DEPARTMENT OF ENERGY

10 CFR Parts 429 and 430

[EERE-2025-BT-DET-0009]

RIN 1904-AF79

Energy Conservation Program: Proposed Withdrawal of Determination of Miscellaneous Refrigeration Products as a Covered Consumer Product

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy (DOE).

ACTION: Notice of proposed withdrawal of determination; request for comments.

SUMMARY: DOE is proposing to withdraw its prior determination that miscellaneous refrigeration products qualify as covered products under Part A of Title III of the Energy Policy and Conservation Act, as amended ("EPCA").

DATES: *Comments:* Comments must be received on or before [**INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER***].

Meeting: DOE will hold a meeting via a webinar on Thursday, May 29, 2025, from 1:00 p.m. to 4:00 p.m. See section III of this document, ''Public Participation,'' for webinar registration information, participant instructions and information about the capabilities available to webinar participants.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at *www.regulations.gov* under docket number EERE-2025-BT-DET-0009. Follow the instructions for submitting comments. Alternatively, interested persons may submit

comments, identified by docket number EERE-2025-BT-DET-0009, by any of the following methods:

(1) *Email*: *MiscRefrigeration2025DET0009@ee.doe.gov*. Include the docket number EERE-2025-BT-DET-0009 in the subject line of the message. Submit electronic comments in WordPerfect, Microsoft Word, PDF, or ASCII file format, and avoid the use of special characters or any form of encryption.

(2) *Postal Mail*: Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, Mailstop EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 287–1445. If possible, please submit all items on a compact disc ("CD"), in which case it is not necessary to include printed copies.

(3) *Hand Delivery/Courier*: Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 287– 1445. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

No telefacsimiles ("faxes") will be accepted. For detailed instructions on submitting comments and additional information on this process, see section III of this document.

Docket: The docket for this proposed rulemaking, which includes *Federal Register* notices, public meeting attendee lists and transcripts (if one is held), 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 web page can be found at *www.regulations.gov/docket/EERE-2025-BT-DET-0009*. The docket web page contains instructions on how to access all documents, including public comments, in the docket, as well as a summary of the rulemaking. See section III of this

document, ‘‘Public Participation,’’ for further information on how to submit comments through *www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT:

Mr. David Taggart, U.S. Department of Energy, Office of the General Counsel, GC–1, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586– 5281. Email: *DOEGeneralCounsel@hq.doe.gov*.

For further information on how to submit a comment or 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.

SUPPLEMENTARY INFORMATION:

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I. General Discussion

Under EPCA, DOE may add consumer products to the list of covered products for which energy conservation standards can be established. (42 U.S.C. 6292(b)(1)) The coverage determination procedures require DOE to conclude that classifying products of such type as covered products is necessary or appropriate to carry out the purposes of this chapter, among other requirements. (*Id*. at 42 U.S.C. 6292(b)(1)(A)) Only after coverage is determined, DOE may then adopt standards and test procedures regulating such products, pursuant to the requirements set out in the statute. (See generally 42 U.S.C. 6293, 6295)

On November 8, 2011, DOE published in the *Federal Register* a notice of proposed determination ("NOPD") that proposed to determine coverage of consumer refrigeration products without compressors. 76 FR 69147. On October 31, 2013, DOE published in the *Federal Register* a supplemental notice of proposed determination of coverage ("SNOPD") in which it tentatively determined that miscellaneous refrigeration products ("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 ("October 2013 SNOPD"). On April 1, 2015, DOE published a notice of intent to establish a MREF Working Group under the Appliance Standards and Rulemaking Federal Advisory Committee 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. 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. See 81 FR 11454 ("March 2016 SNOPD"). After considering public comments, data, and information from interested parties submitted in response to the October 2013 SNOPD and the March 2016 SNOPD, DOE finalized the coverage determination for MREFs. 81 FR 46768 (July 18, 2016) ("July 2016 Determination"). As part of the July 2016

Determination, DOE adopted definitions, test procedures, and certification requirements for MREFs. *Id*. at 81 FR 46789-46805.

