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DEPARTMENT OF ENERGY

10 CFR Part 430

[Docket No. EERE-2011-BT-DET-0072]

RIN: 1904-AC66 and 1904-AC51

Energy Conservation Program for Consumer Products and Certain Commercial and Industrial Equipment: Final Determination of Miscellaneous Refrigeration Products as Covered Products

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Final determination and final rule.

SUMMARY: The U.S. Department of Energy ("DOE") is classifying miscellaneous refrigeration products ("MREFs"), which include coolers and combination cooler refrigeration products, as covered products under Part A of Title III of the Energy Policy and Conservation Act ("EPCA"), as amended. Accordingly, this document establishes the scope of products that are considered MREFs. This document also codifies specific definitions of the product categories that fall within the MREF product type. As part of these changes, DOE is amending its current definitions for refrigerators, refrigerator-freezers, and freezers to better differentiate these product types from the MREF-related product category definitions being adopted in this rule. The amendments to these definitions (for refrigerators, refrigerator-freezers, and freezers)

do not alter the scope or intent of the current definitions, other than for those products that would be covered under this final determination and final rule as combination cooler refrigeration products.

DATES: The coverage and definitions established in this document are effective on **[30 DAYS AFTER PUBLICATION IN THE FEDERAL REGISTER]**. After that date, products within the scope of MREF coverage will be subject to any applicable test procedures and energy conservation standards established for MREFs.

ADDRESSES: This rulemaking can be identified by docket number EERE-2011-BT-DET-0072 and/or Regulatory Information Numbers (RIN) 1904-AC66 and 1904-AC51.

Docket: For access to the docket to read background documents or comments received, go to the U.S. Department of Energy, 6th Floor, 950 L'Enfant Plaza SW, Washington, D.C. 20024, (202) 586-2945, between 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays. Please call Ms. Brenda Edwards at (202) 586-2945 for additional information regarding visiting the Resource Room.

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For further information on how to review public comments, contact Ms. Brenda Edwards at (202) 586-2945 or by e-mail: Brenda.Edwards@ee.doe.gov.

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I. Statutory Authority

Title III of the Energy Policy and Conservation Act ("EPCA" or, in context, "the Act"), as amended (42 U.S.C. 6291 et seq.), sets forth various provisions designed to improve energy efficiency. Part A of Title III of EPCA (42 U.S.C. 6291–6309) established the “Energy Conservation Program for Consumer Products Other Than Automobiles.”¹

EPCA specifies a list of covered consumer products that includes refrigerators, refrigerator-freezers, and freezers. Although EPCA did not define any of these products, it specified that the extent of DOE’s coverage would apply to those refrigerator, refrigerator-freezers, and freezers that can be operated by alternating current ("AC") electricity, but excluding those products that are designed to be used without doors, and, separately, those products that do not include a compressor and condenser unit as an integral part of the cabinet assembly. (42 U.S.C. 6292(a)(1)) EPCA did not preclude or otherwise foreclose the possibility that other consumer refrigeration products, such as those consumer refrigeration products addressed in this notice, could also be covered separately if they satisfy certain prerequisites. EPCA, in fact, authorizes the Secretary of Energy to classify additional types of consumer products not otherwise specified in Part A as covered products. For a type of consumer product to be classified as a covered product, the Secretary must determine that:

- (1) classifying the product as a covered product is necessary for the purposes of EPCA;
- and

¹ For editorial reasons, upon codification in the U.S. Code, Part B was re-designated Part A.

- (2) the average annual per-household energy use by products of such type is likely to exceed 100 kilowatt-hours per year ("kWh/yr"). (42 U.S.C. 6292(b)(1))

Before prescribing an energy conservation standard for products for which the Secretary has extended regulatory coverage through 42 U.S.C. 6292(b), the Secretary must determine that:

- (1) the average household energy use of the products has exceeded 150 kWh per household for a 12-month period;
- (2) the aggregate 12-month energy use of the products has exceeded 4.2 terawatt-hours ("TWh");
- (3) substantial improvement in energy efficiency is technologically feasible; and application of a labeling rule under 42 U.S.C. 6294 is unlikely to be sufficient to induce manufacturers to produce, and consumers and other persons to purchase, covered products of such type (or class) that achieve the maximum energy efficiency that is technologically feasible and economically justified.

Any standards that the Secretary sets for products that are covered in this manner must also meet the requirements of 42 U.S.C. 6295(o) and (p). See 42 U.S.C. 6295(l)(1).

DOE has determined that MREFs, the definition of which DOE is adding to 10 CFR 430.2 and discusses in this notice, meet the statutory requirements under 6292(b)(1), and is classifying them as a covered product. Separately, DOE is conducting rulemakings to consider test procedures and energy conservation standards for MREFs. DOE will determine if MREFs

satisfy the provisions of 42 U.S.C. 6295(l)(1) during the course of the energy conservation standards rulemaking.²

II. Current Rulemaking Process

On November 8, 2011, DOE published a notice of proposed determination of coverage ("NOPD") to address the potential coverage of consumer refrigeration products without compressors in anticipation of a rulemaking to address these and related consumer refrigeration products. 76 FR 69147.

On February 23, 2012, DOE began a scoping process to set potential energy conservation standards and test procedures for wine chillers, consumer refrigeration products that operate without compressors, and consumer ice makers by publishing a notice of public meeting, and providing a framework document that addressed potential standards and test procedure rulemakings for these products. 77 FR 7547.

On October 31, 2013, DOE published in the Federal Register a supplemental notice of proposed determination of coverage ("2013 SNOPD") in which it tentatively determined that MREFs, which at the time included wine chillers, non-compressor refrigeration products, hybrid products (i.e., refrigeration products that combine a wine chiller with a refrigerator and/or freezer), and consumer ice makers, would likely satisfy the provisions of 42 U.S.C. 6292(b)(1). 78 FR 65223.

² On www.regulations.gov, see docket ID EERE-2011-BT-STD-0043 for information regarding the energy conservation standards rulemaking and docket ID EERE-2013-BT-TP-0029 for information regarding the test procedure rulemaking.

DOE published a notice of public meeting that also announced the availability of a preliminary technical support document ("TSD") for MREFs on December 3, 2014 ("Preliminary Analysis"). 79 FR 71705. This Preliminary Analysis considered potential standards for those products DOE proposed to cover in its 2013 SNOPD. DOE held a public meeting to discuss and receive comments on the Preliminary Analysis, which covered the analytical framework, models, and tools that DOE used to evaluate potential standards; the results of preliminary analyses performed by DOE for these products; the potential energy conservation standard levels derived from these analyses that DOE had been considering consistent with its obligations under EPCA; and all other issues raised issues that relevant to the development of energy conservation standards for the different categories of MREFs.

