

General Instructions

A Supporting Statement must accompany each request for approval of a collection of information. The Supporting Statement must be prepared in the format described below. **If an item is not applicable, provide a brief explanation.** When Item 17 of the OMB 83-I is checked “YES”, Section B of the Supporting Statement must be completed. OMB reserves the right to require the submission of additional information with respect to any request for approval.

Instructions for the Supporting Statement

Each request for OMB approval of an information collection must include a Supporting Statement. Following is a template to be used for the Supporting Statement. Each item must be addressed. In response to statistical methods, provide a statement indicating that the information collection does not employ statistical methods. If statistical methods are used, contact EIA.

To use the template, replace the “italics verbiage” with the appropriate response.

United States Department of Energy
Supporting Statement
OMB Control Number 1910-1400

“Certification Reports, Compliance Statements, Application for a Test Procedure Waiver, and Recordkeeping for Consumer Products and Commercial/Industrial Equipment subject to Energy or Water Conservation Standards”

This supporting statement provides additional information regarding the Department of Energy (DOE) request to revise and extend the information collection, Certification Reports, Compliance Statements, Application for a Test Procedure Waiver, and Recordkeeping for Consumer Products and Commercial/Industrial Equipment subject to Energy or Water Conservation Standards. The numbered questions correspond to the order shown on the Office of Management and Budget (OMB) Form 83-I, “Instructions for Completing OMB Form 83-I.”

A. Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the information collection.**

Title III of the Energy Policy and Conservation Act of 1975 (42 U.S.C. 6291, et seq.; “EPCA” or, in context, “the Act”) sets forth a variety of provisions designed to improve energy efficiency. (All references to EPCA refer to the statute as amended through the Energy Efficiency Improvement Act (EISA) of 2015, Pub. L. 114-11(April 30, 2015).) Part B of title III, which for editorial reasons was re-designated as Part A upon incorporation into the U.S. Code (42 U.S.C. 6291–6309, as codified), establishes the “Energy Conservation Program for Consumer Products Other Than Automobiles.” External power supplies are among the products affected by these provisions. Section 301 of EISA 2007 established minimum energy conservation standards for Class A external power supplies (EPSs) manufactured on or after July 1, 2008. (42 U.S.C. 6295(u)(3)(A)). See 42 U.S.C. 6291(36)(C)(i)-(ii).

After releasing a preliminary analysis and issuing a proposed set of energy conservation standards, DOE published a final rule prescribing new standards for non-Class A EPSs and amended standards for some Class A EPSs – namely, those EPSs that met what DOE has termed as “direct operation” EPSs. See 79 FR 7846 (Feb. 10, 2014). (A direct operation EPS is an external power supply that can operate a consumer product that is not a battery charger without the assistance of a battery. See 10 CFR 430.2.) These new standards apply to products manufactured on or after February 10, 2016.

EPCA directs the Secretary of Energy to prescribe reporting and recordkeeping rules for the covered products, including external power supplies. The authority for this information collection is includes sections 326(d) and 345(a) of EPCA which state:

“For purposes of carrying out this part, the Secretary may require, under this part or other provision of law administered by the Secretary, each manufacturer of a covered product to submit information or reports to the Secretary with respect to energy efficiency, energy use, or, in the case of showerheads, faucets, water closets, and urinals, water use of such covered product … to ensure compliance with the requirements of this part.” (42 U.S.C. 6296(d) and 42 U.S.C. 6316(a))

Under this authority, DOE already collects information from manufacturers of external power supplies that are subject to the Class A EPS standards DOE and will continue to collect from manufacturers of external power supplies that will be subject to the new standards.

DOE is revising and extending this information collection to reflect new statutory authority. On December 18, 2014, the EPS Service Parts Act of 2014, Pub. L. No. 113-263 (Dec. 18, 2014) (“Service Parts Act”) was enacted providing manufacturers with an exemption from the new energy conservation standards for external power supplies (EPSs) that are made available as service and spare parts for end-use products manufactured before February 10, 2016. To be exempt from the new standards under the Service Parts Act, an EPS must meet four separate criteria. Specifically, the EPS must be: (i) manufactured during the period beginning on February 10, 2016, and ending on February 10, 2020; (ii) marked in accordance with the External Power Supply International Efficiency Marking Protocol; (iii) compliant, where applicable, with the standards for Class A EPSs and certified to DOE as meeting at least International Efficiency Level IV; and (iv) made available by the manufacturer as a service part or spare part for an end-use product manufactured before February 10, 2016.

