

(1) If the mean of the combined sample (\bar{x}_2) is greater than the upper control limit (UCL_2) or 105 percent of the applicable energy or water performance standard (EPS), whichever is less, i.e., if $\bar{x}_2 > \min(UCL_2, 1.05 \text{ EPS})$, the basic model is in noncompliance and testing is at an end.

(2) If the mean of the combined sample (\bar{x}_2) is equal to or less than the upper control limit (UCL_2) or 105 percent of the applicable energy or water performance standard (EPS), whichever is less, i.e., if $\bar{x}_2 \leq \min(UCL_2, 1.05 \text{ EPS})$, the basic model is in compliance and testing is at an end.

Manufacturer-Option Testing

If a determination of non-compliance is made in Steps 6, 7 or 11, the manufacturer may request that additional testing be conducted, in accordance with the following procedures.

Step A. The manufacturer requests that an additional number, N_3 , of units be tested, with N_3 chosen such that $N_1+N_2+N_3$ does not exceed 20.

Step B. Compute the mean energy or water performance, standard error, and lower or upper control limit of the new combined sample in accordance with the procedures prescribed in Steps 8, 9, and 10, above.

Step C. Compare the mean performance of the new combined sample to the revised lower or upper control limit to determine one of the following:

a.1. For an Energy Efficiency Standard, if the new combined sample mean is equal to or greater than the lower control limit or 95 percent of the applicable energy efficiency standard, whichever is greater, the basic model is in compliance and testing is at an end.

a.2. For an Energy or Water Consumption Standard, if the new combined sample mean is equal to or less than the upper control limit or 105 percent of the applicable energy or water consumption standard, whichever is less, the basic model is in compliance and testing is at an end.

b.1. For an Energy Efficiency Standard, if the new combined sample mean is less than the lower control limit or 95 percent of the applicable energy efficiency standard, whichever is greater, and the value of $N_1+N_2+N_3$ is less than 20, the manufacturer may request that additional units be tested. The total of all units tested may not exceed 20. Steps A, B, and C are then repeated.

b.2. For an Energy or Water Consumption Standard, if the new combined sample mean is greater than the upper control limit or 105 percent of the applicable energy or water consumption standard, whichever is less, and the value of $N_1+N_2+N_3$ is less than 20, the manufacturer may request that additional units be tested. The total of all units tested may not exceed 20. Steps A, B, and C are then repeated.

c. Otherwise, the basic model is determined to be in noncompliance.

[63 FR 13321, Mar. 18, 1998]

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- 431.91 Purpose and scope.
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- 431.101 Purpose and scope.
- 431.102 Definitions concerning commercial water heaters, hot water supply boilers, and unfired hot water storage tanks.

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- 431.105 Materials incorporated by reference.
- 431.106 Uniform test method for the measurement of energy efficiency of commercial water heaters and hot water supply boilers (other than commercial heat pump water heaters).
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- 431.110 Energy conservation standards and their effective dates.

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- 431.131 Purpose and scope.
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- 431.151 Purpose and scope.
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- 431.201 Purpose and scope.
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- 431.241 Purpose and scope.
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AUTHORITY: 42 U.S.C. 6291–6317.

SOURCE: 64 FR 54141, Oct. 5, 1999, unless otherwise noted.

Subpart A—General Provisions

§ 431.1 Purpose and scope.

This part establishes the regulations for the implementation of provisions relating to commercial and industrial equipment in Part B of Title III of the Energy Policy and Conservation Act (42 U.S.C. 6291–6309) and in Part C of Title III of the Energy Policy and Conservation Act (42 U.S.C. 6311–6317), which establishes an energy conservation program for certain commercial and industrial equipment.

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