DOE also published a test procedure NOPR on December 16, 2014 ("Test Procedure NOPR"), proposing definitions and test procedures for MREFs, including the product categories addressed in the 2013 SNOPD. See 79 FR 74894. The proposed test procedures, which would be included at Title 10 of the Code of Federal Regulations ("CFR"), part 430, subpart B, appendix A ("appendix A"), detailed how to measure MREF energy efficiency, energy use, and estimated annual operating cost during a representative average use period. In DOE's view, the procedure would, consistent with 42 U.S.C. 6293(b)(3), not be unduly burdensome to conduct.

After reviewing the comments received in response to both the Preliminary Analysis and the Test Procedure NOPR, DOE ultimately determined that its efforts at developing test procedures and potential energy conservation standards for these products would benefit from the direct and comprehensive input provided through the negotiated rulemaking process. On

April 1, 2015, DOE published a notice of intent to establish a Working Group under the Appliance Standards and Rulemaking Federal Advisory Committee ("ASRAC") that would use the negotiated rulemaking process to discuss and, if possible, reach consensus recommendations on the scope of coverage, definitions, test procedures, and energy conservation standards for MREFs. 80 FR 17355. Subsequently, DOE formed a Miscellaneous Refrigeration Products Working Group ("MREF Working Group" or, in context, "the Working Group") to address these issues. The Working Group consisted of 15 members, including two members from ASRAC and one DOE representative. The MREF Working Group met in-person during six sets of meetings held in 2015 on May 4–5, June 11–12, July 15–16, August 11–12, September 16–17, and October 20.

On August 11, 2015, the MREF Working Group reached consensus on a term sheet that recommended the relevant scope of coverage, definitions, and test procedures for MREFs. See public docket EERE-2011-BT-STD-0043-0113 ("Term Sheet #1"). On October 20, 2015, the MREF Working Group reached consensus on a term sheet to recommend energy conservation standards for coolers and combination cooler refrigeration products. See public docket EERE-2011-BT-STD-0043-0111 ("Term Sheet #2"). ASRAC approved both term sheets during separate public meetings on December 18, 2015, and January 20, 2016, and sent them to the Secretary of Energy for further consideration.

On March 4, 2016, DOE published a SNOPD proposing a scope of coverage and definitions for MREFs consistent with the recommendations of the MREF Working Group ("2016 SNOPD"). See 81 FR 11454. That document proposed that coolers and combination

cooler refrigeration products would be considered covered products under EPCA, as well as definitions for these product categories and additional subcategories. Because DOE did not receive any comments in response to the 2016 SNOPD that would alter its determination, it is classifying MREFs as a covered product in this final determination. Specific comments received in response to the 2016 SNOPD are discussed in the following sections.

III. Scope of Coverage

In response to the feedback received from interested parties on the Preliminary Analysis and Test Procedure NOPR, the MREF Working Group was tasked with recommending a scope of coverage for MREFs. To this end, the Working Group's Term Sheet #1 recommended that DOE not include two product categories for which it had proposed coverage in the 2013 SNOPD: non-compressor refrigerators and icemakers. See Term Sheet #1.

DOE proposed in the 2016 SNOPD that MREF coverage would apply only to coolers and combination cooler refrigeration products, consistent with the MREF Working Group recommendation, and proposed definitions for these product categories. DOE agreed with Working Group members that consumer ice makers are significantly different from the other product categories considered for coverage under MREFs, and, therefore, proposed to exclude them from MREF coverage. Additionally, DOE did not propose a separate product category for non-compressor refrigerators because it was not aware of any such products available on the market. See 81 FR 11454, 11456.

The Appliance Standards Awareness Project (“ASAP”) and Earthjustice (jointly referred to as “Joint Commenters”); Pacific Gas and Electric Company (PG&E), Southern California Gas Company (SCGC), Southern California Edison (SCE), and San Diego Gas and Electric Company (SDG&E) (jointly referred to as the “California Investor-Owned Utilities (IOUs)”); and the Association of Home Appliance Manufacturers (“AHAM”) agreed with DOE's proposed scope of coverage for MREFs, which included coolers and combination cooler refrigeration products, but excluded ice makers. (Joint Commenters, No. 23 at p. 1; California IOUs, No. 25 at p. 1; AHAM, No. 24 at p. 2)³

Because interested parties supported the 2016 SNOVD's proposed scope of coverage, DOE is establishing that MREFs be defined as consumer refrigeration products other than refrigerators, refrigerator-freezers, or freezers, and which include coolers and combination cooler refrigeration products, as discussed further in section V of this document. DOE is also establishing that MREFs are a covered product under EPCA based on the evaluation described in the following section.

IV. Evaluation of Miscellaneous Refrigeration Products as Covered Products

In order for MREFs to be classified as a covered product, they are required to satisfy certain statutory criteria. As stated in section I of this notice, DOE may classify a consumer product as a covered product if (1) classifying products of such type as covered products is necessary and appropriate to carry out the purposes of EPCA; and (2) the average annual per

³ A notation in the form “California IOUs, No. 23 at p. 1” identifies a written comment: (1) made by the California IOUs; (2) recorded in document number 23 that is filed in the docket of this determination (Docket No. EERE-2011-BT-DET-0072) and available for review at www.regulations.gov; and (3) which appears on page 1 of document number 23.

household energy use by products of such type is likely to exceed 100 kWh (or its Btu equivalent) per year. (42 U.S.C. 6292(b)(1))

A. Coverage Necessary or Appropriate To Carry Out Purposes of EPCA

In this document, DOE has determined that the coverage of MREFs is both necessary and appropriate to carry out the purposes of EPCA. MREFs, which comprise a small but significant and growing sector of the consumer refrigeration market, consume energy generated from limited energy supplies and regulating their energy efficiency would be likely to help conserve these limited energy supplies. As a coverage determination is a prerequisite to establishing standards for these products, classifying MREFs as a covered product is clearly necessary and appropriate to carry out EPCA's purposes to: (1) conserve energy supplies through energy conservation programs; and (2) provide for improved energy efficiency of major appliances and certain other consumer products. (42 U.S.C. 6201)

B. Energy Use Estimates

In the 2016 SNOPD, DOE estimated the average household energy use for MREFs—coolers and combination cooler refrigeration products. Because these products were included in the proposed definition of “miscellaneous refrigeration products,” their estimated average household energy use provides a conservative estimate of whether the average annual per-household energy use of MREFs exceeds 100 kWh/yr, as required for coverage under EPCA. DOE presented these results and a detailed discussion of the methodology used for the analysis in Section IV.B of the 2016 SNOPD. 81 FR at 11456–11457.

