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DEPARTMENT OF ENERGY

10 CFR Part 431

[EERE-2025-BT-TP-0035]

RIN 1904-AG06

Energy Conservation Program: Test Procedures for Commercial Warm Air Furnaces

AGENCY: Office of Critical Minerals and Energy Innovation, Department of Energy.

ACTION: Final rule.

SUMMARY: The Department of Energy ("DOE" or "the Department") is withdrawing the test procedure for commercial warm air furnaces adopted under the Energy Policy and Conservation Act, specifically appendix B, "Uniform Test Method for Measurement of the Energy Efficiency of Commercial Warm Air Furnaces (Thermal Efficiency Two)." Upon reconsideration, DOE has determined that appendix B would have an uncertain increase in representativeness that does not outweigh the likely increase in burden. DOE has also determined that withdrawing the appendix B test procedure would be consistent with the proposed Process Rule, which states that for certain categories of equipment, including CWAFs, DOE will adopt the industry test procedure, as contemplated by EPCA, except in very limited circumstances. Commercial warm air furnaces will continue to be subject to the testing requirements of appendix A, "Uniform Test Method for Measurement of the Energy Efficiency of Commercial Warm Air Furnaces (Thermal Efficiency)."

DATES: The effective date of this rule is **[INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]**.

ADDRESSES: The docket, which includes *Federal Register* notices, public meeting attendee lists and transcripts, comments, and other supporting documents and materials, is available for review at *www.regulations.gov*. All documents in the docket are listed in the

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.

The docket webpage can be found at *www.regulations.gov/docket/EERE-2025-BT-TP-0035*. The docket webpage contains instructions on how to access all documents, including public comments, in the docket, as well as a summary of the rulemaking.

FOR FURTHER INFORMATION CONTACT: Appliance Standards Program, U.S. Department of Energy, Office of Critical Minerals and Energy Innovation, Building Technologies Office, CM-5B, 1000 Independence Avenue SW, Washington, DC 20585-0121. Email: *ApplianceStandardsQuestions@ee.doe.gov.*

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For further information on how to review other public comments and the docket, contact the Appliance and Equipment Standards Program staff at (202) 287-1445 or by email: *ApplianceStandardsQuestions@ee.doe.gov*. A plain language summary of the rule is also available on the Federal eRulemaking portal at *www.regulations.gov*.

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I. Introduction

The following section briefly discusses the statutory authority underlying this final rule, as well as some of the relevant historical background related to the establishment of test procedures for commercial warm air furnaces ("CWAFs").

A. Authority

The Energy Policy and Conservation Act, as amended ("EPCA"),[1] among other things, authorizes DOE to regulate the energy efficiency of a number of consumer products and certain industrial equipment. (42 U.S.C. 6291– 6317) Title III, Part C[2] of EPCA, Public Law 94–163 (42 U.S.C. 6311–6317, as codified) added by Public Law 95–619, Title IV, section 441(a), established the Energy Conservation Program for Certain Industrial Equipment, which sets forth a variety of provisions designed to improve energy efficiency. This covered equipment includes CWAFs, the subject of this final rule. (42 U.S.C. 6311(1)(J))

The energy conservation program under EPCA consists essentially of four parts: (1) testing; (2) labeling; (3) the establishment of Federal energy conservation standards; and (4) certification and enforcement procedures. Relevant provisions of EPCA specifically include definitions (42 U.S.C. 6311), energy conservation standards (42 U.S.C. 6313), test procedures

[1] All references to EPCA in this document refer to the statute as amended through the Energy Act of 2020, Public Law 116–260 (Dec. 27, 2020), which reflect the last statutory amendments that impact Parts A and A–1 of EPCA.
[2] For editorial reasons, upon codification in the U.S. Code, Part C was redesignated Part A–1.

(42 U.S.C. 6314), labeling provisions (42 U.S.C. 6315), and the authority to require information and reports from manufacturers (42 U.S.C. 6316; 42 U.S.C. 6296).

The Federal testing requirements consist of test procedures that manufacturers of covered equipment must use as the basis for: (1) certifying to DOE that their equipment complies with the applicable energy conservation standards adopted pursuant to EPCA (42 U.S.C. 6316(b); 42 U.S.C. 6296), and (2) making other representations about the efficiency of that equipment (42 U.S.C. 6314(d)). Similarly, DOE uses these test procedures to determine whether the equipment complies with relevant standards promulgated under EPCA.

Federal energy efficiency requirements for covered products/equipment established under EPCA generally supersede State laws and regulations concerning energy conservation testing, labeling, and standards. (42 U.S.C. 6316(b)(2)) DOE may, however, grant waivers of Federal preemption in limited circumstances for particular State laws or regulations, in accordance with the procedures and other provisions set forth under EPCA. (42 U.S.C. 6316(b)(2)(D))

Under 42 U.S.C. 6314, EPCA also sets forth the criteria and procedures DOE must follow when prescribing or amending test procedures for covered equipment. EPCA requires that any test procedures prescribed or amended under this section must be reasonably designed to produce test results which reflect energy efficiency, energy use, or estimated annual operating cost of a given type of covered equipment during a representative average use cycle (as determined by the Secretary) and requires that test procedures not be unduly burdensome to conduct. (42 U.S.C. 6314(a)(2))

EPCA requires that the test procedure for CWAFs be those generally accepted industry testing procedures or rating procedures developed or recognized by the Air-Conditioning, Heating, and Refrigeration Institute ("AHRI") or by the American Society of Heating, Refrigerating and Air-Conditioning Engineers ("ASHRAE"), as referenced in ASHRAE Standard 90.1, "Energy Standard for Buildings Except Low-Rise Residential Buildings" ("ASHRAE Standard 90.1"). (42 U.S.C. 6314(a)(4)(A)) Further, if such industry test procedure

is amended, DOE must amend its test procedure to be consistent with the amended industry test procedure, unless DOE determines, by rule published in the *Federal Register* and supported by clear and convincing evidence, that such amended test procedure would not meet the requirements in 42 U.S.C. 6314(a)(2) and (3) related to representative use and test burden, in which case DOE may establish an amended test procedure that does satisfy those statutory provisions. (42 U.S.C. 6314(a)(4)(B) and (C))

EPCA also requires that, at least once every seven years, DOE evaluate test procedures for each type of covered equipment, including CWAFs, to determine whether amended test procedures would more accurately or fully comply with the requirements for the test procedures to not be unduly burdensome to conduct and be reasonably designed to produce test results that reflect energy efficiency, energy use, and estimated operating costs during a representative average use cycle. (42 U.S.C. 6314(a)(1)–(3))

