

Office of Energy Efficiency and Renewable Energy  
In the Matter of: Docket No. EERE-2011-BT-TP-0042, RIN: 1904-AC94, Energy Conservation Program for Consumer Products: Test Procedures for Direct Heating Equipment and Pool Heaters; Final Rule.

10 CFR part 430

Petition for Reconsideration

Via Email: [john.cymbalsky@ee.doe.gov](mailto:john.cymbalsky@ee.doe.gov)

Mr. John Cymbalsky

Office of Energy Efficiency and Renewable Energy

Building Technologies Program, EE-2J

U.S. Department of Energy

1000 Independence Ave. SW.

Washington, DC 20585

Re: Petition to Extend Implementation Date of July 6, 2015 Test Procedure

Dear Mr. Cymbalsky:

This firm represents Williams Furnace Company (Williams) and respectfully submits this Petition to Extend Implementation Date of July 6, 2015 on behalf of Williams.

In the Energy Conservation Program for Consumer Products: Test Procedures for Direct Heating Equipment and Pool Heaters; Final Rule, FR, Vol. 80, No. 3 (6 Jan. 2015), pp. 792-815, the U.S. Department of Energy (DOE) issued a notice of a Final Rule revising the annual flue utilization efficiency (AFUE) test procedures for vented direct heating equipment and pool heaters. The Final Rule became effective February 5, 2015 and compliance becomes mandatory starting July 6, 2015. For the following reasons, Williams requests a 180-day extension of the July 6, 2015 effective date, which is the maximum allowed by statute.

Section 4.3 of the Final Rule, "Annual fuel utilization efficiency by the tracer gas method" has been changed to apply only to vented heaters equipped with thermal stack dampers. FR, Vol. 80, No. 3 (6 Jan. 2015), p. 811. Prior to the recent change, the AFUE test procedures stated that "All other types of vented heaters can elect to use the following tracer gas method, as an optional procedure." It appears that DOE believes that heater manufacturers do not use the tracer gas method to test heaters without thermal stack dampers and do not use such testing results to calculate the AFUE for such units. Therefore, it appears that the DOE considers this a clarification of the AFUE test procedure and not a change to the AFUE test procedure.

In FR, Vol. 80, No. 3, Section III.C.3. Other Issues, page 798, the DOE states the following:

"For the reasons described previously, DOE clarifies that the optional use of the tracer gas method does not apply to units without thermal stack dampers. DOE has determined this clarification will not impose any additional burden on manufacturers, since units without thermal stack dampers are already commonly rated using the calculation method in 4.1 or 4.2. Moreover, the DOE has determined that disallowing the tracer gas method for units without thermal stack dampers will not affect efficiency ratings, since it is highly unlikely that manufacturers have rated units without

thermal stack dampers using the tracer gas method."

Though Williams agrees with the concept of the DOE's "clarification" of the AFUE test procedures for vented heaters without thermal stack dampers, the Final Rule clarification presents a significant issue for Williams and places an unnecessary burden on our company. Williams is a long-time furnace manufacturer which has been in business nearly 100 years. All of Williams' vented heaters are manufactured without thermal stack dampers. Williams has used the tracer gas method for testing AFUE in its vented heaters without thermal stack dampers since May 2011.

Williams began to use the tracer gas method to test the AFUE in its vented heaters without thermal stack dampers after visiting Intertek Testing Services, Inc. (Intertek) in Cortland, NY, on March 15, 2011. Jesus Rios of Williams met with Intertek's Gregory King and Daniel Bilodeau to discuss and to confirm that Williams' test method for AFUE testing for vented heaters without thermal stack dampers was identical to Intertek's test method for AFUE testing for vented heaters without thermal stack dampers. As you know, Intertek Testing Services, Inc. is the facility approved by and utilized by the DOE.

While at Intertek, Jesus Rios noticed that Intertek was using a different test method for AFUE testing of vented heaters without thermal stack dampers than Williams was using. Jesus Rios asked Intertek what test method Intertek was using for AFUE testing of vented heaters without thermal stack dampers. Intertek confirmed to Jesus Rios that Intertek was using the tracer gas method to test the AFUE in vented heaters without thermal stack dampers. Subsequently, upon Jesus Rios' return to Williams' facility in Colton, CA, he researched the tracer gas method and contacted Intertek to find out what equipment was necessary to perform the tracer gas method to test the AFUE in vented heaters without thermal stack dampers. Thereafter, Williams purchased the necessary equipment to perform the trace gas method to test the AFUE in vented heaters without thermal stack dampers.

