

Frequency of Response: Varies
Estimated Total Reporting Burden: 50 hours

Clearance Officer: Garrick Shear (202) 622-3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, N.W., Washington, DC 20224
OMB Reviewer: Milo Sunderhauf (202) 395-7340, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503

Dale A. Morgan,
Departmental Reports Management Officer.
 [FR Doc. 94-23998 Filed 9-27-94; 8:45 am]
 BILLING CODE 4830-01-P

Public Information Collection Requirements Submitted to OMB for Review

September 22, 1994.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the

Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Internal Revenue Service (IRS)

OMB Number: 1545-0162
Form Number: IRS Form 4136
Type of Review: Revision
Title: Credit for Federal Tax Paid on Fuels

Description: Internal Revenue Code (IRC) Section 34 allows a credit for Federal excise tax for certain fuel uses. This form is used to figure the amount of income tax credit. The data is used to verify the validity of the claim for the type of exempt use.

Respondents: Individuals or households, Farms, Businesses or

other for-profit, Small businesses or organizations

Estimated Number of Respondents/Recordkeepers: 700,000

Estimated Burden Hours Per

Respondent/Recordkeeper:

Recordkeeping—10 hr., 17 min.

Preparing and sending the form to the IRS—10 min.

Frequency of Response: Annually

Estimated Total Reporting/

Recordkeeping Burden: 7,315,000 hours

Clearance Officer: Garrick Shear (202) 622-3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224
OMB Reviewer: Milo Sunderhauf (202) 395-7340, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503

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 [FR Doc. 94-23999 Filed 9-27-94; 8:45 am]

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Sunshine Act Meetings

Federal Register

Vol. 59, No. 187

Wednesday, September 28, 1994

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System

TIME AND DATE: 11:00 a.m., Monday, October 3, 1994.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street

entrance between 20th and 21st Streets, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the

Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: September 23, 1994.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 94-24053 Filed 9-23-94; 4:43 pm]

BILLING CODE 6210-01-P

Corrections

Federal Register

Vol. 59, No. 187

Wednesday, September 28, 1994

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF ENERGY

10 CFR Part 810

Assistance to Foreign Atomic Energy Activities

Correction

In proposed rule document 94-21261 beginning on page 44381 in the issue of Monday, August 29, 1994, make the following correction:

On page 44381, in the second column, under SUMMARY, in the second line insert "amend" between "to" and "its".

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[FRL-5027-7]

Standards of Performance for New Stationary Sources, Supplemental Delegation of Authority to the Commonwealth of Kentucky

Correction

In rule document 94-19165 beginning on page 40258 in the issue of Monday, August 8, 1994, make the following correction:

On page 40259, in the first column, in the first full paragraph, in the eighth

line, the word "not" should read "now".

BILLING CODE 1505-01-D

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 2

[ET Docket No. 94-45; FCC 94-110]

Revision of the Rules Regarding Marketing and Equipment Authorizations

Correction

In proposed rule document 94-14915 beginning on page in the issue of Tuesday, June 21, 1994, make the following corrections:

On page 31966, in the first column, under DATES:

(a) In the penultimate line "5" should read "6".

(b) In the last line "4" should read "6".

BILLING CODE 1505-01-D

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-34647; International Series Release No. 712; File No. SR-PSE-94-15]

Self-Regulatory Organizations; Order Approving and Notice of Filing and Order Granting Accelerated Approval of Amendment No. 3 to a Proposed Rule Change by the Pacific Stock Exchange, Inc., Relating to the Listing of Options and Long-Term Options on the Telegraph Ltd. Israel Index

Correction

In notice document 94-22731 beginning on page 47193 in the issue of

Wednesday, September 14, 1994, the release number should read as set forth above.

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 94-AEA-09]

Modification of Class D Airspace and Establishment of Class E Airspace; Various Locations, State of Pennsylvania

Correction

In rule document 94-21976 beginning on page 46165, in the issue of Wednesday, September 7, 1994, make the following corrections:

§ 71.1 [Corrected]

On page 46166, in the second column, in the third full paragraph, in the second line from the bottom, "long, 76°48'23"W.,." should read "76°48'37"W.,".

On page 46167, in the first column, in the third full paragraph, in the fourth line, "west" should read "east".

BILLING CODE 1505-01-D

Test Report
Federal Register

Wednesday
September 28, 1994

Part II

**Department of
Energy**

**Office of Energy Efficiency and
Renewable Energy**

**10 CFR Part 430
Energy Conservation Program for
Consumer Products; Final and Proposed
Rules**

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

10 CFR Part 430

[Docket No. EE-RM-94-220-IF]

RIN: 1904-AA61

Energy Conservation Program for Consumer Products

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Interim final rule.

SUMMARY: The Department of Energy (the Department) gives notice of an Interim Final Rule to establish test procedures for fluorescent and incandescent lamps, incorporating by reference test procedures adopted by the Illuminating Engineering Society (IES), American National Standards Institute (ANSI) and the International Commission on Illumination (CIE). The Energy Policy Act of 1992 requires the Department of Energy to administer an energy conservation program for certain major household appliances and commercial equipment. Among other program elements, the law requires that standard methods of testing be prescribed for each covered product. Today's Interim Final Rule will put lighting test procedures in effect so that lighting manufacturers can meet the testing requirements imposed by the Energy Policy Act of 1992.

DATES: This rule is effective October 28, 1994. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 28, 1994.

Written comments (eight copies) in response to this notice must be received by December 12, 1994.

ADDRESSES: Written comments (eight copies) are to be submitted to: U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Interim Final Test Procedures for Fluorescent Lamps and Incandescent Lamps, Docket No. EE-RM-94-220-IF, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585.

Copies of the public comments received may be read at the Department of Energy Freedom of Information Reading Room, U.S. Department of Energy, Forrestal Building, Room 1E-190, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-6020, between the hours of 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

The Department is incorporating by reference several test standards from the Illuminating Engineering Society (Illuminating Engineering Society), the American National Standards Institute (ANSI), and the International Commission on Illumination (CIE). These standards are listed below:

1. American National Standards Institute C78.1-1991, "for Fluorescent Lamps—Rapid-Start Types—Dimensional and Electrical Characteristics"
2. American National Standards Institute C78.2-1991, "for Fluorescent Lamps—Preheat-Start Types—Dimensional and Electrical Characteristics"
3. American National Standards Institute C78.3-1991, "for Fluorescent Lamps—Instant-Start and Cold-Cathode Types—Dimensional and Electrical Characteristics"
4. American National Standards Institute C78.375-1991, "for Fluorescent Lamps—Guide for Electrical Measurements"
5. American National Standards Institute C82.3-1983 "for Reference Ballasts for Fluorescent Lamps"
6. International Commission on Illumination Publication No. 13.2 1974, corrected reprint 1993, "Method of Measuring and Specifying Color Rendering Properties of Light Sources," ISBN 3 900 734 39 9
7. Illuminating Engineering Society LM-9-88, "Illuminating Engineering Society Approved Method for the Electrical and Photometric Measurements of Fluorescent Lamps"
8. Illuminating Engineering Society LM-16-84, "Illuminating Engineering Society Practical Guide to Colorimetry of Light Sources"
9. Illuminating Engineering Society LM-20-1982, "Illuminating Engineering Society Approved Method for Photometric Measuring and Reporting Tests on Reflector Type Lamps"
10. Illuminating Engineering Society LM-45-91, "Illuminating Engineering Society Approved Method for Electrical and Photometric Measurements of General Service Incandescent Filament Lamps"
11. Illuminating Engineering Society LM-58-83, "Illuminating Engineering Society Guide to Spectroradiometric Measurements"
12. Illuminating Engineering Society LM-66-1991, "Illuminating Engineering Society Approved

