§ 431.18 Testing laboratories.

(a) Testing pursuant to § 431.17(a)(5)(ii) must be conducted in an accredited laboratory for which the accreditation body was:

(1) The National Institute of Standards and Technology/National Voluntary Laboratory Accreditation Program (NIST/NVLAP); or

(2) A laboratory accreditation body having a mutual recognition arrangement with NIST/NVLAP; or

(3) An organization classified by the Department, pursuant to § 431.19, as an accreditation body.

(b) NIST/NVLAP is under the auspices of the National Institute of Standards and Technology (NIST) which is part of the U.S. Department of Commerce. NIST/NVLAP accreditation is granted on the basis of conformance with criteria published in 15 CFR Part 285, The National Voluntary Laboratory Accreditation Program Procedures and General Requirements. NIST Handbook 150–10, August 1995, presents the technical requirements of the National Voluntary Laboratory Accreditation Program for the Efficiency of Electric Motors field of accreditation. This handbook supplements NIST Handbook 150, National Voluntary Laboratory Accreditation Program Procedures and General Requirements, which contains 15 CFR Part 285 plus all general NIST/NVLAP procedures, criteria, and policies. Changes in NIST/NVLAP’s criteria, procedures, policies, standards or other bases for granting accreditation, occurring subsequent to the initial effective date of 10 CFR Part 431, shall not apply to accreditation under this Part unless approved in writing by the Department of Energy. Information regarding NIST/NVLAP and its Efficiency of Electric Motors Program (EEM) can be obtained from NIST/NVLAP, 100 Bureau Drive, Mail Stop 2140, Gaithersburg, MD 20899–2140, telephone (301) 975–4016, or telefax (301) 926–2884.

§ 431.19 Department of Energy recognition of accreditation bodies.

(a) Petition. To be classified by the Department of Energy as an accreditation body, an organization must submit a petition to the Department requesting such classification, in accordance with paragraph (c) of this section and § 431.21. The petition must demonstrate that the organization meets the criteria in paragraph (b) of this section.

(b) Evaluation criteria. To be classified as an accreditation body by the Department, the organization must meet the following criteria:

(1) It must have satisfactory standards and procedures for conducting and administering an accreditation system and for granting accreditation. This must include provisions for periodic audits to verify that the laboratories receiving its accreditation continue to conform to the criteria by which they were initially accredited, and for withdrawal of accreditation where such conformance does not occur, including failure to provide accurate test results.

(2) It must be independent of electric motor manufacturers, importers, distributors, private labelers or vendors. It cannot be affiliated with, have financial ties with, be controlled by, or be under common control with any such entity.

(3) It must be qualified to perform the accrediting function in a highly competent manner.

(4) It must be expert in the content and application of the test procedures and methodologies in IEEE Standard 112–1996 Test Method B and CSA Standard C390–93 Test Method (1), (Incorporated by reference, see § 431.15) or similar procedures and methodologies for determining the energy efficiency of electric motors.

(c) Petition format. Each petition requesting classification as an accreditation body must contain a narrative statement as to why the organization meets the criteria set forth in paragraph (b) of this section, must be signed on behalf of the organization by an authorized representative, and must be accompanied by documentation that supports the narrative statement. The following provides additional guidance:

(1) Standards and procedures. A copy of the organization’s standards and procedures for operating an accreditation system and for granting accreditation should accompany the petition.
(2) **Independent status.** The peti-
tioning organization should identify
and describe any relationship, direct or
indirect, that it has with an electric
motor manufacturer, importer, dis-
tributor, private labeler, vendor, trade
association or other such entity, as
well as any other relationship it be-
lieves might appear to create a conflict
of interest for it in performing as an
accreditation body for electric motor
testing laboratories. It should explain
why it believes such relationship(s)
would not compromise its independ-
ence as an accreditation body.

(3) **Qualifications to do accrediting.** Ex-
perience in accrediting should be dis-
cussed and substantiated by supporting
documents. Of particular relevance
would be documentary evidence that
establishes experience in the applica-
tion of guidelines contained in the ISO/IEC
Guide 58, Calibration and testing
laboratory accreditation systems—General
requirements for operation and recogni-
tion, as well as experience in overseeing
compliance with the guidelines con-
tained in the ISO/IEC Guide 25, General
Requirements for the Competence of Cali-
bration and Testing Laboratories.

(4) **Expertise in electric motor test proce-
dures.** The petition should set forth the
organization’s experience with the test
procedures and methodologies in IEEE
Standard 112–1996 Test Method B and
CSA Standard C390–93 Test Method (1),
(Incorporated by reference, see § 431.15)
and with similar procedures and meth-
odologies. This part of the petition
should include description of prior
projects, qualifications of staff mem-
ers, and the like. Of particular rel-
evance would be documentary evidence
that establishes experience in applying
the guidelines contained in the ISO/IEC
Guide 25, General Requirements for the
Competence of Calibration and Testing
Laboratories, to energy efficiency test-
ing for electric motors.

(d) **Disposition.** The Department will
evaluate the petition in accordance
with § 431.21, and will determine wheth-
er the applicant meets the criteria in
paragraph (b) of this section to be clas-
sified as an accrediting body.

§ 431.20 Department of Energy rec-
ognition of nationally recognized
certification programs.

(a) **Petition.** For a certification pro-
gram to be classified by the Depart-
ment of Energy as being nationally
recognized in the United States for the
purposes of Section 345(c) of EPCA
("nationally recognized"), the organiza-
tion operating the program must sub-
mit a petition to the Department re-
questing such classification, in accord-
ance with paragraph (c) of this Section
and § 431.21. The petition must dem-
strate that the program meets the
criteria in paragraph (b) of this sec-
tion.

(b) **Evaluation criteria.** For a certifi-
cation program to be classified by the
Department as nationally recognized,
it must meet the following criteria:

1. It must have satisfactory stand-
ards and procedures for conducting and
administering a certification system,
including periodic follow up activities
to assure that basic models of electric
motor continue to conform to the effi-
ciency levels for which they were cer-
tified, and for granting a certificate of
conformity.

2. It must be independent of electric
motor manufacturers, importers, dis-
tributors, private labelers or vendors.
It cannot be affiliated with, have finan-
tial ties with, be controlled by, or be
under common control with any such
entity.

3. It must be qualified to operate a
certification system in a highly com-
petent manner.

4. It must be expert in the content
and application of the test procedures
and methodologies in IEEE Standard
112–1996 Test Method B and CSA Stand-
adard C390–93 Test Method (1), (Incor-
porated by reference, see § 431.15)
or similar procedures and methodologies
for determining the energy efficiency
of electric motors. It must have satis-
factory criteria and procedures for the
selection and sampling of electric mo-
tors tested for energy efficiency.

(c) **Petition format.** Each petition re-
questing classification as a nationally
recognized certification program must
contain a narrative statement as to
why the program meets the criteria
listed in paragraph (b) of this section,

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