

§ 205.173-2

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

with his name, address and telephone number.)

(b) [Reserved]

(c) All information must be sent to:

Director, Noise and Radiation Enforcement Division (EN-387), Environmental Protection Agency, Washington, DC 20460.

[45 FR 86718, Dec. 31, 1980, as amended at 47 FR 57723, Dec. 28, 1982]

§ 205.173-2 Tampering.

The manufacturer must include the following statement pursuant to § 205.173-4 with each product of that category the manufacturer distributes into commerce:

TAMPERING PROHIBITION

Federal law prohibits any modification to this exhaust system which causes the motorcycle to exceed the Federal noise standard. Use of the motorcycle with such a modified exhaust system is also prohibited.

Acts likely to constitute tampering include removal or puncturing the muffler, baffles, header pipes, or any other component which conducts exhaust gases.

[45 FR 86718, Dec. 31, 1980, as amended at 47 FR 57723, Dec. 28, 1982]

§ 205.173-3 Warning statement.

The manufacturer must include the following statement pursuant to § 205.173-4 with each product of that category the manufacturer distributes into commerce:

Warning: This product should be checked for repair or replacement if the motorcycle noise has increased significantly through use. Otherwise, the owner may become subject to penalties under state and local ordinances.

[45 FR 86718, Dec. 31, 1980, as amended at 47 FR 57723, Dec. 28, 1982]

§ 205.173-4 Information sheet.

The manufacturer must include the Noise Emissions Warranty statement, Tampering Prohibition statement and the Warning statement with each product. All three statements must be printed on a white sheet or card at least 8½"×11". Each statement must cover no more than ⅓ of the sheet or card. No other printing must be on the sheet. The statements must be printed in black ink; the statement headings must be in capital letters in a min-

imum size type of 12 point (pica type) or its equal; and the text of the statement must be a minimum size type of 10 point (elite type) or its equal. The sheet or card must be placed with the exhaust system inside any packaging. If there is no packaging, the sheet or card must be affixed to the exhaust system so that it will not be accidentally detached in shipping.

§ 205.174 Remedial orders.

The Administrator may issue appropriate remedial orders to a manufacturer if products are distributed into commerce not in compliance with the regulations of this subpart. Potential orders are stop sale orders, orders to cease distribution, relabel, replace or recall, or any other orders appropriate in the specific circumstances. A remedial order will be issued only after notice and opportunity for a hearing in accordance with 5 U.S.C. 554.

APPENDIX I TO SUBPARTS D AND E OF PART 205—MOTORCYCLE NOISE EMISSION TEST PROCEDURES

APPENDIX I-1 TO SUBPARTS D AND E—TEST PROCEDURE FOR STREET AND OFF-ROAD MOTORCYCLES

(a) *Instrumentation.* Proper usage of all test instrumentation is essential to obtain valid measurements. Operating manuals or other literature furnished by the instrument manufacturer must be referred to for both recommended operation of the instrument and precautions to be observed. The following instrumentation must be used, where applicable:

(1) A sound level measurement system which meets the type S1A requirements of American National Standard Specification for Sound Level Meters, ANSI S1.4-1971. As an alternative to making direct measurements using a sound level meter, a microphone or sound level meter may be used with a magnetic tape recorder and/or a graphic level recorder or indicating instrument provided that the system meets the performance requirements of ANSI S1.4-1971. The sound level measurement system must be calibrated at least annually to insure that the system meets the performance requirements of ANSI S1.4-1971.

(2) An acoustic calibrator with an accuracy of within ±0.5 dB. The calibrator must be checked annually to verify that its output is within the specified accuracy.

(3)(i) An engine speed measurement system having the following characteristics:

(A) Steady-state accuracy of within $\pm 3\%$ of actual engine speed in the range of 45% to 100% of the engine speed (RPM) where peak net brake power (maximum rated RPM) is developed; and

(B) Response characteristics such that, when closing RPM is indicated under an acceleration as described below, actual engine speed is no more than 3 percent (of closing RPM) greater than the specified closing RPM.