Method for the Electrical and Photometric Measurements of Single-Ended Compact Fluorescent Lamps"

Copies of these standards may be viewed at the Department of Energy Freedom of Information Reading Room at the address stated above. Copies of the American National Standards may be obtained from ANSI, 1430 Broadway, New York, NY 10018, (212) 642-4900. Copies of the Illuminating Engineering Society Standards may be obtained from the Illuminating Engineering Society, Publications Department, 345 E. 47th Street, New York, NY 10017, (212) 705-7925. Copies of the International Commission on Illumination Standard may be obtained from the Bureau Central De La CIE, 4 AV. Du Recteur-Poincaré, 75 782 Paris, Cedex 16, France.

For more information concerning public participation in this rulemaking proceeding, see Section IX., "Public Comment," of SUPPLEMENTARY INFORMATION.

FOR FURTHER INFORMATION CONTACT:

Terrence L. Logee, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Mail Station EE-431, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-1689.

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC-72, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9507.

SUPPLEMENTARY INFORMATION:

I. Introduction

Part B of Title III of the Energy Policy and Conservation Act (EPCA), Pub. L. 94-163, as amended by the National Energy Conservation Policy Act (NECPA), Pub. L. 95-619, the National Appliance Energy Conservation Act (NAECA) of 1987, Pub. L. 100-12, the National Appliance Energy Conservation Amendments of 1988 (NAECA 1988), Pub. L. 100-357, and the Energy Policy Act of 1992 (EPACT), Pub. L. 102-486, created the Energy Conservation Program for Consumer Products other than Automobiles (Program).¹ The consumer and commercial products currently subject to this Program (often referred to hereafter as "covered products") include general service fluorescent

¹ Part B of Title III of EPCA, as amended, is referred to in this Interim Final Rule as the "Act." Part B of Title III is codified at 42 U.S.C. 6291-6309.

lamps and general service incandescent lamps, the subject of today's notice.

Under the Act, the Program consists essentially of three parts: testing, labeling, and Federal energy conservation standards. The Department, in consultation with the National Institute of Standards and Technology, is required to amend or establish new test procedures as appropriate for each of the covered products. Section 323. Test procedures shall be reasonably designed to produce test results which measure energy efficiency, energy use, or estimated annual operating cost of a covered product during a representative average use cycle or period of use and shall not be unduly burdensome to conduct. Section 323(b)(3). A test procedure is not required if the Department of Energy determines by rule that one cannot be developed. Section 323(d)(1). One hundred and eighty days after a test procedure for a product is adopted, no manufacturer may represent the energy consumption or cost of energy consumed by the product except as reflected in tests conducted according to the Department of Energy procedure. Section 323(c)(2).

However, the 180-day period referred to in section 323(c)(2) may be extended for an additional 180 days if the Secretary determines that the requirements of section 323(c)(2) would impose undue burden. Section 323(c)(3). Test procedures appear at 10 CFR Part 430, subpart B.

Labeling rules for household appliances and certain commercial products are administered by the Federal Trade Commission.

Section 323(b)(6) of the Act also specifies that the Secretary shall prescribe test procedures for fluorescent lamps and incandescent reflector lamps taking into consideration the applicable standards of the Illuminating Engineering Society or American National Standards Institute. These test procedures have all been reviewed by the National Institute of Standards and Technology in consultation with the National Electrical Manufacturers Association. DOE has determined that these test procedures will meet its needs. Therefore, today's Interim Final Rule incorporates by reference: The test methods found in Illuminating Engineering Society test procedure LM-9-88 for testing and measuring the performance of general service fluorescent lamps; Illuminating Engineering Society test procedures LM-58-1983, and LM-16-1984 and the International Commission on Illumination publication number 13.2-1974 for measuring the color rendering

index of general service fluorescent lamps which is incorporated by reference in the Illuminating Engineering Society publication number LM-16-1984; and Illuminating Engineering Society test procedure LM-20-1982 for testing and measuring the performance of incandescent reflector lamps. Additionally, today's Interim Final Rule incorporates by reference the test methods found in Illuminating Engineering Society test procedure LM-66-1991 for testing and measuring the performance of medium base compact fluorescent lamps and Illuminating Engineering Society test procedure LM-45-91 for testing and measuring the performance of general service incandescent lamps.

The above test procedures do not provide for a measurement of annual energy consumption and annual operating cost which are needed to comply with the Act. Therefore, the Department's test procedures include a method of calculating the estimated annual energy consumption and the estimated annual operating cost. The Department is publishing elsewhere in this issue a Proposed Rule amending part 430 to define colored fluorescent and incandescent lamps and to define the exemption from energy conservation standards for a rough or vibration service incandescent reflector lamp.

II. Discussion

By this notice, the Department is adding a new section to establish test procedures for general service fluorescent and incandescent lamps. These test procedures will apply to those products covered by sections 322(a)(14) and 325(i)(1) of the Act.

A. Covered Product

The definitions of covered products are found in section 322 of the Energy Policy and Conservation Act as amended. For lamps, covered products in section 322(a)(14) include only specified fluorescent lamps, i.e., 4-foot medium bi-pin, 2-foot U-shaped, 8-foot slimline and 8-foot high output, and incandescent reflector lamps. The Department believes that covered lamps in section 322(a)(14) of the Act should also include general service fluorescent lamps, medium base compact fluorescent lamps, and general service incandescent lamps as defined in § 430.2 of this notice, *infra*. Adding these lamps to the covered products would be consistent with section 324(a)(2)(C)(i) of the Act, which requires the Federal Trade Commission to label general service fluorescent lamps, medium base compact fluorescent

lamps, and general service incandescent lamps.

B. Test Procedure

The Department is establishing test procedures in appendix R to subpart B of 10 CFR part 430 by reference to American National Standards Institute standards C78.1-1991, C78.2-1978, C78.3-1991, C78.375-1991, C82.3-1983, Illuminating Engineering Society standards LM-9-1988, LM-16-1984, LM-20-1982, LM-45-1991, LM-58-1983, LM-66-1991 and International Commission on Illumination publication 13.2-1974 which is incorporated by reference in the Illuminating Engineering Society publication number LM-16-1984. Any subsequent amendment to this standard by the standard-setting organizations, American National Standards Institute, the Illuminating Engineering Society, or the International Commission on Illumination, will not affect the Department of Energy test procedures, which can be amended only by the Department of Energy. This test procedure will provide, *inter alia*, results suitable for determining whether the covered lamps comply with the standard levels established by the Act.

