

§ 430.25

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

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.

(r)(1) For each basic model of general service fluorescent lamp, general service incandescent 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.

(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<sub>L</sub>) 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<sub>0.95</sub> = 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

<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.

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

(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]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 430.24, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 430.25 Laboratory Accreditation Program.

The testing for general service fluorescent lamps, general service incandescent lamps, and incandescent reflector lamps shall be performed in accordance with Appendix R to this subpart. The testing for medium base compact fluorescent lamps shall be performed in accordance with Appendix W of this subpart. This testing 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 set forth in 15 CFR

part 285. A manufacturer's or importer's own laboratory, if accredited, may conduct the applicable testing.

[74 FR 31841, July 6, 2009]

**§ 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 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 ac-

cordance 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 copy of such comments to the petitioner. In accordance with paragraph (i) of this section, a petitioner may submit a rebuttal statement to the Assistant Secretary for Conservation and Renewable Energy.

(2) An Application for Interim Waiver shall be submitted in triplicate, with the required three copies of the Petition for Waiver, to the Assistant Secretary for Conservation and Renewable Energy, U.S. Department of Energy. Each Application for Interim Waiver shall reference the Petition for Waiver by identifying the particular basic model(s) for which a waiver and temporary exception are being sought. Each Application for Interim Waiver shall demonstrate likely success of the Petition for Waiver and shall address what economic hardship and/or competitive disadvantage is likely to result absent a favorable determination on the Application for Interim Waiver. Each Application for Interim Waiver shall be signed by the applicant or by an authorized representative.

(c)(1) Each petitioner, after filing a Petition for Waiver with DOE, and after the Petition for Waiver has been published in the FEDERAL REGISTER, shall, within five working days of such publication, notify in writing all known manufacturers of domestically marketed units of the same product type (as listed in section 322(a) of the Act) and shall include in the notice a statement that DOE has published in the FEDERAL REGISTER on a certain