

**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 for processing of 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.**

Pursuant to the Energy Policy and Conservation Act of 1975 (“EPCA” or “the Act”), Public Law 94-163 (42 U.S.C. § 6291–6317, as codified), DOE regulates the energy efficiency of a number of consumer products, and commercial and industrial equipment. Title III, Part B² of EPCA established the Energy Conservation Program for Consumer Products Other Than Automobiles, which sets forth a variety of provisions designed to improve energy efficiency of covered consumer products (“covered products”). Title III, Part C³ of EPCA, added by Public Law 95-619, Title IV, § 441(a), established the Energy Conservation Program for Certain Industrial Equipment, which sets forth a variety of provisions designed to improve energy efficiency of covered commercial and industrial equipment (collectively referred to as “covered equipment”).

Under EPCA, DOE’s energy conservation program consists essentially of four parts: (1) testing, (2) labeling, (3) Federal energy conservation standards, and (4) certification and enforcement procedures. For consumer products, relevant provisions of the Act specifically include definitions (42 U.S.C. § 6291), energy conservation standards (42 U.S.C. § 6295), test procedures (42 U.S.C. § 6293), labeling provisions (42 U.S.C. § 6294), and the authority to require information and reports from manufacturers (42 U.S.C. § 6296). For covered equipment, relevant provisions of the Act include definitions (42 U.S.C. § 6311), energy conservation standards (42 U.S.C. § 6313), test procedures (42 U.S.C. § 6314), labeling provisions (42 U.S.C. § 6315), and the authority to require information and reports from manufacturers (42 U.S.C. § 6316).

EPCA authorizes DOE to enforce compliance with the energy and water conservation standards established for the covered products and covered equipment (42 U.S.C. §6299-6305;

42 U.S.C. § 6316).

EPCA authorizes the Secretary of Energy to prescribe reporting and recordkeeping rules for the covered products, stating that:

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)). This authorization is generally extended to covered equipment as well (42 U.S.C. § 6316(a) and (b)).

As the result of a negotiated rulemaking, DOE adopted additional certification requirements for commercial HVAC, water heater, and refrigeration equipment. Specifically, DOE requires manufacturers of commercial refrigeration equipment and some types of commercial HVAC equipment to submit a PDF with specific testing instructions to be used by the Department during verification and enforcement testing. Manufacturers of commercial water heating equipment, and some types of commercial HVAC equipment, have the option of submitting a PDF with additional testing instructions at the manufacturer's discretion. For additional information on the negotiated rulemaking or supplemental testing instructions, see docket number EERE-2013-BT-NOC-0023.

On December 18, 2014, Congress enacted the EPS Service Parts Act of 2014 (Public Law 113-263, "Service Parts Act"). This law exempted manufacturers of certain External Power Supplies (EPS) that were made available as service and spare parts for end-use products manufactured before February 10, 2016 from the energy conservation standards that DOE promulgated in its February 2014 rule. See 79 FR 7846 (Feb. 10, 2014). 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 such EPS units that are shipped annually as service and spare parts and that do not meet those standards (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 in the absence of the exemption (42 U.S.C. § 6295(u) (5) (A) (iii)). In a final rule published on May 16, 2016, DOE adopted reporting requirements for EPS manufacturers, to provide the total number of exempt EPS units sold as service and spare parts for which the manufacturer is claiming exemption from the current standards. 81 FR 30157.

Additionally, EPCA directs DOE to establish labeling requirements for covered industrial and commercial equipment when specified criteria is met. If the Department has prescribed test procedures for any class of covered equipment, a labeling rule applicable to such class of covered equipment must be prescribed (42 U.S.C. § 6315(a)). EPCA, however, requires that certain criteria must be met prior to DOE prescribing a given labeling rule. Specifically, DOE must determine that: (1) labeling is technologically and economically feasible with respect to any particular equipment class; (2) significant energy savings will likely result from such labeling; and (3) labeling is likely to assist consumers in making purchasing decisions (42 U.S.C. § 6315(h)). DOE has established labeling requirements under the authority in 42 U.S.C. § 6315

for electric motors (10 CFR § 431.31), walk-in coolers and freezers (10 CFR § 431.305), and pumps (10 CFR § 431.466).

DOE is renewing and revising the information collected on the energy and water efficiency of consumer products and commercial equipment manufactured for distribution in commerce in the United States. Specifically, DOE is submitting for approval paperwork requirements associated with the following five aspects of the appliance standards program: (1) gathering data and submitting the certification and compliance reports for each basic model distributed in commerce in the U.S.; (2) maintaining records underlying the certified ratings for each basic model including test data and the associated calculations; (3) applications for a test procedure waiver, which manufacturers may elect to submit if they manufacture a basic model that cannot be tested pursuant to the DOE test procedure; (4) applications requesting an extension of the date by which representations must be made in accordance with any new or amended DOE test procedure; and (5) labeling of certain covered equipment.