Although the Department's authority to prescribe test procedures under section 323(b)(6) is limited to fluorescent lamps and incandescent reflector lamps, the Department is incorporating by reference test procedures for general service incandescent lamps and medium base compact fluorescent lamps by authority of section 323(b)(2) of the Act. Data from these test procedures can also be used in the labeling program administered by the Federal Trade Commission.

The test procedure for general service fluorescent lamps is a method for measuring the lumen output of a seasoned lamp (the lamp is initially burned for 100 hours) in an integrating sphere or alternatively, by intensity distribution measurements (Illuminating Engineering Society LM-9-1988). Requirements for test conditions, equipment, instrumentation, procedures, and test report are included.

The test procedure for general service incandescent lamps (Illuminating Engineering Society LM-45-1991) is a method for determining the luminous output of general service incandescent lamps based upon measurement. Three methods are described in LM-45-1991, an integrating sphere, a goniometer, and substitution measurements, but the Department is incorporating only the integrating sphere and goniometer test methods because they are more accurate. Lamps shall be tested at 60 Hz

and 120 volts regardless of their voltage rating.

The test procedure for incandescent reflector lamps (Illuminating Engineering Society LM-20-1982) is a method for determining the luminous output of incandescent reflector lamps based upon measurement. Two methods are described in LM-20-1982, one using an integrating sphere, and the other using intensity distribution measurements. The Department of Energy test procedures incorporate only the intensity distribution measurement procedure because it is more accurate and measurements on similar lamps are more consistent. Requirements for test conditions, equipment, instrumentation, procedures and test report are included.

The test procedure for medium base compact fluorescent lamps is a method for measurement of the lumen output of a seasoned lamp (100 hours burn-in) in an integrating sphere or by intensity distribution measurements (Illuminating Engineering Society LM-66-1991). The test procedure requires measurement of the lamp and ballast combination. Therefore, only section 4, reference ballasts, section 5, circuits, and section 6, lamp connections, are incorporated from Illuminating Engineering Society LM-66-1991. Because measurements without a reference ballast may exhibit greater variance in the lumen output and watt input measurements, the Department of Energy invites comments addressing the appropriate confidence bounds and sample size for these lamps.

C. Basic Model

The Department is including in today's rulemaking definitions of "basic models" of general service fluorescent lamp, and general service incandescent lamp in § 430.2. These definitions will separate the various types of general service fluorescent lamps by electrical and photometric characteristics, e.g., lamp efficacy, wattage, and color rendering index. General service incandescent lamps are distinguished by their wattage and lamp efficacy. Each unit within a basic model must have the same electrical characteristics. Furthermore, each unit within a given basic model cannot have any differing physical or functional characteristics that affect energy consumption.

D. Measures of Energy Consumption

The Department of Energy in today's notice is adopting three measures of energy consumption: (a) Estimated annual operating cost, (b) lamp efficacy, and (c) estimated annual energy consumption. These measures are to be included in § 430.22(r). The estimated annual operating cost, lamp efficacy,

and estimated annual energy consumption will provide the consumer with three means of evaluating the energy efficiency of fluorescent and incandescent reflector lamps. The Department has based the calculations of the measures of energy consumption for general service fluorescent lamps on the use of Illuminating Engineering Society Standard LM-9-1988, for general service incandescent lamps on Illuminating Engineering Society Standard LM-45-1991, for incandescent reflector lamps on Illuminating Engineering Society Standard LM-20-1982 and for medium base compact fluorescent lamps on Illuminating Engineering Society Standard LM-66-1991.

- The estimated annual operating cost is expressed in dollars per year. It is the product of the Department of Energy representative unit energy cost for electricity, the input power, and the representative average use cycle.

- The estimated annual energy consumption is expressed in kilowatt-hours per year. It is the product of the input power and the representative average use cycle.

- The lamp efficacy is a ratio of lamp lumen output to total input wattage as determined by the use of the measurement procedures in Illuminating Engineering Society LM-9-1988, LM-20-1982, LM-45-1991 or LM-66-1991.

E. Color Rendering Index (CRI)

The Color Rendering Index is referenced in Illuminating Engineering Society LM-16-1984 which the Department is incorporating by reference. This guide discusses several techniques for assessing light source color appearance. The relationship between color appearance and light source spectral power distribution is discussed, along with the systems for classifying color appearance. The basics of spectroradiometry and colorimetry are covered.

The Color Rendering Index is determined by measuring the degree of color shift objects undergo when illuminated by a light source as compared with the color of those same objects when illuminated by a reference source of comparable color temperature. This index is determined pursuant to the International Commission on Illumination Publication 13.2-1974 which the Department is incorporating by reference. The method uses spectroradiometric measurements and a detailed calculation procedure. It is applicable to most general purpose lamp types including general service fluorescent and incandescent lamps,

incandescent reflector lamps and compact fluorescent lamps.

Spectroradiometric measurements and equipment setup follow the guidance in Illuminating Engineering Society LM-58-1983 which is being incorporated by reference. This guide describes the equipment used in making spectroradiometric measurements, the procedures to be followed in using the equipment, and the precautions that should be taken to obtain consistently valid results. The methods are applicable to all lamp types, and are based on the measurement of the complete spectral power distribution of the source. Data presentation and error analysis are discussed.

F. Number of Units to be Tested

The Act specifies that applicable fluorescent and incandescent reflector lamps shall meet the standard. Furthermore, the Act requires that the certification report include the lumen output and wattage consumption for each lamp type as an average of measurements taken over the preceding 12 months. The Department believes that the sampling plan for fluorescent and incandescent reflector lamps provides a sound statistical basis for measurements.

The Department is adopting at § 430.23(r) a sampling plan based on a 99 percent confidence level for testing general service fluorescent lamps, general service incandescent lamps, incandescent reflector lamps, and medium base compact fluorescent lamps. The sampling provisions the Department of Energy is adopting today require testing a minimum sample of 20 lamps. The manufacturer must randomly select three lamps per month for any 7 of the 12 months required to determine the average. If there are less than 7 months' production, the manufacturer may divide the minimum sample of 20 as evenly as possible into each month of production. The provision for less than 7 month's production is to cover production runs of special or limited lamps which are subject to regulation.

The same sample of 20 lamps which were used for lamp efficacy testing shall be used for measurement of the Color Rendering Index. The Department believes that this testing requirement will satisfy the standard which calls for lamp efficacy and color rendering index measurements.

The Department believes these provisions promote the objectives of the Act while minimizing the burden on manufacturers. Manufacturers and other interested persons are encouraged to

comment on this sampling approach, as well as the underlying assumptions.