1. Coolers

DOE used market data, engineering models, and manufacturer feedback received under non-disclosure agreements and during the MREF Working Group meetings to estimate average household energy use for coolers. In the 2016 SNO PD, DOE organized the analysis for consistency with the scope of coverage and product definitions recommended by the MREF Working Group. The cooler definition proposed in the 2016 SNO PD would incorporate products, regardless of refrigeration system, under the same definition. Additionally, DOE proposed four product categories within the cooler definition based on refrigerated volume and installation configuration. The analysis conducted for the 2016 SNO PD separated coolers into these four product categories. 81 FR at 11456–11457.

Table IV.1 shows the estimated annual energy use for each category of cooler analyzed in the 2016 SNO PD. DOE found that across all cooler categories, coolers have an average lifetime of over 10 years and an average annual energy consumption of 440 kWh per household. Id.

Table IV.1 2016 SNO PD Coolers Estimated Annual Energy Use

| | Units | Product Type | | | | Totals or Averages |
|--|-------------|--------------|-------------|---------|---------|--------------------|
| | | Compact FS* | Compact BI* | FS* | BI* | |
| Average Energy Consumption (per unit) | kWh/yr | 450 | 250 | 370 | 340 | 440 |
| Stock | Units, 2014 | 14,500,000 | 55,000 | 610,000 | 120,000 | 15,300,000 |
| National Energy Consumption | TWh/yr | 6.5 | 0.014 | 0.23 | 0.042 | 6.8 |
| Average Lifetime | Years | 10.3 | 10.3 | 17.4 | 17.4 | 10.6 |
| Annual Sales | Units, 2014 | 1,400,000 | 5,400 | 35,000 | 7,100 | 1,460,000 |
| Saturation | % | 12.6 | 0.05 | 0.5 | 0.1 | |

*FS = Freestanding, BI = Built-in

DOE received no comments on the methodology or analysis used in the 2016 SNOPD to estimate cooler energy use. Therefore, DOE has maintained the cooler analysis as presented in the 2016 SNOPD and in Table IV.1 for this final determination.

2. Combination Cooler Refrigeration Products

DOE used market data, engineering models, and manufacturer feedback received under non-disclosure agreements and during the MREF Working Group meetings to estimate average household energy use for combination cooler refrigeration products. Similar to the updated coolers analysis, DOE revised its combination cooler refrigeration product analysis in the 2016 SNOPD to be consistent with the scope of coverage and product definitions recommended by the MREF Working Group. For example, the definition of combination cooler refrigeration product proposed in the 2016 SNOPD removed the 50-percent cooler compartment volume requirement originally proposed in the 2013 SNOPD. DOE also updated its estimates of annual shipments, product lifetimes, and energy consumption per unit for these products based on manufacturer feedback, recommendations from the MREF Working Group, and more recent product information. 81 FR at 11457.

Table IV.2 shows the estimated annual energy use for each category of combination cooler refrigeration product analyzed in the 2016 SNOPD. DOE found that across all categories, combination cooler refrigeration products have an average lifetime of 12.6 years and an average annual energy consumption of 222 kWh per household. Id.

Table IV.2 2016 SNOPD Combination Cooler Refrigeration Products Annual Energy Use

| | Units | Product Type* | | | | Totals or Averages |
|--|-------------|---------------|--------|---------|---------|--------------------|
| | | C3A-BI | C9-BI | C13A | C13A-BI | |
| Average Energy Consumption (per unit) | kWh/yr | 210 | 280 | 210 | 220 | 220 |
| Stock | Units, 2014 | 70,000 | 70,000 | 160,000 | 120,000 | 430,000 |
| National Energy Consumption | TWh/yr | 0.015 | 0.019 | 0.035 | 0.027 | 0.095 |
| Average Lifetime | Years | 17.4 | 17.4 | 10.3 | 10.3 | 12.6 |
| Annual Sales | Units, 2014 | 4,000 | 4,000 | 16,000 | 12,000 | 36,000 |
| Saturation | - | 0.06% | 0.06% | 0.14% | 0.11% | |

*Product types for combination cooler refrigeration products are based on the product class of refrigerator, refrigerator-freezer, or freezer that the product would be categorized under if it did not have a cooler compartment.

DOE received no comments on the methodology or analysis used in the 2016 SNOPD to estimate combination cooler refrigeration product energy use. Therefore, DOE has maintained the combination cooler refrigeration product analysis as presented in the 2016 SNOPD and in Table IV.2 for this final determination.

3. Conclusions

Based on the evaluations summarized in Tables IV.1 and IV.2, the MREF categories examined by DOE consume significantly more than 100 kWh annually, which led DOE to tentatively determine that these products would satisfy the average annual per household energy use threshold set by EPCA to classify a product as covered. 81 FR at 11457.

In response to the 2016 SNOPD, the Joint Commenters and California IOUs agreed with DOE's tentative determination that MREFs satisfy the energy consumption criteria for coverage under EPCA. (Joint Commenters, No. 23 at p. 1; California IOUs, No. 25 at p. 2) DOE received no comments challenging its tentative determination.

Based upon its evaluations of coolers and combination cooler refrigeration products, which DOE has not changed since the 2016 SNO PD analysis, DOE has determined that these products, on average, are likely to exceed the 100 kWh/yr threshold set by EPCA to classify a product as covered. Moreover, DOE has determined that MREFs, on average, consume more than 150 kWh/yr, and that the aggregate annual national energy use of these products exceeds 4.2 TWh. Accordingly, these data indicate that MREFs satisfy at least two of the four criteria required under EPCA in order for the Secretary to set standards for a product whose coverage is added pursuant to 42 U.S.C. 6292(b). See 42 U.S.C. 6295(l)(1)(A)–(D).

V. Product Definitions

Consistent with the scope of coverage outlined in the 2013 SNO PD, the Test Procedure NOPR proposed definitions for the following four product categories that DOE indicated would be considered as MREFs: cooled cabinets, non-compressor refrigerators, hybrid refrigerators, and ice makers. See 79 FR at 74899–74904.

The MREF Working Group subsequently discussed how and whether to define the various terms related to MREFs. The Working Group ultimately reached a consensus that is reflected in Term Sheet #1's recommendations, which included dropping DOE's proposed definitions for non-compressor refrigerators and ice makers, updating the terms used to describe the covered MREF product categories based on the discussions and analyses conducted during the Working Group meetings, revising the proposed MREF product definitions, and amending the existing definitions for refrigerators, refrigerator-freezers, and freezers to ensure consistency with the recommended MREF definitions. See Term Sheet #1.

