



**Figure 3. Circuit for Measuring PLC Control Signal Power in Standby Mode**

[74 FR 12075, Mar. 23, 2009, as amended at 75 FR 10966, Mar. 9, 2010]

**§ 431.325 Units to be tested.**

For each basic model of metal halide lamp ballast selected for testing, a sample of sufficient size, no less than four, shall be selected at random and tested to ensure that:

(a) Any represented value of estimated energy efficiency calculated as the measured output power to the lamp divided by the measured input power to the ballast ( $P_{out}/P_{in}$ ), of a basic model is no less than the higher of:

- (1) The mean of the sample, or
  - (2) The upper 99-percent confidence limit of the true mean divided by 1.01.
- (b) Any represented value of the energy efficiency of a basic model is no greater than the lower of:

- (1) The mean of the sample, or
- (2) The lower 99-percent confidence limit of the true mean divided by 0.99.

[75 FR 10968, Mar. 9, 2010]

**ENERGY CONSERVATION STANDARDS**

**§ 431.326 Energy conservation standards and their effective dates.**

(a) Except as provided in paragraph (b) of this section, each metal halide lamp fixture manufactured on or after January 1, 2009, and designed to be operated with lamps rated greater than or equal to 150 watts but less than or equal to 500 watts shall contain—

- (1) A pulse-start metal halide ballast with a minimum ballast efficiency of 88 percent;
- (2) A magnetic probe-start ballast with a minimum ballast efficiency of 94 percent; or

(3) A nonpulse-start electronic ballast with either a minimum ballast efficiency of 92 percent for wattages greater than 250 watts; or a minimum ballast efficiency of 90 percent for wattages less than or equal to 250 watts.

(b) The standards described in paragraph (a) of this section do not apply to—

- (1) Metal halide lamp fixtures with regulated lag ballasts;
- (2) Metal halide lamp fixtures that use electronic ballasts that operate at 480 volts; or
- (3) Metal halide lamp fixtures that;
  - (i) Are rated only for 150 watt lamps;
  - (ii) Are rated for use in wet locations; as specified by the National Fire Protection Association in NFPA 70 (incorporated by reference; see § 431.323); and
  - (iii) Contain a ballast that is rated to operate at ambient air temperatures above 50 °C, as specified in UL 1029, (incorporated by reference; see § 431.323).

**§ 431.327 Submission of data.**

(a) *Certification.* (1) Except as provided in paragraph (a)(2) of this section, each manufacturer or private labeler, before distributing in commerce any basic model of equipment covered by this subpart and subject to an energy conservation standard set forth in this part, shall certify by means of a compliance statement and a certification report that each basic model meets the applicable energy conservation standard.

(2) Each manufacturer or private labeler of a basic model of metal halide lamp ballast shall file a compliance

statement and its first certification report with DOE on or before March 9, 2011.

(3) *Amendment of information.* If information in a compliance statement or certification report previously submitted to the Department under this section is found to be incorrect, each manufacturer or private labeler (or an authorized representative) must submit the corrected information to the Department at the address and in the manner described in this section.

(4) *Third-party representatives.* Each manufacturer or private labeler shall notify the Department when designating a third-party representative and shall notify the Department of any changes of third-party representatives which is to be sent to the Department at the address and in the manner described in this section.

(5) *Compliance statement.* Each manufacturer or private labeler need submit its compliance statement once. Such statement shall include all required information specified in the format set forth in Appendix A of this subpart and shall certify, with respect to each basic model currently produced by the manufacturer and all new basic models it introduces in the future, that:

(i) Each basic model complies and will comply with the applicable energy conservation standard;

(ii) All representations as to efficiency in the manufacturer's certification report(s) are and will be based on testing conducted in accordance with the applicable test requirements prescribed in this subpart;

(iii) All information reported in the certification report(s) is and will be true, accurate, and complete; and

(iv) The manufacturer or private labeler is aware of the penalties associated with violations of the Act, the regulations thereunder, and 18 U.S.C. 1001, which prohibits knowingly making false statements to the Federal Government.

(6) *Certification report.* Each manufacturer must submit to DOE a certification report for each of its metal halide lamp ballast basic models. The certification report (for which a suggested format is set forth in Appendix B of this subpart) shall include for each basic model the product type, product

class, manufacturer's name, private labeler's name(s) (if applicable), the manufacturer's model number(s), and the ballast efficiency in percent. A single certification report may be used to report required information for multiple basic models.