G. Laboratory Accreditation

The Act at section 323(b)(6), directs DOE to prescribe test procedures which must be carried out by accredited test laboratories. The Department herein defines an accredited laboratory as one which meets the standards and requirements of the National Voluntary Laboratory Accreditation Program, a division of the National Institute of Standards and Technology of the United States Department of Commerce. Test laboratory accreditation by the National Voluntary Laboratory Accreditation Program is based on conformance with criteria published in 15 CFR part 285 and in the National Voluntary Laboratory Accreditation Program Handbook 150-01, "Energy Efficient Lighting Products, Lamps and Luminaires," August 1993. The National Voluntary Laboratory Accreditation Program Handbook 150-01 is available for inspection in the DOE reading room from 9 to 4, Monday through Friday or may be ordered from the National Voluntary Laboratory Accreditation Program, Building 411, Room A162, Gaithersburg, MD 20899.

The National Voluntary Laboratory Accreditation Program has mutual recognition agreements with the following countries: Canada, New Zealand, Australia and Great Britain. These agreements, with the aforesaid countries, allow foreign test laboratories to be recognized by the National Voluntary Laboratory Accreditation Program. The National Voluntary Laboratory Accreditation Program will also directly accredit foreign test laboratories. Costs for laboratory accreditation are borne by the test laboratory.

H. Certification Data

The Department is adding a new paragraph for lamp certification data at § 430.62(a)(2). The lamp manufacturers' certification report must include the National Voluntary Laboratory Accreditation Program identification number, production date codes, lamp efficacy, Color Rendering Index, where applicable, lamp wattage, brand names and model designation. Since lamps manufactured prior to the effective date of the standards may be in the distribution system for some time, lamp manufacturers should advise DOE on how to interpret their production date coding system in the certification report. All other requirements of § 430.62 and Appendix A, Compliance Statement, also apply to general service fluorescent lamps and incandescent reflector lamps.

I. Energy Conservation Standards

The Act prescribes, and today's notice includes in § 430.32, energy conservation standards for general service fluorescent and incandescent reflector lamps. There are no standards for general service incandescent lamps or medium base compact fluorescent lamps.

J. Definitions

By this notice, the Department of Energy is amending the definition of "Act" as it appears in § 430.2. The amended definition will include the Energy Policy Act of 1992 (Pub. L. 102-486). The legislated definitions for incandescent lamp, general service incandescent lamp, fluorescent lamp, general service fluorescent lamp, and medium base compact fluorescent lamp are included in § 430.2. Note that there is an inconsistency in the Act between the definition for "fluorescent lamp" and the definition for "medium base compact fluorescent lamp." The definition for "fluorescent lamp" only includes four lamp types and does not include a medium base compact fluorescent lamp. Faced with this conflict, the Department has included the definition of "medium base compact fluorescent lamp" and has included test procedures as noted above. The Department has also defined cold temperature lamp in § 430.2 from an industry standard.

The Act provides for an exemption from the standards for lamps specifically designed for cold temperature installations. See § 321(30)(B)(ii). The Department is defining "cold temperature" lamps as those lamps specifically designated and marketed for outdoor or cold temperature use and that are designed to start at -20°F when used with a ballast conforming to the requirements of American National Standards Institute standard C78.1.

Lamps that meet these requirements would not be subject to standards. In order to qualify for the exemption, the lamps must be "specifically" designed for cold temperature installations and must be specifically designated and marketed as such in catalogs, sales literature and other promotional material.

K. Prohibited Acts and Penalties

Since the Energy Policy Act of 1992 (EPA) amends the Energy Policy and Conservation Act (EPCA), the enforcement provisions may not be apparent. Therefore, the following statements reiterate the provisions from the Energy Policy and Conservation Act

in section 332 and the regulations at 10 CFR Section 430.61. The statute prohibits the following actions:

(1) For any manufacturer or private labeler to distribute in commerce any new covered product to which a rule under section 324 applies, unless such covered product is labeled in accordance with such rule;

(2) For any manufacturer, distributor, retailer, or private labeler to remove from any new covered product or render illegible any label required to be provided with such product under a rule under section 324;

(3) For any manufacturer to fail to permit access to, or copying of, records required to be supplied under this part, or fail to make reports or provide other information required to be supplied under this part;

(4) For any person to fail to comply with an applicable requirement of section 326(a), (b)(2), (b)(3), or (b)(5); or

(5) for any manufacturer or private labeler to distribute in commerce any new covered product which is not in conformity with an applicable energy conservation standard established in or prescribed under this part.

The maximum penalties are \$100 for each violation. Each violation of (1), (2) and (5), above, shall constitute a separate violation with respect to each covered product, and each day of violation of (3) and (4), above, shall constitute a separate violation.

III. Environmental Review

Pursuant to section 7(c)(2) of the Federal Energy Administration Act of 1974 (Pub. L. 93-275), a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for comment concerning the impact of this proposal on the quality of the environment.

Since test procedures are used to standardize the measurement of energy usage, and will not affect the quality or distribution of energy usage, prescribing test procedures will not result in any environmental impacts. The Department of Energy, therefore, has determined that prescribing test procedures under the Program is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

This Rulemaking, which amends existing part 430 of title 10, will not change the environmental effect of such regulation, and is an item which is "categorically excluded (A6)" by the Department of Energy's regulations on National Environmental Policy Act Implementing Procedures (10 CFR part 1021) (57 FR 15122, April 24, 1992)

(Appendix A to subpart D, Categorical Exclusion A6.). Consequently, neither an Environmental Impact Statement nor an Environmental Assessment is required for this rule.

IV. Regulatory Planning and Review

Today's regulatory action has been determined not to be a "significant regulatory action" under Executive Order 12866, "Regulatory Planning and Review," (58 FR 51735, October 4, 1993). Accordingly, today's action was not subject to review under the Executive Order by the Office of Information and Regulatory Affairs.

V. Regulatory Flexibility Act

The Regulatory Flexibility Act (Pub. L. 96-345) (5 U.S.C. 601-612) requires that an agency prepare an initial regulatory flexibility analysis and that it be published at the time the Interim Final Rule is published. This requirement (which appears in section 603) does not apply if the agency "certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities." This rule affects manufacturers of general service fluorescent and incandescent lamps. As previously discussed, the test procedures would not have significant economic impact, but rather, would provide common testing methods. Therefore, the Department of Energy certifies that this rule, if promulgated, would not have a "significant economic impact on a substantial number of small entities."

VI. Federalism Review

Executive Order 12612 (52 FR 41685, October 30, 1987) requires that regulations or rules be reviewed for any substantial direct effects on States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among various levels of government. If there are sufficient substantial direct effects, then Executive Order 12612 requires preparation of a federalism assessment to be used in all decisions involved in promulgating and implementing a regulation or a rule.

The Department of Energy has identified a substantial direct effect that today's Interim Final Rule would have on State governments. It would initially preempt inconsistent State regulations. However, the Department of Energy has concluded that such effect is not sufficient to warrant preparation of a federalism assessment for the following reason: The Act provides for subsequent State petitions for exemption. Thus, a determination as to whether a State law

prevails must be made on a case-by-case basis using criteria set forth in the Act. When the Department of Energy receives such a petition, it will then be appropriate to consider preparing a federalism assessment consistent with the criteria in the Act.