Consistent with these recommendations, the 2016 SNOPD contained proposals for new and amended definitions that would be added to the Code of Federal Regulations at 10 CFR 430.2. DOE proposed new definitions to clearly delineate which products would fall within the MREF scope of coverage and to define the individual product categories comprising MREFs. DOE also proposed similar conforming amendments to the existing definitions for refrigerators, refrigerator-freezers, and freezers for consistency with the proposed MREF definitions. The proposed amendments were intended to eliminate confusion with the proposed MREF definitions, and would not affect the scope of coverage under the existing refrigerator, refrigerator-freezer, and freezer definitions, other than for those products that would fall under the combination cooler refrigeration products category. The proposed definitions generally followed the MREF Working Group recommendations with minor revisions to improve clarity. 81 FR at 11457–11461.

In response to the 2016 SNOPD, the Joint Commenters supported the proposed product definitions. (Joint Commenters, No. 23 at pp. 1–2) The California IOUs also stated that DOE should adopt the definitions from Term Sheet #1 to clearly delineate MREF products from those that are already considered covered products. (California IOUs, No. 25 at p. 2) Industry representatives raised specific concerns regarding particular aspects of the various definitions that DOE proposed. Those specific concerns are addressed in the sections that follow.

As described in section III of this notice, DOE is maintaining the scope of coverage for MREFs as proposed in the 2016 SNOPD. Therefore, DOE is establishing definitions for the

same terms as proposed in the 2016 SNOPD. The following sections describe each of the new or amended definitions.

A. Coolers

In the 2016 SNOPD, DOE proposed to define the term “cooler” using the definition for “cooled cabinet” proposed in the Test Procedure NOPR as a starting point and updated to reflect the Working Group's recommendations (see Term Sheet #1). DOE proposed to define a “cooler” as a cabinet, used with one or more doors, that has a source of refrigeration capable of operating on single-phase, alternating current and is capable of maintaining compartment temperatures either no lower than 39 °F, or in a range that extends no lower than 37 °F but at least as high as 60 °F. The proposal also clarified that these compartment temperatures would be determined in a 90 °F ambient temperature. 81 FR at 11458–11459.

The California IOUs supported a definition for coolers that would not differentiate compressor-based coolers from non-compressor coolers. (California IOUs, No. 25 at p. 2)

AHAM commented that DOE should retain the language excluding products “designed to be used without doors” in the regulatory text, consistent with the wording included in the statutory language in 42 U.S.C. § 6292(a)(1) and agreed upon by the MREF Working Group. (AHAM, No. 24 at pp. 3–4)

DOE notes that the term sheet expressly indicated that the definitions were in draft form and would be subject to further revision and modification. See Term Sheet #1, Appendix 2. This proviso, which was presented in the beginning of the appendix in boldfaced-type, indicated

that some modifications to these definitions were possible to enable DOE to ensure the clarity and consistency of its regulations.

In DOE's view, the proposed revisions to the Working Group's text would more clearly define the contours of what a "cooler" is. Specifically, by including the phrase "used with one or more doors," the definition states that a product must have at least one door in order to fall into the category. This phrasing, in addition to being clearer and more direct, accomplishes the same purpose as the language referenced by AHAM. Additionally, the revised text language does not require a subjective determination as to the intent of a product's design. If a product is used with one or more doors, it would be considered a cooler regardless of the design intent. Therefore, DOE is maintaining the language of "used with one or more doors" in the cooler definition as well as the combination cooler refrigeration product category definitions established in this final rule.

AHAM also expressed concern that the proposed definitions state that compartment temperatures would be "as determined according to the provisions in § 429.61(d)(2) [proposed at 79 FR 74894 (December 16, 2014)]," which included a 72 °F ambient temperature for determining compartment temperatures. AHAM commented that DOE likely did not intend to suggest that it will finalize a rule that includes a 72 °F ambient temperature and that, instead, DOE plans to finalize a rule that will include a 90 °F ambient temperature in § 429.61(d)(2). AHAM stated that its support of the definitions containing that reference is contingent on that assumption, as it would strongly object to a 72 °F ambient temperature. (AHAM, No. 24 at p. 3) As noted in the Preamble of the 2016 SNOVD, DOE agreed with the MREF Working Group

recommendation that compartment temperatures be determined in a 90 °F ambient temperature. 81 FR 11454, 11458. The requirements in § 429.61(d)(2) reference the MREF test procedure. DOE intends to address the necessary updates to both § 429.61(d)(2) and the MREF test procedure during the test procedure rulemaking to ensure that all of the product definitions established in this final determination refer to compartment temperatures as determined in a 90 °F ambient temperature.

Liebherr Canada Ltd. (Liebherr) stated that it manufactures a humidor product for storing cigars that operates at storage temperatures between 61 °F and 68 °F, and that the product was designed exclusively for the storage of tobacco products in an optimal humidity condition. Although the proposed cooler definition did not refer to the storage of wine and other beverages, Liebherr noted that this phrase was included in the cooler compartment definition in Term Sheet #1. Liebherr commented that products such as its humidor should be excluded from coverage because they are not intended for cooling food or beverages and because they cannot maintain a 55 °F storage temperature. Liebherr suggested DOE implement a revised cooler definition that would require the product to be capable of maintaining a 55 °F storage temperature, noting that this requirement would not exclude any of the beverage center or wine cooler appliances as customers would not accept beverages as warm as or warmer than 55 °F. Additionally, Liebherr stated that including products that cannot reach 55 °F storage temperature would create excessive burden, as manufacturers would be required to obtain test procedure waivers for those products. (Liebherr, No. 21 at pp. 2–3)

In the 2016 SNOPD, DOE proposed a cooler definition that did not include the requirement that the product be designed for the storage of wine and other beverages to limit

potential circumvention. By relying on quantifiable characteristics, such as compartment temperature, the proposed definition would allow a third-party to verify a product's appropriate classification without knowledge of the manufacturer's design intent. For that reason, DOE is not including reference to the storage of food or beverages in the cooler definition established in this final rule.

DOE also considered including the requirement that a product be able to maintain a 55 °F storage temperature in its cooler definition. However, as described in the Preliminary Analysis, DOE is aware of many products marketed for the storage of food and beverages that are not able to maintain 55 °F compartment temperatures when tested in a 90 °F ambient temperature. See chapter 3 of the preliminary TSD. Accordingly, including a 55 °F compartment temperature requirement in the cooler definition would exclude such products from being considered coolers and subject to any subsequent cooler test procedures or energy conservation standards. To avoid excluding these products from coverage, DOE is not including a 55 °F compartment temperature requirement in the cooler definition. Because humidors such as the one identified in the Liebherr comment meet the definition for cooler, they would be subject to any DOE cooler test procedures and energy conservation standards. For products that cannot maintain the standardized compartment temperatures required in the test procedure, manufacturers would have to apply for test procedure waivers according to 10 CFR 430.27 to establish an acceptable test procedure for each such product.

