(4) Representations. Samsung may make representations about the energy use of its refrigerator-freezer products for compliance, marketing, or other purposes only to the extent that such products have been tested in accordance with the provisions outlined above and such representations fairly disclose the results of such testing.

(5) This waiver shall remain in effect consistent with the provisions of 10 CFR part 430.

(6) This waiver is issued on the condition that the statements, representations, and documentary materials provided by the petitioner are valid. DOE may revoke or modify this waiver at any time if it determines the factual basis underlying the petition for waiver is incorrect, or the results from the alternate test procedure are unrepresentative of the basic models’ true energy consumption characteristics.

(7) This waiver applies only to those basic models set out in Samsung’s petition for waiver. Grant of this waiver does not release a petitioner from the certification requirements set forth at 10 CFR part 429.

Issued in Washington, DC, on October 28, 2013.

Kathleen B. Hogan,
Deputy Assistant Secretary for Energy Efficiency and Renewable Energy.

[FR Doc. 2013–26088 Filed 10–31–13; 8:45 am]
BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

[Case No. RF–034]

Notice of Petition for Waiver of Samsung Electronics America, Inc. from the Department of Energy Residential Refrigerator and Refrigerator-Freezer Test Procedure, and Grant of Interim Waiver


ACTION: Notice of petition for waiver, notice of grant of interim waiver, and request for comments.

SUMMARY: This notice announces receipt of a petition for waiver from Samsung Electronics America, Inc. (Samsung) regarding specified portions of the U.S. Department of Energy (DOE) test procedure for determining the energy consumption of electric refrigerators and refrigerator-freezers. In its petition, Samsung provides an alternate test procedure that is the same as the test procedure DOE published in a final rule setting out testing requirements for manufacturers to follow starting in 2014. DOE solicits comments, data, and information concerning Samsung’s petition and the suggested alternate test procedure. Today’s notice also grants Samsung an interim waiver from the electric refrigerator and refrigerator-freezer test procedure, subject to use of the alternative test procedure set forth in this notice.

DATES: DOE will accept comments, data, and information with respect to the Samsung Petition until December 2, 2013.

ADDRESSES: You may submit comments, identified by case number “RF–034,” by any of the following methods:

• Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

• Email: AS.WaiverRequests@ee.doe.gov. Include the case number (Case No. RF–034) in the subject line of the message.


Docket: For access to the docket to review the background documents relevant to this matter, you may visit the U.S. Department of Energy, 950 L’Enfant Plaza SW., Suite 600, Washington, DC 20024. Please submit one signed original paper copy.


SUPPLEMENTARY INFORMATION:

I. Background and Authority

Title III, Part B of the Energy Policy and Conservation Act of 1975 (EPCA), Public Law 94–163 (42 U.S.C. 6291–6309, as codified), established the Energy Conservation Program for Consumer Products Other Than Automobiles, a program covering most major household appliances, which includes the electric refrigerators and refrigerator-freezers that are the focus of this notice.

Part B includes definitions, test procedures, labeling provisions, energy conservation standards, and the authority to require submission of reports from manufacturers. Further, Part B authorizes the Secretary of Energy to prescribe test procedures that are reasonably designed to produce results which measure the energy efficiency, energy use, or estimated annual operating costs of a covered product, and that are not unduly burdensome to conduct. (42 U.S.C. 6293(b)(3)) The test procedure for electric refrigerators and refrigerator-freezers is contained in 10 CFR part 430, subpart B, appendix A1.

The regulations set forth in 10 CFR part 430.27 contain provisions that enable a person to seek a waiver from the test procedure requirements for covered products. The Assistant Secretary for Energy Efficiency and Renewable Energy (the Assistant Secretary) will grant a waiver if it is determined that the basic model for which the petition for waiver was submitted contains one or more design characteristics that prevents testing of the basic model according to the prescribed test procedures, or if the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption characteristics as to provide materially inaccurate comparative data. 10 CFR 430.27(l). Petitioners must include in their petition any alternate test procedures known to the petitioner to evaluate the basic model in a manner representative of its energy consumption. The Assistant Secretary may grant the waiver subject to conditions, including adherence to alternate test procedures. 10 CFR 430.27(l). Waivers remain in effect pursuant to the provisions of 10 CFR 430.27(m).

For editorial reasons, upon codification in the U.S. Code, Part B was re-designated Part A.
The waiver process also allows the
Assistant Secretary to grant an interim
waiver from test procedure
requirements to manufacturers that have
petitioned DOE for a waiver of such
prescribed test procedures. 10 CFR
430.27(g). An interim waiver remains in
effect for 180 days or until DOE issues
its determination on the petition for
waiver, whichever occurs earlier. DOE
can extend an interim waiver for an
additional 180 days. 10 CFR 430.27(h).

