

(q) *Fluorescent Lamp Ballasts.* (1) The Estimated Annual Energy Consumption (EAEC) for fluorescent lamp ballasts, expressed in kilowatt-hours per year, shall be the product of: (i) The input power in kilowatts as determined in accordance with section 3.3.1 of appendix Q to this subpart and (ii) the representative average use cycle of 1,000 hours per year, the resulting product then being rounded off to the nearest kilowatt-hour per year.

(2) Ballast Efficacy Factor (BEF) shall be as determined in section 4.2 of appendix Q of this subpart.

(3) The Estimated Annual Operating Cost (EAOC) for fluorescent lamp ballasts, expressed in dollars per year, shall be the product of: (i) The representative average unit energy cost of electricity in dollars per kilowatt-hour as provided by the Secretary, (ii) the representative average use cycle of 1,000 hours per year, and (iii) the input power in kilowatts as determined in accordance with section 3.3.1 of appendix Q to this subpart, the resulting product then being rounded off to the nearest dollar per year.

(4) Other useful measures which may be applicable. [Reserved]

(r) *General Service Fluorescent Lamps and General Service Incandescent Lamps.*

(1) The estimated annual energy consumption for general service fluorescent lamps and incandescent reflector lamps, expressed in kilowatt-hours per year, shall be the product of the input power in kilowatts as determined in accordance with section 4 of Appendix R to this subpart and an average annual use specified by the manufacturer, with the resulting product rounded off to the nearest kilowatt-hour per year. Manufacturers must provide a clear and accurate description of the assumptions used for the estimated annual energy consumption.

(2) The lamp efficacy for general service fluorescent lamps shall be equal to the average lumen output divided by the average lamp wattage as determined in section 4 of Appendix R of this subpart, with the resulting quotient rounded off to the nearest lumen per watt.

(3) The lamp efficacy for incandescent reflector lamps shall be equal to the average lumen output divided by

the average lamp wattage as determined in section 4 of Appendix R of this subpart, with the resulting quotient rounded off to the nearest tenth of a lumen per watt.

(4) The color rendering index of a general service fluorescent lamp shall be tested and determined in accordance with section 4.5 of Appendix R of this subpart and rounded off to the nearest unit.

(s) *Faucets.* The maximum permissible water use allowed for lavatory faucets, lavatory replacement aerators, kitchen faucets, and kitchen replacement aerators, expressed in gallons and liters per minute (gpm and L/min), shall be measured in accordance to section 2(a) of Appendix S of this subpart. The maximum permissible water use allowed for metering faucets, expressed in gallons and liters per cycle (gal/cycle and L/cycle), shall be measured in accordance to section 2(a) of Appendix S of this subpart.

(t) *Showerheads.* The maximum permissible water use allowed for showerheads, expressed in gallons and liters per minute (gpm and L/min), shall be measured in accordance to section 2(b) of Appendix S of this subpart.

(u) *Water closets.* The maximum permissible water use allowed for water closets, expressed in gallons and liters per flush (gpf and Lpf), shall be measured in accordance to section 3(a) of Appendix T of this subpart.

(v) *Urinals.* The maximum permissible water use allowed for urinals, expressed in gallons and liters per flush (gpf and Lpf), shall be measured in accordance to section 3(b) of Appendix T of this subpart.

[42 FR 27898, June 1, 1977]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 430.23, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

#### § 430.24 Units to be tested.

When testing of a covered product is required to comply with section 323(c) of the Act, or to comply with rules prescribed under sections 324 or 325 of the Act, a sample shall be selected and tested comprised of units which are production units, or are representative of production units of the basic model

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being tested, and shall meet the following applicable criteria.