VII. Review Under Section 32 of the Federal Energy Administration Authorization Act

This notice of interim final rulemaking incorporates by reference Illuminating Engineering Society, American National Standards Institute and International Commission on Illumination commercial test procedures to measure the efficiency of general service fluorescent and incandescent lamps and the color rendering index of fluorescent lamps. The commercial standards are Illuminating Engineering Society LM-9-1988, Illuminating Engineering Society LM-16-1984, Illuminating Engineering Society LM-20-1983, Illuminating Engineering Society LM-45-1991, Illuminating Engineering Society LM-58-1982, Illuminating Engineering Society LM-1991, American National Standards Institute C78.1-1991, American National Standards Institute C78.2-1978, American National Standards Institute C78.3-1991, American National Standards Institute C78.375-1991, American National Standards Institute C82.3-1983, and International Commission on Illumination Publication No. 13.2-1974. Pursuant to section 301 of the Department of Energy Organization Act (Pub. L. 95-91), the Department of Energy is required to comply with section 32 of the Federal Energy Administration Act of 1974, as amended by section 9 of the Federal Energy Administration Authorization Act of 1977. 15 U.S.C. 788.

The findings required of the Department of Energy by section 32 serve to alert the public regarding the use and background of commercial standards in a proposal and through the rulemaking process. They allow interested persons to make known their views regarding the appropriateness of the use of any particular commercial standard in a notice of proposed rulemaking.

The Department of Energy has evaluated Illuminating Engineering Society LM-9, LM-16, LM-20, LM-45, LM-58, LM-66, American National Standards Institute C78.1, C78.2, C78.3, C78.375, C82.3, and International Commission on Illumination Publication No. 13.2 with regard to compliance with Section 32(b). The Department is unable to conclude

whether these standards fully complied with the requirements of section 32(b), i.e., that they are developed in a manner which fully provided for public participation, comment, and review.

As required by section 32(c), the Department of Energy will consult with the Attorney General and the Chairman of the Federal Trade Commission concerning the impact of these standards on competition, prior to issuing a notice of Final Rulemaking.

VIII. Interim Final Effect

The Interim Final Rule establishes the Department of Energy test procedures for general service fluorescent lamps, general service incandescent lamps, incandescent reflector lamps, and medium base compact fluorescent lamps incorporating by reference industry standards. This Interim Final Rule allows the Department of Energy to promulgate test procedures so that lamp manufacturers can meet the schedule imposed by the Energy Policy Act of 1992. Section 123(f)(2). The normal rulemaking process would be impracticable and contrary to the public interest because the process would not allow for promulgation of a final rule in time for manufacturers to complete testing for certification.

The Energy Policy Act of 1992 requires manufacturers to test lamps for a 12-month period preceding the date standards are to take effect in order to certify that the lamps meet the standard. Section 123(f)(2). For two lamp types, the Energy Policy Act specifies that the effective date for standards to take effect is April 30, 1994 and for others the effective date is October 31, 1995. Section 123(f). Until a test procedure is prescribed, compliance with the standard cannot be determined. This interim final rule will allow manufacturers to begin the 12-month testing period to determine compliance with the standards. The Department could not practicably facilitate such a result if a proposed rule were necessary. It is in the public interest to facilitate that result and therefore to issue this interim final regulation without providing for public comment prior to giving them final effect. 5 U.S.C. 553. However, the Department of Energy is providing for a post-publication public comment period and expects to respond to relevant comments in a notice of Final Rulemaking.

IX. Public Comment

A. Written Comment Procedures

Interested persons are invited to participate in the rulemaking by submitting data, comments, or

information with respect to the test procedures set forth in this notice to the address indicated at the beginning of the notice.

Comments should be identified both on the envelope and on the documents as "Test Procedures for Fluorescent and Incandescent Lamps, Docket No. EE-RM-94-220-IF." Eight (8) copies are requested to be submitted. If possible, the Department would appreciate an electronic copy of the comments on a 3.5" diskette. The Department is currently using WordPerfect™ 5.1. All submittals received by the date specified at the beginning of this notice will be considered by the Department of Energy before final action is taken on the Interim Final Rule.

Pursuant to the provisions of 10 CFR 1004.11, any person submitting information which he or she believes to be confidential and exempt by law from public disclosure should submit one complete copy of the document and seven copies, if possible, from which the information believed to be confidential has been deleted. The Department of Energy will make its own determination with regard to the confidential status of the information and treat it according to its determination.

Factors of interest to the Department of Energy when evaluating requests to treat as confidential information that has been submitted include: (1) A description of the items; (2) an indication as to whether and why such items are customarily treated as confidential within the industry; (3) whether the information is generally known by, or available from, other sources; (4) whether the information has previously been made available to others without obligation concerning its confidentiality; (5) an explanation of the competitive injury to the submitting person which would result from public disclosure; (6) an indication as to when such information might lose its confidential character due to the passage of time; and (7) why disclosure of the information would be contrary to the public interest.

B. Issues for Public Comment

The Department of Energy is interested in receiving comments and data concerning the accuracy and workability of these test procedures. Also, the Department of Energy welcomes discussion on improvements or alternatives to these approaches. In particular, the Department of Energy is interested in gathering comments on the following:

- Number of lamps tested in 12 months.

- Frequency of sampling, i.e., by production lot, by month, etc.
- Definition of cold temperature fluorescent lamp.

List of Subjects in 10 CFR Part 430

Administrative practice and procedure, Energy conservation, Household appliances, Incorporation by reference.

Issued in Washington, D.C., August 10, 1994.

Christine A. Ervin,

Assistant Secretary, Energy Efficiency and Renewable Energy.

For the reasons set forth in the preamble, Part 430 of Chapter II of Title 10, Code of Federal Regulations, is amended as set forth below.

PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

1. The authority citation for part 430 continues to read as follows:

Authority: 42 U.S.C. 6291-6309.

2. Section 430.2 is amended by adding paragraphs (15) and (16) in the definition "Basic model"; adding definitions for "Lamp Efficacy," "Fluorescent Lamp," "General Service Fluorescent Lamp," "Incandescent Lamp," "General Service Incandescent Lamp," "Color Rendering Index," "Cold Temperature Fluorescent Lamp," and "Medium Base Compact Fluorescent Lamp," in alphabetical order and revising the definition of "Act" to read as follows:

§ 430.2 Definitions.

Act means the Energy Policy and Conservation Act (Pub. L. 94-163), as amended by the National Energy Policy Conservation Act (Pub. L. 95-619), the National Appliance Energy Conservation Act of 1987 (Pub. L. 100-12), the National Appliance Energy Conservation Amendments of 1988 (Pub. L. 100-357), and the Energy Policy Act of 1992 (Pub. L. 102-486).

Basic Model

(15) With respect to general service fluorescent lamps which have photometric and electrical characteristics, including lumens per watt and Color Rendering Index (CRI) which are essentially identical, and which do not have any differing physical or functional characteristics that affect energy consumption.

(16) With respect to general service incandescent lamps which have

photometric and electrical characteristics, including lumens per watt, which are essentially identical, and which do not have any differing physical or functional characteristics that affect energy consumption.

Cold Temperature Fluorescent Lamp means a fluorescent lamp specifically designed to start at -20°F when used with a ballast conforming to the requirements of American National Standards Institute standard C78.1.

