

**§ 430.75**

**10 CFR Ch. II (1-1-01 Edition)**

(d) of this section in a court of the United States or in any other court, except the Supreme Court of the United States. However, the Secretary or the General Counsel shall consult with the Attorney General concerning such litigation and the Attorney General shall provide, on request, such assistance in the conduct of such litigation as may be appropriate.

(2) In accordance with the provisions of section 333(d)(5)(B) of the Act, and subject to the provisions of section 502(c) of the Department of Energy Organization Act, the Secretary shall be represented by the Attorney General, or the Solicitor General, as appropriate, in actions under this section, except to the extent provided in paragraph (e)(1) of this section.

(3) In accordance with the provisions of section 333(d)(5)(C) of the Act, section 402(d) of the Department of Energy Organization Act shall not apply with respect to the function of the Secretary under this section.

**§ 430.75 Confidentiality.**

Pursuant to the provisions of 10 CFR 1004.11, any person submitting information or data which the person believes to be confidential and exempt law from public disclosure should submit one complete copy, and fifteen copies from which the information believed to be confidential has been deleted. In accordance with the procedures established at 10 CFR 1004.11, DOE shall make its own determination with regard to any claim that information submitted be exempt from public disclosure.

OMB Control No. 1910-1400

**APPENDIX A TO SUBPART F OF PART 430—COMPLIANCE STATEMENT AND CERTIFICATION REPORT**

**COMPLIANCE STATEMENT**

Product: \_\_\_\_\_  
Manufacturer's or Private Labeler's Name and Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This compliance statement and all certification reports submitted are in accordance with 10 CFR Part 430 (Energy or Water Conservation Program for Consumer Products)

and the Energy Policy and Conservation Act, as amended. The compliance statement is signed by a responsible official of the above named company. The basic model(s) listed in certification reports comply with the applicable energy conservation standard or water (in the case of faucets, showerheads, water closets, and urinals) conservation standard. All testing on which the certification reports are based was conducted in conformance with applicable test requirements prescribed in 10 CFR part 430 subpart B. All information reported in the certification report(s) is true, accurate, and complete. The company is aware of the penalties associated with violations of the Act, the regulations thereunder, and is also aware of the provisions contained in 18 U.S.C. 1001, which prohibits knowingly making false statements to the Federal Government.

Name of Company Official: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Title: \_\_\_\_\_  
Firm or Organization: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_  
Facsimile Number: \_\_\_\_\_  
Date: \_\_\_\_\_

**Third Party Representation (if applicable)**

For certification reports prepared and submitted by a third party organization under the provisions of §430.62 of 10 CFR part 430, the company official who authorized said third party representation is:

Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_  
Facsimile Number: \_\_\_\_\_

The third party organization submitting the certification report on behalf of the company is:

Third Party Organization: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_  
Facsimile Number: \_\_\_\_\_

**CERTIFICATION REPORT**

Date: \_\_\_\_\_  
Product Type: \_\_\_\_\_  
Product Class: \_\_\_\_\_  
Manufacturer: \_\_\_\_\_  
Private Labeler (if applicable): \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_  
Facsimile Number: \_\_\_\_\_

For Existing, New, or Modified Models<sup>1</sup>:

<sup>1</sup>Provide specific product information including, for each basic model, the manufacturer's model numbers and the information

**Department of Energy**

**Pt. 430, Subpt. F, App. B**

For Discontinued Models<sup>2</sup>:  
[63 FR 13321, Mar. 18, 1998]

**APPENDIX B TO SUBPART F OF PART 430—SAMPLING PLAN FOR ENFORCEMENT TESTING**

**Double Sampling**

Step 1. The first sample size ( $N_1$ ) must be four or more units.

Step 2. Compute the mean ( $\bar{x}_1$ ) of the measured energy performance or water performance (in the case of faucets, showerheads, water closets, and urinals) of the  $N_1$  units in the first sample as follows:

$$\bar{x}_1 = \frac{1}{n_1} \left( \sum_{i=1}^{n_1} x_i \right) \quad (1)$$

where ( $\bar{x}_1$ ) is the measured energy efficiency, energy or water (in the case of faucets, showerheads, water closets, and urinals) consumption of unit I.

