on like products during early production if the resulting testing is not
biased by this procedure. In the case of imported products, the manufacturer
may perform adjustments, preparations, modifications or tests normally
performed at the port of entry by the manufacturer to prepare the vehicle for
delivery to a dealer or customer.

(1) Equipment or fixtures necessary
to conduct the test may be installed on
the vehicle if such equipment or fix-
tures have no effect on the noise emis-
sions of the vehicle, as determined by
the measurement methodology.

(2) In the event of a vehicle malfunc-
tion (i.e., failure to start, etc.) the
manufacturer may perform the mainte-
nance that is necessary to enable the
vehicle to operate in a normal manner.
This maintenance must be documented
and reported in the SEA report.

(3) No quality control, quality assur-
ance testing, assembly or selection pro-
cedures may be used on the test vehicle
or any portion of the test vehicle in-
cluding parts and subassemblies, unless
such quality control, quality assurance
testing, assembly or selection pro-
cedures are used normally during the
production and assembly of all other
vehicles of this configuration which
will be distributed in commerce, are re-
quired or permitted under this subpart
or are approved in advance by the Ad-
ministrator.

(4) If a vehicle is unable to complete
the noise tests, the manufacturer may
replace the vehicle. Any replacement
vehicle must be a production vehicle of
the same configuration as the replaced
vehicle or a noisier configuration and
will be subject to all the provisions of
these regulations. Any replacement
must be reported in the SEA report.

§ 205.160–5 Reporting of the test re-
sults.

(a) The manufacturer must submit
a copy of the test report for all testing
conducted pursuant to §205.160 at the
conclusion of each 24-hour period dur-
ing which testing is done.

(b) The Acceptable Quality Level
(AQL) is 10 percent. The appropriate
sampling plans associated with the des-
ignated AQL are contained in Appendix
II or the test request.

(c) The vehicles of the category, con-
figuration or configuration subgroup
selected for testing must be assembled
by the manufacturer for distribution in
commerce using the manufacturer's
normal production process.

(d) Unless otherwise indicated in the
test request, the manufacturer must
initiate testing with the vehicles of the
category, configuration or configura-
tion subgroup specified in the test re-
quest which are next scheduled for pro-
duction after receipt of the test re-
quest.

(e) The manufacturer must keep on
hand all products in the test sample
until the sample is accepted or rejected
in accordance with §205.160–6; except
that vehicles actually tested and found
to be in conformance with this regula-
tion need not be kept.

[45 FR 86708, Dec. 31, 1980, as amended at 47
FR 57721, Dec. 28, 1982]
(c) Within 5 days after completion of testing of an SEA, the manufacturer must submit to the Administrator a final report which will include the following:

1. The name, location, and description of the manufacturer's noise emission test facilities which meet the specifications of Appendix I, and were utilized to conduct testing reported under this section, except, that a test facility that has been described in a previous submission under this subpart need not again be described, but must be identified as that facility.

2. The following information for each noise emission test conducted:
   - Individual records for the test vehicles required by §205.161(a)(2) for all noise emission tests including for each invalid test, the reason for invalidation.
   - A complete description of any modification, repair, preparation, maintenance, or testing which could affect the noise emissions of the product and which was performed on the test vehicle but not performed on all other production vehicles; and,
   - The test results for any replaced vehicle and the reason for its replacement.

3. A complete description of the sound data acquisition system if other than those specified in Appendix I.

4. The following statement and endorsement:

   This report is submitted pursuant to section 6 and section 13 of the Noise Control Act of 1972. To the best of knowledge, all testing for which data are reported here was conducted in strict conformance with applicable regulations under 40 CFR part 205 et seq., all the data reported here are true and accurate. I am aware of the penalties associated with violations of the Noise Control Act of 1972 and the regulations thereunder. (Authorized representative).

5. Additional information required by the test request.

   Information required to be submitted to the Administrator under this section must be sent to the following address: Director, Noise and Radiation Enforcement Division, (EN–387), U.S. Environmental Protection Agency, Washington, DC 20460.

§ 205.160–6 Passing or failing under SEA.

(a) A failing vehicle is one whose measured noise level is in excess of the applicable noise emission standard in §205.152.

(b) The number of failing vehicles in a sample determines whether the sample passes or fails (See applicable tables in Appendix II). If the number of failing vehicles is greater than or equal to the number of Column B, the sample fails. If the number of failing vehicles is less than or equal to the number in Column A, the sample passes.

(c) Pass or failure of an SEA takes place when a decision that a vehicle is a passing or failing unit is made on the last vehicle required to make a decision under paragraph (b) of this section.

(d) If the manufacturer passes the SEA, he will not be required to perform any additional testing on subsequent vehicles to satisfy the test request.

(e) The Administrator may terminate testing earlier than required in paragraph (b) of this section, based on a request by the manufacturer, accompanied by voluntarily ceasing distribution in commerce of vehicles from the category, configuration or configuration subgroup in question, manufactured at the plant which produced the products being tested. Before reinitiating distribution in commerce of that vehicle category, configuration or configuration subgroup from that plant, the manufacturer must take the action described in §205.160–8(a)(1) and (2).

§ 205.160–7 Continued testing.

(a) If an SEA failure occurs according to paragraph (b) of §205.160–6, the Administrator may require that any or all vehicles of that category, configuration or configuration subgroup produced at that plant be tested before distribution in commerce.

(b) The Administrator will notify the manufacturer in writing of his intent to require continued testing of vehicles under paragraph (a) of this section.

(c) The manufacturer may request a hearing on the issues of whether the SEA was conducted properly; whether the criteria for SEA failure have been met; and the appropriateness or scope.