

sounds and video recording of pinniped behavior. Visual monitoring, before and after launches, is a scan of the haulout beaches to count pinnipeds over a wider field of view than can be captured by a stationary video camera. This is typically done over a 15–30 minute period. Visual monitoring is conducted while the equipment is being set up and broken down for video and acoustic monitoring. Video monitoring is conducted by recording continuously from a minimum of two hours before the event to approximately one hour after the event. These video and audio records will be used to document pinniped responses to the launches.

- *Acoustic Monitoring*—Acoustical recordings will be obtained during each monitored launch. These recordings will be suitable for quantitative analysis of the levels and characteristics of the received launch sounds.

- *Reporting*—A technical report will be submitted to the NMFS' Office of Protected Resources within 90 days from the date the IHA expires. This report will provide full documentation of methods, results, and interpretation pertaining to all monitoring tasks for launches activities at SNI that are covered under this IHA.

#### Preliminary Determinations

The Navy proposes target and missile launch activities identical to those covered in the previous IHAs. The methods of taking and effects of the action resulting in Level B harassment only remains the same as what was previously analyzed. When issuing the previous IHAs, NMFS found the Navy's target and missile launch activities would have a negligible impact to species or stocks' rates of recruitment and survival. This proposed IHA also carries over identical required mitigation, monitoring, and reporting measures as required under the previous IHAs. NMFS has preliminarily concluded that there is no new information suggesting that our analysis or findings should change from those reached for the previous IHAs. Based on the analysis in the previous IHAs, the likely effects of the specified activity on marine mammals and their habitat, as well as the previous monitoring results at SNI, NMFS likewise finds that the total marine mammal take from this proposed activity will have a negligible impact on all affected marine mammal species or stocks.

Based on the information contained here and in the referenced documents, NMFS has preliminarily determined the following: (1) The required mitigation measures will effect the least practicable impact on marine mammal species or

stocks and their habitat; (2) the proposed authorized takes will have a negligible impact on the affected marine mammal species or stocks; and (3) the Navy's activities will not have an unmitigable adverse impact on taking for subsistence purposes as no relevant subsistence uses of marine mammals are implicated by this action, and (4) appropriate monitoring and reporting requirements are included.

#### Endangered Species Act (ESA)

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA: 16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. No incidental take of ESA-listed species is authorized or expected to result from this activity. Therefore, formal consultation under section 7 of the ESA was not required for this action.

#### Proposed Authorization

As a result of these preliminary determinations, NMFS proposes to issue an IHA to the Navy for conducting target and missile launches on SNI, effective from June 12, 2021 through June 11, 2022, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated. A draft of the proposed IHA can be found at <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act>.

#### Request for Public Comments

We request comment on our analyses (included in both this document and the referenced documents supporting the previous IHAs), the proposed authorization, and any other aspect of this notice of proposed IHA for the proposed target and missile launch activities on SNI. Please include with your comments any supporting data or literature citations to help inform our final decision on the request for MMPA authorization.

Dated: April 29, 2021.

**Catherine Marzin,**

*Acting Director, Office of Protected Resources,  
National Marine Fisheries Service.*

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#### DEPARTMENT OF ENERGY

[Case Number 2020–005; EERE–2020–BT–WAV–0022]

#### Energy Conservation Program: Notification of Petition for Waiver of Vinotemp International Corp. From the Department of Energy Walk-in Coolers and Walk-in Freezers Test Procedure and Notification of Grant of Interim Waiver

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

**ACTION:** Notification of petition for waiver and grant of an interim waiver; request for comments.

**SUMMARY:** This document announces receipt of and publishes a petition for waiver and interim waiver from Vinotemp International Corp. (“Vinotemp”), which seeks a waiver for specified walk-in cooler refrigeration system basic models from the U.S. Department of Energy (“DOE”) test procedure used to determine the efficiency and energy consumption of walk-in coolers and walk-in freezers. DOE also gives notice of an Interim Waiver Order that requires Vinotemp to test and rate the specified walk-in cooler refrigeration system basic models in accordance with the alternate test procedure set forth in the Interim Waiver Order, which modifies the alternate test procedure suggested by Vinotemp. DOE solicits comments, data, and information concerning Vinotemp's petition, its suggested alternate test procedure, and the alternate test procedure specified in the Interim Waiver Order so as to inform DOE's final decision on Vinotemp's waiver request.

**DATES:** The Interim Waiver Order is effective on May 4, 2021. Written comments and information are requested and will be accepted on or before June 3, 2021.

**ADDRESSES:** Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at <http://www.regulations.gov>. Alternatively, interested persons may submit comments, identified by docket number EERE–2020–BT–WAV–0022, by any of the following methods:

1. *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

2. *Email:* to [Vinotemp2020WAV0022@ee.doe.gov](mailto:Vinotemp2020WAV0022@ee.doe.gov). Include docket number EERE–2020–BT–WAV–0022 in the subject line of the message.

No telefacsimiles (“faxes”) will be accepted. For detailed instructions on

submitting comments and additional information on this process, see the **SUPPLEMENTARY INFORMATION** section of this document.

*Although DOE has routinely accepted public comment submissions through a variety of mechanisms, including the Federal eRulemaking Portal, email, postal mail, or hand delivery/courier, the Department has found it necessary to make temporary modifications to the comment submission process in light of the ongoing Covid-19 pandemic. DOE is currently suspending receipt of public comments via postal mail and hand delivery/courier. If a commenter finds that this change poses an undue hardship, please contact Appliance Standards Program staff at (202) 586-1445 to discuss the need for alternative arrangements. Once the Covid-19 pandemic health emergency is resolved, DOE anticipates resuming all of its regular options for public comment submission, including postal mail and hand delivery/courier.*

**Docket:** The docket, which includes **Federal Register** notices, comments, and other supporting documents/materials, is available for review at <http://www.regulations.gov>. All documents in the docket are listed in the <http://www.regulations.gov> index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

The docket web page can be found at <https://www.regulations.gov/docket/EEER-2020-BT-WAV-0022>. The docket web page contains instruction on how to access all documents, including public comments, in the docket. See the **SUPPLEMENTARY INFORMATION** section for information on how to submit comments through <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Ms. Lucy deButts, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, Mailstop EE-5B, 1000 Independence Avenue SW, Washington, DC 20585-0121. Email: [AS\\_Waiver\\_Request@ee.doe.gov](mailto:AS_Waiver_Request@ee.doe.gov).

Mr. Michael Kido, U.S. Department of Energy, Office of the General Counsel, Mail Stop GC-33, Forrestal Building, 1000 Independence Avenue SW, Washington, DC 20585-0103. Telephone: (202) 586-8145. Email: [Michael.Kido@hq.doe.gov](mailto:Michael.Kido@hq.doe.gov)

**SUPPLEMENTARY INFORMATION:** DOE is publishing Vinotemp's petition for

waiver in its entirety,<sup>1</sup> pursuant to 10 CFR 431.401(b)(1)(iv).<sup>2</sup> DOE invites all interested parties to submit in writing by June 3, 2021, comments and information on all aspects of the petition, including the alternate test procedure. Pursuant to 10 CFR 431.401(d), 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: Mr. Alvin Patrick, [apatrick@vinotemp.com](mailto:apatrick@vinotemp.com), 732 S Racetrack Road Henderson, NV 89015.

**Submitting comments via <http://www.regulations.gov>** web page will require you to provide your name and contact information. Your contact information will be viewable to DOE Building Technologies staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). If your comment is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE cannot read your comment due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your comment.