(7) Copies of reports to the Federal Trade Commission that include the information specified in paragraph (a)(6) of this section could serve in lieu of the certification report.

(b) *Model modifications.* Any change to a basic model that affects energy consumption constitutes the addition of a new basic model. If such a change reduces energy consumption, the new model shall be considered in compliance with the standard without any additional testing. If, however, such a change increases energy consumption while meeting the standard, then the manufacturer must submit all information required by paragraph (a)(6) of this section for the new basic model.

(c) *Discontinued models.* A manufacturer shall report to the Department a basic model whose production has ceased and is no longer being distributed. For each basic model, the report shall include: equipment type, equipment class, the manufacturer's name, the private labeler's name(s) (if applicable), and the manufacturer's model number. If the reporting of discontinued models coincides with the submittal of a certification report, such information can be included in the certification report.

(d) *Third-party representation.* A manufacturer or private labeler may elect to use a third party (such as a trade association or other authorized representative) to submit the certification report to DOE. Such certification reports shall include all the information specified in paragraph (a)(6) of this section. Third parties submitting certification reports shall include the names of the manufacturers or private labelers who authorized the submittal of the certification reports to DOE on their behalf. The third-party representative also may submit model modification information, as specified in paragraph (b) of this section, and discontinued model information, as specified in paragraph (c) of this section, on behalf

## § 431.328

of an authorizing manufacturer or private labeler.

(e) *Submission instructions.* All reports and notices required by this section shall be sent by certified mail to: U.S. Department of Energy, Building Technologies Program, Mailstop EE-2J, 1000 Independence Avenue, SW., Washington, DC 20585-0121, or by e-mail to the Department at: *certification.report@ee.doe.gov*. If submitting by e-mail, the compliance statement must be provided in PDF format (which shows the original signature).

[75 FR 10968, Mar. 9, 2010]

## § 431.328 Sampling.

For purposes of a certification of compliance, the determination that a basic model complies with the applicable energy conservation standard shall be based upon the testing and sampling procedures, and other applicable rating procedures, set forth in this part. For purposes of a certification of compliance, the determination that a basic model complies with the applicable design standard shall be based on the incorporation of specific design requirements specified in this part.

[75 FR 10968, Mar. 9, 2010]

## § 431.329 Enforcement.

*Process for Metal Halide Lamp Ballasts.* This section sets forth procedures DOE will follow in pursuing alleged non-compliance with an applicable energy conservation standard.

(a) *Performance standards.* (1) *Test notice.* Upon receiving information in writing concerning the energy performance of a particular covered equipment sold by a particular manufacturer or private labeler which indicates that the covered equipment may not be in compliance with the applicable energy standard, the Secretary may conduct a review of the test records. The Secretary may then conduct enforcement testing of that equipment under the DOE test procedure, a process that is initiated by means of a test notice addressed to the manufacturer or private labeler in accordance with the requirements outlined below.

(i) The test notice procedure will only be followed after the Secretary or his/her designated representative has

## 10 CFR Ch. II (1-1-11 Edition)

examined the underlying test data provided by the manufacturer, and after the manufacturer has been offered the opportunity to meet with the Department to verify compliance with the applicable energy conservation standard and/or water conservation standard. A representative designated by the Secretary must be permitted to observe any re-verification procedures undertaken according to this subpart, and to inspect the results of such re-verification.

(ii) The test notice will be signed by the Secretary or his/her designee and will be mailed or delivered by the Department to the plant manager or other responsible official designated by the manufacturer.

(iii) The test notice will specify the basic model to be selected for testing, the number of units to be tested, the method for selecting these units, the date and time at which testing is to begin, the date when testing is scheduled to be completed, and the facility at which testing will be conducted. The test notice may also provide for situations in which the selected basic model is unavailable for testing, and it may include alternative basic models.

(iv) The Secretary may require in the test notice that the manufacturer of covered equipment shall ship at its expense a reasonable number of units of each basic model specified in the test notice to a testing laboratory designated by the Secretary. The number of units of a basic model specified in a test notice shall not exceed 20.

(v) Within five working days of the time the units are selected, the manufacturer must ship the specified test units of a basic model to the designated testing laboratory.

(2) *Testing Laboratory.* Whenever the Department conducts enforcement testing at a designated laboratory in accordance with a test notice under this section, the resulting test data shall constitute official test data for that basic model. The Department will use such test data to make a determination of compliance or noncompliance.

(3) *Sampling.* The Secretary will base the determination of whether a manufacturer's basic model complies with the applicable energy conservation