This collection includes all covered products and equipment subject to DOE's regulatory requirements described in 10 CFR § 429, 430, and 431. More specifically, DOE's certification and compliance requirements are described in 10 CFR § 431.35-36 for electric motors and 10 CFR § 429 for all other products. DOE's records retention requirements are described in 10 CFR § 429.71. DOE's application for a test procedure waiver process is described in 10 CFR § 430.27 and 431.401. EPCA authorizes the Secretary of Energy to grant an extension of the date by which representations must be made in accordance with any new or amended DOE test procedure ((42 U.S.C § 6293(c)(3) and 42 U.S.C § 6313(d)(2))). The labeling requirements for electric motors, walk-in coolers and freezers, and pumps are at 10 CFR § 431.31, 431.305, and 431.466, respectively.

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 (OMB 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 will continue to be used by the Department to assess compliance with energy and water conservation standards. The data maintained by the manufacturer will be used to calculate the certified ratings for each basic model in preparation for submitting the certification report, and it may be provided to DOE upon request so that DOE can verify that 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.

The information collection allows manufacturers to submit an application to the Department for a test procedure waiver at their discretion. A manufacturer may elect to submit a waiver if it manufactures a basic model that contains one or more design characteristics that prevent testing of the basic model according to the prescribed test procedures, or if the prescribed test procedures evaluate the basic model in a manner so unrepresentative of its true energy consumption characteristics as to provide materially inaccurate comparative data. The Department currently uses, and will continue to use, the information submitted in the application for a waiver as the basis for granting or denying the petition.

The information collection also allows manufacturers to submit an application requesting an extension of the date by which representations must be made in accordance with any new or amended DOE test procedures. DOE may grant extensions of up to 180 days if it determines that making such representations would impose an undue hardship on the petitioner. The Department currently uses, and will continue to use, the information submitted in these applications as the basis for granting or denying the petition.

The information collection includes labeling requirements for electric motors, walk-in coolers and freezers, and pumps. DOE determined that for electric motors, labeling of the standardized value of energy efficiency of a given motor allows for a better understanding of the differences in efficiency among motors. 64 FR 54114, 54133 (Oct. 5, 1999). In the case of walk-in cooler and freezers, DOE has determined that the labels will likely result in significant energy savings by increasing consumers' awareness of the standards, and helping installers, assemblers, and contractors ensure that the equipment they select is intended for walk-in applications, and aid manufacturers in determining compliance. 81 FR 95758, 96784 (Dec. 28, 2016). For pumps, DOE determined that requiring labels that include the rated value subject to the standards will increase consumer awareness of the standards and make it easier for consumers to compare the performance of pumps. 80 FR 17826, 17882 (April 2, 2015).

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 primary mechanism for submitting certification reports to DOE. Manufacturers of electric motors may alternatively submit certification reports via certified mail. 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, streamlines the process, and provides 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. Moreover, manufacturers may also rely on CCMS reporting to satisfy certain reporting requirements established by the Federal Trade Commission (FTC) under 16 CFR § 305.8, thereby reducing duplicative reporting.

DOE currently accepts petitions for a test procedure waiver and for an extension of the date by which representations must be made, both electronically and in paper-format, using whatever layout a manufacturer may wish to provide. DOE typically receives these via email, in letter format. Generally, a manufacturer petitioning for a waiver must provide the basic model numbers, brands, and identifying model characteristics, the reasoning behind the need for a test procedure waiver, and an alternative method of testing, with the application. Generally, a manufacturer petitioning for an extension of the date by which representations must be made must provide the basic model numbers, brands, and a rationale explaining how making such representations would impose undue hardship on the petitioner.

4. Describe efforts to identify duplication.

In limited cases, some of the energy efficiency, energy use, or water use information required to fulfill the certification requirements under DOE's regulations can be obtained from other publicly available product directories, such as the Air-Conditioning, Heating, and Refrigeration Institute directory of certified products, the International Association of Plumbing and Mechanical Officials product listing directory, the ENERGY STAR product listing, and the California Energy Commission's appliance efficiency database. These directories typically only contain information on the energy use or efficiency of a subset of basic models that are covered by DOE's regulatory program. These voluntary programs allow manufacturers to submit ratings information. To a certain extent, DOE allows the use of voluntary programs in its certification process to help avoid duplication of efforts and undue reporting burden. For example, the manufacturer must use the same test results for a given basic model to determine his or her certified rating assuming the testing was done in accordance to DOE's testing and sampling procedures. DOE allows manufacturers, at their discretion, to elect a third-party, (*e.g.* a voluntary trade organization or a third-party laboratory), to file the certification report on its behalf.