DOE has reevaluated whether including MREFs as a covered product is necessary and appropriate to carry out the purposes of EPCA. Based on that evaluation, DOE has tentatively determined that, at this time, it is not necessary or appropriate to classify MREFs as a covered product to carry out the purposes of EPCA. EPCA provides the Secretary discretion in classifying a type of consumer product as a covered product because the Secretary *may* classify if certain requirements are met. (See 42 U.S.C. 6292(b) (emphasis added)). While DOE found in the July 2016 Determination that classifying MREFs as a covered product was needed to set energy conservation standards for MREFs and carry out EPCA's purposes to conserve energy supplies and provide for improved energy efficiency of other consumer products, DOE has reevaluated that determination. See 81 FR 46768, 46773. Using the discretion provided by EPCA for classifying additional covered products, DOE has tentatively determined that there are other avenues to conserve energy supplies than classifying MREFs as a covered product and establishing standards. Therefore, DOE has tentatively found that classifying MREFs as a covered product is not necessary or appropriate to carry out the purposes of EPCA.

Additionally, if DOE proceeds with issuing a final withdrawal of the coverage determination for MREFs, then DOE subsequently lacks the authority to prescribe test procedures and energy conservation standards for MREFs. (See 42 U.S.C. 6293(b); 42 U.S.C. 6295(o)(2)(A) and (o)(3)(B)). For this reason, DOE is also proposing to withdraw the applicable test procedures, certification requirements, and energy conservations standards for MREFs. See 10 CFR 430, subpart B, appendix A; 10 CFR 429.61; 10 CFR 430.32(aa).

DOE requests comment on all aspects of its proposal to withdraw coverage for MREFs.

II. Procedural Issues and Regulatory Review

A. Review under Executive Order 12866

Executive Order ("E.O.") 12866, "Regulatory Planning and Review," requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs; (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

B. Review under Regulatory Flexibility Act

Under the Regulatory Flexibility Act (as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996; 5 U.S.C. 601 *et seq*.), whenever a Federal agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small government jurisdictions).

DOE reviewed this proposed withdrawal of determination under the provisions of the Regulatory Flexibility Act and the policies and procedures published on February 19, 2003. If this proposal is adopted, DOE would no longer have the authority to consider establishing or amending teste procedures or energy conservation standards for MREFs. Therefore, DOE initially concludes that the impacts of the proposed withdrawal of determination would not have a "significant economic impact on a substantial number of small entities," and that the preparation of an IRFA is not warranted. DOE will transmit this 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

This proposed withdrawal of determination, which proposes that MREFs do not meet the criteria for a covered product for which the Secretary may consider prescribing energy conservation standards pursuant to 42 U.S.C. 6295(o) and (p), imposes 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

DOE is analyzing this proposed action in accordance with the National Environmental Policy Act of 1969, as amended, ("NEPA") and DOE's NEPA implementing regulations (10 CFR part 1021). DOE's regulations include categorical exclusions for certain rulemakings. See 10 CFR part 1021, subpart D, appendices A and B. DOE is considering the categorical exclusions potentially applicable to this proposed rule, such as B5.1, and welcomes comment on the potential application of categorical exclusion(s). DOE will complete its NEPA review before issuing the final rule.

E. Review Under Executive Order 13132

E.O. 13132, "Federalism," 64 FR 43255 (Aug. 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 has examined this proposed withdrawal of determination and has tentatively determined that it would 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 products that are the subject of this proposed withdrawal of determination. 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) 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," 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. 61 FR 4729 (Feb. 7, 1996). 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 proposed withdrawal of determination 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 proposed withdrawal of determination according to UMRA and its statement of policy and determined that the proposed withdrawal of determination 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. As a result, the analytical requirements of UMRA do not apply.

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 rule that may affect family well-being. This proposed withdrawal of determination would 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 18, 1988), DOE has determined that this proposed withdrawal of determination 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: *https://www.energy.gov/cio/department-energy-information-quality-guidelines*. DOE has reviewed this proposed withdrawal of determination 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 Executive Order 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 should the proposal be implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use.