Step 3. Compute the standard deviation ( $s_1$ ) of the measured energy or water performance of the ( $N_1$ ) units in the first sample as follows:

$$s_1 = \sqrt{\frac{\sum_{i=1}^{n_1} (x_i - \bar{x}_1)^2}{n_1 - 1}} \quad (2)$$

Step 4. Compute the standard error ( $s_{\bar{x}_1}$ ) of the measured energy or water performance of the  $N_1$  units in the first sample as follows:

$$s_{\bar{x}_1} = \frac{s_1}{\sqrt{n_1}} \quad (3)$$

Step 5. Compute the upper control limit ( $UCL_{L1}$ ) and lower control limit ( $LCL_{L1}$ ) for the mean of the first sample using the applicable DOE energy or water performance standard (EPS) as the desired mean and a probability level of 95 percent (two-tailed test) as follows:

$$LCL_{L1} = EPS - ts_{\bar{x}_1} \quad (4)$$

$$UCL_{L1} = EPS + ts_{\bar{x}_1} \quad (5)$$

where  $t$  is a statistic based on a 95 percent two-tailed probability level and a sample size of  $N_1$ .

Step 6(a). For an Energy Efficiency Standard, compare the mean of the first sample ( $\bar{x}_1$ ) with the upper and lower control limits

required in § 430.62(a)(4)(i) through (a)(4)(xvii).

<sup>2</sup>Provide manufacturer's model number.

( $UCL_{L1}$  and  $LCL_{L1}$ ) to determine one of the following:

(1) If the mean of the first sample is below the lower control limit, then the basic model is in noncompliance and testing is at an end. (Do not go on to any of the steps below.)

(2) If the mean of the first sample is equal to or greater than the upper control limit, then the basic model is in compliance and testing is at an end. (Do not go on to any of the steps below.)

(3) If the sample mean is equal to or greater than the lower control limit but less than the upper control limit, then no determination of compliance or noncompliance can be made and a second sample size is determined by Step 7(a).

Step 6(b). For an Energy or Water Consumption Standard, compare the mean of the first sample ( $\bar{x}_1$ ) with the upper and lower control limits ( $UCL_{L1}$  and  $LCL_{L1}$ ) to determine one of the following:

(1) If the mean of the first sample is above the upper control limit, then the basic model is in noncompliance and testing is at an end. (Do not go on to any of the steps below.)

(2) If the mean of the first sample is equal to or less than the lower control limit, then the basic model is in compliance and testing is at an end. (Do not go on to any of the steps below.)

(3) If the sample mean is equal to or less than the upper control limit but greater than the lower control limit, then no determination of compliance or noncompliance can be made and a second sample size is determined by Step 7(b).

Step 7(a). For an Energy Efficiency Standard, determine the second sample size ( $N_2$ ) as follows:

$$n_2 = \left( \frac{ts_1}{0.05 \text{ EPS}} \right)^2 - n_1 \quad (6a)$$

where  $s_1$  and  $T$  have the values used in Steps 4 and 5, respectively. The term "0.05 EPS" is the difference between the applicable energy efficiency standard and 95 percent of the standard, where 95 percent of the standard is taken as the lower control limit. This procedure yields a sufficient combined sample size ( $N_1+N_2$ ) to give an estimated 97.5 percent probability of obtaining a determination of compliance when the true mean efficiency is equal to the applicable standard. Given the solution value of  $N_2$ , determine one of the following:

(1) If the value of  $N_2$  is less than or equal to zero and if the mean energy efficiency of the first sample ( $\bar{x}_1$ ) is either equal to or greater than the lower control limit ( $LCL_{L1}$ ) or equal to or greater than 95 percent of the applicable energy efficiency standard (EES), whichever is greater, i.e., if  $N_2 \leq 0$  and  $\bar{x}_1 \geq \max(LCL_{L1}, 0.95 \text{ EES})$ , the basic model is in compliance and testing is at an end.

(2) If the value of  $N_2$  is less than or equal to zero and the mean energy efficiency of the first sample ( $\bar{x}_1$ ) is less than the lower control limit ( $LCL_1$ ) or less than 95 percent of the applicable energy efficiency standard (EES), whichever is greater, i.e., if  $N_2 \leq 0$  and  $\bar{x}_1 \geq \max(LCL_1, 0.95 \text{ EES})$ , the basic model is in noncompliance and testing is at an end.

(3) If the value of  $N_2$  is greater than zero, then value of the second sample size is determined to be the smallest integer equal to or greater than the solution value of  $N_2$  for equation (6a). If the value of  $N_2$  so calculated is greater than  $20 - N_1$ , set  $N_2$  equal to  $20 - N_1$ .

