



2111 Wilson Boulevard Suite 500 Arlington VA 22201-3001 USA  
Phone 703 524 8800 | Fax 703 562 1942  
www.ahrinet.org

July 31, 2015

Daniel Cohen  
Assistant General Counsel for Legislation, Regulation & Energy Efficiency  
Office of the General Counsel  
Department of Energy  
1000 Independence Ave SW  
Washington, D.C. 20585

Re: Extension of Deadline for Comments on the Commercial and Industrial Fans and Blowers Notice of Data Availability

Dear Dan,

As you are aware, the Department of Energy published a Notice of Data Availability for Energy Conservation Standards for Commercial and Industrial Fans and Blowers (NODA). The deadline for comments in response to this NODA as set forth in the *Federal Register* is August 6, 2015. AHRI has requested that the Department of Energy extend the timeline to comment on the NODA for several reasons, including the fact that an Appliance Standards and Rulemaking Federal Advisory Committee (ASRAC)-sanctioned working group has been actively negotiating the terms of a potential rulemaking for several months, and the outcome of that negotiation is still uncertain. Interested parties have spent significant time and effort on the negotiations, which have overlapped with the timeframe for the NODA response, and would prefer to be fully informed of the working group's results and resolutions prior to submitting formal comments on the NODA.

Yesterday morning, at an ASRAC committee public meeting, the representative from DOE indicated that an extension of the timeframe for NODA comments will not be forthcoming because DOE expected that the working group would be a forum for comments, and that the deadline set for the written comments on the NODA was a date selected because DOE "had to pick one", and it was "arbitrary" and "meaningless" and there "is nothing to extend."

AHRI disagrees with DOE's troubling characterization of the comment period and, although AHRI has been actively participating in the working group, there are many issues that have not been resolved or even contemplated in that forum. Moreover, multiple parties who have wished to contribute additional information have been told that there is insufficient time to address their concerns. Importantly, when AHRI attempted to raise legal concerns with a particular regulatory approach that was in direct opposition to DOE's statements in the framework document on this rulemaking, DOE summarily dismissed the issue as "out of scope" of the working group and refused to allow discussion of the issue. Setting aside AHRI's fundamental disagreement with DOE's approach on that point, it is axiomatic that stakeholders' ability to fully comment on the NODA—without artificial limitations—is particularly important. Given DOE's decision to restrict the scope of the working group, the working group's docket cannot substitute for a full and fair opportunity to comment on the NODA.

This rulemaking is a herculean undertaking that will affect all corners of the industry. As such, AHRI renews its request for additional time to comment on the NODA, namely that the deadline be extended to

sixty days after the last meeting of the fans and blowers working group. Currently, the last meeting is scheduled for August 6, 2015. Were the working group given more time to negotiate a term sheet, AHRI requests that the deadline for the comment period be correspondingly extended.

Regards,



Caroline Davidson-Hood  
Associate General Counsel

CC: Peter Cochran and Docket No. EERE-2013-BT-STD-006