(ii) The vehicle tachometer may be used to ascertain:

(A) The approach RPM provided it meets the specifications in paragraph (a)(3)(i)(A).

(B) The closing RPM provided it meets the specifications in paragraphs (a)(3)(i)(A) and (B).

(iii) Indirect engine speed measurement systems, such as systems which determine engine speed from vehicle speed measurement, may be used provided the specifications of paragraph (a)(1)(i) are met.

(4) An anemometer with steady-state accuracy of within $\pm 10\%$ at 20 km/h (12.4 mph).

(5) A microphone wind screen which does not affect microphone response more than ± 0.5 dB for frequencies of 20–4000 Hz or ± 1.0 dB for frequencies of 4000–10,000 Hz, taking into account the orientation of the microphone.

(b) *Test site.* (1) The measurement area within the test site must meet the following requirements and be laid out as described:

(i) The following points must be established:

(A) Microphone target point—a reference point on the vehicle path;

(B) End point—a point on the vehicle path 7.5 ± 0.3 m (24.6 ± 1.0 ft) beyond the microphone target point, and

(C) Microphone location point—a point 15 ± 0.3 m (49.2 ± 1.0 ft) from the microphone target point on a normal to the vehicle path through the microphone target point.

(ii) The microphone must be:

(A) Positioned at the microphone location point 1.2 ± 0.1 m (3.9 ± 0.3 ft) above the ground plane; and

(B) Oriented in a plane perpendicular to the vehicle path, and at an angle for which the microphone was calibrated to have the flattest response characteristics over the frequency range of 100 Hz to 10,000 Hz when measured with respect to the motorcycle source.

(iii) The surface of the ground within at least the triangular area formed by the microphone location and the points 15 ± 0.3 m (49.2 ± 1.0 ft.) prior to and 15 ± 0.3 m (49.2 ± 1.0 ft.) beyond the microphone target point must be flat (+ 5 cm (2.0 in)) and level (grade not more than 0.5% along vehicle path), have a concrete or sealed asphalt surface, and be free from snow, soil or other extraneous material.

(iv) The vehicle path must be relatively smooth and of sufficient length for safe ac-

celeration, deceleration and stopping of the motorcycle.

(2) The test site must be flat, open space free of large sound-reflecting surfaces (other than the ground), such as parked vehicles, sign-boards, buildings or hillsides located within a 30 ± 0.3 m (98.4 ± 1.0 ft) radius of the microphone location and the following points on the vehicle path (see Figure 1):

(i) The microphone location point;

(ii) A point 15 ± 0.3 m (49.2 ± 1.0 ft.) before the microphone target point; and

(iii) A point 15 ± 0.3 m (49.2 ± 1.0 ft) beyond the microphone target point.

(c) *Measurement procedure.* (1) To establish the acceleration point, the end point must be approached in second gear from the reverse of the intended test direction at a constant engine speed of 50% of maximum rated RPM or closing RPM less ten percent (of maximum rated RPM), whichever is lower, ($\pm 2.5\%$ of observed reading). When the front of the motorcycle reaches the end point (approached from the reverse direction), the throttle must be smoothly and fully opened to accelerate the motorcycle past the microphone target point under wide open throttle. When the motorcycle reaches closing RPM the throttle must be smoothly and fully closed. An ignition disable device may be used to turn off the engine at closing RPM in lieu of closing the throttle manually. The location of the front of the motorcycle at the time of throttle closure is the acceleration point for the test runs. The test runs must be made in the opposite direction. A sufficient number of trial runs must be made to assure accurate establishment of the acceleration point.

(2) Closing RPM must be determined according to the motorcycle engine displacement, as follows (see Figure 2):

Displacement (cc)	Closing RPM (Fraction of maximum rated RPM—percent)
0 to 175	95
176 to 675	109 to 0.08×(engine displacement in cc)
676 and above	55

(3) The distance from the acceleration point to the end point must be at least 10 m (32.8 ft). If this distance is less than 10 m (32.8 ft) by the procedure specified in paragraph (c)(1), above, third gear, if the motorcycle is so equipped, must be used. If the distance is still less than 10 m (32.8 ft), fourth gear, if the motorcycle is so equipped, must be used, and so on. If closing RPM is reached before the vehicle travels 10 m (32.8 ft), with the vehicle in its highest gear, the throttle must be opened less rapidly, but in such a manner that full throttle and closing RPM are attained at the end point.