DOE cannot ensure the information maintained in other publicly available databases has been collected in accordance with DOE's testing procedures, sampling plans for certification testing, and certification requirements. There is no comprehensive alternative database that contains all of the information for basic models of covered products and covered equipment distributed in commerce in the U.S. as required by DOE's certification program that DOE could use to satisfy these provisions. Instead, in instances when similar information is required for multiple programs, DOE encourages manufacturers to utilize the same testing and rating information to minimize duplication as much as possible.

DOE understands that manufacturers already maintain these types of records in the normal course of design, engineering, and performance testing a product. Thus, DOE believes that the records retention requirements in 10 CFR § 429.71 are part of everyday business for most manufacturers.

As discussed, DOE collects certification information for the Federal Trade Commission as well. Thus, manufacturers subject to FTC's labeling regulations, as well as DOE's regulatory program for energy and water conservation, will only have to submit a single certification report

and compliance statement to the Department through CCMS to satisfy the requirements of both agencies.

As part of this revision, DOE is considering revisions to its regulations regarding the collection of certification information that would allow the California Energy Commission to accept a certification report submitted in CCMS to satisfy the reporting requirement under the California energy efficiency requirements. Thus, manufacturers subject to the California requirements, as well as DOE's regulatory program for energy and water conservation, would only have to submit a single certification report and compliance statement to the Department through CCMS to satisfy the requirements of both the Federal and State programs. Submission of the additional information would not be mandatory, from DOE's perspective, and would consist of information that manufacturers are already submitting to the California Energy Commission.

As it pertains to test procedure waiver applications, no other entity administers waivers from DOE's test procedures. As it pertains to requests to extend the date by which representations must be made, no other entity administers extensions from DOE's representation requirements. Thus, the information is not commercially available.

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

Small businesses that manufacture 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. DOE has tried to minimize the reporting burden as much as possible by: (1) accepting only 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.

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.

Manufacturer self-certification provides the foundation for the Department of Energy's ability to effectively enforce its regulations without engaging in the exorbitant expense of testing every model of covered consumer products and commercial/industrial equipment manufactured and distributed in U.S. commerce. DOE, instead, relies upon manufacturers to test their own products and then provide DOE with the minimally required information to demonstrate the compliance of those products with federal energy conservation standards through submission of certification reports. DOE further educates consumers and distributors in the marketplace about the efficiency of these products by publicly posting the information provided by manufacturers in their certification reports.

If a manufacturer does not comply with the reporting requirements in 10 CFR § 429, there is a risk that a basic model of covered equipment could be sold into the market with energy or water efficiency below the required federal levels. This would have two negative effects: (1) it would distort the market by rewarding a company that is in violation because its products would be more cost-competitive than the products of a company that is in compliance; and (2) it would prevent the nation from benefiting from cost-effective energy savings with each non-compliant unit sold.

DOE is not aware of any technological or legal obstacles to reducing burden. DOE understands that manufacturers of consumer products and commercial equipment routinely test their products, as energy efficiency and water savings are key marketing materials for purchasers.

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 stature of 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.**

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.

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 part 429, part 430, and/or part 431. Generally, DOE requires that manufacturers maintain records 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. The records retention requirements are applicable to both representations determined by testing and through the application of an alternative method for determining energy efficiency or energy use

(AEDM). For tested basic models, manufacturers must retain all the test data, reports, and calculations underlying their certification for each basic model. For untested basic models, manufacturers must retain all records associated with the development of their AEDM, the simulation results, the AEDM itself, and all test records used to validate the AEDM's output.

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 will be 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, today's rule provides a mechanism for submitting parties to claim confidentiality on a case-by-case basis at the time of submission. DOE may defer acting on any requests for confidentiality until DOE receives a request for the disclosure of the information covered by the request. 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 will allow 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.

- 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.**

On August 22, 2017, the Department published a Notice of Information Collection Extension and Request for Comment Regarding DOE's Information Collection Provisions. 82 FR 39780 (August 22, 2017). The notice can be found [here](#). DOE received comments regarding the information collection content and burden estimates, which are summarized and responded to in a separate word document. This document is titled, "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' Comment Summary and Responses."

9. Explain any decision to provide any payment or gift to respondents, other than remuneration 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 10 CFR § 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.