II. Petition for Waiver of Test Procedure
and Application for Interim Waiver

On September 23, 2013, Samsung
submitted a petition for waiver from the
test procedure applicable to residential
electric refrigerators and refrigerator-
freezers set forth in 10 CFR part 430,
subpart B, appendix A1. Samsung is
designing new refrigerator-freezers that
incorporate multiple defrost cycles. In
its petition, Samsung seeks a waiver
from the existing DOE test procedure
applicable to refrigerators and
refrigerator-freezers under 10 CFR part
430 because the existing test procedure
does not account for multiple defrost
cycles. Therefore, Samsung has asked to
use an alternate test procedure that is
the same as the test procedure
provisions for products with long time
or variable defrost DOE published in a
final rule (77 FR 3559, 3564–3565,
January 25, 2012). These provisions
were placed in appendix A, which is
not required for use until September 15,
2014, and not contained in the current
appendix A1 test procedure. Samsung
has previously submitted similar
petitions for waiver and requests for
interim waiver for other basic models of
refrigerator-freezers that incorporate
multiple defrost cycles. DOE
subsequently granted Samsung’s waiver
requests in each case. See 77 FR 1474
(Jan. 10, 2012), 77 FR 75428 (Dec. 20,
2012), 78 FR 35901 (June 14, 2013), and
78 FR 35898 (June 14, 2013).

Samsung also requests an interim
waiver from the existing DOE test
procedure. An interim waiver may be
granted if it is determined that the
applicant will experience economic
hardship if the application for interim
waiver is denied, if it appears likely that
the petition for waiver will be granted,
and/or the Assistant Secretary
determines that it would be desirable for
public policy reasons to grant
immediate relief pending a
determination of the petition for waiver.
10 CFR 430.27(g).

DOE has determined that Samsung’s
application for interim waiver does not
provide a market, equipment price,
shipments and other
manufacturer impact information to
permit DOE to evaluate the economic
hardship Samsung might experience
absent a favorable determination on its
application for interim waiver. DOE has
determined, however, that it is likely
Samsung’s petition will be granted, and
that it is desirable for public policy
reasons to grant Samsung relief pending
a determination on the petition.

Previously, DOE granted a waiver to
Samsung for other basic models
incorporating multiple defrost
technology and DOE has determined
that it is desirable to have similar basic
models tested in a consistent manner.
See 77 FR 1474 (Jan. 10, 2012); 77 FR
75428 (Dec. 20, 2012); 78 FR 35901
(June 14, 2013); and 78 FR 35898 (June
14, 2013).

Samsung’s petition included an
alternate test procedure to account for
the energy consumption of its
refrigerator-freezer models with
multiple defrost cycles. The alternate
test procedure specified by Samsung is
the same as the test procedure
published in the final rule referenced
above. The alternate test procedure
specified in this interim waiver (as well
as the previous waiver granted to
Samsung) is identical to the test
procedure provisions for products with
long time or variable defrost adopted in
the final test procedure rule that
manufacturers of these products are
required to use in 2014.

For the reasons stated above, DOE
grants Samsung’s application for interim
waiver from testing of its
refrigerator-freezer product line containing
multiple defrost cycles. Therefore, it is ordered
that:

The application for interim waiver
filed by Samsung is hereby granted for
the specified Samsung refrigerator-
freezer basic model incorporating
multiple defrost cycles, subject to the
specifications and conditions below.
Samsung shall be required to test and
rate the specified refrigerator-freezer
product according to the alternate test
procedure as set forth in section III,
“Alternate Test Procedure.”
The interim waiver applies to the
following basic model:
RS22HD**PN**

DOE makes decisions on waivers and
interim waivers for only this model
specifically set out in the petition, not
future models that may be manufactured
by the petitioner. Samsung may submit
a subsequent petition for waiver and
request for grant of interim waiver, as
appropriate, for additional models of
refrigerator-freezers for which it seek a
waiver from the DOE test procedure. In
addition, DOE notes that grant of an
interim waiver or waiver does not
release a petitioner from the
certification requirements set forth at
10 CFR part 429.

Further, this interim waiver is
conditioned upon the presumption that the
factual basis underlying the petition for waiver is
correct, or upon a determination that
the results from the alternate test
procedure are unrepresentative of the
basic models’ true energy consumption
characteristics.