Additionally, the Service Parts Act permits DOE to require manufacturers of an EPS that is exempt from the 2016 standards to report to DOE the total number of EPS units shipped annually that are made available as service and spare parts and do not meet those standards. See 42 U.S.C. 6295(u)(5)(A)(ii). DOE may also limit the applicability of the exemption if the Secretary determines that the exemption is resulting in a significant reduction of the energy savings that would result were there no exemption to the new standards. See 42 U.S.C. 6295(u)(5)(A)(iii). Finally, the statute authorizes DOE to provide a similar exemption from future EPS conservation standards.

Under this authority, DOE is proposing to require manufacturers to provide the total number of exempt EPS units sold as service and spare parts for each basic model that does not meet the relevant energy conservation standards. In most cases, this information would be included on the certification report that manufacturers are already required to submit. For a small subset of models that are not currently subject to regulation, the manufacturer would have to provide the same types of information currently required as part of a certification report in addition to the sales numbers to allow DOE to correlate sales to a particular manufacturer.

2. **Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection**

This is an extension and revision of an existing collection (Control #1910-1400, Certification Reports, Compliance Statements, Application for a Test Procedure Waiver, and Recordkeeping for Consumer Products and Commercial/Industrial Equipment subject to Energy or Water Conservation Standards). The certification and compliance reports required under the current collection will continue to be used by the Department to assess compliance with energy and water conservation standards. The data maintained by the manufacturer is used to calculate the certified ratings for each basic model in preparation for submitting the certification report and may be provided to DOE upon request so that DOE can verify the manufacturer conducted the DOE test procedure, applied the appropriate sampling plans, correctly calculated the certified rating for a basic model, and is compliant with the Federal energy or water conservation standards. DOE currently uses the information collected to systematically enforce applicable energy and water conservation standards for covered products and commercial and industrial equipment and provide for more accurate, comprehensive information about the energy and water use characteristics of products sold in the United States.

By requiring that manufacturers submit the annual number of units sold of each basic model that is exempt from the new standards for external power supplies under the Service Parts Act, the Secretary will be able to make a determination on whether the exemption is resulting in a significant reduction of the energy savings that would result were there no exemption to the new standards.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

DOE currently requires manufacturers or their representatives to prepare and submit certification reports using DOE's electronic Web-based tool, the Compliance and Certification Management System (CCMS), which is the only mechanism for submitting certification reports to DOE. CCMS currently has product specific templates which manufacturers are required to use when submitting certification data to DOE. See <http://www.regulations.doe.gov/ccms>. DOE believes the availability of electronic filing through the CCMS system reduces reporting burdens, streamline the process, and provide the Department with needed information in a standardized, more accessible form. This electronic filing system also ensures that records are recorded in a permanent, systematic way.

DOE has proposed that manufacturers would provide the sales information on the annual certification reports for external power supplies for models for which the manufacturer is claiming exemption from the current standards.

4. Describe efforts to identify duplication.

DOE understands that manufacturers already maintain sales data as a practical matter as part of everyday business. As such, manufacturers should readily have the annual sales data available for EPSs exempt under the EPS Service Parts Act, and there should be very little additional burden created by DOE by requiring manufacturers to also submit this information as

part of their certification reports. By using a form that the manufacturer is already submitting, DOE has reduced the need for redundant data.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

Currently, small businesses that manufacturer or import covered products or equipment subject to Federal energy or water conservation standards have to certify each basic model prior to distribution in commerce and annually thereafter. Consequently, DOE expects small businesses to be impacted by this collection of information. However, DOE has minimized the reporting burden as much as possible by: (1) accepting electronic submissions; (2) providing preformatted templates that clearly lay out the certification and compliance requirements for each product; and (3) allowing manufacturers to group individual models into basic models for the purposes of certification to reduce the number of discrete models reported to the Department. With the additional sales information, DOE has minimized burden by including this information reporting requirement on the same form, eliminating the need to submit any redundant data.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

By requiring that manufacturers submit the annual number of shipments exempt from the new energy conservation standards for external power supplies under the Service Parts Act less frequently than proposed, the Secretary would not be able to make a determination on whether the exemption is resulting in a significant reduction of the energy savings that would result were there no exemption to the new standards in a timely fashion before an undue amount of energy savings had been lost. If this collection is not conducted, the Secretary would be unable to make this determination at all.