In addition, if DOE determines that a test procedure amendment is warranted, the Department must publish proposed test procedures in the *Federal Register* and afford interested persons an opportunity (of not less than 45 days duration) to present oral and written data, views, and arguments on the proposed test procedures. (42 U.S.C. 6314(b)) If DOE determines that test procedure revisions are not appropriate, DOE must publish in the *Federal Register* its determination not to amend the test procedures. (42 U.S.C. 6314(a)(1)(A)(ii))

B. Background

In January 2023, ASHRAE released a new version of ASHRAE Standard 90.1 ("ASHRAE Standard 90.1–2022"), which updated the referenced industry standards for testing CWAFs to reflect the most recent versions of those standards that are currently available, thereby triggering DOE's rulemaking obligations under EPCA.[3] Consequently, DOE conducted a rulemaking to consider amending the test procedure for CWAFs in satisfaction of both the

[3] More recently, ASHRAE released the latest version of ASHRAE Standard 90.1 ("ASHRAE Standard 90.1-2025"). However, that document contained no updates pertaining to CWAFs, so DOE's rulemaking obligations under EPCA were not triggered.

"ASHRAE trigger" requirement under 42 U.S.C. 6314(a)(4)(B) and the 7-year-lookback review requirement specified in EPCA under 42 U.S.C. 6314(a)(1). DOE completed this rulemaking by publication of a final rule in the *Federal Register* on June 2, 2023 ("June 2023 Final Rule"), through which the Department prescribed the currently applicable test procedure (*i.e.*, 10 CFR part 431, subpart D, appendix A ("appendix A")) for CWAFs manufactured on and after May 28, 2024. 88 FR 36217. The June 2023 Final Rule also established a new metric Thermal Efficiency Two ("TE2") and corresponding test procedure at 10 CFR part 431, subpart D, appendix B ("appendix B"), the use of which is not required until the compliance date of any energy conservation standards for CWAFs denominated in terms of TE2.

The June 2023 Final Rule was challenged by AHRI, which filed a petition for review on August 1, 2023 in the United States Court of Appeals for the Fourth Circuit. In a February 6, 2024 order, the Fourth Circuit granted a voluntary remand of the June 2023 Final Rule to DOE to determine whether establishment of the test procedure for the TE2 metric is supported by the specific provisions applicable to CWAFs under EPCA. More specifically, DOE agreed in this voluntary remand to not enforce the TE2 test procedure unless and until the Department determines that the TE2 test procedure is consistent with the amended industry test procedure, or determines, supported by clear and convincing evidence, that the amended industry test procedure fails to satisfy the statutory requirements.

On January 17, 2025, DOE published a final determination in the *Federal Register* ("January 2025 Final Determination"), which provided DOE's conclusion that the amended industry test procedure fails to satisfy EPCA's statutory requirements, thereby supporting DOE's finding that the test procedure incorporating the TE2 metric is justified under the applicable statutory criteria. 90 FR 5560. In the January 2025 Final Determination, DOE highlighted the industry standard's failure to account for CWAF jacket losses or part-load operation, which the Department considered significant factors with regard to CWAF energy use. Thus, DOE reasoned that the industry standard does not account for significant variations in energy use

across different CWAF models. Consequently, DOE determined that the industry test procedure was not reasonably designed to produce test results which reflect energy efficiency during a representative average use cycle that, as determined by DOE, includes jacket losses and part-load operation for the TE2 metric. 90 FR 5560, 5565–5566 (Jan. 17, 2025).

On May 16, 2025, DOE published a notice of proposed rulemaking in the *Federal Register* ("May 2025 NOPR"), stating that it was revisiting the test procedure for CWAFs codified at 10 CFR part 431, subpart D, appendices A and B. 90 FR 20909, 20911. DOE noted that the Secretary of Energy ("Secretary") is pursuing a policy to reduce regulatory burden wherever possible. Under that policy, DOE proposed to reevaluate existing test procedures to determine whether they are unduly burdensome to conduct. After a reevaluation of the CWAFs test procedure pursuant to the authority in 42 U.S.C. 6314(a)(1)–(4), the Secretary tentatively determined, after reviewing the reasoning of the June 2023 Final Rule and the January 2025 Final Determination, that DOE had insufficient evidence to support adoption of the TE2 metric and that DOE had overestimated the impacts of jacket losses and part-load operation on CWAF energy use. Furthermore, the Secretary tentatively concluded that DOE had underestimated the burdens of the TE2 test procedure in appendix B. Accordingly, DOE proposed to remove the definition of "Thermal efficiency two" and appendix B from its regulations for commercial warm air furnaces. *Id.*

DOE received comments in response to the May 2025 NOPR from the interested parties listed in Table III.1.

Table III.1 List of Commenters with Written Submissions in Response to the May 2025 NOPR

Commenter(s)	Reference in this Final Rule	Comment No. in the Docket	Commenter Type
AAON	AAON	9	Manufacturer
Air-Conditioning, Heating, and Refrigeration Institute	AHRI	16	Trade Association
Appliance Standards Awareness Project and American Council for an Energy-Efficient Economy	ASAP and ACEEE	13	Energy-Efficiency and Environmental Advocacy Organizations
Center for Biological Diversity	CBD	11	Energy-Efficiency and Environmental Advocacy Organization
District of Columbia Department of Energy and Environment, Maine Governor's Energy Office, the Maryland Energy Administration, the Massachusetts Department of Energy Resources, the Minnesota Department of Commerce, the New York State Energy Research and Development Authority, and the Washington State Department of Commerce.	DOEE *et al*.	10	State Agencies
Johnson Controls	JCI	12	Manufacturer
Northwest Energy Efficiency Alliance	NEEA	15	Energy-Efficiency and Environmental Advocacy Organization
Michael Ravnitzky	Ravnitzky	7	Individual
Rheem Manufacturing Company	Rheem	14	Manufacturer
Daniel Simpson	Simpson	6	Individual
Trane Technologies	Trane	8	Manufacturer

A parenthetical reference at the end of a comment quotation or paraphrase provides the location of the item in the public record.[4] To the extent that interested parties have provided written comments that are substantively consistent with any oral comments provided during the May 29, 2025 public meeting, DOE cites the written comments throughout this final rule. DOE

[4] The parenthetical reference provides a reference for information located in the docket of DOE's rulemaking to amend test procedures for CWAFs. (Docket No. EERE-2025-BT-TP-0035, which is maintained at: *www.regulations.gov*). The references are arranged as follows: (commenter name, comment docket ID number at page of that document).

did not identify any oral comments provided during the May 29, 2025 public meeting that are not also substantively addressed by written comments.