DOE has tentatively determined that this rule would not have a significant adverse effect on the supply, distribution, or use of energy. Accordingly, DOE has not prepared a Statement of Energy Effects. DOE may prepare such a statement for the final rule and seeks all comments

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 (Jan. 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. Under the Bulletin, the energy conservation standards rulemaking analyses are "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 2664, 2667.

In response to OMB's Bulletin, DOE conducted formal peer reviews of the energy conservation standards development process and the analyses that are typically used and

prepared a report describing that peer review.[1] Generation of this report involved a rigorous, formal, and documented evaluation using objective criteria and qualified and independent reviewers to make a judgment as to the technical/scientific/business merit, the actual or anticipated results, and the productivity and management effectiveness of programs and/or projects. Because available data, models, and technological understanding have changed since 2007, DOE has engaged with the National Academy of Sciences to review DOE's analytical methodologies to ascertain whether modifications are needed to improve the Department's analyses. DOE is in the process of evaluating the resulting report.[2]

M. Review Under Additional Executive Orders and Presidential Memoranda

DOE has examined this proposed withdrawal of determination and has tentatively determined that it is consistent with the policies and directives outlined in E.O. 14154 "Unleashing American Energy," E.O. 14192, "Unleashing Prosperity Through Deregulation," and Presidential Memorandum, "Delivering Emergency Price Relief for American Families and Defeating the Cost-of-Living Crisis." This proposed withdrawal of determination, if finalized as proposed, is expected to be an E.O. 14192 deregulatory action.

III. Public Participation

A. Participation in the Webinar

The time, date, and location of the webinar listed in the **DATES** and **ADDRESSES** sections at the beginning of this document.

Webinar registration information, participant instructions, and information about the capabilities available to webinar participants will be published on DOE's website:

[1] The 2007 "Energy Conservation Standards Rulemaking Peer Review Report" is available at the following website: *www.energy.gov/eere/buildings/downloads/energy-conservation-standards-rulemaking-peer-review-report-0* (last accessed July 1, 2022).
[2] The report is available at *www.nationalacademies.org/our-work/review-of-methods-for-setting-building-and-equipment-performance-standards*.

www.energy.gov/eere/buildings/public-meetings-and-comment-deadlines. Participants are responsible for ensuring their systems are compatible with the webinar software.

B. Procedure for Submitting Prepared General Statements for Distribution

Any person who has an interest in the topics addressed in this NOPR, or who is a representative of a group or class of persons that has an interest in these issues, may request an opportunity to make an oral presentation at the webinar. Such persons may submit requests, along with an advance electronic copy of their statement in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format, to the appropriate address shown in the **ADDRESSES** section at the beginning of this document. The request and advance copy of statements must be received at least one week before the webinar and are to be emailed. Please include a telephone number to enable DOE staff to make follow-up contact, if needed.

C. Conduct of the Webinar

DOE will designate a DOE official to preside at the webinar and may also use a professional facilitator to aid discussion. The meeting will not be a judicial or evidentiary-type public hearing, but DOE will conduct it in accordance with section 336 of EPCA. (42 U.S.C. 6306). A court reporter will be present to record the proceedings and prepare a transcript. DOE reserves the right to schedule the order of presentations and to establish the procedures governing the conduct of the public meeting. There shall not be discussion of proprietary information, costs or prices, market share, or other commercial matters regulated by U.S. anti-trust laws. After the public meeting, interested parties may submit further comments on the proceedings, as well as on any aspect of the proposed withdrawal of coverage, until the end of the comment period.

The webinar will be conducted in an informal, conference style. DOE will present a general overview of the topics addressed in this proposed rulemaking, allow time for prepared general statements by participants, and encourage all interested parties to share their views on issues affecting this proposed rulemaking. Each participant will be allowed to make a general

statement (within time limits determined by DOE), before the discussion of specific topics. DOE will allow, as time permits, other participants to comment briefly on any general statements.

At the end of all prepared statements on a topic, DOE will permit participants to clarify their statements briefly. Participants should be prepared to answer questions by DOE and by other participants concerning these issues. DOE representatives may also ask questions of participants concerning other matters relevant to this proposed rulemaking. The official conducting the public meeting will accept additional comments or questions from those attending, as time permits. The presiding official will announce any further procedural rules or modification of the previous procedures that may be needed for the proper conduct of the webinar.