However, your contact information will be publicly viewable if you include it in the comment or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. If this instruction is followed, persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to <http://www.regulations.gov> information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information ("CBI")). Comments submitted through <http://www.regulations.gov> cannot be claimed

<sup>1</sup> On December 11, 2020, DOE published an amendment to 10 CFR 431.401 regarding the processing of petitions for an interim waiver, which became effective beginning January 11, 2021. The subject petition was received prior to the effective date of that amendment and therefore is being processed pursuant to the regulation in effect at the time of receipt. References to 10 CFR 430.27 in this notification refer to the 10 CFR 431.401 in the 10 CFR parts 200 to 499 edition revised as of January 1, 2021.

<sup>2</sup> The petition did not identify any of the information contained therein as confidential business information.

as CBI. Comments received through the website will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section.

DOE processes submissions made through <http://www.regulations.gov> before posting. Normally, comments will be posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your comment may not be viewable for up to several weeks. Please keep the comment tracking number that <http://www.regulations.gov> provides after you have successfully uploaded your comment.

**Submitting comments via email.** Comments and documents submitted via email also will be posted to <http://www.regulations.gov>. If you do not want your personal contact information to be publicly viewable, do not include it in your comment or any accompanying documents. Instead, provide your contact information in a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. The cover letter will not be publicly viewable as long as it does not include any comments.

Include contact information each time you submit comments, data, documents, and other information to DOE. Faxes will not be accepted.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are not secured, written in English and free of any defects or viruses. Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

**Campaign form letters.** Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters' names compiled into one or more PDFs. This reduces comment processing and posting time.

**Confidential Business Information.** According to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email two well-marked copies: one copy of the document marked confidential including all the information believed to be confidential, and one copy of the document marked "non-confidential"

with the information believed to be confidential deleted. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

It is DOE's policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

## Case Number 2020-005

### Interim Waiver Order

#### I. Background and Authority

The Energy Policy and Conservation Act, as amended ("EPCA"),<sup>3</sup> authorizes the U.S. Department of Energy ("DOE") to regulate the energy efficiency of a number of consumer products and certain industrial equipment. (42 U.S.C. 6291-6317) Title III, Part C<sup>4</sup> of EPCA, added by the National Energy Conservation Policy Act, Public Law 95-619, sec. 441 (Nov. 9, 1978), established the Energy Conservation Program for Certain Industrial Equipment, which sets forth a variety of provisions designed to improve the energy efficiency for certain types of industrial equipment. Through amendments brought about by the Energy Independence and Security Act of 2007, Public Law 110-140, sec. 312 (Dec. 19, 2007), this equipment includes walk-in coolers and walk-in freezers, the subject of this Interim Waiver Order. (42 U.S.C. 6311(1)(G))

The energy conservation program under EPCA consists essentially of four parts: (1) Testing, (2) labeling, (3) Federal energy conservation standards, and (4) certification and enforcement procedures. Relevant provisions of EPCA include definitions (42 U.S.C. 6311), test procedures (42 U.S.C. 6314), labeling provisions (42 U.S.C. 6315), energy conservation standards (42 U.S.C. 6313), and the authority to require information and reports from manufacturers (42 U.S.C. 6316(a); 42 U.S.C. 6299)

The Federal testing requirements consist of test procedures that manufacturers of covered equipment must use as the basis for: (1) Certifying to DOE that their equipment complies with the applicable energy conservation standards adopted pursuant to EPCA (42 U.S.C. 6316(a); 42 U.S.C. 6295(s)), and (2) making representations about the

efficiency of that equipment (42 U.S.C. 6314(d)). Similarly, DOE must use these test procedures to determine whether the equipment complies with relevant standards promulgated under EPCA. (42 U.S.C. 6316(a); 42 U.S.C. 6295(s))

Under 42 U.S.C. 6314, EPCA sets forth the criteria and procedures DOE is required to follow when prescribing or amending test procedures for covered equipment. EPCA requires that any test procedures prescribed or amended under this section must be reasonably designed to produce test results which reflect the energy efficiency, energy use or estimated annual operating cost of covered products and equipment during a representative average use cycle and requires that test procedures not be unduly burdensome to conduct. (42 U.S.C. 6314(a)(2)) The test procedure used to determine the net capacity and annual walk-in energy factor ("AWEF") of walk-in cooler and walk-in freezer refrigeration systems is contained in the Code of Federal Regulations ("CFR") at 10 CFR part 431, subpart R, appendix C, *Uniform Test Method for the Measurement of Net Capacity and AWEF of Walk-in Cooler and Walk-in Freezer Refrigeration Systems* ("Appendix C").

Under 10 CFR 431.401,<sup>5</sup> any interested person may submit a petition for waiver from DOE's test procedure requirements. DOE will grant a waiver from the test procedure requirements if DOE determines either that the basic model for which the waiver was requested contains a design characteristic that prevents testing of the basic model according to the prescribed test procedures, or that 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. See 10 CFR 431.401(f)(2). A petitioner must include in its petition any alternate test procedures known to the petitioner to evaluate the performance of the equipment type in a manner representative of its energy consumption characteristics of the basic model. See 10 CFR 431.401(b)(1)(iii). DOE may grant the waiver subject to conditions, including adherence to

alternate test procedures. See 10 CFR 431.401(f)(2).

As soon as practicable after the granting of any waiver, DOE will publish in the **Federal Register** a notice of proposed rulemaking to amend its regulations so as to eliminate any need for the continuation of such waiver. See 10 CFR 431.401(1). As soon thereafter as practicable, DOE will publish in the **Federal Register** a final rule to that effect. *Id.*

The waiver process also provides that DOE may grant an interim waiver if it appears likely that the underlying petition for waiver will be granted and/or if DOE determines that it would be desirable for public policy reasons to grant immediate relief pending a determination on the underlying petition for waiver. See 10 CFR 431.401(e)(2). Within one year of issuance of an interim waiver, DOE will either: (i) Publish in the **Federal Register** a determination on the petition for waiver; or (ii) publish in the **Federal Register** a new or amended test procedure that addresses the issues presented in the waiver. 10 CFR 431.401(h)(1).

When DOE amends the test procedure to address the issues presented in a waiver, the waiver will automatically terminate on the date on which use of that test procedure is required to demonstrate compliance. 10 CFR 431.401(h)(2).

#### II. Vinotemp's Petition for Waiver and Application for Interim Waiver

DOE received an email, docketed on June 29, 2020, in which Vinotemp submitted a petition for interim waiver from the test procedure for walk-in cooler and walk-in freezer refrigeration systems set forth at Appendix C (Vinotemp, No. 1).<sup>6</sup> By letter docketed on December 10, 2020, Vinotemp submitted a petition for waiver for certain basic models of wine cellar cooling systems to supplement their original interim waiver request (Vinotemp, No. 3). This version also explicitly stated that none of the basic models could operate below 45 °F and provided tested external static pressure values for the subject basic models. Vinotemp included additional basic models and clarified specified maximum external static pressure values (rather than tested values) for the specified basic models in an updated

<sup>3</sup> All references to EPCA in this document refer to the statute as amended through the Energy Act of 2020, Public Law 116-260 (Dec. 27, 2020).

<sup>4</sup> For editorial reasons, upon codification in the U.S. Code, Part C was redesignated as Part A-1.

<sup>5</sup> On December 11, 2020, DOE amended 10 CFR 431.401 regarding the processing of petitions for an interim waiver that became effective on January 11, 2021. The subject petition was received prior to the effective date of that amendment and therefore is being processed pursuant to the regulation in effect at the time of receipt. Accordingly, all references to 10 CFR 430.27 in this notification refer to the 10 CFR 431.401 in the 10 CFR parts 200 to 499 edition revised as of January 1, 2021, prior to when the aforementioned amendments became effective.

<sup>6</sup> A notation in the form "Vinotemp, No. 1" identifies a written submission: (1) Made by Vinotemp; and (2) recorded in document number 1 that is filed in the docket of this petition for waiver (Docket No. EERE-2020-BT-WAV-0022) and available at <http://www.regulations.gov>.

petition for interim waiver, received on March 11, 2021 (Vinotemp, No. 10).