In response to the May 2025 NOPR, ASAP and ACEEE, CBD, DOEE *et al*., and NEEA generally opposed the proposal to rescind the test procedures for CWAFs; while AAON, AHRI, JCI, Rheem, and Trane generally supported the proposal. (ASAP and ACEEE, No. 13 at p. 2; CBD, No. 11 at p. 1; DOEE *et al.*, No. 10 at p. 2; NEEA, No. 15 at p. 2; AAON, No. 9 at p. 1; AHRI, No. 16 at p. 1; JCI, No. 12 at p. 1; Rheem, No. 14 at p. 1; Trane, No. 8 at p. 1)

Specific comments are discussed in detail in the following sections.

II. Discussion

A. Legal Issues

In response to the May 2025 NOPR, DOE received several comments on various legal issues regarding the proposed changes to the CWAFs test procedure. These comments are discussed and addressed in the subsections that follow.

1. Consideration of EPCA Requirements

AHRI commented that DOE is required to amend the test procedure consistent with the industry test procedure referenced in ASHRAE Standard 90.1 unless DOE makes a determination that there is clear and convincing evidence to support a finding that the ASHRAE test procedure does not meet the EPCA requirements. AHRI stated that it had previously filed a legal challenge to the adoption of the appendix B test procedure due to failure to follow the ASHRAE process as outlined in EPCA. (AHRI, No. 16 at pp. 1–2)

Rheem, AHRI, and JCI commented that DOE did not provide clear and convincing evidence that ASHRAE Standard 90.1-2022 did not meet EPCA requirements. (Rheem, No. 14 at p. 1; AHRI, No. 16 at p. 2; JCI, No. 12 at p. 2) AAON commented that the TE2 metric was not developed through the ASHRAE 90.1 consensus process. (AAON, No. 9 at p. 1) Rheem and AHRI commented in support of using the TE metric over the TE2 metric due to the lack of justification for the TE2 metric. (Rheem, No. 14 at p. 1; AHRI No. 16 at pp. 2–3)

An individual commented that the proposal in the May 2025 NOPR would reverse the result of DOE's seven-year lookback review and the ASHRAE-triggered rulemaking, in which DOE adopted the TE2 metric with clear findings that jacket-losses and part-load efficiency materially affect real-world energy use. (Ravnitzky, No. 7 at p. 1)

As discussed in sections II.B through II.E of this final rule, DOE has reevaluated the test procedure in appendix B consistent with EPCA's requirements. As noted by AAON, the TE2 test metric was not developed through the ASHRAE consensus process and has not been referenced in ASHRAE Standard 90.1 as the appropriate industry test procedure for measuring the energy efficiency of CWAFs. Particularly given the ongoing manufacturer critiques of the TE2 test procedure, DOE has come to see that its adoption of that test method may have been premature and based upon speculative improvements in representativeness as compared to increases in test burden, as discussed in section II.C and II.D, respectively. Accordingly, upon reconsidering the uncertainty of both the increased representativeness and test burden of the test procedure, DOE has determined that withdrawing appendix B is appropriate, consistent with the May 2025 NOPR.

Furthermore, this modified approach is consistent with relevant provisions of the notice of proposed rulemaking ("NOPR") published in the *Federal Register* on July 7, 2026, which would revise DOE's Process Rule in the Code of Federal Regulations ("CFR") at 10 CFR part 430, subpart C, appendix A ("Procedures, Interpretations, and Policies for Consideration of New or Revised Energy Conservation Standards and Test Procedures for Consumer Products and Certain Commercial/Industrial Equipment"). 91 FR 42034. More specifically, section 8(c) of the proposed DOE Process Rule states that the Department will adopt industry test standards as DOE test procedures for covered products and equipment, unless such methodology would be unduly burdensome to conduct or would not produce test results that reflect the energy efficiency, energy use, water use (as specified in EPCA), or estimated operating cost of that equipment during a representative average use cycle. *Id.* at 91 FR 42079. Section 9(b) of the

proposed Process Rule states that for ASHRAE equipment (which includes the subject CWAFs), DOE will adopt the revised industry test procedure, as contemplated by EPCA, except in very limited circumstances. *Id.* at 91 FR 42080.

2. Other Legal Comments

CBD commented that while DOE provided justification for the amended CWAF test procedures in two separate rulemakings (88 FR 36217 and 90 FR 5560), it has not provided justification for the proposed change to rescind them. Further, CBD stated that DOE's proposal is in violation of the Administrative Procedures Act's ("APA's") requirement that agencies implement statutory objectives in line with the language and purpose of the statute (citing *Loper Bright Enterprises v Raimondo*, 603 U.S. 369 (2024)). (CBD, No. 11 at p. 2) Additionally, CBD commented that DOE's proposed rule violates the APA's requirements that an agency action must not be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law (*citing* 5 U.S.C. 706(2)(A)). (CBD, No. 11 at p. 3) CBD stated that the APA requires agencies to examine relevant data and articulate a rational connection between facts and the policy choice made, asserting that DOE did not provide any reasoned explanation or evidence for rescinding the CWAF test procedures. (*Id.*) CBD also asserted that DOE has not followed the APA's requirement that a policy reversal must be based on factual findings, and account for reliance interests. (*Id.*) CBD commented that, at a minimum, DOE should issue a new proposed rulemaking and allow public comments before moving forward. (*Id.*)

An individual also commented that the May 2025 NOPR violates the APA because it does not provide clear and convincing evidence to support its claims and is, therefore, arbitrary and capricious. (Ravnitzky, No. 7 at p. 1)

As discussed in the May 2025 NOPR, the Secretary is pursuing a policy to reduce regulatory burden wherever possible. 90 FR 20909, 20911 (May 16, 2025). Under that policy, DOE proposed to reevaluate existing test procedures to determine whether they are unduly burdensome to conduct. After a reevaluation of the CWAFs test procedure pursuant to the

authority in 42 U.S.C. 6314(a)(1)–(4), the Secretary tentatively determined, after reviewing the reasoning of the June 2023 Final Rule and the January 2025 Final Determination, that DOE had insufficient evidence (*i.e.*, that it lacked the required clear and convincing evidence) to support adoption of the TE2 metric and that DOE had overestimated the impacts of jacket losses and part-load operation on CWAF energy use. Furthermore, the Secretary tentatively concluded that DOE had underestimated the burdens of the TE2 test procedure in appendix B. Accordingly, DOE proposed to remove the definition of "Thermal efficiency two" and appendix B from its regulations for commercial warm air furnaces. *Id.* In response to CBD's assertions, DOE has presented the arguments relevant to the benefits and burdens of the TE2 test procedure (discussed in more detail in sections II.B through II.E of this document) and DOE has determined that appendix B would have an uncertain increase in representativeness that does not outweigh the likely increase in burden, and determined that rescinding the TE2 test procedure is appropriate.