DOE is not aware of any technological or legal obstacles to reducing burden. DOE understands that manufacturers maintain sales records, and there should be minimal additional burden on manufacturers to include this sales data as part of the certification reports they are already required to submit to DOE.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines. (a) requiring respondents to report information to the agency more often than quarterly; (b) requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it; (c) requiring respondents to submit more than an original and two copies of any document; (d) requiring respondents to retain records, other than health, medical government contract, grant-in-aid, or tax records, for more than three years; (e) in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study; (f) requiring the use of statistical data classification that has not been reviewed and approved by OMB; (g) that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that

are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; (h) requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

The requested information collection does not employ statistical methods. Of the special circumstances listed above, two may apply to this information collection: (d) requiring respondents to retain records, other than health, medical government contract, grant-in-aid, or tax records, for more than three years; and (h) requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

Regarding (d) above, currently, DOE requires the manufacturer of any covered product or covered equipment to establish, maintain, and retain the records of certification reports, of the underlying test data for all certification testing, and of any other testing conducted to satisfy the requirements of 10 CFR parts 429 and 430. DOE's regulations require that records must be retained for two years from the date when the entity that certified the basic model (or the party represented by a third-party certifier) is no longer offering the model for sale. Depending on the date that the manufacturer or certifying entity notified DOE that the basic model is no longer being distributed in commerce and how long the manufacturer was producing the basic model, the records may need to be maintained for a period of longer than three years.

Regarding (h) above, the Department collects both public and confidential information from manufacturers as part of its certification and compliance process. Specifically, the Department believes that making data accessible to the public provides increased transparency and accountability to the Department's regulatory regime. At the same time, the Department recognizes that certain information may be confidential in nature and exempt by law from public disclosure. To balance these interests, DOE has adopted a framework for addressing the public disclosure of information submitted to DOE under Part 429, while protecting valid claims of confidential business information. First, certain categories of certification information are considered a matter of public record that DOE makes available to the public on its website. Second, for all other information submitted pursuant to Part 429, DOE provides a mechanism for submitting parties to claim confidentiality on a case-by-case basis at the time of submission. 10 CFR § 429.7. DOE may defer acting on any requests for confidentiality until DOE receives a request for the disclosure of the information covered by the request. If the submitting party has submitted a claim of confidentiality, the information will be treated as confidential until DOE acts on the request and all subsequent appeal proceedings have been exhausted. This approach provides submitters with an opportunity to express claims of confidentiality with particularity at the time the information is submitted, including a request for information to remain confidential for a set period of time, such as prior to a public product launch. Furthermore, it allows the Department to determine whether a particular piece of information is exempt from public disclosure by law on a case-by-case, fact specific basis. In this way DOE can both consider confidentiality claims effectively and respond to disclosure requests promptly, while protecting against unlawful disclosure of information. DOE expects that the sales data manufacturers would provide as a result of this extension of the information collection would be confidential

business information, and DOE would not proactively release this information. In the event of a FOIA request, DOE would follow its existing procedures as described above.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5CFR 320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken in response to the comments. Specifically address comments received on cost and hour burden. Describe efforts to consult with persons outside DOE to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or report.

The Department intends to publish the following Federal Register notices regarding the collection of information subject to this approval:

Notice of Proposed Rulemaking -- Energy Conservation Program: Exempt External Power Supplies Under the EPS Service Parts Act of 2014. Docket No. EERE-2015-BT-CRT-0013. RIN: 1904-AD53.

Published in the Federal Register on November 18, 2015.

DOE has not received any specific comments regarding the information collection estimates at this time.

9. Explain any decision to provide any payment or gift to respondents, other than reenumeration of contractors or grantees.

There is no payment or gift to any respondents. Respondents are required to comply by regulation.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

DOE has outlined the process for submitting the agency's handling of confidential information in 429.7. DOE's regulations also provide that DOE shall make its own determination with regard to any claim that information submitted be exempt from public disclosure, in accordance with the Freedom of Information Act.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why DOE considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of a sensitive nature in this collection of information.

12. Provide estimates of the hour burden of the collection of information. The statement should indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, DOE should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample fewer than 10 potential respondents is desirable.

DOE requires manufacturers of covered consumer products and commercial and industrial equipment to maintain records about how they determined the energy efficiency, energy consumption, water consumption or design features of their products. DOE is also requiring manufacturers to submit a certification report indicating that all basic models distributed in commerce in the US comply with the applicable standards using DOE's testing procedures, as well as the necessary product specific certification data that describes the efficiency and characteristics of the basic model. The certification reports are submitted for each basic model, either when the requirements go into effect (for models already in distribution), or when the manufacturer begins distribution of a particular basic model, and annually thereafter. Reports must be updated when a new model is introduced or a change affecting energy efficiency or use is made to an existing model resulting in a change in the certified rating.