Step 7(b). For an Energy or Water Consumption Standard, determine the second sample size ( $N_2$ ) as follows:

$$n_2 = \left( \frac{ts_1}{0.05 \text{ EPS}} \right)^2 - n_1 \quad (6b)$$

where  $s_1$  and  $t$  have the values used in Steps 4 and 5, respectively. The term "0.05 EPS" is the difference between the applicable energy or water consumption standard and 105 percent of the standard, where 105 percent of the standard is taken as the upper control limit. This procedure yields a sufficient combined sample size ( $N_1 + N_2$ ) to give an estimated 97.5 percent probability of obtaining a determination of compliance when the true mean consumption is equal to the applicable standard. Given the solution value of  $N_2$ , determine one of the following:

(1) If the value of  $N_2$  is less than or equal to zero and if the mean energy or water consumption of the first sample ( $\bar{x}_1$ ) is either equal to or less than the upper control limit ( $UCL_1$ ) or equal to or less than 105 percent of the applicable energy or water performance standard (EPS), whichever is less, i.e., if  $N_2 \leq 0$  and  $\bar{x}_1 \leq \min(UCL_1, 1.05 \text{ EPS})$ , the basic model is in compliance and testing is at an end.

(2) If the value of  $N_2$  is less than or equal to zero and the mean energy or water consumption of the first sample ( $\bar{x}_1$ ) is greater than the upper control limit ( $UCL_1$ ) or more than 105 percent of the applicable energy or water performance standard (EPS), whichever is less, i.e., if  $N_2 \leq 0$  and  $\bar{x}_1 > \min(UCL_1, 1.05 \text{ EPS})$ , the basic model is in noncompliance and testing is at an end.

(3) If the value of  $N_2$  is greater than zero, then the value of the second sample size is determined to be the smallest integer equal to or greater than the solution value of  $N_2$  for equation (6b). If the value of  $N_2$  so calculated is greater than  $20 - N_1$ , set  $N_2$  equal to  $20 - N_1$ .

Step 8. Compute the combined mean ( $\bar{x}_2$ ) of the measured energy or water performance of the  $N_1$  and  $N_2$  units of the combined first and second samples as follows:

$$\bar{x}_2 = \frac{1}{n_1 + n_2} \left( \sum_{i=1}^{n_1+n_2} x_i \right) \quad (7)$$

Step 9. Compute the standard error ( $S_1$ ) of the measured energy or water performance of the  $N_1$  and  $N_2$  units in the combined first and second samples as follows:

$$s_{\bar{x}_2} = \frac{S_1}{\sqrt{n_1 + n_2}} \quad (8)$$

NOTE:  $s_1$  is the value obtained in Step 3.

Step 10(a). For an Energy Efficiency Standard, compute the lower control limit ( $LCL_2$ ) for the mean of the combined first and second samples using the DOE energy efficiency standard (EES) as the desired mean and a one-tailed probability level of 97.5 percent (equivalent to the two-tailed probability level of 95 percent used in Step 5) as follows:

$$LCL_2 = \text{EES} - ts_{\bar{x}_2} \quad (9a)$$

where the  $t$ -statistic has the value obtained in Step 5.

Step 10(b). For an Energy or Water Consumption Standard, compute the upper control limit ( $UCL_2$ ) for the mean of the combined first and second samples using the DOE energy or water performance standard (EPS) as the desired mean and a one-tailed probability level of 102.5 percent (equivalent to the two-tailed probability level of 95 percent used in Step 5) as follows:

$$UCL_2 = \text{EPS} + ts_{\bar{x}_2} \quad (9b)$$

where the  $t$ -statistic has the value obtained in Step 5.

Step 11(a). For an Energy Efficiency Standard, compare the combined sample mean ( $\bar{x}_2$ ) to the lower control limit ( $LCL_2$ ) to find one of the following:

(1) If the mean of the combined sample ( $\bar{x}_2$ ) is less than the lower control limit ( $LCL_2$ ) or 95 percent of the applicable energy efficiency standard (EES), whichever is greater, i.e., if  $\bar{x}_2 < \max(LCL_2, 0.95 \text{ EES})$ , the basic model is in noncompliance and testing is at an end.

(2) If the mean of the combined sample ( $\bar{x}_2$ ) is equal to or greater than the lower control limit ( $LCL_2$ ) or 95 percent of the applicable energy efficiency standard (EES), whichever is greater, i.e., if  $\bar{x}_2 \geq \max(LCL_2, 0.95 \text{ EES})$ , the basic model is in compliance and testing is at an end.