The primary assertion in the petition, absent an interim waiver, is that the prescribed test procedure would evaluate the specified basic models in a manner so unrepresentative of their true energy consumption as to provide materially inaccurate comparative data. As presented in Vinotemp's petition, the specified basic models of walk-in cooler refrigeration systems operate at a temperature range of 45–65 °F; higher than that of a typical walk-in cooler refrigeration system. Thus, the 35 °F temperature specified in the DOE test procedure for medium-temperature walk-in refrigeration systems would result in the prescribed test procedures evaluating the specified basic models in a manner so unrepresentative of their true energy consumption characteristics as to provide materially inaccurate comparative data. Vinotemp also states that the specified basic models are “wine cellar cooling systems” that operate at temperature and relative humidity ranges optimized for the long-term storage of wine and are usually located in air-conditioned spaces. Vinotemp contends that because of these characteristics, wine cellar walk-in refrigeration systems differ in their walk-in box temperature setpoint, walk-in box relative humidity, low/high load split,<sup>7</sup> and compressor efficiency from other walk-in cooler refrigeration systems.

Vinotemp states that the specified basic models are designed to provide a cold environment at a temperature range between 45–65 °F with 50–70 percent relative humidity (“RH”), and typically are kept at 55 °F and 50–70 percent RH rather than the 35 °F and <50 percent RH test condition prescribed by the DOE test procedure. Vinotemp states that the refrigeration systems are designed solely for the purpose of long-term wine storage to mimic the temperature and humidity of natural caves. Vinotemp also asserts that wine cellars are optimized to operate within such temperature and relative humidity ranges that they cannot operate at the 35 °F air temperature condition.

<sup>7</sup> The DOE test procedure incorporates by reference Air-Conditioning, Heating, and Refrigeration Institute (“AHRI”) Test Standard 1250–2009, “Standard for Performance Rating of Walk-in Coolers and Freezers” (including Errata sheet dated December 2015) (“AHRI 1250–2009”). Section 6 of that standard defines walk-in box thermal loads as a function of refrigeration system net capacity for both high-load and low-load periods. The waiver petition asserts that wine cellars do not have distinct high and low load periods, and that the box load levels in the test standard are not representative for wine cellar refrigeration systems.

Although not specifically addressed in Vinotemp's request for waiver, DOE notes that operating a wine cellar at the 35 °F condition would adversely mechanically alter the intended performance of the system, which would include icing of the evaporator coil that could potentially damage the compressor, and would not result in an accurate representation of the performance of the cooling unit.

Additionally, the “Self-contained” and “Self-packaged” basic models of walk-in refrigeration systems identified in Vinotemp's waiver petition are single-package systems. Although not explicitly identified by Vinotemp, DOE recognizes that because of their single-package design, these basic models have insufficient space within the units and insufficient lengths of liquid line and evaporator outlet line for the dual mass flow meters and the dual temperature and pressure measurements required by the test procedure's refrigerant enthalpy method. AHRI 1250–2009 does not include specific provisions for testing single-package systems and testing these basic models using the refrigerant enthalpy method as required by Appendix C would require extensive additional piping to route the pipes out of the system where the components can be installed, and then to route them back in to enable the system to operate during testing.<sup>8</sup> This additional piping would impact unit performance, likely be inconsistent between test labs, and result in unrepresentative test values for the unit under test. AHRI has published a revised version of the test standard that provides provisions for single-package systems without requiring extensive additional piping (AHRI 1250–2020, *2020 Standard for Performance Rating of Walk-in Coolers and Freezers*). As discussed below, the interim waiver alternative test procedure presented for comment in this notification adopts the new test methods included in AHRI 1250–2020 for single-package units.

DOE has received multiple waiver and interim waiver requests from wine cellar manufacturers regarding the

<sup>8</sup> In a waiver granted to Store It Cold for certain models of single-package units, DOE acknowledged a similar issue in which the additional piping necessary to install the required testing components would affect performance of the units, rendering the results unrepresentative. See 84 FR 39286 (Aug. 9, 2019). In the case of the waiver granted to Store It Cold, the refrigerant enthalpy method yielded inaccurate data for the specified basic models compared to the basic models' true performance characteristics because of the additional piping required to attach the testing components required by the refrigerant enthalpy test. The same issues are present for the specified basic Self-contained and Self-packaged single-package basic models included in Vinotemp's waiver petition.

limitations of Appendix C. In light of these requests, DOE met with both AHRI and the wine cellar walk-in refrigeration system manufacturers to develop a consistent and representative alternate test procedure that would be relevant to each waiver request. Ultimately, AHRI sent a letter to DOE on August 18, 2020, summarizing the industry's position on several issues (“AHRI August 2020 Letter”).<sup>9</sup> This letter documents industry support for specific wine cellar walk-in refrigeration system test procedure requirements, allowing the provisions to apply only to refrigeration systems with a minimum operating temperature of 45 °F, since wine cellar system controls and unit design specifications prevent these walk-ins from reaching a temperature below 45 °F. A provision for testing walk-in wine cellar refrigeration systems at an external static pressure (“ESP”) <sup>10</sup> of 50 percent of the maximum ESP to be specified by manufacturers for each basic model (AHRI August 2020 Letter) is also included.

Vinotemp submitted an updated petition for waiver and interim waiver docketed on December 10, 2020 (Vinotemp, No. 3). The updated petition states that all basic models listed in the petition for waiver and interim waiver have a minimum operating temperature of 45 °F and provides ESP test values for specified ducted self-contained and ducted split-system basic models. At DOE's request, Vinotemp provided an updated petition for interim waiver on March 11, 2021 (Vinotemp, No. 10) that included the maximum ESP values for additional models and a statement identifying that the ESP values provided for all of the specified basic models are maximum ESP values.

Vinotemp requests an interim waiver from the existing DOE test procedure. DOE will grant an interim waiver if it appears likely that the petition for waiver will be granted, and/or if DOE determines that it would be desirable for public policy reasons to grant immediate relief pending a determination of the petition for waiver. See 10 CFR 431.401(e)(2).

### III. Requested Alternate Test Procedure

EPCA requires that manufacturers use the applicable DOE test procedures

<sup>9</sup> DOE's meetings with Vinotemp and other wine cellar refrigeration systems manufacturers were conducted consistent with the Department's *ex parte* meeting guidance (74 FR 52795; October 14, 2009). The AHRI August 2020 letter memorializes this communication and is provided in Docket No. EERE-2020-BT-WAV-0022-0002.

<sup>10</sup> External static pressure is the sum of all the pressure resisting the fans. In this case, this is chiefly the resistance generated by the air moving through ductwork.

when making representations about the energy consumption and energy consumption costs of covered equipment. (42 U.S.C. 6314(d)). Consistency is important when making representations about the energy efficiency of products and equipment, including when demonstrating compliance with applicable DOE energy conservation standards. Pursuant to its regulations at 10 CFR 431.401, and after consideration of public comments on the petition, DOE may establish in a subsequent Decision and Order an alternate test procedure for the basic models addressed by the Interim Waiver Order.

Vinotemp seeks to use an approach that would test and rate specific wine cellar walk-in refrigeration system basic models. The company's suggested approach specifies using an air-return temperature of 55 °F, as opposed to the 35 °F requirement prescribed in the current DOE test procedure. Vinotemp also suggests using an air-return relative humidity of 55 percent, as opposed to <50 percent RH as prescribed in the current DOE test procedure. Additionally, Vinotemp suggests using a condenser air temperature of 90 °F for both indoor and outdoor systems, rather than the DOE test procedure-prescribed temperatures of 90 °F for indoor condenser systems and 95 °F for outdoor condenser systems.<sup>11</sup> Finally, Vinotemp requests that a correction factor of 0.55 be applied to the final AWEF calculation to account for the different usage of the specified basic models as compared to walk-in cooler refrigeration systems generally. Vinotemp cited the use of such a correction factor for coolers<sup>12</sup> and combination cooler refrigeration products under DOE's test procedure for miscellaneous refrigeration products at 10 CFR part 430, subpart B, appendix A.