For the reasons explained above, DOE is adopting, without modifications, the definition of "cooler" proposed in the 2016 SNOPD.

In the 2016 SNOPD, DOE also proposed additional definitions for four subcategories within the cooler definition based on refrigerated volume and configuration, consistent with the same requirements and definitions currently in place for refrigerators, refrigerator-freezers, and freezers. DOE proposed four categories of coolers: freestanding coolers, freestanding compact coolers, built-in coolers, and built-in compact coolers. 81 FR at 11459.

DOE did not receive any comments opposing the four cooler product categories proposed in 2016 SNOPD. Therefore, DOE is establishing the definitions for the four product categories as proposed in the 2016 SNOPD.

B. Combination Cooler Refrigeration Products

In the 2016 SNOPD, DOE proposed to define terms for combination cooler refrigeration products consistent with the MREF Working Group recommendations in Term Sheet #1, including “cooler-refrigerator,” “cooler-refrigerator-freezer,” and “cooler-freezer.” The proposed definitions addressed products that combine warm-temperature compartments, referred to as cooler compartments, with a fresh food and/or freezer compartment. Additionally, the proposed definitions did not require that the cooler compartment make up at least 50 percent of the product’s total refrigerated volume, as initially proposed in the definition for “hybrid refrigeration product” in the Test Procedure NOPR. Similar to the cooler definitions proposed in the 2016 SNOPD, the proposed combination cooler refrigeration product definitions included the requirements that the products be used with one or more doors, operate using single-phase, alternating current electric energy input, and maintain compartment temperatures as determined in a 90 °F ambient temperature. 81 FR at 11459.

The California IOUs supported the adoption of combination cooler refrigeration product definitions that would not exclude non-compressor products from coverage. (California IOUs, No. 25 at p. 2) Consistent with its proposal, DOE's definitions for combination cooler refrigeration products do not exclude non-compressor products.

Similar to the discussion for coolers in section V.A of this notice, AHAM questioned DOE's proposal to include language in each of the combination cooler refrigeration product definitions specifying the use of one or more doors as well as the proposal that compartment temperatures be determined according to § 429.61(d)(2). (AHAM, No. 24 at pp. 3–4) For the reasons discussed in section V.A of this notice, DOE is adopting the phrase “used with one or more doors” for each of the combination cooler refrigeration product definitions, as proposed in the 2016 SNOPD, and will clarify that § 429.61(d)(2) refers to testing in a 90 °F ambient temperature as part of its separate MREF test procedure rulemaking.

Additionally, AHAM and Sub Zero Group, Inc. ("Sub Zero") separately objected to DOE's proposal to remove references to 8 °F that were contained in the definitions for cooler-refrigerator and cooler-refrigerator-freezer. (AHAM, No. 24 at pp. 2–3; Sub Zero, No. 22 at pp. 1–2) DOE proposed definitions for combination cooler refrigeration products that were consistent with the definitions proposed for the non-MREF product types (refrigerators, refrigerator-freezers, and freezers), but with the requirement that they include a cooler compartment. As discussed in section V.C of this document, DOE determined that the proposed temperature updates in the refrigerator and refrigerator-freezer definitions are not necessary to differentiate the existing product definitions from the new MREF definitions. Therefore, DOE is

revising its 2016 SNOPD proposal and establishing the original reference to 8 °F in the definitions for refrigerator and refrigerator-freezer. For consistency, DOE is also establishing 8 °F as the reference temperature in the definitions for cooler-refrigerator and cooler-refrigerator-freezer.

AHAM also noted that the 2016 SNOPD did not consistently revise the Celsius temperature references associated with the proposed change from 8 °F to 0 °F. (AHAM, No. 24 at p. 3) DOE has revised the definitions proposed in the 2016 SNOPD as described in the previous paragraph, and has incorporated the correct Celsius temperature references in this final rule.

As discussed in section V.C of this document, DOE is amending the relevant refrigerator definitions to exclude products that operate within the temperature ranges used to define coolers. This revision would avoid the possibility that a product could be considered both a cooler and a refrigerator. For the relevant combination cooler refrigeration product definitions, DOE is including similar exclusions in the language describing the non-cooler compartments to avoid potential overlapping definitions.

Other than these temperature-related changes, DOE is establishing the cooler-refrigerator, cooler-refrigerator-freezer, and cooler-freezer definitions as proposed in the 2016 SNOPD.

As discussed in the 2016 SNOPD, DOE refers to the term “cooler compartment” but offered no definition for this term, indicating instead that this term would be defined through the separate MREF test procedure rulemaking. See 81 FR at 11457–11459. Additionally, AHAM commented that the MREF Working Group also defined the terms “cooler-all-refrigerator” and

“all-refrigerator” in Term Sheet #1, but that these definitions were not present in the 2016 SNOPD. AHAM recommended that these definitions be included in the test procedure final rule. (AHAM, No. 24 at p. 4) As recommended by AHAM, DOE intends to address the “cooler-all-refrigerator” and “all-refrigerator” definitions as part of the MREF test procedure rulemaking.

C. Refrigerators, Refrigerator Freezers, and Freezers

In the 2016 SNOPD, DOE proposed several changes to the existing definitions for "refrigerator," "refrigerator-freezer," and "freezer" to establish a similar structure with the proposed MREF definitions, improve their clarity, and eliminate potential overlap among these definitions.⁴ DOE did not propose to redefine the scope of coverage for refrigerators, refrigerator-freezers, and freezers, or to amend the definitions in a manner that would affect how a currently covered product would be classified (other than to treat combination cooler refrigeration products as MREFs). The proposals were consistent with the MREF Working Group recommendations except for the changes described earlier (i.e., revising references to 8 °F to 0 °F for freezer compartment temperatures and inclusion of “used with one or more doors” language). DOE also proposed to eliminate the redundant terms “electric refrigerator” and “electric refrigerator-freezer” from 10 CFR 430.2. 81 FR at 11459–11460.