Step 11(b). For an Energy or Water Consumption Standard, compare the combined sample mean ( $\bar{x}_2$ ) to the upper control limit ( $UCL_2$ ) to find one of the following:

(1) If the mean of the combined sample ( $\bar{x}_2$ ) is greater than the upper control limit ( $UCL_2$ ) or 105 percent of the applicable energy or water performance standard (EPS),

whichever is less, i.e., if  $\bar{x}_2 > \min(\text{UCL}_2, 1.05 \text{ EPS})$ , the basic model is in noncompliance and testing is at an end.

(2) If the mean of the combined sample ( $\bar{x}_2$ ) is equal to or less than the upper control limit ( $\text{UCL}_2$ ) or 105 percent of the applicable energy or water performance standard (EPS), whichever is less, i.e., if  $\bar{x}_2 \leq \min(\text{UCL}_2, 1.05 \text{ EPS})$ , the basic model is in compliance and testing is at an end.

**Manufacturer-Option Testing**

If a determination of non-compliance is made in Steps 6, 7 or 11, the manufacturer may request that additional testing be conducted, in accordance with the following procedures.

Step A. The manufacturer requests that an additional number,  $N_3$ , of units be tested, with  $N_3$  chosen such that  $N_1+N_2+N_3$  does not exceed 20.

Step B. Compute the mean energy or water performance, standard error, and lower or upper control limit of the new combined sample in accordance with the procedures prescribed in Steps 8, 9, and 10, above.

Step C. Compare the mean performance of the new combined sample to the revised lower or upper control limit to determine one of the following:

a.1. For an Energy Efficiency Standard, if the new combined sample mean is equal to or greater than the lower control limit or 95 percent of the applicable energy efficiency standard, whichever is greater, the basic model is in compliance and testing is at an end.

a.2. For an Energy or Water Consumption Standard, if the new combined sample mean is equal to or less than the upper control limit or 105 percent of the applicable energy or water consumption standard, whichever is less, the basic model is in compliance and testing is at an end.

b.1. For an Energy Efficiency Standard, if the new combined sample mean is less than the lower control limit or 95 percent of the applicable energy efficiency standard, whichever is greater, and the value of  $N_1+N_2+N_3$  is less than 20, the manufacturer may request that additional units be tested. The total of all units tested may not exceed 20. Steps A, B, and C are then repeated.

b.2. For an Energy or Water Consumption Standard, if the new combined sample mean is greater than the upper control limit or 105 percent of the applicable energy or water consumption standard, whichever is less, and the value of  $N_1+N_2+N_3$  is less than 20, the manufacturer may request that additional units be tested. The total of all units tested may not exceed 20. Steps A, B, and C are then repeated.

c. Otherwise, the basic model is determined to be in noncompliance.

[63 FR 13321, Mar. 18, 1998]

**PART 431—ENERGY EFFICIENCY PROGRAM FOR CERTAIN COMMERCIAL AND INDUSTRIAL EQUIPMENT**

**Subpart A—General Provisions**

Sec.

431.1 Purpose and scope.

431.2 Definitions.

APPENDIX A TO SUBPART A OF 10 CFR PART 431, POLICY STATEMENT FOR ELECTRIC MOTORS COVERED UNDER THE ENERGY POLICY AND CONSERVATION ACT

**Subpart B—Test Procedures and Materials Incorporated**

431.21 Purpose and scope.

431.22 Reference sources.

431.23 Test procedures for measurement of energy efficiency.

431.24 Determination of efficiency.

431.25 Testing laboratories.

431.26 Department of Energy recognition of accreditation bodies.

431.27 Department of Energy recognition of nationally recognized certification programs.

431.28 Procedures for recognition and withdrawal of recognition of accreditation bodies and certification programs.

431.29 Petitions for waiver, and applications for interim waiver, of test procedure.

APPENDIX A TO SUBPART B OF PART 431—UNIFORM TEST METHOD FOR MEASURING NOMINAL FULL LOAD EFFICIENCY OF ELECTRIC MOTORS

**Subpart C—Energy Conservation Standards**

431.41 Purpose and scope.

431.42 Energy conservation standards and effective dates.

431.43 Preemption of state regulations.

**Subpart D—Petitions to Exempt State Regulation from Preemption; Petitions to Withdraw Exemption of State Regulation**

431.61 Purpose and scope.

431.62 Prescriptions of a rule.

431.63 Filing requirements.

431.64 Notice of petition.

431.65 Consolidation.

431.66 Hearing.

431.67 Disposition of petitions.

431.68 Effective dates of final rules.

431.69 Request for reconsideration.

431.70 Finality of decision.

**Subpart E—Labeling**

431.81 Purpose and scope.

431.82 Labeling requirements.