

**§ 204.58-3**

(d) The provisions of this section are not intended to preclude any State or local jurisdiction from adopting and enforcing its own prohibitions against the removal or rendering inoperative of noise control systems on compressors subject to this part.

(Secs. 6 and 13, Noise Control Act, Pub. L. 92-574, 86 Stat. 1244 (42 U.S.C. 4912))

[41 FR 2172, Jan. 14, 1976, as amended at 47 FR 57713, Dec. 28, 1982]

**§ 204.58-3 Instructions for maintenance, use, and repair.**

(a)(1) The manufacturer shall provide to the ultimate purchaser of each portable air compressor covered by this part written instructions for the proper maintenance, use, and repair of the compressor in order to provide reasonable assurance of the elimination or minimization of noise emission degradation throughout the life of the compressor.

(2) The purpose of the instructions is to inform purchasers and mechanics of those acts necessary to reasonably assure that degradation of noise emission levels is eliminated or minimized during the life of the compressor. Manufacturers should prepare the instructions with this purpose in mind. The instructions should be clear and, to the extent practicable, written in non-technical language.

(3) The instructions must not be used to secure an unfair competitive advantage. They should not restrict replacement equipment to original equipment or service to dealer service. Manufacturers who so restrict replacement equipment must make public any performance specifications on such equipment.

(b) For the purpose of encouraging proper maintenance, the manufacturer shall provide a record or log book which shall contain a performance schedule for all required noise emission control maintenance. Space shall be provided in this record book so that the purchaser can note what maintenance was done, by whom, where and when.

(Secs. 6, 13, Pub. L. 92-574 (42 U.S.C. 4912))

[41 FR 2172, Jan. 14, 1976, as amended at 47 FR 57713, Dec. 28, 1982]

**40 CFR Ch. I (7-1-06 Edition)**

**§ 204.59 Recall of non-complying compressors.**

(a) Pursuant to section 11(d)(1) of the Act, the Administrator may issue an order to the manufacturer to recall and repair or modify any compressor distributed in commerce not in compliance with this subpart.

(b) A recall order issued pursuant to this section shall be based upon a determination by the Administrator that compressors of a specified category or configuration have been distributed in commerce which do not conform to the regulations. Such determination may be based on:

(1) A technical analysis of the noise emission characteristics of the category or configuration in question; or

(2) Any other relevant information, including test data.

(c) For the purposes of this section, noise emissions may be measured by any test prescribed in §204.54 for testing prior to sale or any other test which has been demonstrated to correlate with the prescribed test procedure.

(d) Any such order shall be issued only after notice and an opportunity for a hearing in accordance with section 554 of Title 5 of the United States Code.

(e) All costs, including labor and parts, associated with the recall and repair or modification of non-complying compressors under this section shall be borne by the manufacturer.

(f) This section shall not limit the discretion of the Administrator to take any other actions which are authorized by the Act.

(Secs. 6, 11, Pub. L. 92-574 (42 U.S.C. 4910))

[41 FR 2172, Jan. 14, 1976, as amended at 42 FR 61456, Dec. 5, 1977]

**APPENDIX I TO PART 204**

**TABLE I—SAMPLE SIZE CODE LETTERS**

Batch size	Code letter
4 to 8 .....	A.
9 to 15 .....	B.
16 to 25 .....	C.
26 and larger .....	D.

TABLE II—SAMPLING PLANS FOR INSPECTING BATCHES

Sample size code letter	Test sample	Test sample size	Cumulative test sample size	Batch inspection criteria	
				Acceptance number	Rejection number
A .....	1st .....	4	4	0	1
B .....	1st .....	3	3	0	1
C .....	1st .....	3	3	0	2
	2d .....	3	6	1	2
D .....	1st .....	2	2	( <sup>1</sup> )	2
	2d .....	2	4	( <sup>1</sup> )	2
	3d .....	2	6	0	2
	4th .....	2	8	0	3
	5th .....	2	10	1	3
	6th .....	2	12	1	3
	7th .....	2	14	2	3

<sup>1</sup> Batch acceptance not permitted at this sample size.

TABLE III—BATCH SEQUENCE PLANS

Sample size code letter	Number batches	Cumulative number batches	Sequence inspection criteria	
			Acceptance number	Rejection number
A .....	2	2	1	( <sup>1</sup> )
	2	4	4	4
	2	6	3	5
	2	8	4	5
B .....	2	2	0	( <sup>1</sup> )
	2	4	1	4
	2	6	2	5
	2	8	3	5
	2	10	4	6
	2	12	5	6
	2	14	5	6
C .....	2	2	( <sup>2</sup> )	2
	2	4	0	2
	2	6	0	3
	2	8	1	3
	2	10	2	4
	2	12	3	4
	2	14	3	4
D .....	2	2	0	2
	2	4	1	3
	2	6	2	4
	2	8	3	4

<sup>1</sup> Batch sequence rejection not permitted for this number of batches.

<sup>2</sup> Batch sequence acceptance not permitted for this number of batches.

TABLE IV—RECOMMENDED FORMAT FOR PORTABLE AIR COMPRESSOR NOISE DATA SHEET

Test report number: .....

Subject:

Manufacturer: ..... Model: ..... Serial No.: .....

Rated speed: ..... Rpm: ..... Rated capacity: ..... cfm (m<sup>3</sup>/in).

Configuration identification: ..... Category identification: .....

Portable air compressor identification No.: ..... Build date: .....

Test conditions:

Manufacturer's test site identification and location: .....

Reflecting plane composition: .....

Operating speed as tested:

Beginning of test ..... rpm

End of test ..... rpm

Air pressure supplied: ..... psi (kg/cm<sup>2</sup>)      Ambient wind speed \_\_\_\_\_ mph (km/hr).

Actual flow rate: ..... cfm (m<sup>3</sup>/min.)      Atmospheric pressure \_\_\_\_\_ psi (kg/cm<sup>2</sup>).

Temperature: ..... °F (°C)

Instrumentation:

Microphone Manufacturer: ..... Model No.: ..... Serial No.: .....

Sound Level Meter Manufacturer: ..... Model No.: ..... Serial No.: .....

Calibrator Manufacturer: ..... Model No.: ..... Serial No.: .....

TABLE IV—RECOMMENDED FORMAT FOR PORTABLE AIR COMPRESSOR NOISE DATA SHEET—  
Continued

Other and Manufacturer: ..... Model No.: ..... Serial No.: .....

Data:

Sound levels (decibels)	Background sound level at location 1 (decibels)	Location					Average sound level (decibels)
		1	2	3	4	5	
A-Weighted							
Tested by: .....						Date: .....	
Reported by: .....						Date: .....	
Supervisory personnel: .....						Title: .....	
						Title: .....	

**PART 205—TRANSPORTATION EQUIPMENT NOISE EMISSION CONTROLS**

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- 205.160-3 [Reserved]
- 205.160-4 Testing procedures.
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- 205.160-8 Prohibition of distribution in commerce; manufacturer's remedy.
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- 205.162-1 Warranty.
- 205.162-2 Tampering.
- 205.162-3 Instructions for maintenance, use, and repair.
- 205.163 Recall of noncomplying motorcycles; relabeling of mislabeled motorcycles.

APPENDIX I TO SUBPARTS D AND E—MOTORCYCLE NOISE EMISSION TEST PROCEDURES [NOTE]