

§ 431.32

(B) The expiration of 21 days from DOE's receipt of a Compliance Certification covering that motor, if the manufacturer or private labeler has not been advised by DOE that the Compliance Certification fails to satisfy § 431.36.

(2) *Display of required information.* All orientation, spacing, type sizes, type faces, and line widths to display this required information shall be the same as or similar to the display of the other performance data on the motor's permanent nameplate. The nominal full-load efficiency shall be identified either by the term "Nominal Efficiency" or "Nom. Eff." or by the terms specified in paragraph 12.58.2 of NEMA MG1-2009, (incorporated by reference, see § 431.15) as for example "NEMA Nom. Eff. ____." The Compliance Certification number issued pursuant to § 431.36 shall be in the form "CC ____."

(3) *Optional display.* The permanent nameplate of an electric motor, a separate plate, or decalcomania, may be marked with the encircled lower case letters "ee", for example,



or with some comparable designation or logo, if the motor meets the applicable standard prescribed in § 431.25, as determined pursuant to this subpart, and is covered by a Compliance Certification that satisfies § 431.36.

(b) *Disclosure of efficiency information in marketing materials.* (1) The same information that must appear on an electric motor's permanent nameplate pursuant to paragraph (a)(1) of this section, shall be prominently displayed:

(i) On each page of a catalog that lists the motor; and

(ii) In other materials used to market the motor.

(2) The "ee" logo, or other similar logo or designations, may also be used in catalogs and other materials to the same extent they may be used on labels under paragraph (a)(3) of this section.

[69 FR 61923, Oct. 21, 2004, as amended at 77 FR 26637, May 4, 2012]

10 CFR Ch. II (1-1-13 Edition)

§ 431.32 Preemption of State regulations.

The provisions of § 431.31 supersede any State regulation to the extent required by Section 327 of the Act. Pursuant to the Act, all State regulations that require the disclosure for any electric motor of information with respect to energy consumption, other than the information required to be disclosed in accordance with this part, are superseded.

CERTIFICATION

§ 431.35 Applicability of certification requirements.

Section 431.36 sets forth the procedures for manufacturers to certify that electric motors comply with the applicable energy efficiency standards set forth in this subpart.

§ 431.36 Compliance Certification.

(a) *General.* A manufacturer or private labeler shall not distribute in commerce any basic model of an electric motor which is subject to an energy efficiency standard set forth in this subpart unless it has submitted to the Department a Compliance Certification certifying, in accordance with the provisions of this section, that the basic model meets the requirements of the applicable standard. The representations in the Compliance Certification must be based upon the basic model's energy efficiency as determined in accordance with the applicable requirements of this subpart. This means, in part, that either:

(1) The representations as to the basic model must be based on use of a certification organization; or

(2) Any testing of the basic model on which the representations are based must be conducted at an accredited laboratory.

(b) *Required contents*—(1) *General representations.* Each Compliance Certification must certify that:

(i) The nominal full load efficiency for each basic model of electric motor distributed is not less than the minimum nominal full load efficiency required for that motor by § 431.25;

(ii) All required determinations on which the Compliance Certification is based were made in compliance with

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the applicable requirements prescribed in this subpart;

(iii) All information reported in the Compliance Certification is true, accurate, and complete; and

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

(2) *Specific data.* (i) For each rating of electric motor (as the term “rating” is defined in the definition of basic model) which a manufacturer or private labeler distributes, the Compliance Certification must report the nominal full load efficiency, determined pursuant to §§ 431.16 and 431.17, of the least efficient basic model within that rating.

(ii) The Compliance Certification must identify the basic models on which actual testing has been performed to meet the requirements of § 431.17.

(iii) The format for a Compliance Certification is set forth in appendix C of this subpart.

(c) *Optional contents.* In any Compliance Certification, a manufacturer or private labeler may at its option request that DOE provide it with a unique Compliance Certification number (“CC number”) for any brand name, trademark or other label name under which the manufacturer or private labeler distributes electric motors covered by the Certification. Such a Compliance Certification must also identify all other names, if any, under which the manufacturer or private labeler distributes electric motors, and to which the request does not apply.

(d) *Signature and submission.* A manufacturer or private labeler must submit the Compliance Certification either on its own behalf, signed by a corporate official of the company, or through a third party (for example, a trade association or other authorized representative) acting on its behalf. Where a third party is used, the Compliance Certification must identify the official of the manufacturer or private labeler who authorized the third party to make representations on the company’s behalf, and must be signed by a corporate

official of the third party. The Compliance Certification must be submitted to the Department electronically at <https://www.regulations.doe.gov/ccms>. Alternatively, the Compliance Certification may be submitted by certified mail to: Certification and Compliance Reports, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, EE-2J, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585-0121.