A transcript of the public meeting will be included in the docket, which can be viewed as described in the Docket section at the beginning of this document and will be accessible on the DOE website. In addition, any person may buy a copy of the transcript from the transcribing reporter.

D. Submission of Comments

DOE will accept comments, data, and information regarding this notification of proposed determination no later than the date provided in the **DATES** section at the beginning of this document. Interested parties may submit comments, data, and other information using any of the methods described in the **ADDRESSES** section at the beginning of this document.

Submitting comments via www.regulations.gov. The *www.regulations.gov* web page will require you to provide your name and contact information. Your contact information will be viewable to DOE Building Technologies staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). If your comment is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE cannot read your comment due

to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your comment.

However, your contact information will be publicly viewable if you include it in the comment or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. Otherwise, persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to *www.regulations.gov* information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information ("CBI")). Comments submitted through *www.regulations.gov* cannot be claimed as CBI. Comments received through the website will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section.

DOE processes submissions made through *www.regulations.gov* before posting. Normally, comments will be posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your comment may not be viewable for up to several weeks. Please keep the comment tracking number that *www.regulations.gov* provides after you have successfully uploaded your comment.

Submitting comments via email. Comments and documents submitted via email also will be posted to *www.regulations.gov*. If you do not want your personal contact information to be publicly viewable, do not include it in your comments or any accompanying documents. Instead, provide your contact information in a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. With this instruction followed, the cover letter will not be publicly viewable as long as it does not include any comments.

Include contact information each time you submit comments, data, documents, and other information to DOE. No faxes will be accepted.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, or text (ASCII) file format. Provide documents that are not secured, that are written in English, and that are free of any defects or viruses. Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

Campaign form letters. Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters' names compiled into one or more PDFs. This reduces comment processing and posting time.

Confidential Business Information. Pursuant to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email two well-marked copies: One copy of the document marked "confidential" including all the information believed to be confidential, and one copy of the document marked "non-confidential" with the information believed to be confidential deleted. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

It is DOE policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

E. Issues on Which DOE Seeks Comments

DOE welcomes comments on all aspects of this proposed withdrawal of determination. DOE is particularly interested in receiving comments and views of interested parties concerning

whether withdrawing the coverage determination of MREFs as a covered product is consistent with the purposes of EPCA.

DOE is also interested in receiving views concerning other relevant issues that participants believe would affect the tentative conclusions presented in this document.

After the expiration of the period for submitting written statements, DOE will consider all comments and additional information that is obtained from interested parties or through further analyses, and it may prepare a final withdrawal of the coverage determination for MREFs.

III. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this notice of proposed withdrawal of determination; request for comments.

List of Subjects

10 CFR Part 429

Administrative practice and procedure, Confidential business information, Energy conservation, Household appliances, Imports, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, Small businesses.

10 CFR Part 430

Administrative practice and procedure, Confidential business information, Energy conservation, Household appliances, Imports, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, and Small businesses.

Signing Authority

This document of the Department of Energy was signed on May 9, 2025, by Chris Wright, 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 May 9, 2025

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

For the reasons set forth in the preamble, DOE is proposing to amend parts 429 and 430 of chapter II, subchapter D, of title 10 of the Code of Federal Regulations, as set forth below:

PART 429–CERTIFICATION, COMPLIANCE, AND ENFORCEMENT FOR CONSUMER PRODUCTS AND INDUSTRIAL EQUIPMENT

1. The authority for part 429 continues to read as follows:

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

§ 429.61 [Removed]

2. Remove and reserve§ 429.61.

PART 430 - ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

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

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

4. Amend § 430.2 by:

a. Removing the definitions for “All-refrigerator,” “Built-in compact cooler,” “Built-in cooler,” “Combination cooler refrigeration product,” “Consumer refrigeration product,” “Cooler,” ‘‘Cooler-all-refrigerator,” “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”;

The revisions read as follows:

§ 430.2 Definitions.