After reviewing information received in response to the May 2025 NOPR (including a number of supportive public comments), DOE has determined that withdrawing appendix B is appropriate under EPCA's requirements for establishing test procedures and the procedural requirements of the APA, as well as being consistent with the Department's and Administration's goals of reducing regulatory burden specified in E.O. 14192, "Unleashing Prosperity Through Deregulation." 90 FR 9065 (Feb. 6, 2025).

CBD also commented that DOE must comply with the National Environmental Policy Act ("NEPA") when carrying out the proposed deregulatory action, and argued, contrary to DOE's claims, that none of the NEPA's categorical exclusions are applicable in this case. (CBD, No. 11 at p. 3) Similarly, an individual commented that DOE's reliance on a NEPA categorical exclusion overlooks environmental consequences such as increased fuel consumption and emissions. (Ravnitzky, No. 7 at p. 2) Both of these commenters stated that DOE must address

environmental impacts and reasonable alternatives. (CBD, No. 11 at p. 3; Ravnitzky, No. 7 at p. 2)

As discussed in section IV.D of this final rule, DOE analyzed the determination that the appendix B test procedure should be withdrawn in accordance with NEPA and determined that this action is administrative and routine. 10 CFR part 1021, subpart D, paragraph A4. Per Section 2.1 (5) of DOE's NEPA Implementing Procedures, published on June 30, 2025 and July 13, 2026, DOE has determined that as an administrative and routine action, this rulemaking is not a major Federal action subject to review under NEPA. This determination is consistent with DOE's NEPA determination in the June 2, 2023 final rule establishing the TE2 test procedure, where DOE determined that the rule fell into a class of actions that are categorically excluded from review under NEPA and DOE's implementing regulations, because it is a rulemaking that interprets or amends an existing rule or regulation that does not change the environmental effect of the rule or regulation being amended. *See* 88 FR 36217, 36231. Consequently, DOE has determined that NEPA review is not required.

An individual commented that rescinding appendix B conflicts with Executive Order ("E.O.") 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use," 66 FR 28355 (May 22, 2001), which mandates evaluation of any rule likely to affect energy infrastructure. (Ravnitzky, No. 7 at p. 2)

As discussed in section IV.K of this final rule, this regulatory action is a significant regulatory action under E.O. 12866. However, it would not have a significant adverse effect on the supply, distribution, or use of energy. Accordingly, since the relevant criteria under E.O. 13211 have not been triggered, DOE has not prepared a Statement of Energy Effects as required in E.O. 13211 for significant energy actions.

B. Industry Participation

DOE received the following comments regarding industry participation in the development of the appendix B test procedure.

JCI reiterated the benefits of using the ASHRAE process to develop a test method, commenting that ASHRAE members would suggest proposals that would be less burdensome and costly than appendix B. (JCI, No. 12 at p. 2)

AAON commented that DOE did not allow stakeholders to provide meaningful input on the appendix B test procedure and TE2 metric. AAON encouraged DOE to use the ASHRAE process to ensure stakeholder engagement in the development of new metrics. (AAON, No. 9 at pp. 1–2) JCI suggested that technical experts were unable to contribute significantly to the development of the TE2 metric because it was proposed and finalized outside of the ASHRAE Standard 90.1 process. (JCI, No. 12 at p. 2) Trane commented that DOE should start with a request for information ("RFI") before developing an alternative test procedure and energy efficiency metric calculation. (Trane, No. 8 at p. 3)

In response, DOE takes issue with these comments suggesting that DOE did not provide an adequate opportunity for public comment on the CWAFs test procedure generally and the TE2 metric specifically. To this point, DOE notes that the Department initiated the CWAFs test procedure rulemaking through an RFI published in the *Federal Register* on May 5, 2020 ("May 2020 RFI"), which included the topics of jacket losses and part-load performance for public input. 87 FR 10726, 10735-10740. After having considered feedback from stakeholders received in response to the RFI, DOE solicited and received further input from stakeholders through a NOPR published in the *Federal Register* on February 25, 2022 ("February 2022 NOPR"), which proposed the appendix B test procedure and the TE2 metric.[5] 87 FR 10726. For the CWAFs test procedure final rule, which was published in the *Federal Register* on June 2, 2023, DOE considered all comments received in response to the February 2022 NOPR, including comments specifically regarding the TE2 metric. 88 FR 36217. With that said, while DOE did solicit, receive, and review extensive public input during the process of establishing appendix B,

[5] DOE also held a webinar public meeting for the February 2022 NOPR on March 29, 2022.

DOE is withdrawing the appendix B test procedure for other reasons, as described elsewhere in this final rule.

C. Representativeness of Appendix B

DOE received the following comments regarding the representativeness of the appendix B test procedure.

ASAP and ACEEE commented that in the June 2023 Final Rule, DOE determined that the CWAF test procedure specified in ASHRAE Standard 90.1-2022 is not representative of an average use cycle, specifically mentioning that it does not include jacket losses and part-load operation. (ASAP and ACEEE, No. 13 at p. 1) ASAP and ACEEE and NEEA asserted that DOE had not presented new information in the May 2025 NOPR to support the claims that DOE previously overestimated the impacts of jacket losses and part-load operation. (ASAP and ACEEE, No. 13 at p. 1; NEEA, No. 15 at p. 1) Further, NEEA commented in opposition to removing appendix B and stated that appendix B is representative of CWAF energy use. (NEEA, No. 15 at p. 2) NEEA expressed agreement with DOE's previous assertions that part-load testing and furnace jacket-loss testing can impact CWAF energy use and that including these factors would increase the representativeness of CWAF ratings. (*Id.*) Finally, NEEA commented that representative test procedures are important for utilities and efficiency organizations to quantify energy savings for market-based programs supporting energy-efficient products. (NEEA, No. 15 at p. 2)