(a)(1) For each basic model<sup>1</sup> of electric refrigerators and electric refrigerator-freezers, a sample of sufficient size shall be tested to insure that—

(i) Any represented value of estimated annual operating cost, energy consumption or other measure of energy consumption of a basic model for which consumers would favor lower values shall be no less than the higher of (A) the mean of the sample or (B) the upper 95 percent confidence limit of the true mean divided by 1.10, and

(ii) Any represented value of the energy factor or other measure of energy consumption of a basic model for which consumer would favor higher values shall be no greater than the lower of (A) the mean of the sample or (B) the lower 95 percent confidence limit of the true mean divided by .90.

(b)(1) For each basic model<sup>1</sup> of freezers, a sample of sufficient size shall be tested to insure that—

(i) Any represented value of estimated annual operating cost, energy consumption or other measure of energy consumption of a basic model for which consumers would favor lower values shall be no less than the higher of (A) the mean of the sample or (B) the upper 95 percent confidence limit of the true mean divided by 1.10, and

(ii) Any represented value of the energy factor or other measure of energy consumption of a basic model for which consumers would favor higher values shall be no greater than the lower of (A) the mean of the sample or (B) the lower 95 percent confidence limit of the true mean divided by .90.

(c)(1) For each basic model<sup>1</sup> of dishwashers, a sample of sufficient size shall be tested to insure that—

(i) Any represented value of estimated annual operating cost, energy consumption or other measure of energy consumption of a basic model for which consumers would favor lower values shall be no less than the higher of (A) the mean of the sample or (B)

the upper 97½ percent confidence limit of the true mean divided by 1.05, and

(ii) Any represented value of the energy factor or other measure of energy consumption of a basic model for which consumers would favor higher values shall be no greater than the lower of (A) the mean of the sample or (B) the lower 97½ percent confidence limit of the true mean divided by .95.

(d)(1) For each basic model<sup>1</sup> of clothes dryers a sample of sufficient size shall be tested to insure that—

(i) Any represented value of estimated annual operating cost, energy consumption or other measure of energy consumption of a basic model for which consumers would favor lower values shall be no less than the higher of (A) the mean of the sample or (B) the upper 97½ percent confidence limit of the true mean divided by 1.05, and

(ii) Any represented value of the energy factor or other measure of energy consumption of a basic model for which consumers would favor higher values shall be no greater than the lower of (A) the mean of the sample or (B) the lower 97½ percent confidence limit of the true mean divided by .95.

(e)(1) For each basic model<sup>1</sup> of water heaters, a sample of sufficient size shall be tested to insure that—

(i) Any represented value of estimated annual operating cost, energy consumption or other measure of energy consumption of a basic model for which consumers would favor lower values shall be no less than the higher of (A) the mean of the sample or (B) the upper 95 percent confidence limit of the true mean divided by 1.10, and

(ii) Any represented value of the energy factor or other measure of energy consumption of a basic model for which consumers would favor higher values shall be no greater than the lower of (A) the mean of the sample or (B) the lower 95 percent confidence limit of the true mean divided by .90.

(f)(1) For each basic model<sup>1</sup> of room air conditioners, a sample of sufficient size shall be tested to insure that—

(i) Any represented value of estimated annual operating cost, energy consumption or other measure of energy consumption of a basic model for which consumers would favor lower values shall be no less than the higher

<sup>1</sup>Components of similar design may be substituted without requiring additional testing if the represented measures of energy consumption continue to satisfy the applicable sampling provision.

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of (A) the mean of the sample or (B) the upper 97½ percent confidence limit of the true mean divided by 1.05, and

(ii) Any represented value of the energy efficiency ratio or other measure of energy consumption of a basic model for which consumers would favor higher values shall be no greater than the lower of (A) the mean of the sample or (B) the lower 97½ percent confidence limit of the true mean divided by .95.

(g)(1) For each basic model<sup>1</sup> of unvented home heating equipment (not including furnaces), a sample of sufficient size shall be tested to insure that—

(i) Any represented value of estimated annual operating cost, energy consumption or other measure of energy consumption of a basic model for which consumers would favor lower values shall be no less than the higher of (A) the mean of the sample or (B) the upper 97½ percent confidence limit of the true mean divided by 1.075, and

(ii) Any represented value of the annual fuel utilization efficiency or other measure of energy consumption of a basic model for which consumers would favor higher values shall be not greater than the lower of (A) the mean of the sample or (B) the lower 97½ percent confidence limit of the true mean divided by .925.