#### IV. Interim Waiver Order

DOE has reviewed Vinotemp's application, its suggested testing approach, representations of the specified basic models on the website for the Wine Mate brand, related product catalogs, and information provided by Vinotemp and other wine cellar walk-in refrigeration system

<sup>11</sup> AHRI 1250–2009 Section 5 identifies the condenser air entering dry-bulb temperature for indoor condensing unit testing as 90 °F and for outdoor units as a series of tests at 95 °F, 59 °F, and 35 °F.

<sup>12</sup> A cooler is a cabinet, used with one or more doors, that has a source of refrigeration capable of operating on single-phase, alternating current and is capable of maintaining compartment temperatures either: (1) No lower than 39 °F (3.9 °C); or (2) In a range that extends no lower than 37 °F (2.8 °C) but at least as high as 60 °F (15.6 °C). 10 CFR 430.2.

manufacturers in meetings with DOE. Based on this review, DOE is granting an interim waiver that requires testing with a modified version of the testing approach suggested by Vinotemp.

The modified testing approach would apply to the models specified in Vinotemp's waiver petition that include two categories of WICF refrigeration systems, *i.e.*, single package and split (matched) systems. The "Self-packaged" and "Self-contained" systems as identified in the waiver petition are single-package systems. The basic models that are self-contained systems ("HZD" model numbers) are designed for installation through the wall of a wine cellar, while the basic models that are ducted self-contained systems ("DS" model numbers) are designed to be installed remotely from the wine cellar and provide cooling by circulating air through ducts from the wine cellar to the unit and back. The "Split" basic models as identified in the waiver petition are split (matched) systems, in which refrigerant circulates between the "evaporator unit" (unit cooler) portion of the unit and the "condensing unit" of the system. The refrigerant cools the wine cellar air in the evaporator unit, while the condensing unit rejects heat from the refrigeration system in a remote location, often outside. The evaporator unit of the ducted split systems ("SSH" model numbers) circulates air through ducts from the wine cellar to the evaporator unit and back to provide cooling, while the evaporator unit of the ductless split systems (those with "SSA," "SSD," "SSS," "SSI," "SSO," "SSL," "SSR," and "SSV" model numbers) is installed either partially or entirely in the wine cellar, allowing direct cooling. The capacity of the specified basic models ranges from 2,500 Btu/h to 12,000 Btu/h for the specified operating conditions for each of the models.<sup>13</sup>

DOE considers the operating temperature range of the specified basic models to be integral to its analysis of whether such models require a test procedure waiver. Grant of the interim waiver and its alternative test procedure to the specified basic models listed in the petition is based upon Vinotemp's representation that the operating range for the basic models listed in the interim waiver does not extend below 45 °F.

<sup>13</sup> The operating condition for all specified models is 55 °F cellar temperature. All models except the HZD models specify a 90 °F condensing ambient temperature. Relative humidity for all basic models and condensing ambient temperature for the HZD basic models are not specified. An example of a specified model with capacity information based on these conditions can be found at <https://www.vinotemp.com/wine-mate-6500ssh-split-central-ducted-wine-cooling-system>.

The alternate test procedure specified in the Interim Waiver Order requires testing the specified basic models according to Appendix C with the following changes. The required alternate test procedure specifies an air entering dry-bulb temperature of 55 °F and a relative humidity of 55 percent. The alternate test procedure also specifies that the capacity measurement for the specified basic models that are single-package systems (*i.e.*, the self-contained systems) be conducted using a primary and a secondary capacity measurement method as specified in AHRI 1250–2020, using two of the following: The indoor air enthalpy method; the outdoor air enthalpy method; the compressor calibration method; the indoor room calorimeter method; the outdoor room calorimeter method; or the balanced ambient room calorimeter method.

The required alternate test procedure also includes the following additional modifications to Vinotemp's suggested approach: For systems that can be installed with (1) ducted evaporator air, (2) with or without ducted evaporator air, (3) ducted condenser air, or (4) with or without ducted condenser air, testing would be conducted at 50 percent of the maximum ESP, consistent with the AHRI August 2020 Letter recommendations, subject to a tolerance of  $-0.00/+0.05$  in. wc.<sup>14</sup> DOE understands that maximum ESP is generally not published in available literature such as installation instructions, but manufacturers do generally specify the size and maximum length of ductwork that is acceptable for any given unit in such literature. The duct specifications determine what ESP would be imposed on the unit in field operation.<sup>15</sup> The provision of allowable duct dimensions is more convenient for installers than maximum ESP, since it relieves the installer from having to perform duct pressure drop calculations to determine ESP. DOE independently calculated the maximum pressure drop over a range of common duct roughness values<sup>16</sup> using duct lengths and

<sup>14</sup> Inches of water column ("in. wc") is a unit of pressure conventionally used for measurement of pressure differentials.

<sup>15</sup> The duct material, length, diameter, shape, and configuration are used to calculate the ESP generated in the duct, along with the temperature and flow rate of the air passing through the duct. The conditions during normal operation that result in a maximum ESP are used to calculate the reported maximum ESP values, which are dependent on individual unit design and represent manufacturer-recommended installation and use.

<sup>16</sup> Calculations were conducted over an absolute roughness range of 1.0–4.6 mm for flexible duct as defined in pages 1–2 of an OSTI Journal Article on pressure loss in flexible HVAC ducts at <https://www.osti.gov/servlets/purl/836654> (Docket No.

diameters published in Vinotemp's installation manuals.<sup>17</sup> DOE's calculations show reasonable agreement with the maximum ESP values provided by Vinotemp for the specified basic models. Given that the number and degree of duct bends and duct type will vary by installation, DOE found the maximum ESP values provided by Vinotemp to be sufficiently representative.

Selection of a representative ESP equal to half the maximum ESP is based on the expectation that most installations will require less than the maximum allowable duct length. In the absence of field data, DOE expects that a range of duct lengths from the minimal length to the maximum allowable length would be used; thus, DOE believes that half of the maximum ESP would be representative of most installations. For basic models with condensing or evaporator units that are not designed for the ducting of air, this design characteristic must be clearly stated.

Additionally, if there are multiple condenser or evaporator unit fan speed settings, the speed setting used would be as instructed in the unit's installation instructions. However, if the installation instructions do not specify a fan speed setting for ducted installation, systems that can be installed with ducts would be tested with the highest available fan speed. The ESP would be set for testing either by symmetrically restricting the outlet duct<sup>18</sup> or, if using the indoor air enthalpy method, by adjusting the airflow measurement apparatus blower.

The alternate test procedure also describes the requirements for measurement of ESP consistent with provisions provided in AHRI 1250–2020 when using the indoor air enthalpy method with unit coolers.

Additionally, the alternate test procedure indicates that specified basic models that are split systems must be tested as matched pairs. According to Vinotemp's petition, the walk-in refrigeration system basic models that are split-systems are sold as full systems (*i.e.*, matched pairs) rather than as individual unit cooler and condenser components. This Interim Waiver Order provides no direction regarding refrigerant line connection operating

conditions, and as such is inapplicable to testing the basic models as individual components. Consequently, the Interim Waiver Order addresses only matched-pair testing of the specified basic models that are split-systems.