In contrast, Trane commented that the TE2 metric is not representative of the average use cycle of CWAFs. (Trane, No. 8 at p. 1) Trane additionally commented that DOE should rescind appendix B and utilize only appendix A, asserting that appendix B is unduly burdensome and unrepresentative and is not supported by clear and convincing evidence that it provides a representative energy efficiency measurement of the average use cycle of CWAF equipment. (*Id.* at p. 3) Trane also commented that while the TE2 calculation incorporates both jacket losses

and part-load performance, averaging the full and part-load efficiencies to calculate TE2 is not representative of the average use cycle of CWAFs. Trane commented that CWAFs operate more hours in part-load than full-load, with hours varying depending on sizing and building load. (*Id.* at pp. 1-2) In addition, Trane stated that a bin analysis, where heating performance is assessed for different "bins" of heating hours across a heating season, would be required, along with industry engagement, to develop a more representative load performance weighting. (*Id* at p. 2) Trane argued that use of the TE2 metric could stifle future energy saving technology development if an arbitrary weighting is used in the regulatory test procedure. (*Id.*)

Further, AAON commented that the part-load degradation factors and extrapolated jacket-loss coefficients lack empirical validation and fail to represent actual equipment operation or customer applications. (AAON, No. 9 at p. 1) Rheem commented that appendix B is inconsistent with industry standards. (Rheem, No. 14 at p. 1) Trane also commented that neither appendix A nor appendix B accurately represent winter season performance because the combustion air temperature in real applications would be lower than in testing. (Trane, No. 8 at p. 3)

In response, DOE notes that the disparity among comments with regard to jacket losses and part-load performance demonstrates that there remains a lack of consensus among interested parties about the extent to which appendix B would produce test results that are more representative of an average use cycle as compared to appendix A. Specifically with regard to the weighting of full-load and part-load performance, DOE requested comment on alternate weighting values in the February 2022 NOPR but none of the commenters provided data with which to determine an alternative weighting that would be more representative, and DOE remains unaware of any data that would be useful to better characterize the appropriate weighting factors. However, in light of these continued uncertainties regarding the potential increase in representativeness of appendix B, in this final rule, DOE has reconsidered the balance between representativeness and test burden as required by EPCA's dual mandate that DOE's test

procedures be reasonably designed to produce test results that reflect energy efficiency, energy use, and estimated operating costs during a representative average use cycle while also not being unduly burdensome to conduct. (42 U.S.C. 6314(a)(2)) As a result, for the reasons discussed in more detail in section III of this document, DOE is rescinding the appendix B test procedure.

D. Test Burden for Conducting Appendix B

DOE received the following comments regarding the burdens associated with performing the appendix B test.

NEEA commented that U.S. companies have begun preparing for testing and rating CWAFs using the appendix B test procedure since DOE established the test procedure two years ago and that rescinding it could result in losses associated with testing and rating equipment, as well as loss in investments to adjust product designs and manufacturing lines. (NEEA, No. 15 at p. 2)

DOEE *et al.* opposed the proposal to rescind the CWAF test procedures, asserting that it would negatively impact businesses in their States. (DOEE *et al.*, No. 10 at p. 1) DOEE *et al.* also commented that manufacturers have already invested time and money into complying with the appendix B test procedure. (DOEE *et al.*, No. 10 at p. 2)

Two individuals commented that rescinding appendix B would result in stranded investments from the development of TE2, suggesting that a recission disregards the resources and effort put into developing the test procedure. (Ravnitzky, No. 7 at pp. 1–2; Simpson, No. 6 at p. 1)

Other commenters provided specific feedback regarding the burden of the test method itself.

Rheem and AHRI commented in support of removing the TE2 metric and appendix B from DOE's regulations on the basis that appendix B would increase manufacturer test burden. (Rheem, No. 14 at p. 1; AHRI, no. 16 at p. 3) Trane commented that the CWAF test procedure at appendix B is burdensome for manufacturer certification since manufacturers are dependent

on actual test data and must test many different configurations because there are no established alternative efficiency determination methods ("AEDMs") to determine TE2. (Trane, No. 8 at p. 2) Trane commented that the current ASHRAE Standard 90.1 requirement not to exceed 0.75 percent in jacket losses requires fewer models[6] to be tested. However, due to the new jacket loss provisions in appendix B and the TE2 metric, every model must be physically tested at both maximum and minimum input rate. (*Id.* at pp. 2–3) Trane commented that testing according to appendix A requires 3–4 weeks to set up each unit before testing, whereas appendix B would require an additional 4 weeks per unit. (*Id.* at p. 2) Trane stated that overall, the test set-up and testing duration is twice as long for appendix B compared to appendix A, and appendix B costs an additional $6–8 million for the added material, labor, time, and number of model configurations. (*Id.* at pp. 2–3)

Trane provided an example that one of their rooftop units required an additional 1,600 thermocouples to perform the jacket-loss testing on some of their largest cabinets. (*Id.* at p. 2) Trane also noted that additional data scanners may be required due to the increased number of measurements that need to be recorded. (*Id.*)

Additionally, Trane commented that furnace jackets within rooftop cabinets are difficult to access, and, therefore, it is difficult to place thermocouples for jacket-loss testing. (Trane, No. 8 at p. 3) Moreover, Trane stated that laboratory resources are already constrained by the number of available rooms, as well as physical space limitations when seeking to test the larger cabinets. Trane stated that currently it must perform appendix A testing of its larger equipment outdoors because there are no test rooms available large enough to test the equipment. (*Id.*) Trane stated that such testing must be scheduled at times of the year and of the day that the outdoor ambient temperature is within the range of room temperature as defined by the test procedure. (*Id.*)

[6] The commenter refers to "individual" models; however, as per 10 CFR 429.41, determinations of represented values for CWAFs are based on testing "basic" models, which are defined at 10 CFR 431.72.