(h)(1) For each basic model<sup>1</sup> of television sets, a sample of sufficient size shall be tested to insure that—

(i) Any represented value of estimated annual operating cost, energy consumption or other measure of energy consumption of a basic model for which consumers would favor lower values shall be no less than the higher of (A) the mean of the sample or (B) the upper 97½ percent confidence limit of the true mean divided by 1.05, and

(ii) Any represented value of the energy factor or other measure of energy consumption of a basic model for which consumers would favor higher values shall be no greater than the lower of (A) the mean of the sample or (B) the lower 97½ percent confidence limit of the true mean divided by .95.

<sup>1</sup>Components of similar design may be substituted without requiring additional testing if the represented measures of energy consumption continue to satisfy the applicable sampling provision.

(i)(1) Except as provided in paragraph (i)(2) of this section, for each basic model<sup>1</sup> of conventional cooking tops, conventional ovens and microwave ovens a sample of sufficient size shall be tested to insure that—

(i) Any represented value of estimated annual operating cost, energy consumption or other measure of energy consumption of a basic model for which consumers would favor lower values shall be no less than the higher of (A) the mean of the sample or (B) the upper 97½ percent confidence limit of the true mean divided by 1.05, and

(ii) Any represented value of the energy factor or other measure of energy consumption of a basic model for which consumers would favor higher values shall be no greater than the lower of (A) the mean of the sample or (B) the lower 97½ percent confidence limit of the true mean divided by .95.

(2) Basic models need not be tested which differ from other tested basic models by only the design of oven doors the use of which leads to improved efficiency and decreased energy consumption and estimated annual operating cost. Any represented values of measures of energy consumption for basic models not tested shall be the same as for the tested basic model.

(j)(1) For each basic model<sup>1</sup> of clothes washers, a sample of sufficient size shall be tested to insure that—

(i) Any represented value of estimated annual operating cost, energy consumption or other measure of energy consumption of a basic model for which consumers would favor lower values shall be no less than the higher of (A) the mean of the sample or (B) the upper 97½ percent confidence limit of the true mean divided by 1.05, and

(ii) Any represented value of the energy factor or other measure of energy consumption of a basic model for which consumers would favor higher values shall be no greater than the lower of (A) the mean of the sample or (B) the lower 97½ percent confidence limit of the true mean divided by .95.

(k)-(l) [Reserved]

(m)(1) For central air conditioners, each condensing unit shall have a condenser-evaporator coil combination selected and a sample of sufficient size

tested in accordance with applicable provisions of this subpart such that—

(i) Any represented value of estimated annual operating cost, energy consumption or other measure of energy consumption of the condenser-evaporator coil combination for which consumers would favor lower values shall be no less than the higher of (A) the mean of the sample or (B) the upper 90 percent confidence limit of the true mean divided by 1.05, and

(ii) Any represented value of the energy efficiency or other measure of energy consumption of the condenser-evaporator coil combination for which consumers would favor higher values shall be no greater than the lower of (A) the mean of the sample or (B) the lower 90 percent confidence limit of the true mean divided by 0.95.

(2) The condenser-evaporator coil combination selected for tests pursuant to paragraph (m)(1) of this section shall be that combination manufactured by the condensing unit manufacturer likely to have the largest volume of retail sales. Components of similar design may be substituted without requiring additional testing if the represented measures of energy consumption continue to satisfy the applicable sampling provisions of paragraphs (m)(1)(i) and (m)(1)(ii) of this section. For every other condenser-evaporator coil combination manufactured by the same manufacturer or in part by a component manufacturer using that same condensing unit, either—

(i) A sample of sufficient size, comprised of production units or representing production units, shall be tested to ensure that the requirements of paragraphs (m)(1)(i) and (m)(1)(ii) of this section are met for such other condenser-evaporator coil combinations; or

(ii) The representative values of the measures of energy consumption shall be based on an alternative rating method that has been approved by DOE in accordance with the provisions of paragraphs (m)(4) and (m)(5) of this section.