DOE estimates there are approximately 2,000 respondents who are required to respond to this collection of information for all covered products and equipment. The estimates include manufacturers and importers of the following covered products and equipment: (1) Residential refrigerators, refrigerator-freezers and freezers; (2) Room air conditioners; (3) Central air conditioners and heat pumps, including SDHV and Space-Constrained; (4) Residential water heaters; (5) Residential furnaces, including boilers; (6) Dishwashers; (7) Residential clothes washers; (8) Residential clothes dryers; (9) Direct heating equipment; (10) Conventional cooking tops, conventional ovens, microwave ovens; (11) Pool heaters; (12) Fluorescent lamp ballasts; (13) General service fluorescent lamps, general service incandescent lamps, and incandescent reflector lamps; (14) Faucets; (15) Showerheads; (16) Water closets; (17) Urinals; (18) Ceiling fans; (19) Ceiling fan light kits; (20) Torchieres; (21) Compact fluorescent lamps; (22) Dehumidifiers; (23) Class A external power supplies; (24) Non-class A external power supplies; (25) Battery chargers; (26) Candelabra base incandescent lamps and intermediate base incandescent lamps; (27) Electric motors; (28) Small electric motors; (29) Commercial refrigerators, freezers, and refrigerator-freezers; (30) Commercial air conditioners and heat pumps (air-cooled, water-cooled, and water-sourced); (31) Packaged terminal air conditioners and heat pumps; (32) Single package vertical units; (33) Variable refrigerant flow systems; (34) Computer room air conditioners; (35) Commercial water heating equipment; (36) Commercial warm air furnaces; (37) Commercial packaged boilers; (38) Automatic commercial ice makers; (39) Commercial clothes washers; (40) Distribution transformers; (41) Illuminated exit signs; (42) Traffic signal modules and pedestrian modules; (43) Commercial unit heaters; (44) Commercial pre-rinse spray valves; (45) Refrigerated bottled or canned beverage vending machines; (46) Walk-in coolers and walk-in freezers, including each of the components (doors/panels/refrigeration system); (47) Metal halide lamp ballasts and fixtures; (48) Furnace fans; (49) General service lamps; (50) Unfired hot water storage tanks; (51) Hot water supply boilers; (52) television sets; and the following products should DOE ultimately adopt

recordkeeping and reporting requirements for them through rulemaking: (53) pumps; (54) fans; (55) compressors; (56) miscellaneous refrigeration products; (57) portable air conditioners; and (58) computing equipment. DOE has added Appendix A to this supporting statement to show a mapping of the covered product, the associated reporting templates used for CCMS (names), and the estimated number of respondents. Note, that some respondents may span multiple categories depending on their product offerings.

Once compliance with the certification requirements is required, DOE's existing regulations require that manufacturers certify: (1) new basic models before distribution in commerce; (2) existing basic models, whose certified rating remains valid, annually; (3) existing basic models, whose design is altered resulting in a change in rating that is more consumptive or less efficient, at the time the design change is made; and (4) previously certified basic models that have been discontinued annually. Respondents may submit reports to the Department at any time during the year using DOE's online system. DOE estimated that it will take each respondent approximately 30 hours total per company per year to comply with the certification requirements based on 20 hours of technician/technical work and 10 hours clerical work to actually submit the CCMS templates. For the purposes of estimating burden, DOE assumed that each respondent will submit approximately 10 CCMS templates during the course of the year, which is encompassed by the 30 hours total per company per year estimate. DOE recognizes that a respondent may submit a minimum of 1 report per year, whereas other respondents may submit one weekly.

DOE's existing regulations provide that a manufacturer may petition the Department for a test procedure waiver if the DOE test procedure either is impracticable due to unique features or characteristics of the basic model or does not generate results that are representative of the basic model during normal use. In order for DOE to consider waiving the test procedure requirements for a given basic model, a manufacturer must submit an application package to the Department, which outlines the need for the waiver, the applicable products, and an alternative method of test for consideration by the Department. DOE estimates that preparation of a test procedure waiver application may take a manufacturer 160 hours to complete, which would mostly be conducted by an engineer. DOE receives approximately 50 test procedure waiver applications a year, but that number can vary since it is a manufacturer initiated process.

