

**§ 431.429**

(1) Upon publication in the FEDERAL REGISTER if the Secretary determines that such rule is needed to meet an "energy emergency condition" within the State;

(2) Three years after such rule is published in the FEDERAL REGISTER; or

(3) Five years after such rule is published in the FEDERAL REGISTER if the Secretary determines that such additional time is necessary due to the burdens of retooling, redesign or distribution.

(b) A final rule withdrawing a rule exempting a State standard will be effective upon publication in the FEDERAL REGISTER.

**§ 431.429 Request for reconsideration.**

(a) Any petitioner whose petition for a rule has been denied may request reconsideration within 30 days of denial. The request shall contain a statement of facts and reasons supporting reconsideration and shall be submitted in writing to the Secretary.

(b) The denial of a petition will be reconsidered only where it is alleged and demonstrated that the denial was based on error in law or fact and that evidence of the error is found in the record of the proceedings.

(c) If the Secretary fails to take action on the request for reconsideration within 30 days, the request is deemed denied, and the petitioner may seek such judicial review as may be appropriate and available.

(d) A petitioner has not exhausted other administrative remedies until a request for reconsideration has been filed and acted upon or deemed denied.

**§ 431.430 Finality of decision.**

(a) A decision to prescribe a rule that a State energy conservation standard or other requirement not be preempted is final on the date the rule is issued, *i.e.*, signed by the Secretary. A decision to prescribe such a rule has no effect on other regulations of covered equipment of any other State.

(b) A decision to prescribe a rule withdrawing a rule exempting a State standard or other requirement is final on the date the rule is issued, *i.e.*, signed by the Secretary. A decision to deny such a petition is final on the day a denial of a request for reconsideration

**10 CFR Ch. II (1-1-06 Edition)**

ation is issued, *i.e.*, signed by the Secretary.

**PART 434—ENERGY CODE FOR NEW FEDERAL COMMERCIAL AND MULTI-FAMILY HIGH RISE RESIDENTIAL BUILDINGS**

Sec.

434.99 Explanation of numbering system for codes.

**Subpart A—Administration and Enforcement—General**

434.100 Purpose.  
434.101 Scope.  
434.102 Compliance.  
434.103 Referenced standards (RS).  
434.105 Materials and equipment.

**Subpart B—Definitions**

434.201 Definitions.

**Subpart C—Design Conditions**

434.301 Design criteria.

**Subpart D—Building Design Requirements—Electric Systems and Equipment**

434.401 Electrical power and lighting systems.  
434.402 Building envelope assemblies and materials.  
434.403 Building mechanical systems and equipment.  
434.404 Building service systems and equipment.

**Subpart E—Building Energy Cost Compliance Alternative**

434.501 General.  
434.502 Determination of the annual energy cost budget.  
434.503 Prototype building procedure.  
434.504 Use of the prototype building to determine the energy cost budget.  
434.505 Reference building method.  
434.506 Use of the reference building to determine the energy cost budget.  
434.507 Calculation procedure and simulation tool.  
434.508 Determination of the design energy consumption and design energy cost.  
434.509 Compliance.  
434.510 Standard calculation procedure.  
434.511 Orientation and shape.  
434.512 Internal loads.  
434.513 Occupancy.  
434.514 Lighting.  
434.515 Receptacles.  
434.516 Building exterior envelope.  
434.517 HVAC systems and equipment.

## Department of Energy

## § 434.101

434.518 Service water heating.  
434.519 Controls.  
434.520 Speculative buildings.  
434.521 The simulation tool.

### Subpart F—Building Energy Compliance Alternative

434.601 General.  
434.602 Determination of the annual energy budget.  
434.603 Determination of the design energy use.  
434.604 Compliance.  
434.605 Standard calculation procedure.  
434.606 Simulation tool.  
434.607 Life cycle cost analysis criteria.

### Subpart G—Reference Standards

434.701 General.

AUTHORITY: 42 U.S.C. 6831–6832, 6834–6836; 42 U.S.C. 8253–54; 42 U.S.C. 7101, *et seq.*

SOURCE: 65 FR 60012, Oct. 6, 2000, unless otherwise noted.

#### § 434.99 Explanation of numbering system for codes.

(a) For purposes of this part, a derivative of two different numbering systems will be used.

(1) For the purpose of designating a section, the system employed in the Code of Federal Regulations (CFR) will be employed. The number “434” which signifies part 434 in chapter II of Title 10, Code of Federal Regulations, is used as a prefix for all section headings. The suffix is a two or three digit section number. For example the lighting section of the standards is designated § 434.401.

(2) Within each section, a numbering system common to many national voluntary consensus standards is used. A decimal system is used to denote paragraphs and subparagraphs within a section. For example, in § 434.401, “401.2.1” refers to subsection 401, paragraph 2, subparagraph 1.

(b) The hybrid numbering system is used for two purposes:

(1) The use of the Code of Federal Regulations’ numbering system allows the researcher using the CFR easy access to the standards.

(2) The use of the second system allows the builder, designer, architect or engineer easy access because they are familiar to this system numbering. This system was chosen because of its

commonality among the building industry.

### Subpart A—Administration and Enforcement—General

#### § 434.100 Purpose.

The provisions of this part provide minimum standards for energy efficiency for the design of new Federal commercial and multi-family high rise residential buildings. The performance standards are designed to achieve the maximum practicable improvements in energy efficiency and increases in the use of non-depletable sources of energy. This rule is based upon the ASHRAE/IESNA Standard 90.1–1989 and addenda b, c, d, e, f, g, and i. (This document is available from the American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc., 1791 Tullie Circle NE, Atlanta, GA.) It is not incorporated by reference in this document, but is mentioned for informational purposes only.

#### § 434.101 Scope.

101.1 This part provides design requirements for the building envelope, electrical distribution systems and equipment for electric power, lighting, heating, ventilating, air conditioning, service water heating and energy management. It applies to new Federal multi-family high rise residential buildings and new Federal commercial buildings.

101.1.1 (a) Except as provided by section 101.2, the provisions of this part apply if an agency is constructing:

(1) A building that has never been in service;

(2) An addition that adds new space with provision for a heating or cooling system, or both, or for a hot water system; or

(3) A substantial renovation of a building, involving replacement of a heating or cooling system, or both, or hot water system, that is either in service or has been in service.

101.2 The provisions of this part do not apply to:

101.2.1 Buildings, or portions thereof separated from the remainder of the building, that have a peak energy usage for space conditioning, service