(3) Whenever the representative values of the measures of energy consumption, as determined by the provisions of paragraph (m)(2)(ii) of this section, do not agree within five percent of the representative values of the measures

of energy consumption as determined by actual testing, the representative values determined by actual testing shall be used to comply with section 323(c) of the Act, or to comply with rules prescribed under section 324 of the Act.

(4) The basis of the alternative rating method referred to in paragraph (m)(2)(ii) of this section shall be a representation of the test data and calculations of a mechanical vapor compression refrigeration cycle. The major components in the refrigeration cycle shall be modeled as “fits” to manufacturer performance data or by graphic or tabular performance data. Heat transfer characteristics of coils may be modeled as a function of face area, number of rows, fins per inch, refrigerant circuitry, air flow rate and entering air enthalpy. Additional performance-related characteristics to be considered may include type of expansion device, refrigerant flow rate through the expansion device, power of the indoor fan and degradation coefficient.

(5) Manufacturers who elect to use an alternative rating method for determining measures of energy consumption under paragraphs (m)(2)(ii) and (m)(4) of this section must submit a request to DOE for reviewing the alternative rating method to the Assistant Secretary of Conservation and Renewable Energy, 1000 Independence Avenue, SW., Washington, DC 20585, and receive approval to use the alternative method by the Assistant Secretary before the alternative method may be used for rating central air conditioners.

(6) Each request to DOE for reviewing an alternative rating method shall include:

(i) The name, address and telephone number of the official representing the manufacturer.

(ii) Complete documentation of the alternative rating procedure, including the computer code when a computer model is used.

(iii) Test data for two coils from two different coil families for two different condensing units. The tested capacities for the matched systems for the two condensing units shall differ by at least a factor of two. Rating information for the mixed systems shall include the

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ratings from testing, and from the alternative rating method.

(iv) Complete test data, product information, and related information to allow DOE to verify the rating information submitted by the manufacturer.

(7) Manufacturers that elect to use an alternative rating method for determining measures of energy consumption under paragraphs (m)(2)(ii) and (m)(4) of this section must either subject a sample of their units to independent testing on a regular basis, e.g., voluntary certification program, or have the representations reviewed and certified by an independent state-registered professional engineer who is not an employee of the manufacturer. The registered professional engineer is to certify that the results of the alternative rating procedure accurately represent the energy consumption of the unit(s). The manufacturer is to keep the registered professional engineer's certifications on file for review by DOE for as long as said combination is made available for sale by the manufacturer. Any change to be made to the alternative rating method, must be approved by DOE prior to its use for rating.

(8) Manufacturers who choose to use computer simulation or engineering analysis for determining measures of energy consumption under paragraphs (m)(2)(ii) and (m)(5) of this section shall permit representatives of the Department of Energy to inspect for verification purposes the simulation method or methods used. This inspection may include conducting simulations to predict the performance of particular condenser-evaporator coil combinations specified by DOE, analysis of previous simulations conducted by a manufacturer, or both.

(n)(1) For each basic model<sup>1</sup> of furnaces, other than basic models of those sectional cast-iron boilers which may be aggregated into groups having identical intermediate sections and combustion chambers, a sample of sufficient size shall be tested to insure that—

(i) Any represented value of estimated annual operating cost, energy consumption or other measure of energy consumption of a basic model for

which consumers would favor lower values shall be no less than the higher of (A) the mean of the sample, or (B) the upper 97½ percent confidence limit of the true mean divided by 1.05, and

(ii) Any represented value of the annual fuel utilization efficiency or other measure of energy consumption of a basic model for which consumers would favor higher values shall be no greater than the lower of (A) the mean of the sample, or (B) the lower 97½ percent confidence limit of the true mean divided by .95.

