

is applicable which at any time or under any condition of highway grade, load, acceleration or deceleration generates a sound level in excess of 86dB(A) measured on an open site with fast meter response at 50 feet from the centerline of lane of travel on highways with speed limits of 35 MPH or less; or 90 dB(A) measured on an open site with fast meter response at 50 feet from the centerline of lane of travel on highways with speed limits of more than 35 MPH.

(b) No motor carrier subject to these regulations shall operate any motor vehicle of a type to which this regulation is applicable which at any time or under any condition of highway grade, load, acceleration or deceleration generates a sound level in excess of 83 dB(A) measured on an open site with fast meter response at 50 feet from the centerline of lane of travel on highways with speed limits of 35 MPH or less; or 87 dB(A) measured on an open site with fast meter response at 50 feet from the centerline of lane of travel on highways with speed limits of more than 35 MPH.

[39 FR 38215, Oct. 29, 1974, as amended at 51 FR 852, Jan. 8, 1986]

**§202.21 Standard for operation under stationary test.**

(a) No motor carrier subject to these regulations shall operate any motor vehicle of a type to which this regulation is applicable which generates a sound level in excess of 88 dB(A) measured on an open site with fast meter response at 50 feet from the longitudinal centerline of the vehicle, when its engine is accelerated from idle with wide open throttle to governed speed with the vehicle stationary, transmission in neutral, and clutch engaged. This section shall not apply to any vehicle which is not equipped with an engine speed governor.

(b) No motor carrier subject to these regulations shall operate any motor vehicle of a type to which this regulation is applicable which generates a sound level in excess of 85 dB(A) measured on an open site with fast meter response at 50 feet from the longitudinal centerline of the vehicle when its engine is accelerated from idle with wide open throttle to governed speed with the ve-

hicle stationary, transmission in neutral, and clutch engaged. This paragraph shall not apply to any vehicle which is not equipped with an engine speed governor.

[39 FR 38215, Oct. 29, 1974, as amended at 51 FR 852, Jan. 8, 1986]

**§202.22 Visual exhaust system inspection.**

No motor carrier subject to these regulations shall operate any motor vehicle of a type to which this regulation is applicable unless the exhaust system of such vehicle is (a) free from defects which affect sound reduction; (b) equipped with a muffler or other noise dissipative device; and (c) not equipped with any cut-out, bypass, or similar device.

**§202.23 Visual tire inspection.**

No motor carrier subject to these regulations shall at any time operate any motor vehicle of a type to which this regulation is applicable on a tire or tires having a tread pattern which as originally manufactured, or as newly retreaded, is composed primarily or cavities in the tread (excluding sipes and local chunking) which are not vented by grooves to the tire shoulder or circumferentially to each other around the tire. This §202.23 shall not apply to any motor vehicle which is demonstrated by the motor carrier which operates it to be in compliance with the noise emission standard specified for operations on highways with speed limits of more than 35 MPH in §202.20 of this Subpart B, if the demonstration is conducted at the highway speed limit in effect at the inspection location, or, if speed is unlimited, the demonstration is conducted at a speed of 65 MPH.

[39 FR 38215, Oct. 29, 1974]

**PART 203—LOW-NOISE-EMISSION PRODUCTS**

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AUTHORITY: Sec. 15, Noise Control Act, 1972, Pub. L. 92-574, 86 Stat. 1234.

SOURCE: 39 FR 6670, Feb. 21, 1974, unless otherwise noted.

### § 203.1 Definitions.

(a) As used in this part, any term not defined herein shall have the meaning given it in the Noise Control Act of 1972 (Pub. L. 92-574).

(1) *Act* means the Noise Control Act of 1972 (Pub. L. 92-574).

(2) *Federal Government* includes the legislative, executive, and judicial branches of the Government of the United States, and the government of the District of Columbia.

(3) *Administrator* means the Administrator of the Environmental Protection Agency.

(4) *Product* means any manufactured article or goods or component thereof; except that such term does not include—

(i) Any aircraft, aircraft engine, propeller or appliance, as such terms are defined in section 101 of the Federal Aviation Act of 1958; or

(ii)(a) Any military weapons or equipment which are designed for combat use; (b) any rockets or equipment which are designed for research, experimental or developmental work to be performed by the National Aeronautics and Space Administration; or (c) to the extent provided by regulations of the Administrator, any other machinery or equipment designed for use in experimental work done by or for the Federal Government.

(5) *Low-Noise-Emission Product Determination* means the Administrator's determination whether or not a product, for which a properly filed application has been received, meets the low-noise-emission product criterion.

(6) *Suitable Substitute Decision* means the Administrator's decision whether a product which the Administrator has determined to be a low-noise-emission product is a suitable substitute for a product or products presently being purchased by the Federal Government.

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### § 203.2 Application for certification.

(a) Any person desiring certification of a class or model of product under section 15 of the act shall submit to the Administrator an application for certification. The application shall be completed upon such forms as the Administrator may deem appropriate and shall contain:

(1) A description of the product, including its power source, if any;

(2) Information pertaining to the test facility for the product establishing that the test facility meets all requirements which EPA may prescribe;

(3) All noise emission data from the test of the product;

(4) Data required by the Administrator relative, but not limited to, the following characteristics;

(i) Safety;

(ii) Performance Characteristics;

(iii) Reliability of product and reliability of low-noise-emission features;

(iv) Maintenance;

(v) Operating Costs;

(vi) Conformance with Federal Agency Purchase Specifications; and

(5) Such other information as the Administrator may request.

(b) Specific data requirements relative to paragraph (a)(4) of this section will be published separately from the low-noise-emission criterion for that product or class of products.

(c) The Administrator will, immediately upon receipt of the application for certification, publish in the FEDERAL REGISTER a notice of the receipt of the application. The notice will request written comments and documents from interested parties in support of, or in opposition to, certification of the class or model of product under consideration.

### § 203.3 Test procedures.

(a) The applicant shall test or cause his product to be tested in accordance with procedures contained in the regulations issued pursuant to section 6 of the act unless otherwise specified.

(b) The Administrator may conduct whatever investigation is necessary, including actual inspection of the product at a place designated by him.