(4) If the motorcycle is equipped with an automatic transmission, the procedure specified in paragraph (c)(1), must be followed except that the lowest selectable range must be employed, and the procedure specified in paragraph (c)(3) must be followed using the next selectable higher range, if necessary, and if the vehicle is so equipped. If closing RPM is reached before the vehicle travels 10 m (32.8 ft.), the throttle must be opened less rapidly, but in such a manner that full throttle and closing RPM are attained at the end point.

(5) Throttle opening must be controlled to avoid excessive wheel slip or lift-off.

(6) To conduct a sound measurement, the motorcycle must proceed along the vehicle path in the forward direction in second gear (or higher gear as applicable under paragraph (c)(3)) at a constant engine speed of 50% of maximum rated RPM or at closing RPM less ten percent (of maximum rated RPM), whichever is lower (± 2.5 percent of observed reading). When the front of the vehicle reaches the acceleration point, the throttle must be smoothly and fully opened. Full acceleration must continue until closing RPM is reached, which must occur within ± 1.0 m (3.3 ft.) of the end point, and at which time the throttle must be smoothly and fully closed. An ignition disable device may be used to turn off the engine at closing RPM in lieu of closing the throttle manually.

(7) A sufficient number of preliminary runs must be conducted before the testing to familiarize the rider with the test procedure and operating conditions of the vehicle. The engine temperature must be within the normal operating range prior to each run.

(d) *Measurements.* (1) The sound level meter must be set for fast response and for the A-weighting network. The microphone wind screen must be used. The sound level meter must be calibrated with the acoustic calibrator as often as is necessary throughout testing to maintain the accuracy of the measurement system.

(2) The sound level meter must be observed throughout the acceleration period. The highest sound level obtained for the run must be recorded.

(3) Measurements must be made until at least four readings from each side are within 2 dB of each other. The noise level for each side is the average of the four which are within 2 dB of each other. The noise level reported must be for that side of the motorcycle having the highest noise level.

(4) While making sound level measurements, not more than one person other than the rider and the observer reading the meter may be within 15 m (49.2 ft) of the vehicle or microphone, and that person must be directly behind the observer reading the meter, on a line through the microphone and the observer.

(5) The ambient noise level (including wind effects) at the test site due to sources other than the motorcycle being measured must be at least 10 dB lower than the noise level at the microphone location produced by the motorcycle under test.

(6) Wind speed at the test site during tests must be less than 20 km/h (12.4 mph).

(e) *Required data.* For each valid test, the following data must be recorded:

(1) Motorcycle type, serial number, model year, and date of manufacture.

(2) Names of persons conducting test.

(3) Test location.

(4) Wind speed and ambient noise level measured on the same day as the test and representative of conditions during the test.

(5) Motorcycle engine displacement, maximum rated RPM, and closing RPM.

(6) The gear used for testing if other than second gear; or type of transmission and description of testing if motorcycle is equipped with automatic transmission.

(7) Description of the sound level meter including type, serial number, and calibration date.

(8) Description of the external acoustic calibrator including type, serial number, and calibration date.

(9) Description of the tachometer or engine speed measurement system used for conducting the test.

(10) Maximum noise level for each pass on each side of the motorcycle including invalid readings and reasons for invalidation.

(11) Reported noise level.

(12) Other information as appropriate to completely describe testing conditions and procedure.