In May 2011, Williams began using the tracer gas method to test the AFUE in vented heaters without thermal stack dampers after conducting some test runs to make sure Williams was performing the tracer gas method test properly and could confirm that the Williams' tracer as method test results were similar to the tracer gas method test results achieved by Intertek on March 15, 2011, when Intertek tested the Williams' vented heaters without thermal stack dampers. Williams has been using the tracer gas method to test the AFUE in vented heaters without thermal stack dampers continuously since May 2011 up to the present time. The tracer gas method procedure allows for an actual measurement of the draft factor using carbon monoxide, instead of using a standard draft factor of one. Williams believes that the tracer gas method is a more accurate measurement of the AFUE.

The time frame from now to July 6, 2015, does not provide Williams sufficient time to conduct further testing of and to complete

any required design modification to any models of Williams' vented heaters without thermal stack dampers that might be marginally close to passing the required AFUE standards because of the implementation of the Final Rule disallowing the tracer gas method to test the AFUE in vented heaters without thermal stack dampers. Without the 180-day extension of the July 6, 2015 effective date in order to perform the afore-stated testing of and any necessary design modification to its products, Williams could potentially be at a competitive disadvantage in the heater marketplace.

An extension of the July 6, 2015 date does not disadvantage consumers or hamper the DOE's regulatory activities. Granting the extension of time will allow Williams to improve its products where necessary and to ensure Williams' compliance with the required AFUE standards. Delaying the July 6, 2015 date by 180 days will remove the unnecessary burden on Williams of having to conduct testing on all of models of Williams' vented heaters without thermal stack dampers in the next three and one-half months and will allow Williams the necessary time to manage the transition to the Final Rule revising the AFUE test procedures. For the foregoing reasons, Williams requests that the DOE grant Williams a 180-day extension of the July 6, 2015 effective date of the Final Rule.

Respectfully submitted,

WIEZOREK & PAYNE

ANTHONY F. WIEZOREK

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[FR Doc. 2015-11025 Filed 5-6-15; 8:45 am]

BILLING CODE 6450-01-P

## DEPARTMENT OF ENERGY

### 10 CFR Part 431

[EERE-2013-BT-STD-0007; EERE-2013-BT-STD-0021]

### Commercial Package Air Conditioners and Commercial Warm Air Furnaces Working Group: Notice of Open Meetings and Webinar

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

**ACTION:** Notice of open meetings and webinars.

**SUMMARY:** This document announces a series of meetings of the Commercial Package Air Conditioners and Commercial Warm Air Furnaces Working Group (CAUC CWF Working Group). The Federal Advisory Committee Act requires that agencies publish notice of an advisory committee meeting in the **Federal Register**.

**DATES:** See **SUPPLEMENTARY INFORMATION** section for meeting dates.

**ADDRESSES:** Unless otherwise specified in the **SUPPLEMENTARY INFORMATION**

section, the meetings will be held at U.S. Department of Energy, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585. Individuals will also have the opportunity to participate by webinar. To register for the webinar and receive call-in information, please register at [http://www1.eere.energy.gov/buildings/appliance\\_standards/rulemaking.aspx?ruleid=59](http://www1.eere.energy.gov/buildings/appliance_standards/rulemaking.aspx?ruleid=59).

**FOR FURTHER INFORMATION CONTACT:** John Cymbalsky, ASRAC Designated Federal Officer, U.S. Department of Energy (DOE), Office of Energy Efficiency and Renewable Energy, 950 L'Enfant Plaza SW., Washington, DC, 20024. Email: [asrac@ee.doe.gov](mailto:asrac@ee.doe.gov).