JCI commented in support of DOE's tentative determination that the Department had previously underestimated the burden of the appendix B test procedure. (JCI, No. 12 at pp. 1–2) The commenter stated that the current sampling requirement requires testing a single unit, but that if multiple units need to be tested to verify compliance, the time and cost estimates would multiply, becoming unduly burdensome for JCI. (*Id.*) JCI commented that appendix B will require extensive and burdensome retesting compared to appendix A. JCI stated that it has around 98 unique furnace configurations for different input rates, airflow rates, and unit duct configurations, and that the appendix B test method would require each configuration to be physically tested to determine TE2. According to JCI, it would take over a year and over $1 million in testing costs to test all their units according to appendix B. (JCI, No. 12 at p. 1)

AAON commented that appendix B would add unnecessary complexity since it introduces additional setpoints and configurations not validated through stakeholder input and imposes burden on laboratory scheduling and reporting systems without corresponding benefit. (AAON, No. 9 at p. 1)

AHRI commented that testing costs were not properly accounted for in the previous rulemaking establishing the appendix B test procedure. (AHRI, No. 16 at p. 3) AHRI commented that the DOE test procedure at appendix B requires jacket-loss testing on all units, which is a large cost, whereas ASHRAE requires testing only on the worst unit in a product line. (*Id*.) According to AHRI, testing laboratories are already at capacity for regularly scheduled testing, thereby making additional tests difficult. (*Id.*) AHRI reiterated its previous comments that accessing the furnace jacket for testing may cause reduced panel sealing of the unit which would negatively impact the results. This led AHRI to argue that the additional granularity of test results would be negligible, whereas the increased burden on manufacturers would be substantial. (*Id.*)

Conversely, ASAP and ACEEE commented that in the June 2023 Final Rule, DOE estimated testing costs for appendix B based on actual price quotations from third-party

laboratories and also estimated the cost to develop an AEDM. ASAP and ACEEE cited DOE's conclusion that the additional cost to determine TE2 compared to TE is not unduly burdensome and is justified in light of the improved representativeness of TE2 compared to TE. (ASAP and ACEEE, No. 13 at pp. 1–2) ASAP and ACEEE stated that in the current May 2025 NOPR, DOE did not provide supporting evidence for the claim that the test procedure cost and burden associated with TE2 were underestimated in the June 2023 Final Rule. (*Id.*)

NEEA commented that there is no current requirement for manufacturers to rate their equipment according to appendix B, so the least burdensome action would be to maintain the current test procedure (consisting of both appendix A and appendix B). NEEA commented that the removal of appendix B would be a burdensome regulatory action for DOE and a confusing and burdensome pivot for stakeholders. (NEEA, No. 15 at p. 2)

In response, DOE appreciates the additional data and information that have been provided by manufacturers regarding the testing burden associated with the TE2 test specified in appendix B and accords such information due weight. As discussed in the previous section of this document, DOE has reconsidered the uncertainties in both the increase in representativeness and increase in test burden in terms of increase in expenditures to test, constraints on testing facilities and increase in time required to test additional configurations associated with testing per appendix B as compared to appendix A. Based on these considerations, as well as the policy directives specified in E.O. 14192, DOE is rescinding appendix B in this final rule.

E. Other Considerations

1. Regulatory Certainty

DOEE *et al.* commented that DOE's proposal to rescind the appendix B test procedure and the TE2 metric would hurt consumers and cause confusion and uncertainty for domestic and international manufacturers of CWAFs. (DOEE *et al.*, No. 10 at pp. 1–2) Similarly, NEEA commented that DOE should uphold appendix B to maintain consistency and predictability in the

regulatory process, which NEEA stated provides a stable business environment for U.S. manufacturers. (NEEA, No. 15 at pp. 1–2)

As discussed, manufacturers currently determine compliance with CWAF energy conservation standards based on testing in accordance with appendix A. Manufacturers would be required to use appendix B only if they choose to make optional representations of performance based on the TE2 metric. DOE is not aware of any manufacturers choosing to make such claims. Accordingly, DOE does not expect the withdrawal of the appendix B test procedure to introduce any confusion or uncertainty for consumers or manufacturers.

An individual commented that without a single, national test procedure, testing will be split among multiple private methods resulting in increased costs and uncertainty for manufacturers and end users. (Ravnitzky, No. 7 at p. 1) The individual also commented that a single, national test procedure is essential to ensure inefficient units do not enter the market and building owners can rely on published ratings. (*Id.*)

In response, DOE notes that although this final rule is rescinding the newly established appendix B test procedure, DOE is not rescinding the current federal test procedure for CWAFs found in appendix A, the use of which is required for making any representations with respect to energy use or efficiency of CWAFs, including for the purpose of demonstrating compliance with standards. DOE has determined that the continued required usage of appendix A addresses the commenter's concerns.

2. Competitiveness

DOE received comments regarding the impact of the May 2025 NOPR on U.S. competitiveness in the marketplace.

An individual stated that the current regulations ensure the United States remains competitive with global markets, and rescinding standards would diminish the standing of the United States in the international market and the potential for addressing the "trade imbalance."

(Simpson, No. 6 at p. 1) Another individual commented that rescinding appendix B risks reducing U.S. competitiveness in the market. (Ravnitzky, No. 7 at pp. 1–2)

In this final rule, DOE is not modifying or rescinding any existing energy conservation standards for CWAFs. As discussed, the appendix A test procedure remains required for use to demonstrate compliance with existing energy conservation standards. Consequently, DOE's action would not trigger the competitiveness concerns raised by these commenters.

3. Infrastructure and Environmental Impacts

An individual commented that unchecked inefficiency would increase costs for businesses and end users, jeopardize national security by straining infrastructure, and decrease reliability. (Ravnitzky, No. 7 at p. 1) The individual commented that even small efficiency increases in CWAFs can save millions of therms of gas each year, flatten winter peak-load spikes, reduce greenhouse-gas emissions, and bolster grid resilience against extreme weather or supply disruptions. (*Id.*)

CBD commented that test procedures ensure that covered equipment complies with energy conservation standards, which help limit pollution and greenhouse gas ("GHG") emissions. (CBD, No. 11 at p. 3) CBD commented that standards ensure cost savings for consumers by creating more efficient appliances, which lowers utility bills, and rescinding the CWAF test procedures will undermine the administration's goal of lowering energy costs for American citizens. (*Id.*)

In response and as discussed previously, in this final rule, DOE is not amending or rescinding the appendix A test procedure or the energy conservation standards for CWAFs. Use of appendix A remains required for demonstrating compliance with existing standards for CWAFs.