Contrary to Vinotemp's request, DOE is not modifying the condenser air entering dry bulb temperature for outdoor condensers. Vinotemp had suggested a 90 °F condenser air entering dry bulb temperature in its waiver request; however, the company did not provide technical justification for this request. The DOE test procedure currently requires a condenser air entering dry bulb temperature of 90 °F for condensing units located indoors (see Table 3, AHRI 1250–2009, "Fixed Capacity Matched Refrigeration System, Condensing Unit located Indoors") and condenser air entering dry bulb temperatures of 95 °F, 59 °F, and 35 °F for condensing units located outdoors (see Table 4, AHRI 1250–2009, "Fixed Capacity Matched Refrigerator System, Condensing Unit Located Outdoors"). Vinotemp notes that wine cellars are usually located in air-conditioned spaces; however, the company's wine cellar refrigeration systems are available for both indoor and outdoor use. To ensure that the test procedure remains relevant to outdoor units, DOE has determined that outdoor wine cellar refrigeration units must be tested at 95 °F, 59 °F, and 35 °F, consistent with the current DOE test procedure.

DOE notes that, despite the request from Vinotemp, it is also not including a 0.55 correction factor in the alternate test procedure required by the Interim Waiver Order. The company had observed that the test procedure in appendix A to subpart B of 10 CFR part 430 ("Appendix A"), includes such a factor to account for the difference in use and loading patterns of coolers (*e.g.*, self-contained wine chiller cabinets) as compared to other residential refrigeration products and sought to include a factor as part of its petition. Coolers, like other residential refrigeration products, are tested in a 90 °F room without door openings (section 2.1.1 of Appendix A). The intent of the energy test procedure for residential refrigeration products is to simulate operation in typical room conditions (72 °F) with door openings by testing at 90 °F ambient temperature without door openings. 10 CFR 430.23(ff)(7). In section 5.2.1.1 of Appendix A, a correction factor of 0.55 is applied to the measured energy consumption of coolers so that measuring energy consumption at 90 °F ambient temperature without door openings provides test results that are

representative of consumer usage at 72 °F ambient temperature with door openings. Specifically, the 0.55 correction factor reflects that (1) closed-door operation of self-contained coolers in typical 72 °F room conditions results in an average energy consumption 0.46 times the value measured at the 90 °F ambient temperature specified by the test procedure; and (2) expected door openings of a self-contained wine chiller would add an additional 20% thermal load. Multiplying 0.46 by 1.2 results in the overall correction factor of 0.55. See 81 FR 46768, 46782 (July 18, 2016) (final rule for miscellaneous refrigeration products).

In contrast, these same closed-door conditions on which the miscellaneous refrigeration correction factor is based are not present in the test procedure for walk-in cooler refrigeration systems. The WICF test procedure does not provide for closed-door testing at elevated ambient temperatures as the test procedure for residential refrigeration products does because walk-ins are tested and rated by component, with a walk-in refrigeration system tested and rated separately from a walk-in enclosure (panels and doors). See 76 FR 21580 (April 15, 2011). Walk-in refrigeration load is set by using a representative ratio of box load to capacity (see discussion below). As a result, applying the 0.55 correction factor as suggested by Vinotemp is not appropriate for the specified basic models.

Further, Vinotemp asserted that the suggested 0.55 correction factor was to address the differences in average usage of the specified basic models as compared to walk-in cooler refrigeration systems more generally. AHRI 1250–2009 accounts for percent run time in the AWEF calculation by setting walk-in box load equal to specific fractions of refrigeration system net capacity—the fractions are defined based on whether the refrigeration system is for cooler or freezer applications, and whether it is designed for indoor or outdoor installation (see sections 6.2 (applicable to coolers) and 6.3 (applicable to freezers) of AHRI 1250–2009). The alternate test procedure provided by this interim waiver requires calculating AWEF based on setting the walk-in box load equal to half of the refrigeration system net capacity, without variation according to high and low load periods and without variation with outdoor air temperature for outdoor refrigeration systems. Setting the walk-in box load equal to half the refrigeration system net capacity results in a refrigeration system run time fraction slightly above 50 percent, which is in the range suggested

EERE–2020–BT–WAV–0022–0005) and available at <http://www.regulations.gov>.

<sup>17</sup> Duct lengths and diameters can be found in Vinotemp's installation manuals at <http://www.regulations.gov> Docket No. EERE–2020–BT–WAV–0022–0006, Docket No. EERE–2020–BT–WAV–0022–0007, and Docket No. EERE–2020–BT–WAV–0022–0008.

<sup>18</sup> This approach is used for testing of furnace fans, as described in Section 8.6.1.1 of 10 CFR part 430, appendix AA to subpart B.

by Vinotemp as being representative for the specified basic models. As previously discussed, walk-in energy consumption is determined by component, with separate test procedures for walk-in refrigeration systems, doors, and panels. Section 6 of AHRI 1250–2009 provides equations for determining refrigeration box load as a function of refrigeration system capacity. Using these equations with an assumed load factor of 50 percent maintains consistency with Appendix C while providing an appropriate load

fraction for wine cellar refrigeration systems. Accordingly, DOE has declined to adopt a correction factor for the equipment at issue.

Based on DOE’s review of Vinotemp’s petition, the required alternate test procedure laid out in the Interim Waiver Order appears to allow for the accurate measurement of energy efficiency of the specified basic models, while alleviating the testing issues associated with Vinotemp’s implementation of wine cellar walk-in refrigeration system testing for these basic models. Consequently, DOE has determined that

Vinotemp’s petition for waiver will likely be granted. Furthermore, DOE has determined that it is desirable for public policy reasons to grant Vinotemp immediate relief pending a determination of the petition for waiver.

For the reasons stated, it is *Ordered* that:

(1) Vinotemp International Corp. must test and rate the following Wine Mate-branded wine cellar walk-in refrigeration system basic models with the alternate test procedure set forth in paragraph (2).

VINOTEMP BASIC MODELS

Brand name	Configuration	Basic model No.
Wine Mate	Single-Packaged	WM–2500HZD.
Wine Mate	Single-Packaged	WM–4500HZD.
Wine Mate	Single-Packaged	WM–6500HZD.
Wine Mate	Single-Packaged	WM–8500HZD.
Wine Mate	Single-Packaged	WM–4510HZD.
Wine Mate	Single-Packaged	WM–6510HZD.
Wine Mate	Single-Packaged	WM–8510HZD.
Wine Mate	Single-Packaged	WM–4500DS.
Wine Mate	Single-Packaged	WM–6500DS.
Wine Mate	Single-Packaged	WM–8500DS.
Wine Mate	Single-Packaged	WM–12030DS.
Wine Mate	Matched	WM–2500SSA.
Wine Mate	Matched	WM–2500SSD.
Wine Mate	Matched	WM–2500SSH.
Wine Mate	Matched	WM–2500SSL.
Wine Mate	Matched	WM–2500SSI.
Wine Mate	Matched	WM–2500SSO.
Wine Mate	Matched	WM–2500SSR.
Wine Mate	Matched	WM–2500SSV.
Wine Mate	Matched	WM–2500SSW.
Wine Mate	Matched	WM–4500SSA.
Wine Mate	Matched	WM–4500SSD.
Wine Mate	Matched	WM–4500SSH.
Wine Mate	Matched	WM–4500SSL.
Wine Mate	Matched	WM–4500SSI.
Wine Mate	Matched	WM–4500SSO.
Wine Mate	Matched	WM–4500SSR.
Wine Mate	Matched	WM–4500SSS.
Wine Mate	Matched	WM–4500SSV.
Wine Mate	Matched	WM–4500SSW.
Wine Mate	Matched	WM–6500SSA.
Wine Mate	Matched	WM–6500SSD.
Wine Mate	Matched	WM–6500SSH.
Wine Mate	Matched	WM–6500SSL.
Wine Mate	Matched	WM–6500SSR.
Wine Mate	Matched	WM–6500SSV.
Wine Mate	Matched	WM–8500SSA.
Wine Mate	Matched	WM–8500SSD.
Wine Mate	Matched	WM–8500SSH.
Wine Mate	Matched	WM–8500SSL.
Wine Mate	Matched	WM–8500SSS.
Wine Mate	Matched	WM–12000SSA.
Wine Mate	Matched	WM–12000SSD.
Wine Mate	Matched	WM–12000SSH.
Wine Mate	Matched	WM–12000SSS.