Total number of unduplicated respondents for certification of compliance with Federal standards: 2,000

Reports filed per person: 10 per year

Total annual responses: 20,000 reports filed

Total annual burden hours for certification of compliance with Federal standards: 60,000

Total number of unduplicated respondents for applying for a test procedure waiver: 25 (all are part of the 2,000 above)

Reports filed per person: 2 per year

Total annual responses: 50 test procedure waiver applications filed

Total annual burden hours for test procedure waiver applications: 8,000 hours

Total annual burden hours for this information collection: 68,000 hours

DOE is adding a requirement that manufacturers of external power supplies that are exempt under the Service Parts Act annually report to DOE the total number of exempt EPS units sold of each basic model that is made available as a service or spare part and does not meet the amended standard.

EPSs exempt from the amended standards under the Service Parts Act are likely required to already meet the existing standards for Class A EPSs, and as such are already required to submit an annual certification report to DOE. DOE estimates that it will take these manufacturers approximately 4 additional minutes to comply with these the new reporting requirements. DOE expects that the information is already readily available as part of business processes and estimates that gathering the information and correlating it to the models in the certification report will take approximately 4 minutes. DOE is estimating that the additional time to complete the report is negligible (significantly less than 1 minute) because the data entry will only include one additional number on a certification report.

OMB Control Number: 1910-1400

Form Number: TBD

Type of Review: Regular submission.

Affected Public: Manufacturers of external power supplies that claim the spare parts exemption.

Estimated Number of Impacted Manufacturers: 228

Estimated Time per Record: 4 minutes

Estimated Total Annual Burden Hours: 15.2 hours

The estimated burden of this rulemaking is based on each impacted manufacturer being required to provide one additional piece of data per year. This information is only required in a single, annual report, so the data is only collected one time per year.

Accordingly, the total amounts are:

Total annual responses: 20,000 reports filed

Total annual burden hours for certification of compliance with Federal standards and providing EPS spare parts sales data: 60,015.2

Total annual responses: 50 test procedure waiver applications filed

Total annual burden hours for test procedure waiver applications: 8,000 hours

Total annual burden hours for this information collection: 68,015.2 hours

13. Provide an estimate for the total annual cost burden to respondents or recordkeepers resulting from the collection of information.

Prior to this rulemaking, DOE estimated the total annual reporting and recordkeeping burden imposed on manufacturers of all consumer products and commercial and industrial equipment as \$6,800,000, which was calculated using a weighted average, fully burdened, labor rate of \$100 per hour. This weighted average rate is a mix between the engineers reviewing the

certified ratings and the test procedure process and the administrative professionals or technicians submitting the paperwork to the Department. These estimates take into account the time necessary to develop testing documentation, maintain records underlying the certified rating, complete the certification, submit all required documents to DOE electronically, and applying for a test procedure waiver, as needed.

DOE is adding a requirement to report the sales of external power supplies sold as spare parts not subject to the current regulations. DOE estimates the additional annual cost to the affected manufacturers will be \$1,520 (i.e., 15.2 additional hours at \$100/hour).

Estimated Total Annual Cost to the Manufacturers: \$6,801,520

14. Provide estimates of annualized cost to the Federal government.

DOE estimates the total additional annual reporting and recordkeeping burden imposed on the Federal government will be \$500. This is a combination of Federal employees and contractors. DOE is already using the on-line collection system as its method for submission for certification reports. The system includes data processing functions and automated reports. The \$500 covers the time for a contractor to add the field to the database (one time cost), the time to run a report by product class and certified efficiency, and for a Federal employee to review the information and make a decision about whether the lost energy savings is sufficient for us to do a rulemaking to abolish the exemption.

15. Explain the reasons for any program changes or adjustments reported in Items 13 (or 14) of OMB Form 83-I.

The program change is the result of a statutory amendment. The statute exempted certain external power supplies from new standards (although many are still subject to the prior standards) in limited circumstances. The statute authorized DOE to collect sales information to enable DOE determine whether the exemption is resulting in a significant reduction of the energy savings that would result were there no exemption to the new standards.

DOE is adding a requirement to report the sales of external power supplies sold as spare parts not subject to the current regulations. DOE estimates the additional annual cost to the affected manufacturers will be \$1,520 (i.e., 15.2 additional hours at a fully burdened labor rate of \$100/hour).

16. For collections whose results will be published, outline the plans for tabulation and publication.

Although a subset of the data already subject to this information collection is made public, none of the new data that is the subject of this extension and revision will be published online. Sales data is typically treated as confidential business information, and DOE will protect

it as required by law. DOE may publish aggregate information. The certification data that DOE has identified as public is placed on DOE's certification database at:
<http://www.regulations.doe.gov/certification-data/>.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

DOE is not seeking to remove the OMB expiration date.

18. Explain each exception to the certification statement identified in Item 19 of OMB Form 83-I.

There are no exceptions.