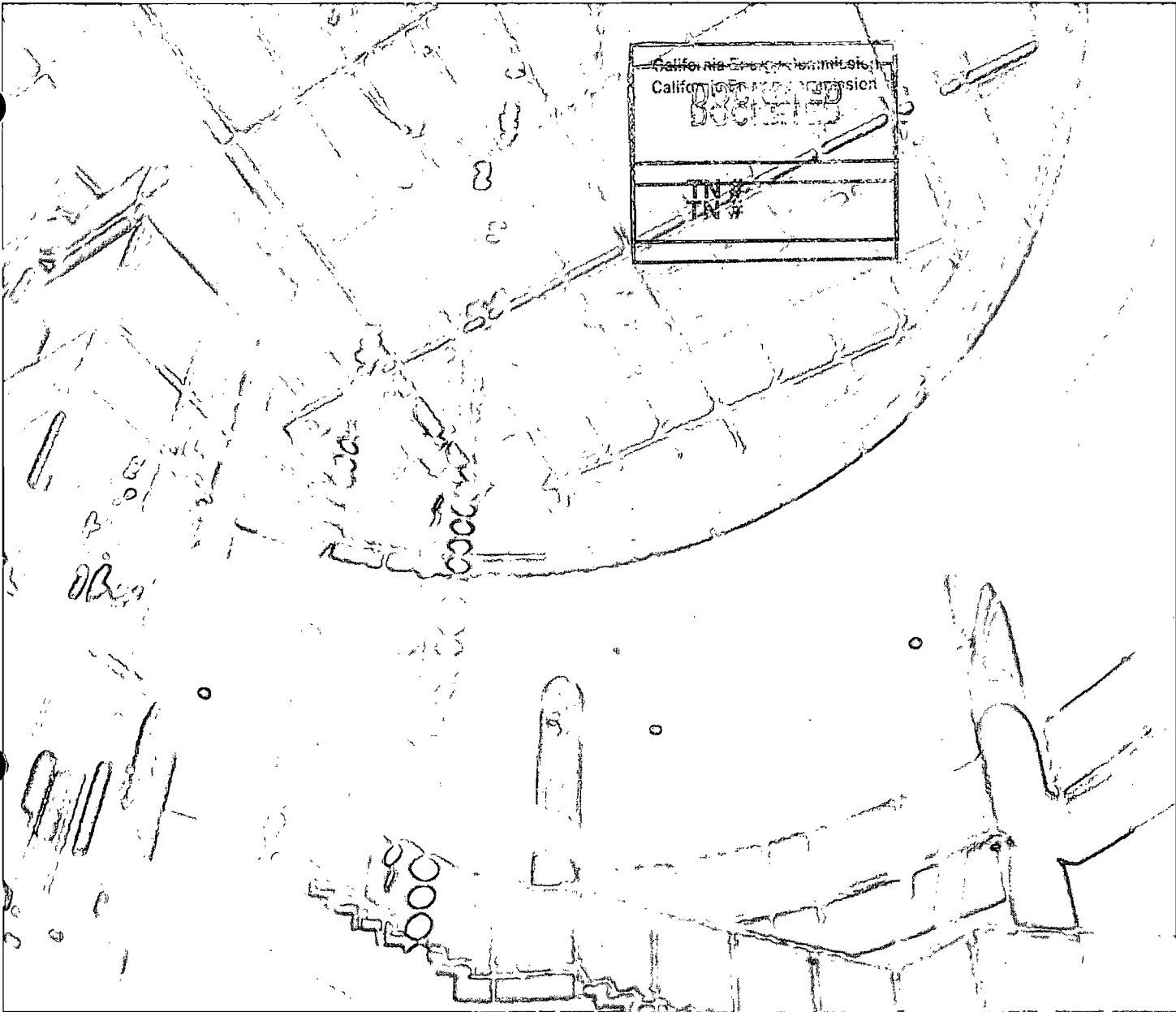


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California Energy Commission California Energy Commission DOCKETED
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California Energy Commission Title 24