(2) The alternate test procedure for the Vinotemp basic models identified in paragraph (1) of this Interim Waiver Order is the test procedure for Walk-in Cooler Refrigeration Systems prescribed by DOE at 10 CFR part 431, subpart R,

appendix C (“Appendix C to Subpart R”), except as detailed below. All other requirements of Appendix C to Subpart R, and DOE’s regulations remain applicable.

In Appendix C to Subpart R, revise section 3.1.1 (which specifies modifications to AHRI 1250–2009 (incorporated by reference; see § 431.303)) to read:



3.1.1. In Table 1, Instrumentation Accuracy, refrigerant temperature measurements shall have an accuracy of ±0.5 °F for unit cooler in/out. Measurements used to determine temperature or water vapor content of the air (*i.e.* wet bulb or dew point) shall be accurate to within ±0.25 °F; all

other temperature measurements shall be accurate to within ±1.0 °F.

In Appendix C to Subpart R, revise section 3.1.4 (which specifies modifications to AHRI 1250–2009) and

add modifications of AHRI 1250–2009 Tables 3 and 4 to read:

3.1.4. In Tables 3 and 4 of AHRI 1250–2009, Section 5, the Condenser Air Entering Wet-Bulb Temperature requirement applies only to single-packaged dedicated systems. Tables 3 and 4 shall be modified to read:

**TABLE 3—FIXED CAPACITY MATCHED REFRIGERATOR SYSTEM AND SINGLE-PACKAGED DEDICATED SYSTEM, CONDENSING UNIT LOCATED INDOOR**

Test description	Unit cooler air entering dry-bulb, °F	Unit cooler air entering relative humidity, % <sup>1</sup>	Condenser air entering dry-bulb, °F	Maximum condenser air entering wet-bulb, °F	Compressor status	Test objective
Evaporator Fan Power ..	55	55	.....	.....	.....	Measure fan input wattage. <sup>2</sup> Determine Net Refrigeration Capacity of Unit Cooler, input power, and EER at Rating Condition.
Refrigeration Capacity ..	55	55	90	<sup>3</sup> 65	Compressor On ....	

- Notes:**  
 1. The test condition tolerance (maximum permissible variation of the average value of the measurement from the specified test condition) for relative humidity is 3%.  
 2. Measure fan input wattage either by measuring total system power when the compressor and condenser are turned off or by separately submetering the evaporator fan.  
 3. Maximum allowable value for Single-Packaged Systems that do not use evaporative Dedicated Condensing Units, where all or part of the equipment is located in the outdoor room.

**TABLE 4—FIXED CAPACITY MATCHED REFRIGERATOR SYSTEM AND SINGLE-PACKAGED DEDICATED SYSTEM, CONDENSING UNIT LOCATED OUTDOOR**

Test description	Unit cooler air entering dry-bulb, °F	Unit cooler air entering relative humidity, % <sup>1</sup>	Condenser air entering dry-bulb, °F	Maximum condenser air entering wet-bulb, °F	Compressor status	Test objective
Evaporator Fan Power ..	55	55	.....	.....	.....	Measure fan input wattage. <sup>2</sup> Determine Net Refrigeration Capacity of Unit Cooler, input power, and EER at Rating Condition.
Refrigeration Capacity A	55	55	95	<sup>3</sup> 68	Compressor On ....	
Refrigeration Capacity B	55	55	59	<sup>3</sup> 46	Compressor On ....	Determine Net Refrigeration Capacity of Unit Cooler and system input power at moderate condition.
Refrigeration Capacity C	55	55	35	<sup>3</sup> 29	Compressor On ....	Determine Net Refrigeration Capacity of Unit Cooler and system input power at cold condition.

- Notes:**  
 1. The test condition tolerance (maximum permissible variation of the average value of the measurement from the specified test condition) for relative humidity is 3%.  
 2. Measure fan input wattage either by measuring total system power when the compressor and condenser are turned off or by separately submetering the evaporator fan.  
 3. Maximum allowable value for Single-Packaged Dedicated Systems that do not use evaporative Dedicated Condensing Units, where all or part of the equipment is located in the outdoor room.

In Appendix C to Subpart R, following section 3.2.5 (instructions regarding modifications to AHRI 1250–2009), add sections 3.2.6 and 3.2.7 to read:

3.2.6 The purpose in section C1 of appendix C is modified by extending it to include Single-Packaged Dedicated Systems.

3.2.7 For general test conditions and data recording (appendix C, section C7), the test acceptance criteria in Table 2 and the data to be recorded in Table C2 apply to the Dual Instrumentation and Calibrated Box methods of test.

In Appendix C to Subpart R, revise section 3.3 to read:

3.3. *Matched systems, single-packaged dedicated systems, and unit coolers tested alone:* Test any split system wine cellar walk-in refrigeration system as a matched pair. Any condensing unit or unit cooler component must be matched with a corresponding counterpart for testing. Use

the test method in AHRI 1250–2009 (incorporated by reference; see § 431.303), appendix C as the method of test for matched refrigeration systems, single-packaged dedicated systems, or unit coolers tested alone, with the following modifications:

\* \* \* \* \*

In Appendix C to Subpart R, revise sections 3.3.3 through 3.3.3.2 to read:

3.3.3 *Evaporator fan power.*

3.3.3.1 The unit cooler fan power consumption shall be measured in accordance with the requirements in Section C3.5 of AHRI 1250–2009. This measurement shall be made with the fan operating at full speed, either measuring unit cooler or total system power input upon the completion of the steady state test when the compressors and condenser fan of the walk-in system is turned off, or by submetered measurement of the evaporator fan power during the steady state test.

Section C3.5 of AHRI 1250–2009 is revised to read:

*Unit Cooler Fan Power Measurement.* The following shall be measured and recorded during a fan power test.

- EF<sub>comp,on</sub>* Total electrical power input to fan motor(s) of Unit Cooler, W
- FS* Fan speed (s), rpm
- N* Number of motors
- P<sub>b</sub>* Barometric pressure, in. Hg
- T<sub>db</sub>* Dry-bulb temperature of air at inlet, °F
- T<sub>wb</sub>* Wet-bulb temperature of air at inlet, °F
- V* Voltage of each phase, V

For a given motor winding configuration, the total power input shall be measured at the highest nameplate voltage. For three-phase power, voltage imbalance shall be no more than 2%.

3.3.3.2 Evaporator fan power for the off-cycle is equal to the on-cycle evaporator fan power with a run time of ten percent of the off-cycle time.

$EF_{comp,off} = 0.1 \times EF_{comp,on}$



In Appendix C to Subpart R, following section 3.3.7.2, add new sections 3.3.8, 3.3.9, and 3.3.10 to read:

3.3.8. Measure power and capacity of single-packaged dedicated systems as described in sections C4.1.2 and C9 of AHRI 1250–2020. The third and fourth sentences of Section C9.1.1.1 of AHRI 1250–2020 (“Entering air is to be sufficiently dry as to not produce frost on the Unit Cooler coil. Therefore, only sensible capacity measured by dry bulb change shall be used to calculate capacity.”) shall not apply.