(2) For the lowest capacity basic model<sup>1</sup> of a group of basic models of those sectional cast-iron boilers having identical intermediate sections and combustion chambers, a sample of sufficient size shall be tested to insure that—

(i) Any represented value of estimated annual operating cost, energy consumption or other measure of energy consumption of a basic model for which consumers would favor lower values shall be no less than the higher of (A) the mean of the sample, or (B) the upper 97½ percent confidence limit of the true mean divided by 1.05, and

(ii) Any represented value of the fuel utilization efficiency or other measure of energy consumption of a basic model for which consumers would favor higher values shall be no greater than the lower of (A) the mean of the sample, or (B) the lower 97½ percent confidence limit of the true mean divided by .95.

(3) For the highest capacity basic model<sup>1</sup> of a group of basic models of those sectional cast-iron boilers having identical intermediate sections and combustion chambers, a sample of sufficient size shall be tested to insure that—

(i) Any represented value of estimated annual operating cost, energy consumption or other measure of energy consumption of a basic model for which consumers would favor lower values be no less than the higher of (A) the mean of the sample, or (B) the upper 97½ percent confidence limit of the true mean divided by 1.05, and

<sup>1</sup>Components of similar design may be substituted without requiring additional testing if the represented measures of energy consumption continue to satisfy the applicable sampling provision.

(ii) Any represented value of the fuel utilization efficiency or other measure of energy consumption of a basic model for which consumers would favor higher values shall be no greater than the lower of (A) the mean of the sample, or (B) the lower 97½ percent confidence limit of the true mean divided by .05.

(4) For basic model<sup>1</sup> or capacity other than the highest or lowest of the group of basic models<sup>1</sup> of sectional cast-iron boilers having identical intermediate sections and combustion chambers, represented values of measures of energy consumption shall be determined by either—

(i) A linear interpolation of data obtained for the smallest and largest capacity units of the family, or

(ii) Testing a sample of sufficient size to insure that (A) any represented value of estimated annual operating cost, energy consumption or other measure of energy consumption of a basic model for which consumers would favor lower values shall be no less than the higher of (1) the mean of the sample, or (2) the upper 97½ percent confidence limit of the true mean divided by 1.05, and (B) any represented value of the energy factor or other measure of energy consumption of a basic model for which consumers would favor higher values shall be no greater than the lower of (1) the mean of the sample, or (2) the lower 97½ percent confidence limit of the true mean divided by .95.

(5) Whenever measures of energy consumption determined by linear interpolation do not agree with measures of energy consumption determined by actual testing, the values determined by testing will be assumed to be the more reliable values.

(6) In calculating the measures of energy consumption for each unit tested, use the design heating requirement corresponding to the mean of the capacities of the units of the sample.

(o)(1) For each basic model<sup>1</sup> of vented home heating equipment (not including furnaces) a sample of sufficient size shall be tested to insure that—

(i) Any represented value of estimated annual operating cost, energy consumption or other measure of energy consumption of a basic model for which consumers would favor lower values shall be no less than the higher

of (A) the mean of the sample or (B) the upper 97½ percent confidence limit of the true mean divided by 1.05, and

(ii) Any represented value of the fuel utilization efficiency or other measure of energy consumption of a basic model for which consumers would favor higher values shall be no greater than the lower of (A) the mean of the sample or (B) the lower 97½ percent confidence limit of the true mean divided by .95.

(2) In calculating the measures of energy consumption for each unit tested use the design heating requirement corresponding to the mean of the capacities of the units of the sample.

(p)(1) For each basic model<sup>1</sup> of pool heater a sample of sufficient size shall be tested to insure that—

(i) [Reserved]

(ii) Any represented value of the fuel utilization efficiency or other measure of energy consumption of a basic model for which consumers would favor higher values shall be no greater than the lower of (A) the mean of the sample or (B) the lower 97½ percent confidence limit of the true mean divided by .95.

