

Department of Energy

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(2) [Reserved]

(v) *SMPTE*. Society of Motion Picture and Television Engineers, 3 Barker Ave., 5th Floor, White Plains, NY 10601, 914-761-1100, or go to <http://standards.smpte.org>.

(1) *SMPTE 170M-2004*, (“*SMPTE 170M-2004*”), *SMPTE Standard for Television—Composite Analog Video Signal—NTSC for Studio Applications*, approved November 30, 2004; IBR approved for § 430.2.

(2) [Reserved]

(w) *UL*. Underwriters Laboratories, Inc., 2600 NW. Lake Rd., Camas, WA 98607-8542 (www.UL.com)

(1) *UL 729* (“*UL 729-2016*”), Standard for Safety for Oil-Fired Floor Furnaces, Sixth Edition, dated August 29, 2003, including revisions through November 22, 2016; IBR approved for appendix O to subpart B.

(2) *UL 730* (“*UL 730-2016*”), Standard for Safety for Oil-Fired Wall Furnaces, Fifth Edition, dated August 29, 2003, including revisions through November 22, 2016; IBR approved for appendix O to subpart B.

(3) *UL 896* (“*UL 896-2016*”), Standard for Safety for Oil-Burning Stoves, Fifth Edition, dated July 29, 1993; including revisions through November 22, 2016, IBR approved for appendix O to subpart B.

[74 FR 12066, Mar. 23, 2009]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 430.3, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.govinfo.gov.

§ 430.4 Sources for information and guidance.

(a) *General*. The standards listed in this paragraph are referred to in the DOE test procedures and elsewhere in this part but are not incorporated by reference. These sources are given here for information and guidance.

(b) *IESNA*. Illuminating Engineering Society of North America, 120 Wall Street, Floor 17, New York, NY 10005-4001, 212-248-5000, or go to <http://www.iesna.org>.

(1) *Illuminating Engineering Society of North America Lighting Handbook*, 8th Edition, 1993.

(2) [Reserved]

(c) *IEEE*. Institute of Electrical and Electronics Engineers, Inc., 3 Park Avenue, 17th Floor, New York, NY, 10016-5997, 212-419-7900, or go to <http://www.ieee.org>.

(1) *IEEE 1515-2000*, *IEEE Recommended Practice for Electronic Power Subsystems: Parameter Definitions, Test Conditions, and Test Methods*, March 30, 2000.

(2) *IEEE 100*, *Authoritative Dictionary of IEEE Standards Terms*, 7th Edition, January 1, 2006.

(d) *IEC*. International Electrotechnical Commission, available from the American National Standards Institute, 11 W. 42nd Street, New York, NY 10036, 212-642-4936, or go to <http://www.iec.ch>.

(1) *IEC 62301*, *Household electrical appliances—Measurement of standby power*, First Edition, June 13, 2005.

(2) *IEC 60050*, *International Electrotechnical Vocabulary*.

(e) *National Voluntary Laboratory Accreditation Program*, Standards Services Division, NIST, 100 Bureau Drive, Stop 2140, Gaithersburg, MD 20899-2140, 301-975-4016, or go to <http://ts.nist.gov/standards/accreditation>.

(1) *National Voluntary Laboratory Accreditation Program Handbook 150-01*, *Energy Efficient Lighting Products, Lamps and Luminaires*, August 1993.

(2) [Reserved]

[74 FR 12066, Mar. 23, 2009]

§ 430.5 Error correction procedures for energy conservation standards rules.

(a) *Scope and purpose*. The regulations in this section describe procedures through which the Department of Energy accepts and considers submissions regarding possible Errors in its rules under the Energy Policy and Conservation Act, as amended (42 U.S.C. 6291–6317). This section applies to rules establishing or amending energy conservation standards under the Act, except that this section does not apply to direct final rules issued pursuant to section 325(p)(4) of the Act (42 U.S.C. 6295(p)(4)).

(b) *Definitions*.

Act means the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6291–6317).

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Error means an aspect of the regulatory text of a rule that is inconsistent with what the Secretary intended regarding the rule at the time of posting. Examples of possible mistakes that might give rise to Errors include:

(i) A typographical mistake that causes the regulatory text to differ from how the preamble to the rule describes the rule;

(ii) A calculation mistake that causes the numerical value of an energy conservation standard to differ from what technical support documents would justify; or

(iii) A numbering mistake that causes a cross-reference to lead to the wrong text.

Rule means a rule establishing or amending an energy conservation standard under the Act.

Secretary means the Secretary of Energy or an official with delegated authority to perform a function of the Secretary of Energy under this section.

(c) *Posting of rules.* (1) The Secretary will cause a rule under the Act to be posted on a publicly-accessible Web site.

(2) The Secretary will not submit a rule for publication in the FEDERAL REGISTER during 45 calendar days after posting the rule pursuant to paragraph (c)(1) of this section.

(3) Each rule posted pursuant to paragraph (c)(1) of this section shall bear the following disclaimer:

NOTICE: The text of this rule is subject to correction based on the identification of errors as defined in 10 CFR 430.5 before publication in the FEDERAL REGISTER. Readers are requested to notify the United States Department of Energy, by email at [EMAIL ADDRESS PROVIDED IN POSTED NOTICE], of any typographical or other errors, as described in such regulations, by no later than midnight on [DATE 45 CALENDAR DAYS AFTER DATE OF POSTING OF THE DOCUMENT ON THE DEPARTMENT'S WEBSITE], in order that DOE may make any necessary corrections in the regulatory text submitted to the Office of the Federal Register for publication.

