

§ 431.429

(1) Upon publication in the FEDERAL REGISTER if the Secretary determines that such rule is needed to meet an "energy emergency condition" within the State;

(2) Three years after such rule is published in the FEDERAL REGISTER; or

(3) Five years after such rule is published in the FEDERAL REGISTER if the Secretary determines that such additional time is necessary due to the burdens of retooling, redesign or distribution.

(b) A final rule withdrawing a rule exempting a State standard will be effective upon publication in the FEDERAL REGISTER.

§ 431.429 Request for reconsideration.

(a) Any petitioner whose petition for a rule has been denied may request reconsideration within 30 days of denial. The request shall contain a statement of facts and reasons supporting reconsideration and shall be submitted in writing to the Secretary.

(b) The denial of a petition will be reconsidered only where it is alleged and demonstrated that the denial was based on error in law or fact and that evidence of the error is found in the record of the proceedings.

(c) If the Secretary fails to take action on the request for reconsideration within 30 days, the request is deemed denied, and the petitioner may seek such judicial review as may be appropriate and available.

(d) A petitioner has not exhausted other administrative remedies until a request for reconsideration has been filed and acted upon or deemed denied.

§ 431.430 Finality of decision.

(a) A decision to prescribe a rule that a State energy conservation standard or other requirement not be preempted is final on the date the rule is issued, *i.e.*, signed by the Secretary. A decision to prescribe such a rule has no effect on other regulations of covered equipment of any other State.

(b) A decision to prescribe a rule withdrawing a rule exempting a State standard or other requirement is final on the date the rule is issued, *i.e.*, signed by the Secretary. A decision to deny such a petition is final on the day a denial of a request for reconsideration

10 CFR Ch. II (1-1-06 Edition)

ation is issued, *i.e.*, signed by the Secretary.

PART 434—ENERGY CODE FOR NEW FEDERAL COMMERCIAL AND MULTI-FAMILY HIGH RISE RESIDENTIAL BUILDINGS

Sec.

434.99 Explanation of numbering system for codes.

Subpart A—Administration and Enforcement—General

- 434.100 Purpose.
- 434.101 Scope.
- 434.102 Compliance.
- 434.103 Referenced standards (RS).
- 434.105 Materials and equipment.

Subpart B—Definitions

- 434.201 Definitions.

Subpart C—Design Conditions

- 434.301 Design criteria.

Subpart D—Building Design Requirements—Electric Systems and Equipment

- 434.401 Electrical power and lighting systems.
- 434.402 Building envelope assemblies and materials.
- 434.403 Building mechanical systems and equipment.
- 434.404 Building service systems and equipment.

Subpart E—Building Energy Cost Compliance Alternative

- 434.501 General.
- 434.502 Determination of the annual energy cost budget.
- 434.503 Prototype building procedure.
- 434.504 Use of the prototype building to determine the energy cost budget.
- 434.505 Reference building method.
- 434.506 Use of the reference building to determine the energy cost budget.
- 434.507 Calculation procedure and simulation tool.
- 434.508 Determination of the design energy consumption and design energy cost.
- 434.509 Compliance.
- 434.510 Standard calculation procedure.
- 434.511 Orientation and shape.
- 434.512 Internal loads.
- 434.513 Occupancy.
- 434.514 Lighting.
- 434.515 Receptacles.
- 434.516 Building exterior envelope.
- 434.517 HVAC systems and equipment.