APPENDIX I-2 TO SUBPARTS D AND E—TEST PROCEDURE FOR STREET MOTORCYCLES THAT MEET THE DEFINITION OF §205.151(A)(2)(II) (MOPED-TYPE STREET MOTORCYCLES)

(a) *Instrumentation.* Proper usage of all test instrumentation is essential to obtain valid measurements. Operating manuals or other literature furnished by the instrument manufacturer must be referred to for both recommended operation of the instrument and precautions to be observed. The following instrumentation must be used, where applicable:

(1) A sound level measurement system which meets the type SIA requirements of American National Standard Specification for Sound Level Meters, ANSI S1.4-1971. As an alternative to making direct measurements using a sound level meter, a microphone or sound level meter may be used with a magnetic tape recorder and/or a graphic level recorder or indicating instrument provided that the system meets the performance requirements of ANSI S1.4-1971. The sound level measurement system must be calibrated at least annually to insure that the

Environmental Protection Agency

Pt. 205, Subpts. D–E, App. I

system meets the performance requirements of ANSI S1.4-1971.

(2) An acoustic calibrator with an accuracy of within ± 0.5 dB. The calibrator must be checked annually to verify that its output is within the specified accuracy.

(3) An anemometer with steady-state accuracy of within $\pm 10\%$ at 20 km/h (12.4 mph).

(4) A microphone wind screen which does not affect microphone response more than ± 0.5 dB for frequencies of 20–4000 Hz or ± 1.0 dB for frequencies of 4000–10,000 Hz, taking into account the orientation of the microphone.

(b) *Test site.* (1) The measurement area within the test site must meet the following requirements and be laid out as described:

(i) The following points must be established:

(A) Microphone target point—a reference point on the vehicle path;

(B) End point—a point on the vehicle path 7.5 ± 0.3 m (24.6 ± 1.0 ft) beyond the microphone target point; and

(C) Microphone location point—a point 15 ± 0.3 m (49.2 ± 1.0 ft) from the microphone target point on a normal to the vehicle path through the microphone target point. Alternately, the microphone location point may be a point 7.5 ± 0.3 m (24.6 ± 1.0 ft) from the microphone target point provided that the sound level reported is adjusted as provided in this appendix under paragraph (d)(3).

(ii) The microphone must be:

(A) Positioned at the microphone location point 1.2 ± 0.1 m (3.9 ± 0.3 ft) above the ground plane; and

(B) Oriented in a plane perpendicular to the vehicle path, and at an angle for which the microphone was calibrated to have the flattest response characteristics over the frequency range of 100 Hz to 10,000 Hz when measured with respect to the motorcycle source.

(iii) The surface of the ground within at least the triangular area formed by the microphone location and the points 15 ± 0.3 m (49.2 ± 1 ft) prior to and 15 ± 0.3 m beyond the microphone target point must be flat (± 5 cm (2.0 in)) and level (grade not more than 0.5% along vehicle path), have a concrete or sealed asphalt surface, and be free from snow, soil or other extraneous material.

(iv) The vehicle path must be relatively smooth and of sufficient length for safe acceleration, deceleration and stopping of the motorcycle.

(2) The test site must be a flat, open space free of large sound-reflecting surfaces (other than the ground), such as parked vehicles, signboards, buildings or hillsides located within a 30 ± 0.3 m (98.4 ± 1.0 ft) radius of the microphone location and the following points on the vehicle path (see Figure 1):

(i) The microphone location point;

(ii) A point 15 ± 0.3 m (49.2 ± 1 ft) before the microphone target point; and

(iii) A point 15 ± 0.3 m (49.2 ± 1 ft) beyond the microphone target point.

(c) *Measurement procedure.* (1) The combined weight of the test rider and test equipment used on the motorcycle must not be more than 80 kg (176 lb) nor less than 75 kg (165 lb). Weights shall be placed on the motorcycle saddle behind the rider to compensate for any difference between the actual driver/equipment load and the required 75 kg (165 lb) minimum.

(2) The motorcycle must approach the microphone target point with the throttle fully open and in the highest gear. The motorcycle must start such that maximum speed is reached before the vehicle is within 7.5 m of the microphone target point. The motorcycle must continue along the vehicle path with fully open throttle and at maximum speed past the end point, at which time the throttle must be closed.

(3) If the motorcycle is equipped with an automatic transmission, the procedure of paragraph (1), above, must be followed except that the highest selectable range shall be employed.