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 is requiring 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 U.S. 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.

Currently, DOE has approximately 2,000 CCMS users that have submitted certification reports to the Department for its covered products and equipment. Consequently, 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) Consumer refrigerators, refrigerator-freezers and freezers; (2) Room air conditioners; (3) Central air conditioners and central air conditioning heat pumps; (4) Consumer water heaters; (5) Consumer furnaces and boilers; (6) Dishwashers; (7) Residential clothes washers; (8) Clothes dryers; (9) Direct heating equipment; (10) Cooking products; (11) Pool heaters; (12) Television sets; (13) Fluorescent lamp ballasts; (14) General service fluorescent lamps, general service incandescent lamps, and incandescent reflector lamps (15) Faucets; (16) Showerheads; (17) Water closets; (18) Urinals; (19) Ceiling fans; (20) Ceiling fan light kits; (21) Torchieres; (22) Compact fluorescent lamps; (23) Dehumidifiers; (24) External power supplies; (25) Battery chargers; (26) Candelabra base incandescent lamps and intermediate base incandescent lamps; (27) Commercial warm air furnaces; (28) Commercial refrigerators, freezers, and refrigerator-freezers; (29) Commercial heating and air conditioning equipment; (30) Commercial water heating equipment; (31) Automatic commercial ice makers; (32) Commercial clothes washers; (33) Distribution transformers; (34) Illuminated exit signs; (35) Traffic signal modules and pedestrian modules; (36) Commercial unit heaters; (37) Commercial pre-rinse spray valves; (38) Refrigerated bottled or canned beverage vending machines; (39) Walk-in coolers and walk-in freezers and certain components; (40) Metal halide lamp ballasts and fixtures; (41) Integrated light-emitting diode lamps; (42) General service lamps; (43) Furnace fans; (44) Pumps; (45) Commercial packaged boilers; (46) Consumer miscellaneous refrigeration equipment; (47) Portable air conditioners; (48) Compressors; (49) Electric motors; and (50) Small electric motors.

Once compliance with the certification requirements is necessary, 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 35 hours total per company, per year to comply with the certification requirements based on 20 hours of technician/technical work and 15 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 in the 35 hours total per company, per year estimate. DOE recognizes that a respondent may submit a minimum of 1 report per year.

DOE adopted additional certification requirements for commercial HVAC, water heater, and refrigeration equipment. Specifically, DOE requires manufacturers of commercial refrigeration equipment, and some types of commercial HVAC equipment, to submit a PDF with specific testing instructions to be used by the Department during verification and enforcement testing. Manufacturers of commercial water heating equipment and some types of commercial HVAC equipment have the option of submitting a PDF with additional testing instructions at the manufacturer's discretion. DOE estimates that preparation of supplemental testing instructions, which would mostly be conducted by an engineer, may take a manufacturer 16 hours. DOE receives approximately 3,000 supplemental testing instructions per year.

DOE's existing regulation allows a manufacturer to petition the Department for a test procedure waiver if the DOE test procedure is either 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 outlining 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, which would mostly be conducted by an engineer, may take a manufacturer 160 hours to complete. DOE receives approximately 50 test procedure waiver applications a year, but that number can vary since it is a manufacturer initiated process.

DOE's existing regulation provides that a manufacturer may petition the Department to request an extension of the date by which representations must be made in accordance with any new or amended DOE test procedure. In order for DOE to consider extending the date by which representations must be made, manufacturers must submit an application to the Department outlining the need for the extension, and the applicable products. DOE estimates that preparation of an extension application may take a manufacturer 160 hours to complete, and would mostly be conducted by an engineer. DOE receives approximately 50 extension applications a year, but that number can vary since it is a manufacturer initiated process.

DOE has established labeling requirements under the authority in 42 U.S.C. § 6315 for electric motors (10 CFR § 431.31), walk-in coolers and freezers (10 CFR § 431.305), and pumps (10 CFR § 431.466). As part of the December 28, 2016 test procedure final rule for walk-in coolers and freezers, DOE estimated that there are 63 manufacturers of walk-in components that are subject to labeling requirements, and these manufacturers distribute 1,216 basic models. Further, DOE estimated that the annual burden per basic model would be 1 hour for applying and creating labels and updating marketing materials. 81 FR 95758, 95796. As part of the energy conservation standards for commercial and industrial pumps, DOE estimated that there are 86 pump manufacturers that distribute 3,332 basic models. (See Chapter 12 of the Technical Support Document, EERE-2016-BT-TP-0030-0034.) For commercial and industrial pumps, DOE estimated that the annual burden per basic model would be 1 hour for applying and creating labels and updating marketing materials. Lastly, there are 58 manufacturers of electric motors certifying compliance to DOE, and these manufacturers distribute 4,511 basic models of electric motors. For electric motors, DOE estimated that the annual burden per basic model would be 1 hour for applying and creating labels and updating marketing materials. For walk-in coolers and freezers, commercial and industrial pumps, and electric motors, DOE estimated that the total number of manufacturers certifying is about 205 (rounded to the nearest five). The estimated total number of responses rounded to the nearest 10 is 9,060 per year. Thus, about 44 reports are filed per year and the total annual burden for labeling is \$9,060.

