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May 27, 2016

Ms. Ashley Armstrong
U.S. Department of Energy
Office of Energy Efficiency and Renewable Energy
Building Technologies Program, EE-5B
1000 Independence Avenue, S.W.
Washington, D.C. 20585-0121

Re: NOPR Energy Conservation Standards for Commercial Water Heating Equipment,
Docket No. EERE-2014-BT-STD-0042

Dear Ashley,

The Department of Energy's (DOE) Notice of Proposed Rule (NOPR) regarding amended efficiency standards for commercial water heating equipment is scheduled to be printed in the May 31, 2016 Federal Register. The comment period for that NOPR will end on August 1, 2016. The Technical Support Documents (TSD) for this NOPR has 17 chapters and 22 appendices; totaling 707 pages. This NOPR has the added complication of proposing a minimum efficiency standard for gas-fired commercial water heating equipment that is essentially at the maximum technologically feasible level. This represents a major increase in the standard. A 60 day comment period does not provide enough time to review all the data and information in the TSD, gather data and information that support concerns we may have regarding that analysis, and then provide comments on the NOPR.

To our dismay DOE continues to follow a course of rulemaking that raises a more fundamental issue regarding this NOPR. The May 9, 2016 Federal Register included DOE's NOPR regarding amended test procedures for commercial water heating equipment. The comment period for that test procedure NOPR ends on July 8, 2016. The nominal 3 week difference in the dates on which comments are due does not change the fact that DOE is conducting concurrent rulemakings to revise the test procedures and efficiency standards for commercial water heating equipment. This is now at least the third occasion in which DOE has put the industry in the position of trying to develop comments on an efficiency standards NOPR when the test procedure that will be used to determine whether models comply with that to-be-determined standard is unknown. We have submitted comments on other rulemakings that emphasized the difficulty and burden to industry to address concurrent test procedure and standards rulemakings covering the same product. We again note that it is critical that the revised test procedures be finalized so that the analysis for the revised standard is based properly on the test procedures that will be applied to products to establish their compliance with the revised efficiency standard. Furthermore, there must be sufficient time between the completion of the revised test procedure and the NOPR for the efficiency standard to allow all parties to assess the effect of test procedure revisions on potential increased efficiency standards.

A. Armstrong, DOE

May 27, 2016

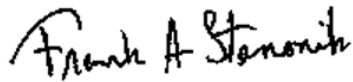
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As is the case with the rulemaking on revising the efficiency standards for commercial boilers, we maintain that the proper solution to resolving this difficult and burdensome position in which the industry has been put, is to suspend this rulemaking until the final rule on the revised test procedures for commercial water heating equipment is issued. We request DOE to do so. DOE is obligated to issue a final rule on revised standards not later than 2 years after the NOPR has been published; i.e. May 31, 2018. DOE knows when it plans to have the final rule on revised test procedure completed. We suspect it will be no later than the end of this year. Accordingly this request effectively seeks a suspension of the efficiency standards rulemaking for 6 to 7 months. Such a pause will not prevent DOE from meeting its May 31, 2018 target date. However it will have the benefits of returning this rulemaking to the normal and proper process of finalizing test procedure changes before considering efficiency standards changes and allowing all interested parties adequate time to participate fully in both rulemakings.

We note that agreeing to this request would also resolve the request we made to have a separate full day meeting to discuss this NOPR.

We trust that you will give this request immediate. If you have any questions or wish to discuss this further, please call us.

Respectfully submitted,

A handwritten signature in black ink that reads "Frank A. Stanonik". The signature is written in a cursive, slightly slanted style.

Frank A. Stanonik

Chief Technical Advisor

cc: Eric Stas, DOE

John Cymbalsky, DOE