As it did in its comments on DOE's proposed "cooler" definition, see *supra* section V.A, AHAM questioned DOE's use of language in the definition that would specify that products falling into one of the refrigeration product categories be those products that are equipped with one or more doors. AHAM also questioned the proposal's inclusion of a requirement that

⁴ The current definitions for "refrigerator," "refrigerator-freezer," and "freezer" are found under the definitions for "electric refrigerator," "electric refrigerator-freezer," and "freezer" found in 10 CFR 430.2.

compartment temperatures be determined according to § 429.61(d)(2). (AHAM, No. 24 at pp. 3–4) For the reasons discussed in section V.A of this notice, DOE is adopting the phrase “used with one or more doors” for each of the combination cooler refrigeration product definitions, as proposed in the 2016 SNO PD, and will clarify that the § 429.61(d)(2) refers to testing in a 90 °F ambient temperature as part of its separate MREF test procedure rulemaking.

Also as noted earlier, AHAM and Sub Zero opposed DOE’s proposal to remove references to 8 °F in the definitions for cooler-refrigerator, cooler-refrigerator-freezer, refrigerator, and refrigerator-freezer. They noted that this change was not consistent with the MREF Working Group’s recommendation of amending the refrigerator, refrigerator-freezer, and freezer definitions only as necessary to clarify the differentiation with new MREF definitions. AHAM and Sub Zero stated that the proposed definition would alter the scope of coverage for those products, noting that the existing definition requires that a compartment be capable of maintaining temperatures below 8 °F and may be adjusted to 0 °F. Specifically, AHAM commented that the proposed definition could create a situation where products that are now considered refrigerator-freezers could change to refrigerators, or that some products (depending on defrost type) may no longer have an applicable product class and would require waivers.

(AHAM, No. 24 at pp. 2–3; Sub Zero, No. 22 at pp. 1–2)

DOE proposed the revised temperature structure to align the proposed definitions with the test procedure to limit the possibility of a product meeting the definition requirements but not being able to be tested. However, DOE acknowledges that this revision is not directly related to improving clarity or establishing consistency with respect to the new MREF product definitions.

Accordingly, DOE determined that this potential issue would be more appropriately addressed during a rulemaking specific to refrigerators, refrigerator-freezers, and freezers. Therefore, DOE is establishing references to 8 °F for the freezer compartment temperature requirements in the definitions for refrigerators and refrigerator-freezers, and in the associated combination cooler refrigeration product definitions.

DOE is, however, establishing an additional amendment to the existing definitions for refrigerators, refrigerator-freezers, and freezers. The temperature ranges used to define coolers overlap with those used to define refrigerators, which may lead to uncertainty regarding appropriate product classification (*i.e.*, products with compartments capable of maintaining temperatures between 37 °F and 39 °F and as high as 60 °F would meet both the cooler and existing refrigerator definitions). As originally discussed in the Test Procedure NOPR, DOE observed that products with compartment temperatures that reach no lower than 37 °F but that can also reach at least as high as 60 °F are more appropriately classified as coolers instead of refrigerators. 79 FR 74894, 74901–74902. To eliminate uncertainty in product classification, DOE is amending the refrigerator and related definitions to clarify that products that meet the cooler temperature ranges are excluded from the refrigerator and related definitions.

In sum, other than the temperature-related changes, DOE is amending the definitions for refrigerator, refrigerator-freezer, and freezer in a manner consistent with the 2016 SNOPD proposal.

D. General Terms for the Groups of Products Addressed in This Notice

In the 2016 SNOPD, DOE proposed to define the terms “miscellaneous refrigeration product” and “consumer refrigeration product” in a manner consistent with the MREF Working Group recommendations in Term Sheet #1. “Miscellaneous refrigeration product” would refer to a consumer refrigeration product other than a refrigerator, refrigerator-freezer, or freezer, which includes coolers and combination cooler refrigeration products. “Consumer refrigeration product” would refer to a refrigerator, refrigerator-freezer, freezer, or miscellaneous refrigeration product. These proposed terms would allow for simpler references when referring to the groups of products addressed in this final determination.

DOE did not receive any comments on the proposed definitions for “miscellaneous refrigeration product” and “consumer refrigeration product” in response to the 2016 SNOPD. Therefore, DOE is establishing the definitions as proposed in the 2016 SNOPD in this final rule.

Additionally, because DOE has determined that miscellaneous refrigeration products meet the criteria for coverage under EPCA, as discussed in section IV of this final determination, DOE is amending the definition of “covered product” in 10 CFR 430.2 to include miscellaneous refrigeration products.

VI. Procedural Issues and Regulatory Review

DOE has reviewed its final determination of coverage for MREFs under the following executive orders and acts.

A. Review Under Executive Order 12866

The Office of Management and Budget (“OMB”) has determined that coverage determination rulemakings do not constitute “significant regulatory actions” under section 3(f) of Executive Order (“E.O.”) 12866, Regulatory Planning and Review, 58 FR 51735 (October 4, 1993). Additionally, the definitions established in this document clarify the definitions of certain specific products already regulated by DOE and those products that are under consideration for potential regulatory coverage. No new requirements would result from the provisions established in this document. Accordingly, this action was not subject to review under the Executive Order by the Office of Information and Regulatory Affairs (“OIRA”) in the OMB.

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 a regulatory flexibility analysis for any rule that, by law, must be proposed 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. A regulatory flexibility analysis examines the impact of the rule on small entities and considers alternative ways of reducing negative effects. Also, 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 impact of its rules on small entities are properly considered during the DOE rulemaking process. 68 FR 7990 (February 19, 2003). DOE makes its procedures and policies available on the Office of the General Counsel’s website at www.gc.doe.gov.

DOE reviewed this final determination and final rule under the provisions of the Regulatory Flexibility Act and the policies and procedures published on February 19, 2003. This final determination and final rule sets no standards; it only positively determines that future standards may be warranted and should be explored in an energy conservation standards and test procedure rulemaking. Economic impacts on small entities would be considered in the context of such rulemakings. On the basis of the foregoing, DOE certifies that the final determination has no significant economic impact on a substantial number of small entities. Accordingly, DOE has not prepared a regulatory flexibility analysis for this final determination and final rule. DOE has already transmitted its 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

This final determination that MREFs meet the criteria for a covered product for which the Secretary may prescribe an energy conservation standard, pursuant to 42 U.S.C. 6295(o) and (p), imposes no new information or record-keeping requirements. Neither would any aspect of the final rule impose such 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 this notice, DOE has determined that MREFs (as defined in this document) meet the criteria for classification as covered products and that future energy conservation standards may be warranted to regulate their energy usage. Should DOE pursue that option, the relevant environmental impacts would be explored as part of that rulemaking. As a result, DOE has

determined that this action falls into a class of actions that are categorically excluded from review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and DOE's implementing regulations at 10 CFR part 1021. Specifically, this action establishes a class of products ("MREFs") for which energy conservation standards would be appropriate. However, this action does not establish energy conservation standards, and, therefore, does not result in any environmental impacts. Thus, this action is covered by Categorical Exclusion A6 "Procedural rulemakings" under 10 CFR part 1021, subpart D. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

E. Review Under Executive Order 13132

E.O. 13132, "Federalism" 64 FR 43255 (August 10, 1999), imposes certain requirements on 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 assess carefully 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 developing regulatory policies that have Federalism implications. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process that it will follow in developing such regulations. 65 FR 13735 (March 14, 2000). DOE has examined this final determination and final rule. On the basis of this examination, DOE concludes that the action in this document does not preempt State law or have substantial direct effects on the States, on the relationship between the Federal 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 product that is the subject of this final determination and final rule. States can petition DOE for exemption from such preemption to the extent permitted, and based on criteria, set forth in EPCA. (42 U.S.C. 6297) No further action is required by E.O. 13132.