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

Reports filed per person: 10 per year

Average Burden per Collection: 35 hours

Average Burden per Applicant: 350 hours

Total annual responses: 20,000 reports filed

Total annual burden hours for certification of compliance with Federal standards: 700,000

Total number of unduplicated respondents submitting supplemental testing instructions: 100 (all are part of the 2,000 above)

Reports filed per person: 30 per year

Average Burden per Collection: 16 hours

Average Burden per Applicant: 480 hours

Total annual responses: 3,000 reports filed

Total annual burden hours for certification of compliance with Federal standards: 48,000

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

Reports filed per person: 2 per year

Average Burden per Collection: 160 hours

Average Burden per Applicant: 320 hours

Total annual responses: 50 test procedure waiver applications filed

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

Total number of unduplicated respondents applying for an extension of representation requirements: 25 (all are part of the 2,000 above)

Reports filed per person: 2 per year

Average Burden per Collection: 160 hours

Average Burden per Applicant: 320 hours

Total annual responses: 50 extension applications filed

Total annual burden hours for applying for an extension of representation requirements: 8,000 hours

Total number of unduplicated respondents for labeling: 205

Reports filed per person: 44.2 per year

Average Burden per Collection: 1 hour

Average Burden per Applicant: 44.2 hours

Total annual responses: 9060 products labeled

Total annual burden hours for labeling: 9,060

Total annual burden hours for this information collection: 775,000 hours

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

DOE estimates the total annual reporting and recordkeeping burden imposed on manufacturers of all consumer products and commercial and industrial equipment will be \$77,500,000, which was calculated using a fully-loaded (burdened) weighted average wage rate of \$100 per hour. This weighted average wage rate is a combination of 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 and/or an extension of representation requirements, as needed.

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 \$490,250. This estimate accounts for time spent by 3 Federal staff and contractors to maintain the certification templates and CCMS website. DOE is already using the on-line collection system as its method for submission for certain covered consumer products and commercial equipment. The annual cost is to maintain the system, set up new users, respond to user questions, and review certifications.

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

DOE accounted for the reporting that would be needed in order to facilitate a reduction in duplicative reporting under the California's Appliance Efficiency Regulations and the ENERGY STAR program, similar to what was achieved with the FTC. Under its Appliance Efficiency Regulations, California requires manufacturers to certify and report to the CEC energy efficiency data of certain consumer products. See California Code of Regulations (CCR), Title 20, section 1606. For consumer products that are reported to the California Energy Commission and are subject to Federal test procedures, the California regulations generally require submission of data from those Federal test procedures (*i.e.*, the same data reported to DOE). If California Energy Commission agreed to harmonize its reporting requirements by giving manufacturers the option to report California-required data through DOE's CCMS, then DOE would add fields to the CCMS that would allow the California Energy Commission to accept a CCMS report in satisfaction of the state reporting requirement. Submission of the additional information would not be mandatory (from DOE's perspective) and would consist of information that manufacturers are already submitting to the California Energy Commission. Should the California Energy Commission choose to streamline and harmonize its reporting requirements by giving manufacturers the option to report California-required data through DOE's CCMS, use of CCMS would reduce duplicative reporting between the California and DOE requirements.

In addition, the Environmental Protection Agency (EPA) currently requires ENERGY STAR program participants to send information about the energy-efficiency characteristics of those models participating in the ENERGY STAR program. Should DOE and EPA decide that a single submittal system could satisfy DOE's regulatory requirements and EPA's voluntary ENERGY STAR reporting requirements, then DOE would add minimal additional fields to CCMS and collect them from certifiers in order to reduce overall burden. DOE believes its

estimates in this information collection account for the burden associated with these two potential harmonization efforts, which would result in a reduction in cost for the scheme in place today.

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

A subset of this dataset will be published online. The certification data that DOE has identified as public will be placed in DOE's certification database at:
<http://www.regulations.doe.gov/certification-data/>.

Applications for test procedure waivers are published in the Federal Register for comment, as required by DOE's regulations.

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.