* * * * *

Covered product means a consumer product—

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

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

* * * * *

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) of this chapter. 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:

(1) Any product that does not include a compressor and condenser unit as an integral part of the cabinet assembly.

(2) [Reserved]

* * * * *

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) of this chapter. 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) of this chapter. However, the term does not include:

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

(2) 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) of this chapter, 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) of this chapter. However, the term does not include:

(1) Any product that does not include a compressor and condenser unit as an integral part of the cabinet assembly.

(2) [Reserved]

* * * * *

5. Appendix A to subpart B of part 430 is revised to read as follows.

Appendix A to Subpart B of Part 430—Uniform Test Method for Measuring the Energy Consumption of Refrigerators and Refrigerator-Freezers

Note: Prior to April 11, 2022, any representations of volume and energy use of refrigerators and refrigerator-freezers must be based on the results of testing pursuant to either this appendix or the procedures in appendix A as it appeared at 10 CFR part 430, subpart B, appendix A, in the 10 CFR parts 200 to 499 edition revised as of January 1, 2019. Any representations of volume and energy use must be in accordance with whichever version is selected. On or after April 11, 2022, any representations of volume and energy use must be based on the results of testing pursuant to this appendix.

For refrigerators and refrigerator-freezers, the rounding requirements specified in sections 4 and 5 of this appendix are not required for use until the compliance date of any amendment of energy conservation standards for these products published after October 12, 2021.

1. Referenced Materials

DOE incorporated by reference AHAM HRF-1-2019, *Energy and Internal Volume of Consumer Refrigeration Products* ("HRF-1-2019"), and AS/NZS 4474.1:2007, *Performance of Household Electrical Appliances—Refrigerating Appliances; Part 1: Energy Consumption and Performance, Second Edition* ("AS/NZS 4474.1:2007"), in their entirety in § 430.3; however, only enumerated provisions of these documents are applicable to this appendix. If there is any conflict between HRF-1-2019 and this appendix or between AS/NZS 4474.1:2007 and this appendix, follow the language of the test procedure in this appendix, disregarding the conflicting industry standard language.

(a) AHAM HRF-1-2019, ("HRF-1-2019"), Energy and Internal Volume of Consumer Refrigeration Products:

(i) Section 3—Definitions, as specified in section 3 of this appendix;

(ii) Section 4—Method for Determining the Refrigerated Volume of Consumer Refrigeration Products, as specified in section 4.1 of this appendix;

(iii) Section 5—Method for Determining the Energy Consumption of Consumer Refrigeration Products (excluding Table 5-1 and sections 5.5.6.5, 5.8.2.1.2, 5.8.2.1.3, 5.8.2.1.4, 5.8.2.1.5, and 5.8.2.1.6), as specified in section 5 of this appendix; and

(iv) Section 6—Method for Determining the Adjusted Volume of Consumer Refrigeration Products, as specified in section 4.2 of this appendix;

(b) AS/NZS 4474.1:2007, ("AS/NZS 4474.1:2007"), Performance of Household Electrical Appliances—Refrigerating Appliances; Part 1: Energy Consumption and Performance, Second Edition:

(i) Appendix M—Method of Interpolation When Two Controls are Adjusted, as specified in sections 5.2(b) and 5.3(e) of this appendix.

(ii) [Reserved]

If there is any conflict between HRF-1-2019 and this appendix or between AS/NZS 4474.1:2007 and this appendix, follow the language of the test procedure in this appendix, disregarding the conflicting industry standard language.

2. Scope

This appendix provides the test procedure for measuring the annual energy use in kilowatt-hours per year (kWh/yr), the total refrigerated volume in cubic feet (ft^3), and the total adjusted volume in cubic feet (ft^3) of refrigerators and refrigerator-freezers.

3. Definitions

Section 3, *Definitions,* of HRF-1-2019 applies to this test procedure. In case of conflicting terms between HRF-1-2019 and DOE's definitions in this appendix or in § 430.2, DOE's definitions take priority.

Through-the-door ice/water dispenser means a device incorporated within the cabinet, but outside the boundary of the refrigerated space, that delivers to the user on demand ice and may also deliver water from within the refrigerated space without opening an exterior door. This definition includes dispensers that are capable of dispensing ice and water or ice only.