Color Rendering Index or CRI means the measured degree of color shift objects undergo when illuminated by a light source as compared with the color of those same objects when illuminated by a reference source of comparable color temperature.

Fluorescent Lamp means a low pressure mercury electric-discharge source in which a fluorescing coating transforms some of the ultraviolet energy generated by the mercury discharge into light, including the following:

(1) Any straight-shaped lamp (commonly referred to as 4-foot medium bi-pin lamps) with medium bi-pin bases of nominal overall length of 48 inches and rated wattage of 28 or more.

(2) Any U-shaped lamp (commonly referred to as 2-foot U-shaped lamps) with medium bi-pin bases of nominal overall length between 22 and 25 inches and rated wattage of 28 or more.

(3) Any rapid start lamp (commonly referred to as 8-foot high output lamps) with recessed double contact bases of nominal overall length of 96 inches and 0.800 nominal amperes, as defined in ANSI C78.1-1991. (See Incorporation by Reference § 430.22(a))

(4) Any instant start lamp (commonly referred to as 8-foot slimline lamps) with single pin bases of nominal overall length of 96 inches and rated wattage of 52 or more, as defined in ANSI C78.3-1991. (See Incorporation by Reference § 430.22(a))

General Service Fluorescent Lamp means any fluorescent lamp which can be used to satisfy the majority of fluorescent lighting applications, but does not include any lamp designed and marketed for the following nongeneral applications:

(1) Fluorescent lamps designed to promote plant growth.

(2) Fluorescent lamps specifically designed for cold temperature applications.

(3) Colored fluorescent lamps.

(4) Impact-resistant fluorescent lamps.

(5) Reflectorized or aperture lamps.

(6) Fluorescent lamps designed for use in reprographic equipment.

(7) Lamps primarily designed to produce radiation in the ultra-violet region of the spectrum.

(8) Lamps with a Color Rendering Index of 82 or greater.

General Service Incandescent Lamp means any incandescent lamp (other than a miniature or photographic lamp) that has an E26 medium screw base, a rated voltage range at least partially within 115 to 130 volts, and which can be used to satisfy the majority of lighting applications, but does not include any lamps specifically designed for:

(1) Traffic signal, or street lighting service;

(2) Airway, airport, aircraft, or other aviation service;

(3) Marine, or marine signal service;

(4) Photo, projection, sound reproduction, or film viewer service;

(5) Stage, studio, or television service;

(6) Mill, saw mill, or other industrial process service;

(7) Mine service;

(8) Headlight, locomotive, street railway, or other transportation service;

(9) Heating service;

(10) Code beacon, marine signal, lighthouse, reprographic, or other communication service;

(11) Medical or dental service;

(12) Microscope, map, microfilm, or other specialized equipment service;

(13) Swimming pool, or other underwater service;

(14) Decorative or showcase service;

(15) Producing colored light;

(16) Shatter resistance which has an external protective coating; or

(17) Appliance service.

* * * * *

Incandescent Lamp means any lamp in which light is produced by a filament heated to incandescence by an electric current, including only the following:

(1) Any lamp (commonly referred to as lower wattage nonreflector general service lamps, including any tungsten halogen lamp) that has a rated wattage between 30 and 199 watts, has an E26 medium screw base, has a rated voltage or voltage range that lies at least partially within 115 and 130 volts, and is not a reflector lamp.

(2) Any lamp (commonly referred to as a reflector lamp) which is not colored or designed for rough or vibration service applications that contains an inner reflective coating on the outer bulb to direct the light, an R, PAR or similar bulb shapes (excluding ER or BR) with an E26 medium screw base, a rated voltage or voltage range that lies at least partially within 115 to 130 volts,

a diameter which exceeds 2.75 inches, and is either—(I) a low(er) wattage reflector lamp which has a rated wattage between 40 and 205 watts; or (II) a high(er) wattage reflector lamp which has a rated wattage above 205 watts.

(3) Any general service incandescent lamp (commonly referred to as a high- or higher-wattage lamp) that has a rated wattage above 199 watts (above 205 watts for a high wattage reflector lamp).

* * * * *

Lamp Efficacy (LE) means the measured lumen output of a lamp in lumens divided by the measured lamp electrical power input in watts expressed in units of lumens per watt (LPW).

* * * * *

Medium Base Compact Fluorescent Lamp means an integrally ballasted fluorescent lamp with a medium screw base, a rated input voltage range of 115 to 130 volts and which is designed as a direct replacement for a general service incandescent lamp.

* * * * *

3. Sections 430.22 and 430.23 are redesignated as §§ 430.23 and 430.24 and a new § 430.22, is added to read as follows:

§ 430.22 Reference Sources.

(a) **Materials Incorporated by Reference**—(1) **General.** The following standards which are not otherwise set forth in this part 430 are incorporated by reference. The material listed in paragraph (a)(3) of this section has been approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Any subsequent amendment to a standard by the standard-setting organization will not affect the DOE test procedures unless and until amended by DOE. Material is incorporated as it exists on the date of the approval and a notice of any change in the material will be published in the Federal Register.

(2) **Availability of standards.** The standards incorporated by reference are available for inspection at:

(i) Office of the Federal Register Information Center, 800 North Capitol Street, NW., Suite 700, Washington, DC.

(ii) U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Hearings and Dockets, "Test Procedures for Fluorescent and Incandescent Lamps," Docket No. EE-RM-94-220-IF, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585.

(3) Standards incorporated by reference may be obtained from the following sources:

(i) American National Standards Institute, 1430 Broadway, New York, NY 10018, (212) 642-4900.

(ii) Illuminating Engineering Society of North America, Publications Department, 345 E. 47th Street, New York, NY 10017, (212) 705-7925.

(iii) International Commission on Illumination, Bureau Central De La CIE, 4 AV. Du Recteur-Poincaré, 75 782 Paris, Cedex 16, France.

(4) **List of standards incorporated by reference.**

1. ANSI C78.1-1991, "for Fluorescent Lamps—Rapid-Start Types—Dimensional and Electrical Characteristics"
2. ANSI C78.2-1991, "for Fluorescent Lamps—Preheat-Start Types—Dimensional and Electrical Characteristics"
3. ANSI C78.3-1991, "for Fluorescent Lamps—Instant-Start and Cold-Cathode Types—Dimensional and Electrical Characteristics"
4. ANSI C78.375-1991, "for Fluorescent Lamps—Guide for Electrical Measurements"
5. ANSI C82.3-1983 "for Reference Ballasts for Fluorescent Lamps"
6. International Commission on Illumination (CIE), Publication No. 13.2 1974, corrected reprint 1993, "Method of Measuring and Specifying Color Rendering Properties of Light Sources," ISBN 3 900 734 39 9
7. Illuminating Engineering Society of North America (IES) LM-9-88, "IES Approved Method for the Electrical and Photometric Measurements of Fluorescent Lamps"
8. Illuminating Engineering Society of North America LM-16-84, "IES Practical Guide to Colorimetry of Light Sources"
9. Illuminating Engineering Society of North America LM-20-1982, "IES Approved Method for Photometric Measuring and Reporting Tests on Reflector Type Lamps"
10. Illuminating Engineering Society of North America LM-45-91, "IES Approved Method for Electrical and Photometric Measurements of General Service Incandescent Filament Lamps"
11. Illuminating Engineering Society of North America LM-58-83, "IES Guide to Spectroradiometric Measurements"
12. Illuminating Engineering Society of North America LM-66-1991, "IES Approved Method for the Electrical and Photometric Measurements of Single-Ended Compact Fluorescent Lamps"

(b) **Reference materials**—(1) **General.** The references listed in paragraph (b)(2) of the section are referred to in the DOE test procedures and elsewhere in 10 CFR part 430 but are not incorporated by reference. These sources are given here for information and guidance.