(e) *New basic models.* For electric motors, a Compliance Certification must be submitted for a new basic model only if the manufacturer or private labeler has not previously submitted to DOE a Compliance Certification, that meets the requirements of this section, for a basic model that has the same rating as the new basic model, and that has a lower nominal full load efficiency than the new basic model.

(f) *Response to Compliance Certification; Compliance Certification Number (CC number)*—(1) DOE processing of Certification. Promptly upon receipt of a Compliance Certification, the Department will determine whether the document contains all of the elements required by this section, and may, in its discretion, determine whether all or part of the information provided in the document is accurate. The Department will then advise the submitting party in writing either that the Compliance Certification does not satisfy the requirements of this section, in which case the document will be returned, or that the Compliance Certification satisfies this section. The Department will also advise the submitting party of the basis for its determination.

(2) *Issuance of CC number(s).* (i) Initial Compliance Certification. When DOE advises that the initial Compliance Certification submitted by or on behalf of a manufacturer or private labeler is acceptable, either:

(A) DOE will provide a single unique CC number, “CC _____,” to the manufacturer or private labeler, and such CC number shall be applicable to all electric motors distributed by the manufacturer or private labeler, or

(B) When required by paragraph (f)(3) of this section, DOE will provide more

than one CC number to the manufacturer or private labeler.

(ii) Subsequent Compliance Certification. When DOE advises that any other Compliance Certification is acceptable, it will provide a unique CC number for any brand name, trademark or other name when required by paragraph (f)(3) of this section.

(iii) When DOE declines to provide a CC number as requested by a manufacturer or private labeler in accordance with §431.36(c), DOE will advise the requester of the reasons for such refusal.

(3) Issuance of two or more CC numbers.

(i) DOE will provide a unique CC number for each brand name, trademark or other label name for which a manufacturer or private labeler requests such a number in accordance with §431.36(c), except as follows. DOE will not provide a CC number for any brand name, trademark or other label name

(A) For which DOE has previously provided a CC number, or

(B) That duplicates or overlaps with other names under which the manufacturer or private labeler sells electric motors.

(ii) Once DOE has provided a CC number for a particular name, that shall be the only CC number applicable to all electric motors distributed by the manufacturer or private labeler under that name.

(iii) If the Compliance Certification in which a manufacturer or private labeler requests a CC number is the initial Compliance Certification submitted by it or on its behalf, and it distributes electric motors not covered by the CC number(s) DOE provides in response to the request(s), DOE will also provide a unique CC number that shall be applicable to all of these other motors.

[69 FR 61923, Oct. 21, 2004, as amended at 76 FR 59006, Sept. 23, 2011; 77 FR 26638, May 4, 2012]

APPENDIX A TO SUBPART B OF PART 431 [RESERVED]

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

1. Definitions.

Definitions contained in §§431.2 and 431.12 are applicable to this appendix.

2. Test Procedures.

Efficiency and losses shall be determined in accordance with NEMA MG1-2009, paragraph 12.58.1, “Determination of Motor Efficiency and Losses,” (incorporated by reference, see §431.15) and either:

(1) CSA C390-10, (incorporated by reference, see §431.15), or

(2) IEEE Std 112-2004 Test Method B, Input-Output With Loss Segregation, (incorporated by reference, see §431.15).

3. Amendments to test procedures.

Any revision to IEEE Std 112-2004 Test Method B, NEMA MG1-2009, or CSA C390-10, (incorporated by reference, see §431.15) shall not be effective for purposes of certification and compliance testing unless and until this appendix and 10 CFR Part 431 are amended to incorporate that revision.

[77 FR 26638, May 4, 2012]

APPENDIX C TO SUBPART B OF PART 431—COMPLIANCE CERTIFICATION

CERTIFICATION OF COMPLIANCE WITH ENERGY EFFICIENCY STANDARDS FOR ELECTRIC MOTORS (OFFICE OF MANAGEMENT AND BUDGET CONTROL NUMBER: 1910-1400. EXPIRES FEBRUARY 13, 2014)

An electronic form is available at <https://www.regulations.doe.gov/ccms/>.

1. Name and Address of Company (the “company”):

2. Name(s) to be Marked on Electric Motors to Which this Compliance Certification Applies:

3. If manufacturer or private labeler wishes to receive a unique Compliance Certification number for use with any particular brand name, trademark, or other label name, fill out the following two items:

A. List each brand name, trademark, or other label name for which the company requests a Compliance Certification number:

B. List other name(s), if any, under which the company sells electric motors (if not listed in item 2 above):