(d) *Measurements.* (1) The sound level meter must be set for fast response and for the A-weighting network. The microphone wind screen must be used. The sound level meter must be calibrated with the acoustic calibrator as often as is necessary throughout testing to maintain the accuracy of the measurement system.

(2) The sound level meter must be observed throughout the passby period. The highest noise level obtained for the run must be recorded.

(3) At least three measurements shall be made for each side of the motorcycle. Measurements must be made until at least three readings from each side are within 2 dB of each other. The noise level for each side must be the average of the three. The noise level reported must be for that side of the motorcycle having the highest noise level. If the microphone location point is 7.5 m from the vehicle path as allowed in this appendix under paragraph (b)(1)(i)(c), the noise level must be adjusted by subtracting 6 dB prior to being reported.

(4) While making noise level measurements, not more than one person other than the rider and the observer reading the meter may be within 15 m (49.2 ft) of the vehicle or microphone, and that person must be directly behind the observer reading the meter, on a line through the microphone and the observer.

(5) The ambient sound level (including wind effects) at the test site due to sources other than the motorcycle being measured must be no greater than 60 dB if the microphone is located 15 m from the vehicle path or 66 dB if the microphone is located 7.5 m from the vehicle path as allowed in this appendix under paragraph (b)(1)(i)(c).

Pt. 205, Subpts. D–E, App. I

(6) Wind speed at the test site during tests must be less than 20 km/h (12.4 mph).

(e) *Required data.* For each valid test, the following data must be recorded:

(1) Motorcycle type, serial number, model year, and date of manufacture.

(2) Names of persons conducting test.

(3) Test location.

(4) Wind speed and ambient noise level measured on the same day as the test and representative of conditions during the test.

40 CFR Ch. I (7–1–06 Edition)

(5) Description of the sound level meter including type, serial number, and calibration date.

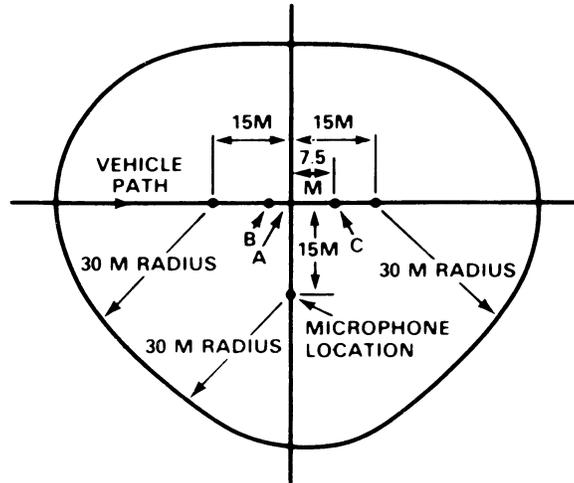
(6) Description of the external acoustic calibrator including type, serial number, and calibration date.

(7) Maximum noise level for each pass on each side of the motorcycle including invalid readings and reasons for invalidation.

(8) Reported noise level.

(9) Other information as appropriate to completely describe testing conditions and procedure.