Mechanical Acceptance Test Technician Certification Provider

Application for Interim Approval

California Energy Commission DOCKETED 13-ATTCP-01
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California Energy Commission Title 24

Mechanical Acceptance Test Technician Certification Provider

Application for Interim Approval



Submitted by:

National Environmental Balancing Bureau

8575 Grovemont Circle

Gaithersburg MD 20877

www.nebb.org

Table of Contents

I. Application for Confidential Designation.....	3
II. Overview	7
III. Text of Applicable Title 24 Section	7
IV. About NEBB.....	8
V. NEBB Development and Implementation Team.....	20
VI. Oversight and Accountability Program	21
VII. Roles of Registry in the Interim.....	28
VIII. Technician and Employer Interim Training.....	66
IX. Technician and Employer Interim Training Exam.....	330

I. Application for Confidential Designation

(Title 20 Cal. Code. Regs., § 2505 et seq.)

An application to keep a record confidential shall be submitted directly to the **Docket Unit** on electronic media, but not by email. Five electronic (5) copies of the record for which confidentiality is sought must be submitted, on separate media, each marked on the media with the title of the record and "confidential." (§ 1209.5, subd. (a)(4)). The application may be on a sheet separate from, but attached to, the record. The application will then be acted upon by the Executive Director in consultation with the Chief Counsel of the Energy Commission. (§ 2505, subd. (a).) (Nov 30, 2011 Standing Order)

TO: Energy Commission Docket Unit.

APPLICANT: National Environmental Balancing Bureau

ADDRESS: 8575 Grovemont Circle, Gaithersburg MD 20877

- 1(a). Title, date, and description (including number of pages) of the information or data for which you request confidential designation. **Information or data seeking a designation of confidentiality must be included with this application.**

California Energy Commission Title 24 Mechanical Acceptance Test Technician Certification Provider Application for Interim Approval, Dated December 20, 2013, The National Environmental Balancing Bureau (NEBB) application to become a Mechanical Acceptance Test Technician Certification Provider (MATTCP) under California Energy Commission (CEC) Title 24, Part 6, Section 10-103-B, paragraph (e) Interim Approval of Mechanical Acceptance Test Technician Certification Providers, 338 pages attached.

- 1(b). Specify the part(s) of the information or data for which you request confidential designation.

- a. *Entire application (pages 1 – 338)*
- b. *PowerPoint Training for Employers and Technicians (pages 66 – 329)*
- c. *Exam Items and scoring keys (pages 330 – 338)*

2. State and justify the length of time the Energy Commission should keep the information or data confidential.

- a. *Entire application until approved by CEC, except sections as noted below. Justification: Portions of the application contain proprietary and sensitive*

information which could result in degradation of the integrity of the process if released prematurely.

- b. *PowerPoint Training for Employers and Technicians until date of first presentation (to be determined). The PowerPoint is the copyrighted intellectual property of NEBB. We recognize once it has been presented, the PowerPoint presentation will be publicly available, within the restrictions of the copyright laws, and therefore will no longer require protection under this section.*
 - c. *Exam items and scoring keys until replaced by NEBB. (Minimum of one year from date of application approval.) The examination contain proprietary and sensitive information which could result in degradation of the integrity of the process if released. Additionally, the examination is the copyrighted intellectual property of NEBB.*
- 3(a). State the provision(s) of the Public Records Act (Gov. Code, § 6250 et seq.) or other law that allows the Energy Commission to keep the information or data confidential, and explain why the provision(s) apply to that material.
- a. *Entire application - CA Government Code Section 6254.15 "Nothing in this chapter shall be construed to require the disclosure of records that are any of the following: corporate financial records, corporate proprietary information including trade secrets, and information relating to the siting within the state furnished to a government agency by a private company for the purposes of permitting the agency to work the company in retaining, locating or expanding a facility within California."*
 - b. *PowerPoint Training for Employers and Technicians – "Nothing in this chapter shall be construed to require the disclosure of records that are any of the following: corporate financial records, corporate proprietary information including trade secrets, and information relating to the siting within the state furnished to a government agency by a private company for the purposes of permitting the agency to work the company in retaining, locating or expanding a facility within California."*
 - c. *Exam items and scoring keys - CA Government Code Section 6254(g) "Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination, except as provided for in Chapter 3 (commencing with Section 99150) of Part 65 of Division 14 of Title 3 of the Education Code."*

