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February 3, 2012

Mr. Daniel Cohen, Esq.
Office of General Counsel
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC

RE: Regulatory Burden RFI

Dear Mr. Cohen:

These comments are submitted by Rheem Manufacturing Company in response to the U.S. Department of Energy's (DOE) notice appearing in the December 5, 2011 Federal Register requesting information on existing regulations that should be modified, streamlined, expanded, or repealed.

Rheem Manufacturing Company is headquartered in Atlanta, Georgia and operates multiple facilities in the United States for the manufacture or support of residential and commercial air conditioners, furnaces, water heaters, boilers, and heat pump pool heaters, consequently Rheem is interested in the Department's regulatory approach. The products Rheem manufactures are affected by DOE regulations.

Regulatory Burden

In 2011, both DOE and EPA issued new certification, compliance, and enforcement rules. Although this RFI pertains only to DOE regulations, it is important to note that the DOE and EPA rules impose different certification, compliance, and enforcement standards and duplicative reporting requirements. This exacerbates the burden of compliance upon the industry. We observe there are proven Voluntary Independent Certification Programs that have been in place for decades which serve to promote compliance with efficiency ratings and standards. Rheem respectfully requests that the DOE recognize these programs as a means to reduce increased reporting and compliance costs for businesses operating in the United States. We would encourage DOE to review these concern in the context of Executive Order 13563 to ensure the processes utilize the best, most innovative, and least burdensome tools for achieving regulatory ends as well as greater coordination across agencies to reduce costs and harmonize rules.

Both DOE and EPA implemented new reporting requirements for residential products at the beginning of 2011, and EPA's Energy Star Program established separate reporting requirements from those of DOE. Both agencies have the same laudable objective: to

validate that a product covered by DOE efficiency regulations has an efficiency rating that meets the applicable Energy Star rating. Unfortunately, these dual reporting requirements for the same products require new testing and duplicative reporting obligations without additional benefit to consumers.

In response to the numbered list of questions raised by DOE, Rheem responds correspondingly as follows to questions 5 and 6:

5. Does the Department currently collect information that it does not need or use effectively to achieve regulatory objectives?

The DOE requires the reporting of information beyond the essential manufacturing identification, model number, efficiency and capacity rating information. The currently required surplus information [such as sample size, test waiver requests, test waiver dates, and the certification basis for boilers, etc] are not necessary or germane to verify whether a manufacturer is meeting the regulatory requirements with respect to efficiency and capacity.

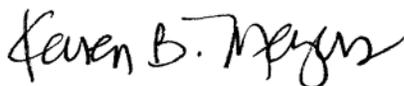
6. Are there regulations, reporting requirements, or regulatory processes that are unnecessarily complicated or could be streamlined to achieve regulatory objectives in more efficient ways?

In addition to the comments provided above, we recommend that DOE and EPA coordinate on government agency reporting requirements, consistent with the Executive Order directive that agencies simplify, harmonize, and coordinate requirements to reduce costs on businesses. In addition, we recommend that DOE use existing industry databases and limit the reporting requirements to essential information.

Rheem Manufacturing Company appreciates the opportunity to provide these comments. We look forward to working together with the DOE and its staff on this and future issues as we pursue the shared mission of positive, sustainable solutions for the environment, energy efficiency and the economy.

Sincerely,

RHEEM MANUFACTURING COMPANY



Karen B Meyers
Corporate Director, Government Relations

cc: Mr. Scott D. Bates – Rheem Manufacturing Company