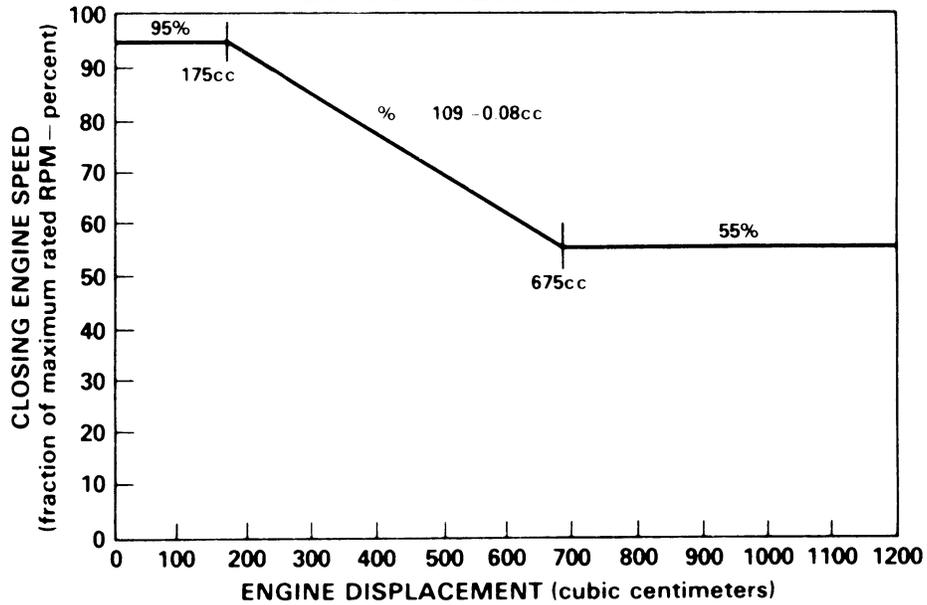
FIGURE 1 – TEST MEASUREMENT AREA



- A – MICROPHONE TARGET POINT
- B – ACCELERATION POINT (VARIABLE)
- C – END POINT

TEST MEASUREMENT AREA

FIGURE 2 – CLOSING RPM



Pt. 205, Subpt. E, App. II

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

APPENDIX II TO SUBPART E—SAMPLING TABLES

TABLE 3—MODEL YEAR PRODUCTION VOLUME OF 200-399 VEHICLES—Continued

TABLE 1—MODEL YEAR PRODUCTION VOLUME OF 50-99 VEHICLES

Cumulative number of tests	Number of failing vehicles	
	Column A	Column B
1		
2		
3		3
4		3
5		3
6		3
7	0	3
8	0	4
9	0	4
10	0	4
11	1	4
12	1	4
13	1	5
14	1	5
15	2	5
16	2	5
17	2	5
18	2	5
19	2	5
20	4	5

Cumulative number of tests	Number of failing vehicles	
	Column A	Column B
9	0	4
10	0	4
11	0	5
12	1	5
13	1	5
14	1	5
15	1	5
16	2	5
17	2	5
18	2	5
19	2	5
20	4	5

TABLE 2—MODEL YEAR PRODUCTION VOLUME OF 100-199 VEHICLES

Cumulative number of tests	Number of failing vehicles	
	Column A	Column B
1		
2		
3		3
4		3
5		3
6		3
7	0	4
8	0	4
9	0	4
10	0	4
11	1	4
12	1	5
13	1	5
14	1	5
15	1	5
16	2	5
17	2	5
18	2	5
19	2	5
20	4	5

TABLE 4—MODEL YEAR PRODUCTION VOLUME OF 400 OR MORE VEHICLES

Cumulative number of tests	Number of failing vehicles	
	Column A	Column B
1		
2		
3		3
4		3
5		3
6		4
7	0	4
8	0	4
9	0	4
10	0	4
11	0	5
12	1	5
13	1	5
14	1	5
15	1	5
16	2	5
17	2	5
18	2	5
19	2	5
20	4	5

TABLE 3—MODEL YEAR PRODUCTION VOLUME OF 200-399 VEHICLES

Cumulative number of tests	Number of failing vehicles	
	Column A	Column B
1		
2		
3		3
4		3
5		3
6		3
7	0	4
8	0	4

PART 209—RULES OF PRACTICE GOVERNING PROCEEDINGS UNDER THE NOISE CONTROL ACT OF 1972

Subpart A—Rules of Practice Governing Hearings for Orders Issued Under Section 11(d) of the Noise Control Act

- Sec.
- 209.1 Scope.
- 209.2 Use of number and gender.
- 209.3 Definitions.
- 209.4 Issuance of complaint.
- 209.5 Complaint.
- 209.6 Answer.
- 209.7 Effective date of order in complaint.
- 209.8 Submission of a remedial plan.
- 209.9 Contents of a remedial plan.
- 209.10 Approval of plan, implementation.
- 209.11 Filing and service.
- 209.12 Time.