commerce* means trade, traffic, commerce, or transportation:

(i) Between a place in a State and any place outside thereof, or

(ii) Which affects trade, traffic, commerce, or transportation described in paragraph (a)(17)(i) of this section.

(18) *Distribute in commerce* means sell in, offer for sale in, or introduce or deliver for introduction into, commerce.

(19) *State* includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands.

(20) *Federal Agency* means an executive agency (as defined in section 105 of title 5, United States Code) and includes the United States Postal Service.

(21) *Environmental noise* means the intensity, duration, and the character of sounds from all sources.

(22) *Warranty* means the warranty required by section 6(c)(1) of the Act.

(23) *Tampering* means those acts prohibited by section 10(a)(2) of the Act.

(24) *Maintenance instructions* or *instructions* means those instructions for maintenance, use, and repair, which the Administrator is authorized to re-

quire pursuant to section 6(c)(1) of the Act.

(25) *Type I Sound Level Meter* means a sound level meter which meets the Type I requirements of ANSI SI.4-1972 specification for sound level meters. This publication is available from the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018.

(26) *Testing exemption* means an exemption from the prohibitions of section 10(a) (1), (2), (3), and (5) of the Act, which may be granted under section 10(b)(1) of the Act for the purpose of research, investigations, studies, demonstrations, or training, but not including national security.

(27) *Product* means any transportation equipment for which regulations have been promulgated under this part and includes "test product."

(28) *Test product* means any product that is required to be tested pursuant to this part.

[41 FR 15544, Apr. 13, 1976, as amended at 42 FR 61457, Dec. 5, 1977]

§ 205.3 Number and gender.

As used in this part, words in the singular shall be deemed to import the plural, and words in the masculine gender shall be deemed to import the feminine and vice versa, as the case may require.

§ 205.4 Inspection and monitoring.

(a) Any inspection or monitoring activities conducted under this section shall be for the purpose of determining (1) whether test products are being selected and prepared for testing in accordance with the provisions of these regulations, (2) whether test product testing is being conducted in accordance with these regulations, and (3) whether products being produced for distribution into commerce comply with these regulations.

(b) The Director, Noise Enforcement Division, may request that a manufacturer subject to this part admit an EPA Enforcement Officer during operating hours to any of the following:

(1) Any facility or site where any product to be distributed into commerce is manufactured, assembled, or stored;