



Department of Energy
Washington, DC 20585

September 20, 2011

Mr. Robert L. Beauregard
Vice President
American Public Gas Association
201 Massachusetts Avenue, N.E., Suite C-4
Washington, DC 20002

RE: Request for Extension of Comment Period

Dear Mr. Beauregard:

This letter responds to your correspondence of September 12, 2011, to the U.S. Department of Energy (DOE), in which you requested an extension of the 110-day comment period for the direct final rule (DFR) and related notice of proposed rulemaking (NPR) published in the *Federal Register* on June 27, 2011 (Energy Conservation Program: Energy Conservation Standards for Residential Furnaces and Residential Central Air Conditioners and Heat Pumps).¹ As you are aware, the public comment period for this rulemaking ends on October 17, 2011. Your letter, submitted on behalf of the American Public Gas Association (APGA), asserts a number of reasons why APGA believes it has been denied an adequate opportunity to comment on this rulemaking.

After careful consideration of your letter, DOE does not agree with APGA's view that these assertions justify an extension of the comment period. However, any disagreement on the need for a longer comment period is beside the point. This is the case due to the fact that the Energy Policy and Conservation Act of 1975, as amended, provides that not later than 120 days after issuance of the DFR, DOE must publish a determination in the *Federal Register* whether the rule should take effect or be withdrawn based upon significant adverse comment. (42 U.S.C. 6295(p)(4)(C)). DOE lacks authority to extend this statutory deadline. Consequently, DOE cannot grant APGA's request. DOE encourages APGA to effectively utilize the next month to prepare and submit its comments by the deadline of October 17, 2011, set forth in the DFR and accompanying NPR.

Sincerely,

A handwritten signature in black ink, appearing to read "John Cymbalsky", written over a horizontal line.

John Cymbalsky
Supervisor, Regulatory Program
Building Technologies
Energy Efficiency and Renewable Energy

¹ 76 Fed. Reg. 37408 (June 27, 2011) (DFR); 76 Fed. Reg. 37549 (June 27, 2011) (NPR).