(q)(1) For each basic model of fluorescent lamp ballasts, as defined in paragraph (14) of §430.2, a sample of sufficient size, no less than four, shall be tested to insure that—

(i) Any represented value of estimated annual energy operating costs, energy consumption, or other measure of energy consumption of a basic model for which consumers would favor lower values shall be no less than the higher of (A) the mean of the sample or (B) the upper 99 percent confidence limit of the true mean divided by 1.01, and

(ii) Any represented value of the ballast efficacy factor or other measure of the energy consumption of a basic model for which consumers would favor a higher value shall be no greater than the lower of (A) the mean of the sample or (B) the lower 99 percent confidence limit of the true mean divided by 0.99.

<sup>1</sup>Components of similar design may be substituted without requiring additional testing if the represented measures of energy consumption continue to satisfy the applicable sampling provision.

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(r)(1) For each basic model of general service fluorescent lamp and incandescent reflector lamp, samples of production lamps shall be tested and the results for all samples shall be averaged for a 12-month period. A minimum sample of 21 lamps shall be tested. The manufacturer shall randomly select a minimum of three lamps from each month of production for a minimum of 7 out of the 12-month period. In the instance where production occurs during fewer than 7 of such 12 months, the manufacturer shall randomly select a 3 or more lamps from each month of production, where the number of lamps selected for each month shall be distributed as evenly as practicable among the months of production to attain a minimum sample of 21 lamps. Any represented value of lamp efficacy of a basic model shall be based on the sample and shall be no greater than the lower of the mean of the sample or the lower 95-percent confidence limit of the true mean ( $X_L$ ) divided by 0.97, i.e.,

$$\frac{\bar{x} - t_{0.95} \left( \frac{s}{\sqrt{n}} \right)}{0.97}$$

where:

- $\bar{x}$  = the mean luminous efficacy of the sample
- s = the sample standard deviation
- $t_{0.95}$  = the t statistic for a 95-percent confidence limit for n-1 degrees of freedom (from statistical tables)
- n = sample size

(2) For each basic model of general service fluorescent lamp, the color rendering index (CRI) shall be measured from the same lamps selected for the lumen output and watts input measurements in paragraph (r)(1) of this section, i.e., the manufacturer shall measure all lamps for lumens, watts input, and CRI. The CRI shall be represented as the average of a minimum sample of 21 lamps and shall be no greater than the lower of the mean of the sample or the lower 95-percent confidence limit of the true mean ( $X_L$ ) divided by 0.97, i.e.,

$$\frac{\bar{x} - t_{0.95} \left( \frac{s}{\sqrt{n}} \right)}{0.97}$$

where:

- $\bar{x}$  = the mean color rendering index of the sample
- s = the sample standard deviation
- $t_{0.95}$  = the t statistic for a 95-percent confidence limit for n-1 degrees of freedom (from statistical tables)
- n=sample size

(s) For each basic model of faucet,<sup>1</sup> a sample of sufficient size shall be tested to ensure that any represented value of water consumption of a basic model for which consumers favor lower values shall be no less than the higher of:

- (1) The mean of the sample or
- (2) The upper 95 percent confidence limit of the true mean divided by 1.05.

(t) For each basic model<sup>1</sup> of showerhead, a sample of sufficient size shall be tested to ensure that any represented value of water consumption of a basic model for which consumers favor lower values shall be no less than the higher of:

- (1) The mean of the sample or
- (2) The upper 95 percent confidence limit of the true mean divided by 1.05.

(u) For each basic model<sup>1</sup> of water closet, a sample of sufficient size shall be tested to ensure that any represented value of water consumption of a basic model for which consumers favor lower values shall be no less than the higher of:

- (1) The mean of the sample or
- (2) The upper 90 percent confidence limit of the true mean divided by 1.1.