4. Volume

Determine the refrigerated volume and adjusted volume for refrigerators and refrigerator-freezers in accordance with the following sections of HRF-1-2019, respectively:

4.1. Section 4, Method for Determining the Refrigerated Volume of Consumer Refrigeration Products; and

4.2. Section 6, Method for Determining the Adjusted Volume of Consumer Refrigeration Products.

5. Energy Consumption

Determine the annual energy use ("AEU") in kilowatt-hours per year (kWh/yr), for refrigerators and refrigerator-freezers in accordance with section 5, *Method for Determining the Energy Consumption of Consumer Refrigeration Products,* of HRF-1-2019, except as follows.

5.1. Test Setup and Test Conditions

(a) In section 5.3.1 of HRF-1-2019, the top of the unit shall be determined by the refrigerated cabinet height, excluding any accessories or protruding components on the top of the unit.

(b) The ambient temperature and vertical ambient temperature gradient requirements specified in section 5.3.1 of HRF-1-2019 shall be maintained during both the stabilization period and the test period.

(c) The power supply requirements as specified in section 5.5.1 of HRF-1-2019 shall be maintained based on measurement intervals not to exceed one minute.

(d) The ice storage compartment temperature requirement as specified in section 5.5.6.5 in HRF-1-2019 is not required.

(e) For cases in which setup is not clearly defined by this test procedure, manufacturers must submit a petition for a waiver (See section 6 of this appendix).

(f) If the interior arrangements of the unit under test do not conform with those shown in Figures 5-1 or 5-2 of HRF-1-2019, as appropriate, the unit must be tested by relocating the temperature

sensors from the locations specified in the figures to avoid interference with hardware or components within the unit, in which case the specific locations used for the temperature sensors shall be noted in the test data records maintained by the manufacturer in accordance with 10 CFR 429.71, and the certification report shall indicate that non-standard sensor locations were used. If any temperature sensor is relocated by any amount from the location prescribed in Figure 5-1 or 5-2 of HRF-1-2019 in order to maintain a minimum 1-inch air space from adjustable shelves or other components that could be relocated by the consumer, except in cases in which the Figures prescribe a temperature sensor location within 1 inch of a shelf or similar feature (*e.g.,* sensor T3 in Figure 5-1), this constitutes a relocation of temperature sensors that must be recorded in the test data and reported in the certification report as described in this paragraph.

5.2. Test Conduct

(a) Standard Approach

(i) For the purposes of comparing compartment temperatures with standardized temperatures, as described in section 5.6 of HRF-1-2019, the freezer compartment temperature shall be as specified in section 5.8.1.2.5 of HRF-1-2019, the fresh food compartment temperature shall be as specified in section 5.8.1.2.4 of HRF-1-2019, and the cooler compartment temperature shall be as specified in section 5.8.1.2.6 of HRF-1-2019.

(ii) In place of Table 5-1 in HRF-1-2019, refer to Table 1 of this section.

Table 1—Temperature Settings: General Chart for All Products

First test	**Second test**	

Setting	Results	Setting	Results	Energy calculation based on:
Mid for all Compartments	All compartments below standard reference temperature	Warmest for all Compartments	All compartments below standard reference temperature	Second Test Only.
			One or more compartments above standard reference temperature	First and Second Test.
	One or more compartments above standard reference temperature	Coldest for all Compartments	All compartments below standard reference temperature	First and Second Test.
			One or more compartments above standard reference temperature	Model may not be certified as compliant with energy conservation standards based on testing of this unit. Confirm that unit meets product

				definition. If so, see section 6 of this appendix.

(b) Three-Point Interpolation Method (Optional Test for Models with Two Compartments and User-Operable Controls). As specified in section 5.6.3(6) of HRF-1-2019, and as an optional alternative to section 5.2(a) of this appendix, perform three tests such that the set of tests meets the "minimum requirements for interpolation" of AS/NZS 4474.1:2007 appendix M, section M3, paragraphs (a) through (c) and as illustrated in Figure M1. The target temperatures txA and txB defined in section M4(a)(i) of AS/NZ 4474.1:2007 shall be the standardized temperatures defined in section 5.6 of HRF-1-2019.