(2) **List of References.**

1. National Voluntary Laboratory Accreditation Program Handbook 150-01, "Energy Efficient Lighting Products, Lamps"

and Luminaires, August 1993." National Voluntary Laboratory Accreditation Program, NIST, Gaithersburg, MD.

2. "Illuminating Engineering Society Lighting Handbook," 8th Edition, New York, NY 1993.

4. Newly redesignated § 430.23 is amended by adding paragraph (r) to read as follows:

§ 430.23 Test procedures for measures of energy consumption.

(r) *General Service Fluorescent Lamps and General Service Incandescent Lamps.* (1) The Estimated Annual Energy Consumption for lamps defined in § 430.2, expressed in kilowatt-hours per year, shall be the product of:

(i) The input power in kilowatts as determined in accordance with section 4 of Appendix R to this subpart and

(ii) The representative average use cycle of 1,000 hours per year, the resulting product then being rounded off to the nearest kilowatt-hour per year.

(2) The Lamp Efficacy for general service fluorescent lamps and medium base compact fluorescent lamps defined in section 430.2 shall be the quotient of the average lumen output and the average lamp wattage as determined in section 4 of Appendix R of this subpart with the resulting quotient rounded off to the nearest lumen per watt.

(3) The Lamp Efficacy for general service incandescent lamps and incandescent reflector lamps shall be the quotient of the average lumen output and the average lamp wattage as determined in section 4 of Appendix R of this subpart with the resulting quotient rounded off to the nearest tenth of a lumen per watt.

(4) The Estimated Annual Operating Cost for lamps defined in § 430.2, expressed in dollars per year, shall be the product of: (i) The representative average unit energy cost of electricity in dollars per kilowatt-hour as provided by the Secretary, (ii) The representative average use cycle of 1,000 hours per year, and (iii) The input power in kilowatts as determined in accordance with section 4 of Appendix R to this subpart, the resulting product then being rounded off to the nearest dollar per year.

(5) The Color Rendering Index of a general service fluorescent lamp shall be tested and determined in accordance

with section 4.5 of Appendix R of this subpart and rounded off to the nearest unit.

5. Newly redesignated § 430.24 is amended by adding paragraph (r) to read as follows:

§ 430.24 Units to be tested.

(r)(1) For each basic model of general service fluorescent lamp and general service incandescent lamp as those terms are defined in paragraphs (15) and (16) of the definition for "basic model" in § 430.2, samples of production lamps shall be tested and the results for all samples shall be averaged for a 12-month period. A minimum sample of 20 lamps shall be tested. The manufacturer shall randomly select 3 lamps from each month of production for 7 out of the 12 months required for the average. In the instance where a basic model of general service fluorescent lamp or general service incandescent lamp has been manufactured for less than 7 of the preceding 12 months, the number of lamps selected shall be divided as evenly as possible among the months of production to attain a minimum sample of 20 lamps. The lamp efficacy of the sample lamps shall be the quotient of the average of the lumen output and watts input measurements to insure that any represented value of lamp efficacy or other measure of the energy consumption of a basic model for which consumers would favor a higher value shall be no greater than the lower of (i) The mean of the sample or (ii) The lower 99 percent confidence limit of the true mean divided by 0.99.

(2) For each basic model of general service fluorescent lamp except for medium base compact fluorescent lamps, as defined in paragraph (15) of § 430.2, random samples of production lamps from 12 months of production shall be selected for testing the Color Rendering Index (CRI). The CRI shall be represented as the average of a minimum sample of 20 lamps from the same production lots which were chosen for measurement in § 430.24(r)(1), i.e., the manufacturer shall measure all lamps for lumens, watts input, and CRI. The 20 CRI measurements shall be averaged to insure that any represented value of CRI of a basic model for which consumers

would favor a higher value shall be no greater than the lower of (i) The mean of the sample or (ii) The lower 99 percent confidence limit of the true mean divided by 0.99.

6. Section 430.25 is added to read as follows:

§ 430.25 Laboratory Accreditation Program.

(a) To comply with the testing requirements in section 323(b) of the Act, test procedures for certain products given below shall be carried out by accredited test laboratories. The accrediting body shall be the National Voluntary Laboratory Accreditation Program (NVLAP) or a foreign organization recognized by NVLAP. NVLAP is under the auspices of the National Institute of Standards and Technology which is part of the U.S. Department of Commerce. 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."

(b) The test procedures for general service fluorescent lamps, general service incandescent lamps, incandescent reflector lamps, and medium base compact fluorescent lamps, as specified in Appendix R to this subpart, shall be conducted by test laboratories accredited by NVLAP or an accrediting organization recognized by NVLAP. NVLAP standards for lamps and luminaires are given in handbook 150-01, "Energy Efficient Lighting Products, Lamps and Luminaires," August 1993. A manufacturer's or importer's own laboratory, if accredited, may conduct the applicable test procedures.

7. Section 430.32 is amended by adding paragraph (n) to read as follows:

§ 430.32 Energy conservation standards and effective dates.

(n) *General service fluorescent lamps and incandescent reflector lamps.* (1) Each of the following general service fluorescent lamps manufactured after the effective dates specified in the table shall meet or exceed the lamp efficacy and CRI standards shown in the table below:

FLUORESCENT LAMPS

Lamp type	Nominal lamp wattage	Minimum CRI	Minimum average lamp efficacy (LPW)	Effective date
4-foot medium bi-pin	>35W	69	75.0	Nov. 1, 1995.
2-foot U-shaped	≤35W	45	75.0	Nov. 1, 1995.
2-foot U-shaped	>35W	69	68.0	Nov. 1, 1995.
8-foot slimline	≤35W	45	64.0	Nov. 1, 1995.
8-foot slimline	>65W	69	80.0	May 1, 1994.
8-foot high output	≤65W	45	80.0	May 1, 1994.
8-foot high output	>100W	69	80.0	May 1, 1994.
8-foot high output	≤100W	45	80.0	May 1, 1994.

(2) Each of the following incandescent reflector lamps manufactured after November 1, 1995, shall meet or exceed the lamp efficacy standards shown in the table in this paragraph:

INCANDESCENT REFLECTOR LAMPS

Nominal lamp wattage	Minimum average lamp efficacy (LPW)
40-50	10.5
51-66	11.0
67-85	12.5
86-115	14.0
116-155	14.5
156-205	15.0

7. Section 430.62 is amended by adding the following at the end of paragraph (a)(2):

§ 430.62 Submission of data.