III. Alternate Test Procedure

EPCA requires that manufacturers use
DOE test procedures to make
representations about the energy
costs of products covered by the statute.
(42 U.S.C. 6293(c)) Consistent
representations are important for
manufacturers to use in making
representations about the energy
efficiency of their products and to
demonstrate compliance with
applicable DOE energy conservation
standards. Pursuant to its regulations
applicable to waivers and interim
waivers from applicable test procedures
at 10 CFR 430.27, DOE will consider
setting an alternate test procedure for
Samsung in a subsequent Decision and
Order.

During the period of the interim
waiver granted in this notice, Samsung
shall test the products listed above
according to the test procedure
required by the petition for
residential electric refrigerator-freezers
described by DOE at 10 CFR part 430,
subpart B, appendix A1, except that, for
the Samsung products listed above only,
Samsung shall include the following:

1. In section 1, Definitions, the
following definition:

“Defrost cycle type” means a distinct
sequence of control whose function is to
remove frost and/or ice from a
refrigerated surface. There may be
variations in the defrost control
sequence such as the number of defrost
heaters energized. Each such variation
establishes a separate distinct defrost
cycle type. However, defrost achieved
regularly during the compressor “off”
cycles by warming of the evaporator
without active heat addition is not a
defrost cycle type.

2. In section 4, Test Period, the
following:

4.2.1 Long-Time Automatic Defrost.
If the model being tested has a long-time
automatic defrost system, the two-part
test described in this section shall be
used. The first part is a stable period of
compressor operation that includes no
portions of the defrost cycle, such as precooling or recovery, that is otherwise the same as the test for a unit having no defrost provisions (section 4.1). The second part is designed to capture the energy consumed during all of the events occurring with the defrost control sequence that are outside of stable operation.

4.2.1.1 Cycling Compressor System. For a system with a cycling compressor, the second part of the test starts at the termination of the last regular compressor “on” cycle. The average temperatures of the fresh food and freezer compartments measured from the termination of the previous compressor “on” cycle to the termination of the last regular compressor “on” cycle must both be within 0.5 °F (0.3 °C) of their average temperatures measured for the first part of the test. If any compressor cycles occur prior to the defrost heater being energized that cause the average temperature in either compartment to deviate from its average temperature for the first part of the test by more than 0.5 °F (0.3 °C), these compressor cycles are not considered regular compressor cycles and must be included in the second part of the test. As an example, a “precooling” cycle, which is an extended compressor cycle that lowers the temperature(s) of one or both compartments prior to energizing the defrost heater, must be included in the second part of the test. The test period for the second part of the test ends at the termination of the first regular compressor “on” cycle after both compartment temperatures have fully recovered to their stable conditions. The average temperatures of the compartments measured from this termination of the first regular compressor “on” cycle until the termination of the next regular compressor “on” cycle must both be within 0.5 °F (0.3 °C) of their average temperatures measured for the first part of the test. See Figure 1.

4.2.4 Systems with Multiple Defrost Frequencies. This section applies to models with long-time automatic or variable defrost control with multiple defrost cycle types, such as models with single compressors and multiple evaporators in which the evaporators have different defrost frequencies. The two-part method in 4.2.1 shall be used. The second part of the method will be conducted separately for each distinct defrost cycle type.

3. In section 5, Test Measurements, the following:
Multiple Defrost Cycle Types. The energy consumption in kilowatt-hours per day shall be calculated equivalent to:

\[ ET = (1440 \times EP1/T1) + \sum_{i=1}^{D} [(EP2_i - (EP1 \times T2_i/T1)) \times (12/CT_i)] \]

Where:

- 1440 is defined in 5.2.1.1 and EP1, T1, and 12 are defined in 5.2.1.2;
- \( i \) is a variable that can equal 1, 2, or more that identifies the distinct defrost cycle types applicable for the refrigerator or refrigerator-freezer;
- EP2\(_i\) = energy expended in kilowatt-hours during the second part of the test for defrost cycle type \( i \);
- T2\(_i\) = length of time in minutes of the second part of the test for defrost cycle type \( i \);
- CT\(_i\) = the compressor run time between instances of defrost cycle type \( i \), for long-time automatic defrost control equal to a fixed time in hours rounded to the nearest tenth of an hour, and for variable defrost control equal to \((CT_{TM} - CT_{TL})/F \times (CT_{TM} - CT_{TL} + CT_{Li})\);
- CT\(_{TM}\) = least or shortest compressor run time between instances of defrost cycle type \( i \) in hours rounded to the nearest tenth of an hour (CT\(_{TL}\) for the defrost cycle type with the longest compressor run time between defrosts must be greater than or equal to 6 but less than or equal to 12 hours);
- CT\(_{Li}\) = maximum compressor run time between instances of defrost cycle type \( i \) in hours rounded to the nearest tenth of an hour (greater than CT\(_{TL}\) but not more than 96 hours);
- For cases in which there are more than one fixed CT value (for long-time defrost models) or more than one CT\(_{TM}\) and/or CT\(_{Li}\) value (for variable defrost models) for a given defrost cycle type, an average fixed CT value or average CT\(_{TM}\) and CT\(_{Li}\) values shall be selected for this cycle type so that 12 divided by this value or values is the frequency of occurrence of the defrost cycle type in a 24 hour period, assuming 50% compressor run time.
- F = default defrost energy consumption factor, equal to 0.20.
- For variable defrost models with no values for CT\(_{TL}\) and CT\(_{TM}\) in the algorithm, the default values of 6 and 96 shall be used, respectively.
- D is the total number of distinct defrost cycle types.