DOE notes that currently existing State and local level energy conservation standards for MREFs that were prescribed or enacted prior to the publication of any standards that DOE may set for these products will not be preempted until the compliance date of those Federal standards is reached. (42 U.S.C. 6295(ii)(1))

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 (February 7, 1996), imposes on Federal agencies the duty to: (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. Section 3(b) of E.O. 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation specifies the following: (1) the preemptive effect, if any; (2) any effect on existing Federal law or regulation; (3) a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) the retroactive effect, if any; (5) definitions of key terms; and (6) 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 sections 3(a) and 3(b) to

determine whether these standards are met, or whether it is unreasonable to meet one or more of them. DOE completed the required review and determined that, to the extent permitted by law, this final determination and 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") (Pub. L. 104-4, codified at 2 U.S.C. 1501 et seq.) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and tribal governments and the private sector. For regulatory actions likely to result in a rule that may cause expenditures by State, local, and Tribal governments, in the aggregate, or by the private sector of \$100 million or more in any 1 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) and (b)) UMRA requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and tribal governments on a proposed "significant intergovernmental mandate." UMRA also requires an agency plan for giving notice and opportunity for timely input to small governments that may be potentially affected before establishing any requirement 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 (March 18, 1997). (This policy also is available at www.gc.doe.gov). DOE reviewed this document pursuant to these existing authorities and its policy statement and determined that the final determination and final rule contains neither an intergovernmental mandate nor a mandate that may result in the expenditure of \$100 million or more in any year, so the UMRA requirements do not apply.

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

Section 654 of the Treasury and General Government Appropriations Act of 1999 (Pub. L. 105-277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This final determination and final rule does not have 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 15, 1988), DOE determined that this final determination and final rule does 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 of 2001

The Treasury and General Government Appropriation Act of 2001 (44 U.S.C. 3516, note) requires agencies to review most disseminations of information they make to the public under guidelines established by each agency pursuant to general guidelines issued by the OMB. The OMB’s guidelines were published at 67 FR 8452 (February 22, 2002), and DOE’s guidelines were published at 67 FR 62446 (October 7, 2002). DOE has reviewed this final determination and final rule under the OMB and DOE guidelines and has concluded that this document 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 OMB a Statement of Energy Effects for any proposed significant energy action. A “significant energy action” is defined as any action by an agency that promulgates a final rule 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 (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (3) is designated by the Administrator of OIRA as a significant energy action. For any proposed significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use if the proposal is implemented, and of reasonable alternatives to the proposed action and their expected benefits on energy supply, distribution, and use.

DOE has concluded that this regulatory action establishing or amending certain definitions and determining that MREFs meet the criteria for a covered product for which the Secretary may prescribe an energy conservation standard pursuant to 42 U.S.C. 6295(o) and (p) does not have a significant adverse effect on the supply, distribution, or use of energy. This action is also not a significant regulatory action for purposes of E.O. 12866, and the OIRA Administrator has not designated this determination as a significant energy action under E.O. 12866 or any successor order. Therefore, this action is not a significant energy action. Accordingly, DOE has not prepared a Statement of Energy Effects.

L. Review Under the Information Quality Bulletin for Peer Review

On December 16, 2004, OMB, in consultation with the Office of Science and Technology Policy ("OSTP"), issued its Final Information Quality Bulletin for Peer Review (the Bulletin). 70 FR 2664 (January 14, 2005). The Bulletin establishes that certain scientific information shall be peer reviewed by qualified specialists before it is disseminated by the Federal government, including influential scientific information related to agency regulatory actions. The purpose of the Bulletin is to enhance the quality and credibility of the Government's scientific information. DOE has determined that the analyses conducted for the regulatory action discussed in this document do not constitute "influential scientific information," which the Bulletin defines as "scientific information the agency reasonably can determine will have or does have a clear and substantial impact on important public policies or private sector decisions." 70 FR 2667 (January 14, 2005). The analyses were subject to pre-dissemination review prior to issuance of this rulemaking.

DOE will determine the appropriate level of review that would apply to any future rulemaking to establish energy conservation standards for MREFs.

VII. Approval of the Office of the Secretary

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

Issued in Washington, D.C., on May 19, 2016.

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

David Friedman
Principal Deputy Assistant Secretary
Energy Efficiency and Renewable Energy

For the reasons stated in the Preamble, DOE amends part 430 of chapter II of title 10, Code of Federal Regulations as set forth below:

PART 430 -- ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

1. The authority citation for part 430 continues to read as follows:

Authority: 42 U.S.C. 6291–6309; 28 U.S.C. 2461 note.

2. Section 430.2 is amended by:

a. Adding, in alphabetical order, definitions for “built-in compact cooler,” “built-in cooler,” “combination cooler refrigeration product,” “consumer refrigeration product,” “cooler,” “cooler-freezer,” “cooler-refrigerator,” “cooler-refrigerator-freezer,” “freestanding compact cooler,” “freestanding cooler,” and “miscellaneous refrigeration product”;

b. Revising the definitions for “covered product,” “freezer,” “refrigerator,” and “refrigerator-freezer”; and

c. Removing the definitions for “electric refrigerator” and “electric refrigerator-freezer.”

The additions and revisions read as follows:

§430.2 Definitions.

* * * * *

Built-in compact cooler means any cooler with a total refrigerated volume less than 7.75 cubic feet and no more than 24 inches in depth, excluding doors, handles, and custom front panels, that is designed, intended, and marketed exclusively to be:

(1) Installed totally encased by cabinetry or panels that are attached during installation;

- (2) Securely fastened to adjacent cabinetry, walls or floor,
- (3) Equipped with unfinished sides that are not visible after installation, and
- (4) Equipped with an integral factory-finished face or built to accept a custom front panel.