**SUPPLEMENTARY INFORMATION:**

The meetings will be held:

- May 11, 2015;
- May 12, 2015 (Air-Conditioning, Heating, and Refrigeration Institute, 2111 Wilson Blvd., Suite 500, Arlington, VA 22201);
- May 20, 2015;
- May 21, 2015 (950 L'Enfant Plaza SW., Washington, DC, Room 7140);
- June 1–2, 2015;
- June 9–10, 2015; and
- June 15, 2015 (Webinar only)

Members of the public are welcome to observe the business of the meeting and, if time allows, may make oral statements during the specified period for public comment. To attend the meeting and/or to make oral statements regarding any of the items on the agenda, email [asrac@ee.doe.gov](mailto:asrac@ee.doe.gov). In the email, please indicate your name, organization (if appropriate), citizenship, and contact information. Please note that foreign nationals participating in the public meeting are subject to advance security screening procedures which require advance notice prior to attendance at the public meeting. If a foreign national wishes to participate in the public meeting, please inform DOE as soon as possible by contacting Ms. Regina Washington at (202) 586–1214 or by email: [Regina.Washington@ee.doe.gov](mailto:Regina.Washington@ee.doe.gov) so that the necessary procedures can be completed. Anyone attending the meeting will be required to present a government photo identification, such as a passport, driver's license, or government identification. Due to the required security screening upon entry, individuals attending should arrive early to allow for the extra time needed.

Due to the REAL ID Act implemented by the Department of Homeland Security (DHS) recent changes regarding ID requirements for individuals wishing to enter Federal buildings from specific states and U.S. territories. Driver's

licenses from the following states or territory will not be accepted for building entry and one of the alternate forms of ID listed below will be required.

DHS has determined that regular driver's licenses (and ID cards) from the following jurisdictions are not acceptable for entry into DOE facilities: Alaska, Louisiana, New York, American Samoa, Maine, Oklahoma, Arizona, Massachusetts, Washington, and Minnesota.

Acceptable alternate forms of Photo-ID include: U.S. Passport or Passport Card; An Enhanced Driver's License or Enhanced ID-Card issued by the states of Minnesota, New York or Washington (Enhanced licenses issued by these states are clearly marked Enhanced or Enhanced Driver's License); A military ID or other Federal government issued Photo-ID card.

*Docket:* The docket is available for review at [www.regulations.gov](http://www.regulations.gov), including **Federal Register** notices, public meeting attendee lists and transcripts, comments, and other supporting documents/materials. All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov) index. However, not all documents listed in the index may be publicly available, such as information that is exempt from public disclosure.

Issued in Washington, DC, on May 1, 2015.

**Kathleen B. Hogan,**

*Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.*

[FR Doc. 2015–11012 Filed 5–6–15; 8:45 am]

**BILLING CODE 6450–01–P**

## COMMODITY FUTURES TRADING COMMISSION

### 17 CFR Part 32

**RIN 3038–AE26**

### Trade Options

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Commodity Futures Trading Commission (the “Commission” or the “CFTC”) is proposing to amend the trade option exemption in its regulations, as described herein, in the following subject areas: Reporting requirements for trade option counterparties that are not swap dealers or major swap participants; recordkeeping requirements for trade option counterparties that are not swap dealers

or major swap participants; and certain non-substantive amendments.

**DATES:** Comments must be received on or before June 8, 2015.

**ADDRESSES:** You may submit comments, identified by RIN 3038–AE26, by any one of the following methods:

- *CFTC Web site:* <http://comments.cftc.gov>. Follow the instructions for submitting comments through the Comments Online process on the Web site.

- *Mail:* Send to Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581.

- *Hand Delivery/Courier:* Same as Mail, above.

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

Please submit your comments using only one of these methods.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to [www.cftc.gov](http://www.cftc.gov). You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the CFTC's regulations, 17 CFR 145.9.

The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of a submission from [www.cftc.gov](http://www.cftc.gov) that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the rulemaking will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

**FOR FURTHER INFORMATION CONTACT:** David N. Pepper, Special Counsel, Division of Market Oversight, at (202) 418–5565 or [dpepper@cftc.gov](mailto:dpepper@cftc.gov); or Elise Pallais, Counsel, Office of the General Counsel, at (202) 418–5577 or [epallais@cftc.gov](mailto:epallais@cftc.gov); Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581.

**SUPPLEMENTARY INFORMATION:**

### I. Introduction

In April 2012, pursuant to section 4c(b) of the Commodity Exchange Act