(d) *Request for correction.* (1) A person identifying an Error in a rule subject to this section may request that the Secretary correct the Error. Such a request must be submitted within 45 calendar days of the posting of the rule

pursuant to paragraph (c)(1) of this section.

(2)(i) A request under this section must identify an Error with particularity. The request must state what text is claimed to be erroneous. The request must also provide text that the requester argues would be a correct substitute. If a requester is unable to identify a correct substitute, the requester may submit a request that states that the requester is unable to determine what text would be correct and explains why the requester is unable to do so. The request must also substantiate the claimed Error by citing evidence from the existing record of the rulemaking that the text of the rule as issued is inconsistent with what the Secretary intended the text to be.

(ii) A person's disagreement with a policy choice that the Secretary has made will not, on its own, constitute a valid basis for a request under this section.

(3) The evidence to substantiate a request (or evidence of the Error itself) must be in the record of the rulemaking at the time of the rule's posting, which may include the preamble accompanying the rule. The Secretary will not consider new evidence submitted in connection with a request.

(4) A request under this section must be filed in electronic format by email to the address that the rule designates for correction requests. Should filing by email not be feasible, the requester should contact the program point of contact designated in the rule regarding an appropriate alternative means of filing a request.

(5) A request that does not comply with the requirements of this section will not be considered.

(e) *Correction of rules.* The Secretary may respond to a request for correction under paragraph (d) of this section or address an Error discovered on the Secretary's own initiative by submitting to the Office of the Federal Register either a corrected rule or the rule as previously posted.

(f) *Publication in the Federal Register.* (1) If, after receiving one or more properly filed requests for correction, the Secretary decides not to undertake any corrections, the Secretary will submit the rule for publication to the Office of

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the Federal Register as it was posted pursuant to paragraph (c)(1) of this section.

(2) If the Secretary receives no properly filed requests after posting a rule and identifies no Errors on the Secretary's own initiative, the Secretary will in due course submit the rule, as it was posted pursuant to paragraph (c)(1) of this section, to the Office of the Federal Register for publication. This will occur after the period prescribed by paragraph (c)(2) of this section has elapsed.

(3) If the Secretary receives a properly filed request after posting a rule pursuant to (c)(1) and determines that a correction is necessary, the Secretary will, absent extenuating circumstances, submit a corrected rule for publication in the FEDERAL REGISTER within 30 days after the period prescribed by paragraph (c)(2) of this section has elapsed.

(4) Consistent with the Act, compliance with an energy conservation standard will be required upon the specified compliance date as published in the relevant rule in the FEDERAL REGISTER.

(5) Consistent with the Administrative Procedure Act, and other applicable law, the Secretary will ordinarily designate an effective date for a rule under this section that is no less than 30 days after the publication of the rule in the FEDERAL REGISTER.

(6) When the Secretary submits a rule for publication, the Secretary will make publicly available a written statement indicating how any properly filed requests for correction were handled.

(g) *Alteration of standards.* Until an energy conservation standard has been published in the FEDERAL REGISTER, the Secretary may correct such standard, consistent with the Administrative Procedure Act.

(h) *Judicial review.* For determining the prematurity, timeliness, or lateness of a petition for judicial review pursuant to section 336(b) of the Act (42 U.S.C. 6306), a rule is considered "prescribed" on the date when the rule is published in the FEDERAL REGISTER.

[81 FR 57757, Aug. 24, 2016]

Subpart B—Test Procedures

§ 430.21 Purpose and scope.

This subpart contains test procedures required to be prescribed by DOE pursuant to section 323 of the Act.

§ 430.23 Test procedures for the measurement of energy and water consumption.

When the test procedures of this section call for rounding off of test results, and the results fall equally between two values of the nearest dollar, kilowatt-hour, or other specified nearest value, the result shall be rounded up to the nearest higher value.

(a) *Refrigerators and refrigerator-freezers.* (1) The estimated annual operating cost for models without an anti-sweat heater switch shall be the product of the following three factors, with the resulting product then being rounded to the nearest dollar per year:

(i) The representative average-use cycle of 365 cycles per year;

(ii) The average per-cycle energy consumption for the standard cycle in kilowatt-hours per cycle, determined according to appendix A of this subpart; and

(iii) The representative average unit cost of electricity in dollars per kilowatt-hour as provided by the Secretary.

(2) The estimated annual operating cost for models with an anti-sweat heater switch shall be the product of the following three factors, with the resulting product then being rounded to the nearest dollar per year:

(i) The representative average-use cycle of 365 cycles per year;

(ii) Half the sum of the average per-cycle energy consumption for the standard cycle and the average per-cycle energy consumption for a test cycle type with the anti-sweat heater switch in the position set at the factory just before shipping, each in kilowatt-hours per cycle, determined according to appendix A of this subpart; and

(iii) The representative average unit cost of electricity in dollars per kilowatt-hour as provided by the Secretary.

(3) The estimated annual operating cost for any other specified cycle type