

Steven P. Croley, Esq.  
Office of General Counsel  
U.S. Department of Energy  
Re: Regulatory Burden RFI

Dear Mr. Croley:

These comments are submitted by Zero Zone Inc., a manufacturer of CRE equipment, in response to the U.S. Department of Energy's (DOE) notice in the July 3, 2014 Federal Register requesting information to assist DOE in reviewing existing regulations and in making its regulatory program more effective and less burdensome. I apologize for the comments being late by 2 days. We have some general comments on the rule making process.

The DOE provides insufficient engineering back up information to validate their efficiency claims and design models. This makes it impossible to have a fair engineering analysis and debate of the proposals. It is unclear if they do any testing of their theoretical models since no comparisons to test runs are provided. They do not even list the number or types of validation tests that are performed. DOE must provide documentation that validates their models.

Negotiated rulemaking was done for our equipment last summer. It had an accelerated schedule meeting very frequently. We have a relatively small engineering department and did not have the resources to listen in on all of the meetings. The density of the meetings should not exceed 2 days of meetings per month.

As part of the negotiated rulemaking, companies in the negotiated rulemaking group could not later send in comments opposing proposals that were approved by the group. The DOE was not bound by the approved proposals of the group. This seemed one sided and eliminates the ability for companies to dissent. Companies participating in negotiation groups should be able to dissent during the public comment period.

In general, the DOE writes rules that use one of two approaches for certification. The rule will only allow for prescriptive standards or participation in a test and certify program. The DOE uses models to determine energy levels and in a sense always develops prescriptive measures. Whenever possible, DOE should provide both methods of certification in the rule. Manufacturers can provide either follow a prescriptive measure or can use any design choices they'd like and test and certify. The costs for test and certify programs are prohibitive for small manufacturers. Following prescriptive measures generally has a lower cost. Companies with more resources can opt to invest in development and testing.

Thank you for consideration of our comments.

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