IV. Summary and Request for Comments

Through today’s notice, DOE announces receipt of Samsung’s petition for waiver from certain parts of the test procedure applicable to refrigerator-freezers and grants an interim waiver to Samsung. DOE is publishing Samsung’s petition for waiver in its entirety pursuant to 10 CFR 430.27(b)(1)(iv). The petition contains no confidential information. The petition includes a suggested alternate test procedure to measure the energy consumption of refrigerator-freezer basic models that incorporate multiple defrost cycles.

DOE solicits comments from interested parties on all aspects of the petition. Pursuant to 10 CFR 430.27(b)(1)(iv), any person submitting written comments to DOE must also send a copy of such comments to the petitioner. The contact information for the petitioner is: Michael Moss, Director of Corporate Environmental Affairs, Samsung Electronics America, Inc., 19 Chapin Road, Building D, Pine Brook, NJ 07058. All submissions received must include the agency name and case number for this proceeding. Submit electronic comments in WordPerfect, Microsoft Word, Portable Document Format (PDF), or text (American Standard Code for Information Interchange (ASCII)) file format and avoid the use of special characters or any form of encryption. Wherever possible, include the electronic signature of the author. DOE does not accept telefacsimiles (faxes).

Issued in Washington, DC, on October 28, 2013.

Kathleen B. Hogan,
Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.

September 23, 2013
Dr. David Danielson
Energy Efficiency and Renewable Energy Department of Energy
1000 Independence Avenue, SW.
Washington, DC 20585

Dear Assistant Secretary Danielson:
Samsung Electronics America, Inc. ("Samsung") respectfully submits this Application for Interim Waiver and Petition for Waiver to the Department of Energy ("DOE" or "the Department") for Samsung’s compressor refrigerator-freezers with multiple defrost cycles.

Reasoning

10 CFR Part 430.27(a)(1) allows a person to submit a petition to waive for a particular basic model any requirements of § 430.23 upon the grounds that the basic model contains one or more design characteristics which either prevent testing of the basic model according to the prescribed test procedures, or the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption characteristics as to provide materially inaccurate comparative data.

Current test procedures as prescribed in Appendix A1 to Subpart B of Part 430 ("Appendix A1") do not adequately provide a way for Samsung to accurately represent the energy consumption of its refrigerator-freezers with multiple defrost cycles. DOE concurred with Samsung’s understanding in the interim waiver granted to Samsung in 76 FR 16760+ and subsequently granted the waiver on January 10, 2012 (77 FR 1474). Additionally, DOE communicated that all manufacturers planning on marketing refrigerator-freezers with multiple defrost cycles must seek a waiver from the Department.

For the reasons that DOE described in its granting of waiver (77 FR 1474) for Samsung refrigerator-freezers with multiple defrost cycles, Samsung believes that the granting of Interim Waiver and Waiver for the models listed below are warranted.

Request

Samsung requests that the alternate test procedure for refrigerators with multiple defrost cycles, as prescribed in the waiver (77 FR 1474) and in the interim waiver (77 FR 13109) granted to Samsung, be granted for the following basic Samsung refrigerator-freezers with multiple defrost cycles models:

RS22HD**

Please feel free to contact me if you have any questions regarding this Petition for Waiver and Application for Interim Waiver. I will be happy to discuss should any questions arise.

Sincerely,
Michael Moss
Director of Corporate Environmental Affairs

[FR Doc. 2013-26086 Filed 10–31–13; 8:45 am]
BILLING CODE 6450–01–P

2 DOE understands, however, that absent an interim waiver, Samsung’s products would not be accurately tested and rated for energy consumption because the current energy test procedure does not include test procedures for products with multiple defrost cycle types.

3 Until these amendments are required in conjunction with the 2014 standards, manufacturers introducing products equipped with multiple defrost cycle types should, consistent with 10 CFR 430.27, petition for a waiver since the modified version of Appendix A1 set out in today’s notice will not include a specified method for capturing this energy usage.