(a) * * *

(2) * * * For each basic model of general service fluorescent and incandescent reflector lamps, the certification report shall include the laboratory's NVLAP identification number or other NVLAP-approved accreditation identification, basic model tested, production date codes (and accompanying decoding scheme), the 12-month average lamp efficacy and lamp wattage, brand names and model designation. The certification report shall also include the 12-month average Color Rendering Index for general service fluorescent lamps.

* * * * *

8. Subpart B of Part 430 is amended by adding Appendix R—Uniform Test Method for Measuring Average Lamp Efficacy (LE) and Color Rendering Index (CRI) of General Service Fluorescent and Incandescent Lamps, Incandescent Reflector Lamps, and Medium Base Compact Fluorescent Lamps as follows:

Appendix R to Subpart B of Part 430—Uniform Test Method for Measuring Average Lamp Efficacy (LE) and Color Rendering Index (CRI) of Electric Lamps

1. *Scope*: This appendix applies to the determination of the lamp efficacy (LE) and Color Rendering Index (CRI) for fluorescent lamps and to the determination of the lamp efficacy for incandescent lamps. The scope of this appendix shall also include that specified in section 1.1 of IES LM-9, section 1 of IES LM-16, section 2.0 of IES LM-20, section 1 of IES LM-45, section 1 of IES LM-58, section 1.1 of IES LM-66 and section II.2 of CIE Publication No. 13.2. (See § 430.22) References in the text of this Appendix R are undated but are understood to be dated as specified in the list of Incorporated by Reference materials at § 430.22.

2. Definitions

2.1 Definitions shall include the definitions specified in section 1.2 of IES LM-9, section 3.0 of IES LM-20, section 2 of IES LM-45, section 2 of IES LM-58, section 1.2 of IES LM-66 and section IV of CIE Publication No. 13.2. (See § 430.22)

2.2 *ANSI Standard* means a standard developed by a committee accredited by the American National Standards Institute (ANSI).

2.3 *CIE* means the International Commission on Illumination.

2.4 *CRI* means Color Rendering Index as defined in Section 430.2.

2.5 *IES* means the Illuminating Engineering Society of North America.

2.6 *Lamp efficacy* means the ratio of measured lamp lumen output in lumens to the measured lamp electrical power input in watts, rounded to the nearest whole number, in units of lumens per watt.

2.7 *Lamp lumen output* means the total luminous flux produced by the lamp at the measured reference condition, in units of lumens.

2.8 *Lamp electrical power input* means the total electrical power input to the lamp, including both arc and cathode power where appropriate, at the measured reference condition, in units of watts.

2.9 *Reference condition* means the test condition specified in IES LM-9 for general service fluorescent lamps, in IES LM-20 for incandescent reflector lamps, in IES LM-45 for general service incandescent lamps and in

IES LM-66 for medium base compact fluorescent lamps. (See § 430.22)

3.0 Test Conditions

3.1 *General Service Fluorescent Lamps*: Test ambient conditions, electrical circuits, reference ballasts, stabilization requirements, instruments and detectors shall be as described in the relevant sections of IES LM-9. The photometric test procedure and test report shall conform to sections 11 and 13 of IES LM-9. (See § 430.22)

3.2 *General Service Incandescent Lamps*: The selection and seasoning of the test lamps, the equipment and instrumentation, and the test conditions shall conform to sections 3, 4, 5 and 6 of IES LM-45. (See § 430.22)

3.3 *Incandescent Reflector Lamps*: The selection and seasoning of the test lamps, and the test conditions shall conform to sections 4.0 and 5.0 of IES LM-20. (See § 430.22)

3.4 *Medium Base Compact Fluorescent Lamps*: The selection, seasoning and stabilization of the test lamps, and the test conditions, shall be as described in sections 1, 2, 3, and 7 of IES LM-66. (See § 430.22)

4. Test Methods and Measurements

4.1 *General Service Fluorescent Lamps*
4.1.1 The measurement procedure shall be as described in IES LM-9, except as noted below. Lamps shall be operated at the appropriate voltage and current conditions as described in ANSI C78.375 and ANSI C78.1, C78.2 or C78.3. Lamps shall be operated using the appropriate reference ballast as described in ANSI C82.3. (See § 430.22)

4.1.2 Lamp lumen output (lumens) and lamp electrical power input (watts) at the reference condition shall be measured and recorded. Lamp efficacy shall be determined by computing the ratio of the measured lamp lumen output and lamp electrical power input at equilibrium for the reference condition.

4.2 General Service Incandescent Lamps

4.2.1 The measurement procedure shall be as described in IES LM-45, except as noted below. Lamps shall be operated at 120 volts and 60 hertz regardless of the rated lamp voltage. (See § 430.22)

4.2.2 The test procedure shall follow section 7 and lamp lumen output determined in accordance with sections 4.2a or b of IES LM-45 at the reference condition. Lamp electrical power input in watts shall also be measured and recorded. Lamp efficacy shall be determined by computing the ratio of the measured lamp lumen output and lamp

electrical power input at equilibrium for the reference condition. The test report shall conform to section 8 of IES LM-45. (See § 430.22)

4.3 Incandescent Reflector Lamps

4.3.1 The measurement procedure shall be as described in IES LM-20, except as noted below. Lamps shall be operated at 120 volts and 60 hertz regardless of the rated lamp voltage. (See § 430.22)

4.3.2 Lamp intensity distribution shall be measured in accordance with section 6.0 and lamp lumen output, or total flux, shall be determined in accordance with section 7.3 of IES LM-20, at the reference condition. The integrating sphere measurement method, section 7.1, shall not be used. Lamp electrical power input in watts shall also be measured and recorded. (See § 430.22)

4.3.3 Lamp efficacy shall be determined by computing the ratio of the measured lamp lumen output and lamp electrical power input at equilibrium for the reference condition. The test report shall conform to section 10.0 of IES LM-20. (See § 430.22)

4.4 Medium Base Compact Fluorescent Lamps

4.4.1 The measurement procedure shall be as described in IES LM-66, as it pertains to lamps with integral ballasts. Lamps shall be operated at 120 Volts and 60 Hertz. Lamp lumen output shall be measured according to section 11 of IES LM-66 at the reference condition. Lamp electrical power input in watts shall also be measured and recorded. (See § 430.22)

4.4.2 Lamp efficacy shall be determined by computing the ratio of the measured lamp lumen output and lamp electrical power

input at equilibrium for the reference condition. The test report shall conform to section 13 of IES LM-66. (See § 430.22)

4.5 Determination of Color Rendering Index (CRI)

4.5.1 The CRI shall be determined in accordance with the method specified in CIE Publication 13.2 for general service fluorescent lamps. The required spectroradiometric measurement and characterization shall be conducted in accordance with the methods given in IES LM-58 and IES LM-16. (See § 430.22)

4.5.2 The test report shall include a description of the test conditions, equipment, and measured lamps, spectroradiometric measurement results and CRI determination.

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