3.3.9. For systems with ducted evaporator air, or that can be installed with or without ducted evaporator air: Connect ductwork on both the inlet and outlet connections and determine external static pressure as described in ASHRAE 37–2009, sections 6.4 and 6.5. Use pressure measurement instrumentation as described in ASHRAE 37–2009 section 5.3.2. Test at the fan speed specified in manufacturer installation instructions—if there is more than one fan speed setting and the installation instructions do not specify which speed to use, test at the highest speed. Conduct tests with the external static pressure equal to 50 percent of the maximum external static pressure

allowed by the manufacturer for system installation within a tolerance of –0.00/+0.05 in. wc. If testing with the indoor air enthalpy method, adjust the airflow measurement apparatus fan to set the external static pressure—otherwise, set the external static pressure by symmetrically restricting the outlet of the test duct. In case of conflict, these requirements for setting evaporator airflow take precedence over airflow values specified in manufacturer installation instructions or product literature.

3.3.10. For systems with ducted condenser air, or that can be installed with or without ducted condenser air: Connect ductwork on both the inlet and outlet connections and determine external static pressure as described in ASHRAE 37–2009, sections 6.4 and 6.5. Use pressure measurement instrumentation as described in ASHRAE 37–2009 section 5.3.2. Test at the fan speed specified in manufacturer installation instructions—if there is more than one fan speed setting and the installation instructions do not specify which speed to use, test at the highest speed. Conduct tests with the external static pressure equal to 50 percent of the maximum external static pressure allowed by the manufacturer for system installation within a tolerance of –0.00/+0.05

in. wc. If testing with the outdoor enthalpy method, adjust the airflow measurement apparatus fan to set the external static pressure—otherwise, set the external static pressure by symmetrically restricting the outlet of the test duct. In case of conflict, these requirements for setting condenser airflow take precedence over airflow values specified in manufacturer installation instructions or product literature. If testing using the outdoor air enthalpy method, the requirements of section 8.6 of ASHRAE 37–2009 are not applicable.

In Appendix C to Subpart R, revise section 3.3.6 (which specifies modifications to AHRI 1250–2009) to read:

3.3.6. AWEF is calculated on the basis that walk-in box load is equal to half of the system net capacity, without variation according to high and low load periods and without variation with outdoor air temperature for outdoor refrigeration systems, and the test must be done as a matched or single-package refrigeration system, as follows:

For Indoor Condensing Units:

$$\dot{B}L = 0.5 \cdot \dot{q}_{ss}(90^\circ F)$$

$$LF = \frac{\dot{B}L + 3.412 \cdot \dot{E}F_{comp,off}}{\dot{q}_{ss}(90^\circ F) + 3.412 \cdot \dot{E}F_{comp,off}}$$

$$AWEF = \frac{\dot{B}L}{\dot{E}_{ss}(90^\circ F) \cdot LF + \dot{E}F_{comp,off} \cdot (1 - LF)}$$

For Outdoor Condensing Units:

$$\dot{B}L = 0.5 \cdot \dot{q}_{ss}(95^\circ F)$$

$$LF(t_j) = \frac{\dot{B}L + 3.412 \cdot \dot{E}F_{comp,off}}{\dot{q}_{ss}(t_j) + 3.412 \cdot \dot{E}F_{comp,off}}$$

$$AWEF = \frac{\sum_{j=1}^n BL(t_j)}{\sum_{j=1}^n E(t_j)}$$

$$BL(t_j) = \dot{B}L \cdot n_j$$

$$E(t_j) = \left[ \dot{E}_{ss}(t_j) \cdot LF(t_j) + \dot{E}F_{comp,off} \cdot (1 - LF(t_j)) \right] \cdot n_j$$

(3) Representations. Vinotemp may not make representations about the efficiency of a basic model listed in paragraph (1) of this Interim Waiver

Order for compliance, marketing, or other purposes unless that basic model has been tested in accordance with the provisions set forth above and such

representations fairly disclose the results of such testing.

(4) This interim waiver shall remain in effect according to the provisions of 10 CFR 431.401.

(5) This Interim Waiver Order is issued on the condition that the statements and representations provided by Vinotemp are valid. If Vinotemp makes any modifications to the controls or configurations of a basic model subject to this Interim Waiver Order, such modifications will render the waiver invalid with respect to that basic model, and Vinotemp will either be required to use the current Federal test method or submit a new application for a test procedure waiver. DOE may rescind or modify this waiver at any time if it determines the factual basis underlying the petition for the Interim Waiver Order is incorrect, or the results from the alternate test procedure are unrepresentative of a basic model's true energy consumption characteristics. 10 CFR 431.401(k)(1). Likewise, Vinotemp may request that DOE rescind or modify the Interim Waiver Order if Vinotemp discovers an error in the information provided to DOE as part of its petition, determines that the interim waiver is no longer needed, or for other appropriate reasons. 10 CFR 431.401(k)(2).

(6) Issuance of this Interim Waiver Order does not release Vinotemp from the certification requirements set forth at 10 CFR part 429.

DOE makes decisions on waivers and interim waivers for only those basic models specifically set out in the petition, not future models that may be manufactured by the petitioner. Vinotemp may submit a new or amended petition for waiver and request for grant of interim waiver, as appropriate, for additional basic models of Walk-in Cooler Refrigeration Systems. Alternatively, if appropriate, Vinotemp may request that DOE extend the scope of a waiver or an interim waiver to include additional basic models employing the same technology as the basic model(s) set forth in the original petition consistent with 10 CFR 431.401(g).

**Signing Authority**

This document of the Department of Energy was signed on April 28, 2021, by Kelly J. Speakes-Backman, Principal Deputy Assistant Secretary and Acting Assistant Secretary for Energy Efficiency

and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on April 29, 2021.

**Treena V. Garrett,**  
*Federal Register Liaison Officer, U.S. Department of Energy.*

**Application for Waiver of Walk-in Wine Cellar Cooling Systems**

Vinotemp International Corp. is requesting for Waiver from a DOE test procedure pursuant to provisions described in 10 CFR 431.401 for the following products on the grounds that “either the basic model contains one or more design characteristics that prevent testing of the basic model according to the prescribed test procedures or 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.”

DOE uniform test method for the measurement of energy consumption of walk-in coolers and walk-in freezers described in 10 CFR 431.304 adopts the test standard set forth in AHRI 1250–2019. Our walk-in wine cellar cooling systems meet the definition of walk-in cooler refrigeration systems.

The design characteristics constituting the grounds for the Waiver Application:

**Self-Contained Cooling Systems for Walk-in Wine Cellars (refer to single-packaged walk-in cooler refrigeration systems in AHRI 1250–2019)**

- Self-contained cooling systems are designed to provide cold environment between 45–65 °F and maintain relative humidity within the range of 50–70% for properly insulated and sized wine cellars.
- These temperature and relative humidity ranges are optimized for long term storage of wine like that in natural caves.
- These cooling systems are all-in-one ready for use and no more refrigerant piping is required in the field.
- These cooling systems are factory-built, critically charged and tested, and only

require through-the wall installation on walk-in wine cellars in the field.

- These systems are available as indoor or outdoor uses with automatic off-cycle air defrost.
- Wine cellars are usually located in air-conditioned spaces.

**Split Cooling Systems for Walk-in Wine Cellars (refer to matched-pair walk-in cooler refrigeration systems in AHRI 1250–2019)**

- Split cooling systems are designed to provide cold environment between 45–55 °F and maintain relative humidity range within 50–70% for properly insulated wine cellars.
- These temperature and relative humidity ranges are optimized for long term storage of wine like that in natural caves.
- These cooling systems consist of a remote condensing unit and an evaporator unit, which are connected by a liquid line and an insulated suction line.
- These systems must be charged properly with refrigerant in the field.
- These systems are available as indoor or outdoor uses with automatic off-cycle air defrost.
- Wine cellars are usually located in air-conditioned spaces.
- As opposed to utilize large compressors, large surface area coils, multiple fans, and large volumes of refrigerant, these systems employ fractional compressors and automatic expansion valves to maintain 50–70% relative humidity.