(v) For each basic model<sup>1</sup> of urinal, a sample of sufficient size shall be tested to ensure that any represented value of water consumption of a basic model for which consumers favor lower values shall be no less than the higher of:

- (1) The mean of the sample or

<sup>1</sup>Components of similar design may be substituted without requiring additional testing if the represented measures of energy or water consumption continue to satisfy the applicable sampling provision.

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(2) The upper 90 percent confidence limit of the true mean divided by 1.1.

(Energy Policy and Conservation Act, Pub. L. 94-163, as amended by Pub. L. 95-619; Department of Energy Organization Act, Pub. L. 95-91)

[44 FR 22416, Apr. 13, 1979, as amended at 44 FR 39153, July 5, 1979; 44 FR 76706, Dec. 27, 1979; 45 FR 53719, Aug. 12, 1980; 53 FR 8312, Mar. 14, 1988; 54 FR 6075, Feb. 7, 1989; 56 FR 18682, April 24, 1991. Redesignated and amended at 59 FR 49474, 49475, Sept. 28, 1994; 62 FR 29239, May 29, 1997; 63 FR 13316, Mar. 18, 1998]

### § 430.25 Laboratory Accreditation Program.

The testing for general service fluorescent lamps, general service incandescent lamps, incandescent reflector lamps, and medium base compact fluorescent lamps, shall be performed in accordance with Appendix R to this subpart and shall be conducted by test laboratories accredited by the National Voluntary Laboratory Accreditation Program (NVLAP) or by an accrediting organization recognized by NVLAP. NVLAP is a program of the National Institute of Standards and Technology, U. S. Department of Commerce. NVLAP standards for accreditation of laboratories that test for compliance with standards for lamp efficacy and CRI are given in 15 CFR part 285 as supplemented by *NVLAP Handbook 150-01*, "Energy Efficient Lighting Products, Lamps and Luminaires." A manufacturer's or importer's own laboratory, if accredited, may conduct the applicable testing.

[62 FR 29240, May 29, 1997]

### § 430.27 Petitions for waiver and applications for interim waiver.

(a)(1) Any interested person may submit a petition to waive for a particular basic model any requirements of § 430.23, or of any appendix to this subpart, upon the grounds that the basic model contains one or more design characteristics which either prevent testing of the basic model according to the prescribed test procedures, or the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption characteristics, or water consumption characteristics (in the case of

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faucets, showerheads, water closets, and urinals) as to provide materially inaccurate comparative data.

(2) Any interested person who has submitted a Petition for Waiver as provided in this subpart may also file an Application for Interim Waiver of the applicable test procedure requirements.

(b)(1) A Petition for Waiver shall be submitted, in triplicate, to the Assistant Secretary for Conservation and Renewable Energy, United States Department of Energy. Each Petition for Waiver shall:

(i) Identify the particular basic model(s) for which a waiver is requested, the design characteristic(s) constituting the grounds for the petition, and the specific requirements sought to be waived and shall discuss in detail the need for the requested waiver;

(ii) Identify manufacturers of all other basic models marketed in the United States and known to the petitioner to incorporate similar design characteristic(s);

(iii) Include any alternate test procedures known to the petitioner to evaluate in a manner representative of the energy consumption characteristics, or water consumption characteristics (in the case of faucets, showerheads, water closets, and urinals) of the basic model; and

(iv) Be signed by the petitioner or by an authorized representative. In accordance with the provisions set forth in 10 CFR 1004.11, any request for confidential treatment of any information contained in a Petition for Waiver or in supporting documentation must be accompanied by a copy of the petition, application or supporting documentation from which the information claimed to be confidential has been deleted. DOE shall publish in the FEDERAL REGISTER the petition and supporting documents from which confidential information, as determined by DOE, has been deleted in accordance with 10 CFR 1004.11 and shall solicit comments, data and information with respect to the determination of the petition. Any person submitting written comments to DOE with the respect to a Petition for Waiver shall also send a