Built-in cooler means any cooler with a total refrigerated volume of 7.75 cubic feet or greater and no more than 24 inches in depth, excluding doors, handles, and custom front panels; that is designed, intended, and marketed exclusively to be:

- (1) installed totally encased by cabinetry or panels that are attached during installation;
- (2) securely fastened to adjacent cabinetry, walls or floor;
- (3) equipped with unfinished sides that are not visible after installation; and
- (4) equipped with an integral factory-finished face or built to accept a custom front panel.

* * * * *

Combination cooler refrigeration product means any cooler-refrigerator, cooler-refrigerator-freezer, or cooler-freezer.

* * * * *

Consumer refrigeration product means a refrigerator, refrigerator-freezer, freezer, or miscellaneous refrigeration product.

* * * * *

Cooler means a cabinet, used with one or more doors, that has a source of refrigeration capable of operating on single-phase, alternating current and is capable of maintaining compartment temperatures either:

(1) No lower than 39 °F (3.9 °C), or

(2) In a range that extends no lower than 37 °F (2.8 °C) but at least as high as 60 °F (15.6 °C) as determined according to the applicable provisions in § 429.61(d)(2) [proposed at 79 FR 74894 (December 16, 2014)].

Cooler-freezer is a cabinet, used with one or more doors, that has a source of refrigeration that requires single-phase, alternating current electric energy input only, and consists of two or more compartments, including at least one cooler compartment as defined in appendix A of subpart B of this part, where the remaining compartment(s) are capable of maintaining compartment temperatures at 0 °F (-17.8 °C) or below as determined according to the provisions in § 429.61(d)(2) [proposed at 79 FR 74894 (December 16, 2014)].

Cooler-refrigerator is a cabinet, used with one or more doors, that has a source of refrigeration that requires single-phase, alternating current electric energy input only, and consists of two or more compartments, including at least one cooler compartment as defined in appendix A of subpart B of this part, where:

(1) At least one of the remaining compartments is not a cooler compartment as defined in appendix A of subpart B of this part and is capable of maintaining compartment temperatures above 32 °F (0 °C) and below 39 °F (3.9 °C) as determined according to § 429.61(d)(2) [proposed at 79 FR 74894 (December 16, 2014)];

(2) The cabinet may also include a compartment capable of maintaining compartment temperatures below 32 °F (0 °C) as determined according to § 429.61(d)(2) [proposed at 79 FR 74894 (December 16, 2014)]; but

(3) The cabinet does not provide a separate low temperature compartment capable of maintaining compartment temperatures below 8 °F (−13.3 °C) as determined according to § 429.61(d)(2) [proposed at 79 FR 74894 (December 16, 2014)].

Cooler-refrigerator-freezer is a cabinet, used with one or more doors, that has a source of refrigeration that requires single-phase, alternating current electric energy input only, and consists of three or more compartments, including at least one cooler compartment as defined in appendix A of subpart B of this part, where:

(1) At least one of the remaining compartments is not a cooler compartment as defined in appendix A of subpart B of this part and is capable of maintaining compartment temperatures above 32 °F (0 °C) and below 39 °F (3.9 °C) as determined according § 429.61(d)(2) [proposed at 79 FR 74894 (December 16, 2014)], and

(2) At least one other compartment is capable of maintaining compartment temperatures below 8 °F (−13.3 °C) and may be adjusted by the user to a temperature of 0 °F (−17.8 °C) or below as determined according to § 429.61(d)(2) [proposed at 79 FR 74894 (December 16, 2014)].

* * * * *

Covered product means a consumer product—

(1) Of a type specified in section 322 of the Act, or

(2) That is a ceiling fan, ceiling fan light kit, medium base compact fluorescent lamp, dehumidifier, battery charger, external power supply, torchiere, portable air conditioner, or miscellaneous refrigeration product.

* * * * *

Freestanding compact cooler means any cooler, excluding built-in compact coolers, with a total refrigerated volume less than 7.75 cubic feet.

Freestanding cooler means any cooler, excluding built-in coolers, with a total refrigerated volume of 7.75 cubic feet or greater.

Freezer means a cabinet, used with one or more doors, that has a source of refrigeration that requires single-phase, alternating current electric energy input only and is capable of maintaining compartment temperatures of 0 °F (-17.8 °C) or below as determined according to the provisions in § 429.14(d)(2) [proposed at 79 FR 74894 (December 16, 2014)]. It does not include any refrigerated cabinet that consists solely of an automatic ice maker and an ice storage bin arranged so that operation of the automatic icemaker fills the bin to its capacity. However, the term does not include any product that does not include a compressor and condenser unit as an integral part of the cabinet assembly.

* * * * *

Miscellaneous refrigeration product means a consumer refrigeration product other than a refrigerator, refrigerator-freezer, or freezer, which includes coolers and combination cooler refrigeration products.

* * * * *

Refrigerator means a cabinet, used with one or more doors, that has a source of refrigeration that requires single-phase, alternating current electric energy input only and is capable of maintaining compartment temperatures above 32 °F (0 °C) and below 39 °F (3.9 °C) as determined according to § 429.14(d)(2) [proposed at 79 FR 74894 (December 16, 2014)]. A refrigerator may include a compartment capable of maintaining compartment temperatures below 32 °F (0 °C), but does not provide a separate low temperature compartment capable of maintaining compartment temperatures below 8 °F (−13.3 °C) as determined according to § 429.14(d)(2) [proposed at 79 FR 74894 (December 16, 2014)]. However, the term does not include any product:

- (1) That does not include a compressor and condenser unit as an integral part of the cabinet assembly; or
- (3) That meets the definition of a cooler.

Refrigerator-freezer means a cabinet, used with one or more doors, that has a source of refrigeration that requires single-phase, alternating current electric energy input only and consists of two or more compartments where at least one of the compartments is capable of maintaining compartment temperatures above 32 °F (0 °C) and below 39 °F (3.9 °C) as determined according to § 429.14(d)(2) [proposed at 79 FR 74894 (December 16, 2014)], and at least one other compartment is capable of maintaining compartment temperatures of 8 °F (−13.3 °C) and may be

adjusted by the user to a temperature of 0 °F (-17.8 °C) or below as determined according to § 429.14(d)(2) [proposed at 79 FR 74894 (December 16, 2014)]. However, the term does not include any product:

(1) That does not include a compressor and condenser unit as an integral part of the cabinet assembly; or

(3) With a compartment that meets the definition of a cooler compartment as defined in appendix A of subpart B of this part.

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