AHRI 1250–2019 defines the test conditions of walk-in cooler refrigeration systems 35 °F air temperature with <50% relative humidity. However, in fact wine cellar cooling systems are designed to supply 55 °F (45 to 65 °F) air temperature and maintain >50% (50 to 70%) relative humidity. Wine cellar cooling systems are optimized to operate within such temperature and relative humidity ranges that they can't operate at 35 °Fair temperature.

Wine cellars don't have high and low load periods, so the AWEF calculation described in 10 CFR 431.304 and AHRI 1250–2019 doesn't match the applications of wine cellar cooling systems.

The compressors used in wine cellar cooling systems are predominately fractional horsepower, which are inherently less efficient than larger compressors used in walk-in cooler refrigeration systems.

Therefore, we do not believe there is technology on the market that will provide the needed energy efficiency in wine cellar cooling systems to meet the minimum AWEF value for commercial walk-in cooler refrigeration systems set forth in 10 CFR 431.306.

None of the basic models listed can operate below 45 °F.

**BASIC MODELS ON WHICH THE WAIVER IS BEING REQUESTED**

Brand name	Basic model No.
Wine Mate .....	Self-contained WM–2500HZD.
Wine Mate .....	Self-contained WM–4500HZD.
Wine Mate .....	Self-contained WM–6500HZD.
Wine Mate .....	Self-contained WM–8500HZD.

BASIC MODELS ON WHICH THE WAIVER IS BEING REQUESTED—Continued

Brand name	Basic model No.
Wine Mate .....	Self-contained WM-4510HZD.
Wine Mate .....	Self-contained WM-6510HZD.
Wine Mate .....	Self-contained WM-8510HZD.
Wine Mate .....	Self-packaged WM-4500DS.
Wine Mate .....	Self-packaged WM-6500DS.
Wine Mate .....	Self-packaged WM-8500DS.
Wine Mate .....	Self-packaged WM-12030DS.
Wine Mate .....	Split WM-2500SSA, WM-2500SSD, WM-2500SSH, WM-2500SSL, WM-2500SSI, WM-2500SSO, WM-2500SSR, WM-2500SSV and WM-2500SSW.
Wine Mate .....	Split WM-4500SSA, WM-4500SSD, WM-4500SSH, WM-4500SSL, WM-4500SSI, WM-4500SSO, WM-4500SSR, WM-4500 SSS, WM-4500SSV and WM-4500SSW.
Wine Mate .....	Split WM-6500SSA, WM-6500SSD, WM-6500SSH, WM-6500SSL, WM-6500SSR and WM-6500SSV.
Wine Mate .....	Split WM-8500SSA, WM-8500 SSD, WM-8500SSH, WM-8500SSL and WM-8500SSS.
Wine Mate .....	Split WM-12000 SSA, WM-12000SSD, WM-12000SSH and WM-12000SSS.

**MAXIMUM EXTERNAL STATIC PRESSURE DROP FOR SELF-CONTAINED DUCTED COOLING UNITS**

Model No.	Duct size (diameter in inches)	Maximum external static pressure drop (in-water)
WM-4500DS .....	8	0.13
WM-6500DS .....	10	0.07
WM-8500DS .....	10	0.15
WM-12030DS .....	10	0.18
WM-4510HZD .....	8	0.13
WM-6510HZD .....	10	0.07
WM-8510HZD .....	10	0.15

**MAXIMUM EXTERNAL STATIC PRESSURE DROP FOR SPLIT DUCTED COOLING UNITS**

Model No.	Duct size (diameter in inches)	Maximum external static pressure drop (in-water)
WM-2500SSH .....	8	0.05
WM-4500SSH .....	8	0.13
WM-6500SSH .....	10	0.07
WM-8500SSH .....	10	0.15
WM-12000SSH .....	10	0.18

**Specific Requirements Sought to be Waived**

Vinotemp International is petitioning for a waiver to exempt both Self-contained and Split walk-in wine cellar cooling systems from being tested to the current test procedure. The prescribed test procedure is not appropriate for these products for the reasons stated previously.

**List of Manufacturers of All Other Basic Models Marketing in the United States and Known to the Petitioner to Incorporate Similar Design Characteristics**

Manufacturer: Vinotemp  
 Manufacturer: CellarPro  
 Manufacturer: WhisperKOOL

1—Correction factor 0.55 to calculate the AWEF to adjust for average usage (see Appendix A to Subpart B of 10 CFR part 430 for reference)

2—One load to calculate AWEF

3—Evaporator entering dry-bulb 55 °F for both Self-contained and Split cooling systems

4—Evaporator air entering relative humidity 55% for both Self-contained and Split cooling systems

5—Condenser air entering dry-bulb 90 °F for both indoor and outdoor cooling systems

**Success of the Application for Waiver**

It will ensure that manufacturers of Self-contained and Split walk-in wine cellar cooling systems can continue to participate in the market.

**What Economic Hardship and/or Competitive Disadvantage are Likely to Result Absent a Favorable Determination on the Application for Waiver**

Economic hardship will be loss of sales due to not meeting the DOE energy conservation standards set forth in 10 CFR 431.306 if the existing products were altered in order to test per current requirements set forth in 10 CFR 431.304 and AHRI 1250–2019, it would add significant cost and increase energy consumption.

**Conclusion**

Vinotemp International Corp. seeks a Waiver from DOE’s current test method for the measurement of energy consumption of walk-in wine cellar Self-contained and Split cooling systems.

/s/ Alvin Patrick,  
 VP of Operation

[FR Doc. 2021–09337 Filed 5–3–21; 8:45 am]

**BILLING CODE 6450–01–P**

**DEPARTMENT OF ENERGY**

**[Case Number 2019–010; EERE–2019–BT–WAV–0029]**

**Energy Conservation Program: Decision and Order Granting a Waiver to Air Innovations From the Department of Energy Walk-in Coolers and Walk-in Freezers Test Procedure**

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

**ACTION:** Notification of decision and order.

**SUMMARY:** The U.S. Department of Energy (“DOE”) gives notification of a

Decision and Order (Case Number 2019–010) that grants to Air Innovations a waiver from specified portions of the DOE test procedure for determining the energy efficiency of specified walk-in wine cellar refrigeration systems. Due to the design of Air Innovations’ specific basic models of walk-in wine cellar refrigeration systems, the current test procedure evaluates such models in a manner that is unrepresentative of their energy use. Air Innovations is required to test and rate the specified basic models of its walk-in cellar refrigeration systems in accordance with the alternate test procedure set forth in the Decision and Order.

**DATES:** The Decision and Order is effective on May 4, 2021. The Decision and Order will terminate upon the compliance date of any future amendment to the test procedure for walk-in coolers and walk-in freezers located at title 10 of the Code of Federal Regulations (“CFR”), part 431, subpart R, appendix C that addresses the issues presented in this waiver. At such time, Air Innovations must use the relevant test procedure for this product for any testing to demonstrate compliance with the applicable standards, and any other representations of energy use.

**FOR FURTHER INFORMATION CONTACT:**

Ms. Lucy deButts, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Email: [AS\\_Waiver\\_Requests@ee.doe.gov](mailto:AS_Waiver_Requests@ee.doe.gov).

Mr. Michael Kido, U.S. Department of Energy, Office of the General Counsel, Mail Stop GC–33, Forrestal Building, 1000 Independence Avenue SW, Washington, DC 20585–0103. Telephone: (202) 586–8145. Email: [Michael.Kido@hq.doe.gov](mailto:Michael.Kido@hq.doe.gov).

**SUPPLEMENTARY INFORMATION:** In accordance with section 431.401(f)(2) of Title 10 of the Code of Federal