III. Conclusions

After carefully considering the comments received on the May 2025 NOPR, DOE has determined that there is considerable uncertainty regarding the magnitude of any increased

representativeness of the appendix B test procedure vis-a-vis the current appendix A test procedure, as well as uncertainty regarding the increase in test burden between those two test procedures. Consistent with the policies and directives outlined in E.O. 14192, "Unleashing Prosperity Through Deregulation," and DOE's proposed revisions to sections 8(c) and 9(b) of the Process Rule, DOE has determined that an uncertain increase in representativeness does not outweigh the likely increase in test burden. EPCA requires that DOE's test procedures be reasonably designed to produce test results that reflect energy efficiency, energy use, and estimated operating costs during a representative average use cycle while not being unduly burdensome to conduct. (42 U.S.C. 6314(a)(2)). DOE has concluded that this balance between representativeness and burden is not met by the new appendix B test procedure and for this reason, and those reasons discussed in the preceding sections of this document, DOE is withdrawing the test procedure for commercial warm air furnaces at 10 CFR part 431, subpart D, appendix B. Commercial warm air furnaces will continue to be subject to the testing requirements of 10 CFR part 431, subpart D, appendix A.

In this final rule, DOE is removing the definition of "thermal efficiency two" and removing 10 CFR part 431, subpart D, appendix B as proposed in the May 2025 NOPR. DOE is additionally making minor conforming revisions to sections 10 CFR 431.75 and 431.76 ("Materials incorporated by reference" and the "Uniform test method for the measurement of energy efficiency of commercial warm air furnaces," respectively) as ancillary to the changes proposed in the May 2025 NOPR so as to eliminate references to removed appendix B.

IV. Procedural Issues and Regulatory Review

A. Review Under Executive Order 12866

Section 6(a) of Executive Order ("E.O.") 12866, "Regulatory Planning and Review," 58 FR 51735 (Oct. 4, 1993), requires agencies to submit "significant regulatory actions" to the Office of Information and Regulatory Affairs ("OIRA") in the Office of Management and Budget ("OMB") for review. OIRA has determined that this final regulatory action constitutes a

"significant regulatory action" under section 3(f) of E.O. 12866. Accordingly, this action was submitted to OIRA for review under E.O. 12866.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq*., as amended by the Small Business Regulatory Enforcement Fairness Act of 1996) requires preparation of an initial regulatory flexibility analysis ("IRFA") and a final regulatory flexibility analysis (FRFA) for any final rule where the agency was first required by law to publish a proposed rule for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by E.O. 13272, "Proper Consideration of Small Entities in Agency Rulemaking," 67 FR 53461 (August 16, 2002), DOE published procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the rulemaking process. 68 FR 7990. DOE has made its procedures and policies available on the Office of the General Counsel's website (*www.energy.gov/gc/office-general-counsel*).

DOE reviewed this final rule under the provisions of the Regulatory Flexibility Act and the policies and procedures published on February 19, 2003. This final rule rescinds a test procedure that would apply to future standards (if such standards denominated in terms of the TE2 metric are adopted) but leaves in place the test procedure corresponding to the current standards (denominated in terms of thermal efficiency ("TE")). Therefore, since manufacturers are not currently required to use the TE2 test procedure, DOE concludes that the impacts of its burden-reducing proposal would not have a "significant economic impact on a substantial number of small entities," and, therefore, the preparation of a FRFA is not warranted. DOE has submitted a certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

C. Review Under the Paperwork Reduction Act of 1995

Under existing provisions, manufacturers of covered products/equipment must certify to DOE that their products comply with any applicable energy conservation standards. In certifying compliance, manufacturers must test their products according to the DOE test procedures for such products/equipment, including any amendments adopted for those test procedures, on the date that compliance is required. DOE has established regulations for the certification and recordkeeping requirements for all covered consumer products and commercial equipment (*see generally* 10 CFR part 429). The collection-of-information requirement for certification and recordkeeping is subject to review and approval by OMB under the Paperwork Reduction Act ("PRA"). This requirement has been approved by OMB under OMB control number 1910-1400. Public reporting burden for the certification is estimated to average 35 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

This final rule would impose no new information or record-keeping requirements. Accordingly, OMB clearance is not required under the Paperwork Reduction Act. (44 U.S.C. 3501 *et seq.*).

D. Review Under the National Environmental Policy Act of 1969

In the May 2025 NOPR, DOE stated that it was analyzing the proposed rule in accordance with the National Environmental Policy Act of 1969 ("NEPA") (42 U.S.C. 4321 *et seq.*) and DOE's NEPA implementing regulations (10 CFR part 1021) in effect at the time of the May 2025 NOPR's publication. In the May 2025 NOPR, DOE anticipated that the May 2025 NOPR qualified for a categorical exclusion because the NOPR was an interpretation or ruling

with respect to an existing regulation and otherwise met the requirements for application of a categorical exclusion. 90 FR 20909, 20912 (May 16, 2025).

DOE has analyzed this action in accordance with NEPA, as amended, DOE's NEPA implementing regulations (set forth in 10 CFR part 1021), and DOE's NEPA implementing procedures (published outside the Code of Federal Regulations on July 13, 2026 (Available at: *www.energy.gov/nepa/articles/doe-nepa-implementing-procedures-july-13-2026*)). On July 3, 2025, DOE published an interim final rule in the *Federal Register* which revised 10 CFR part 1021 to contain only administrative and routine actions excepted from NEPA review in appendix A, its existing categorical exclusions in appendix B, related requirements, and a provision for emergency circumstances. 90 FR 29676. DOE notes that appendix A in 10 CFR part 1021 (formerly categorical exclusions) are now administrative and routine actions that are excepted from NEPA based on the definition of "major Federal action" in section 111(10) of NEPA.

In this document, DOE considers the appendix B test procedure for CWAFs. After careful review, DOE has determined that the test procedure at appendix B for CWAF should be withdrawn. DOE analyzed the determination in accordance with NEPA and determined that this action is administrative and routine. 10 CFR part 1021, subpart D, paragraph A4. DOE has determined that as an administrative and routine action it is not a major Federal action subject to review under NEPA. For more information, please see appendix A of 10 CFR part 1021 ("A4, Interpretations and Rulings for Existing Regulations"), and Section 2.1 (5) of DOE's NEPA implementing procedures.

E. Review Under Executive Order 13132

E.O. 13132, "Federalism," 64 FR 43255 (August 10, 1999), imposes certain requirements on Federal agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. The Executive order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The Executive

order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process it will follow in the development of such regulations. 65 FR 13735.

DOE examined this final rule and determined that it will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. EPCA governs and prescribes Federal preemption of State regulations as to energy conservation for the equipment that is the subject of this final rule. States can petition DOE for exemption from such preemption to the extent, and based on criteria, set forth in EPCA. (42 U.S.C. 6297; 42 U.S.C. 6316) Therefore, no further action is required by E.O. 13132.

F. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of E.O. 12988, "Civil Justice Reform," 61 FR 4729 (Feb. 7, 1996), imposes on Federal agencies the general duty to adhere to the following requirements: (1) eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard, and (4) promote simplification and burden reduction. Regarding the review required by section 3(a), section 3(b) of E.O. 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms, and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of E.O. 12988 requires Executive agencies to review regulations in light of applicable

standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, this final rule meets the relevant standards of E.O. 12988.

G. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 ("UMRA") requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Pub. L. 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of $100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)) The UMRA also requires a federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a "significant intergovernmental mandate," and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect them. On March 18, 1997, DOE published a statement of policy on its process for intergovernmental consultation under UMRA. 62 FR 12820. DOE's policy statement is also available at *www.energy.gov/sites/prod/files/gcprod/ documents/umra_97.pdf*.

DOE examined this final rule according to UMRA and its statement of policy and determined that the rule, which reduces regulatory burdens, does not contain a Federal intergovernmental mandate, nor is it expected to require expenditures of $100 million or more in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector. Accordingly, no further assessment is required under UMRA.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any policy or regulation that may affect family well-being. When developing a Family Policymaking Assessment, agencies must assess whether: (1) the action strengthens or erodes the stability or safety of the family and, particularly, the marital commitment; (2) the action strengthens or erodes the authority and rights of parents in the education, nurture, and supervision of their children; (3) the action helps the family perform its functions, or substitutes governmental activity for the function; (4) the action increases or decreases disposable income or poverty of families and children; (5) the proposed benefits of the action justify the financial impact on the family; (6) the action may be carried out by State or local government or by the family; and whether (7) the action establishes an implicit or explicit policy concerning the relationship between the behavior and personal responsibility of youth, and the norms of society.

This final rule, which rescinds a test procedure for future application, would not have any financial impact on families nor any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Review Under Executive Order 12630

Pursuant to E.O. 12630, "Governmental Actions and Interference with Constitutionally Protected Property Rights," 53 FR 8859 (March 18, 1988), DOE has determined that this final rule would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under the Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516, note) provides for Federal agencies to review most disseminations of information to the public under information quality guidelines established by each agency pursuant to general

guidelines issued by OMB. OMB's guidelines were published at 67 FR 8452 (Feb. 22, 2002), and DOE's guidelines were published at 67 FR 62446 (Oct. 7, 2002). Pursuant to OMB Memorandum M–19–15, Improving Implementation of the Information Quality Act (April 24, 2019), DOE published updated guidelines which are available at: *www.energy.gov/cio/department-energy-information-quality-guidelines*. DOE has reviewed this final rule under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

K. Review Under Executive Order 13211

E.O. 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use," 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare and submit to OIRA at OMB, a Statement of Energy Effects for any significant energy action. A "significant energy action" is defined as any action by an agency that promulgates or is expected to lead to promulgation of a final rule, and that: (1) is a significant regulatory action under E.O. 12866, or any successor order, and is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (2) is designated by the Administrator of OIRA as a significant energy action. For any significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use if the regulation is implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use.

The regulatory action in this document, which rescinds a test procedure for future application, is a significant regulatory action under E.O. 12866. However, it is not a "significant energy action" because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Accordingly, DOE has not prepared a Statement of Energy Effects.

L. Review Under Additional Executive Orders and Presidential Memoranda

DOE has examined this final rule and has determined that it is consistent with the policies and directives outlined in E.O. 14154, "Unleashing American Energy," 90 FR 8353 (Jan. 29, 2025); E.O. 14192, "Unleashing Prosperity Through Deregulation," 90 FR 9065 (Feb. 6, 2025); and Presidential Memorandum, "Delivering Emergency Price Relief for American Families and Defeating the Cost-of-Living Crisis," 90 FR 8245 (Jan. 28, 2025). This final rule has been determined to be an "E.O. 14192 deregulatory action" because it removes an optional test procedure which is likely to increase test burden, if adopted. Additionally, rescinding the appendix B test procedure provides more regulatory certainty for manufacturers by ensuring the Federal test procedure will remain aligned with the industry standard, as appendix A is currently aligned with the test procedure as referenced in ASHRAE Standard 90.1.

M. Congressional Notification.

As required by 5 U.S.C. 801, DOE will submit to Congress and to the Comptroller General a report on this final rule before its effective date. The report will state that it has been determined that this final rule is not a "major rule" as defined by 5 U.S.C. 804(2).

V. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this final rule.

List of Subjects in 10 CFR Part 431

Administrative practice and procedure, Confidential business information, Energy conservation test procedures, Incorporation by reference, and Reporting and recordkeeping requirements.

Signing Authority

This document of the Department of Energy was signed on September 30, 2026, by Audrey Robertson, Assistant Secretary (EERE) for Critical Minerals and Energy Innovation, pursuant to delegated authority from the Secretary of Energy. That document with the original

signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register

Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the *Federal Register*.

Signed in Washington, DC, on October 5, 2026.

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Treena V. Garrett
Federal Register Liaison Officer,
U.S. Department of Energy

For the reasons set forth in the preamble, DOE amends part 431 of chapter II, subchapter D, of title 10 of the Code of Federal Regulations, as set forth below:

PART 431 -- ENERGY EFFICIENCY PROGRAM FOR CERTAIN COMMERCIAL AND INDUSTRIAL EQUIPMENT

1. The authority citation for part 431 continues to read as follows:

Authority: 42 U.S.C. 6291-6317; 28 U.S.C. 2461 note.

§ 431.72 [Amended]

2. Amend § 431.72 by removing the definition for “Thermal efficiency two.”

3. In § 431.75, paragraph (c)(1) is amended by removing "appendices A and B" and adding in its place "appendix A".

4. Amend § 431.76 by revising paragraph (b) to read as follows:

§ 431.76 Uniform test method for the measurement of energy efficiency of commercial warm air furnaces.

* * * * *

(b) *Testing and Calculations*. Test in accordance with appendix A to this subpart when making representations of thermal efficiency.

Appendix A to Subpart D of Part 431 [Amended]

5. Amend appendix A to subpart D of part 431 by removing the introductory note.

Appendix B to Subpart D of Part 431 [Removed]

6. Remove appendix B to subpart D of part 431.

[FR Doc. 2026-20517 Filed: 10/6/2026 8:45 am; Publication Date: 10/7/2026]