3(b). Discuss the public interest in nondisclosure of the material submitted for a confidential designation. If the material contains trade secrets or its disclosure would otherwise cause loss of a competitive advantage, please state how it would be lost, the value of the information to the applicant and the ease or difficulty with which the information could be legitimately acquired or duplicated by others.

- a. *Entire application (pages 1 - 338): Portions of the application contain proprietary and sensitive information which cost our organization significant funds and opportunity costs. If a competitor organization were to have access to the file, they would have unfair advantage in that they could duplicate our work and not incur the research and development costs.*
- b. *PowerPoint Training for Employers and Technicians (pages 66 - 329): The PowerPoint is the copyrighted intellectual property of NEBB costing thousands of dollars and hundreds of hours to develop. We recognize once it has been presented, the PowerPoint presentation will be publicly available, within the restrictions of the copyright laws, and therefore will no longer require protection under this section.*
- c. *Exam Items (pages 330 - 338): There is no reasonable or legitimate purpose in the public interest to release this information. To the contrary, release would be detrimental to the public interest in that the purpose of the examination is to determine qualification to provide service in the public interest.*

4. State whether the information or data can be disclosed if it is aggregated with other information or masked to conceal certain portions (including but not limited to the identity of the applicant). State the degree of aggregation or masking required. If the data cannot be disclosed even if aggregated or masked, explain why.

- a. *Entire application (pages 1 - 338): Information or data may not be disclosed if aggregated or masked since there are only two organizations providing applications so far. Aggregation or masking would be ineffective.*
- b. *PowerPoint Training for Employers and Technicians (pages 66 - 329): Information or data may not be disclosed if aggregated or masked since there are only two organizations providing applications so far. Aggregation or masking would be ineffective.*
- c. *Exam Items and scoring keys (pages 330 - 338): Information or data may not be disclosed if aggregated or masked since there are only two*

organizations providing applications so far. Aggregation or masking would be ineffective.

5. State how the material is kept confidential by the applicant and whether it has even been disclosed to a person other than an employee of the applicant. If it has, explain the circumstances under which disclosure occurred.
- a. *Entire application (pages 1 – 339): The component materials have not been disclosed to anyone other than necessary members of the NEBB Title 24 Development Committee. The complete and final application has not been released other than to the NEBB Committee Chair, the Executive Vice President and the Director, Technical Programs.*
 - b. *PowerPoint Training for Employers and Technicians (pages 66 - 329): The component materials have not been disclosed to anyone other than necessary members of the NEBB Title 24 Development Committee. The complete and final presentation has not been released other than to the NEBB Committee Chair, the Executive Vice President and the Director, Technical Programs.*
 - c. *Exam Items and scoring keys (pages 330 - 338): The component materials have not been disclosed to anyone other than necessary members of the NEBB Title 24 Development Committee. The complete and final examination has not been released other than to the NEBB Assessment Development Sub-committee Chair, Committee Chair, the Executive Vice President and the Director, Technical Programs.*

I certify under penalty of perjury that the information contained in this application for confidential designation is true, correct, and complete to the best of my knowledge and that I am authorized to make the application and certification on behalf of the applicant.

Dated: December 20, 2013

Signed: 

Name: Thomas R. Meyer

Title: Director, Technical Programs

Representing: National Environmental Balancing Bureau

Include additional signature blocks if there are multiple partners in the project with shared responsibilities for making the request.