5.3. Test Cycle Energy Calculations

Section 5.8.2, *Energy Consumption,* of HRF-1-2019 applies to this test procedure, except as follows:

(a)(i) For refrigerators and refrigerator-freezers: To demonstrate compliance with the energy conservation standards at 10 CFR 430.32(a) applicable to products manufactured on or after September 15, 2014, IET, expressed in kilowatt-hours per cycle, equals 0.23 for a product with one or more automatic icemakers and otherwise equals 0 (zero).

(c) In place of sections 5.8.2.1.3 and 5.8.2.1.4 of HRF-1-2019, use the calculations provided in this section. For units with variable defrost control, the test cycle energy shall be calculated as set forth in section 5.3(a) of this appendix with the following addition:

CT shall be calculated equivalent to:

$$CT = \frac{CT_L \times CT_M}{F \times (CT_M - CT_L) + CT_L}$$

Where:

CT_L = the least or shortest compressor run time between defrosts used in the variable defrost control algorithm (greater than or equal to 6 but less than or equal to 12 hours), or the shortest compressor run time between defrosts observed for the test (if it is shorter than the shortest run time used in the control algorithm and is greater than 6 hours), or 6 hours (if the shortest observed run time is less than 6 hours), in hours rounded to the nearest tenth of an hour;

CT_M = the maximum compressor run time between defrosts in hours rounded to the nearest tenth of an hour (greater than CT_L but not more than 96 hours);

For variable defrost models with no values of CT_L and CT_M in the algorithm, the default values of 6 and 96 shall be used, respectively.

F = ratio of per day energy consumption in excess of the least energy and the maximum difference in per-day energy consumption and is equal to 0.20.

(d) In place of section 5.8.2.1.5 of HRF-1-2019, use the calculations provided in this section. For multiple-compressor products with automatic defrost, the two-part test method in section 5.7.2.1 of HRF-1-2019 shall be used, and the test cycle energy shall be calculated as:

$$\mathrm{ET} = \left(\frac{1440 \times K \times EP1}{T1}\right) + \sum_{i=1}^{D}\left[\left(EP2_i - \left(EP1 \times \frac{T2_i}{T1}\right)\right) \times \left(\frac{12}{CT_i}\right) \times K\right]$$

Where:

ET, 1440, 12, and K are defined in section 5.3(a) of this appendix;

EP1, and T1 are defined in section 5.3(a) of this appendix;

i = a subscript variable that can equal 1, 2, or more that identifies each individual compressor system that has automatic defrost;

D = the total number of compressor systems with automatic defrost;

$EP2_i$ = energy expended in kilowatt-hours during the second part of the test for compressor system i;

$T2_i$ = length of time in minutes of the second part of the test for compressor system i;

CT_i = compressor run time between defrosts of compressor system i, rounded to the nearest tenth of an hour, for long-time automatic defrost control equal to a fixed time in hours, and for variable defrost control equal to:

$$CT_i = \frac{CT_{L,i} \times CT_{M,i}}{F \times \left(CT_{M,i} - CT_{L,i}\right) + CT_{L,i}}$$

Where:

$CT_{L,i}$ = for compressor system i, the shortest cumulative compressor-on time between defrost heater-on events used in the variable defrost control algorithm (CT_L for the compressor system with the longest compressor run time between defrosts must be greater than or equal to 6 but less than or equal to 12 hours), in hours rounded to the nearest tenth of an hour;

$CT_{M,i}$ = for compressor system i, the maximum compressor-on time between defrost heater-on events used in the variable defrost control algorithm (greater than $CT_{L,i}$ but not more than 96 hours), in hours rounded to the nearest tenth of an hour;

For defrost cycle types with no values of CT_L and CT_M in the algorithm, the default values of 6 and 96 shall be used, respectively.

F = ratio of per day energy consumption in excess of the least energy and the maximum difference in per-day energy consumption and is equal to 0.20.

(e) In place of section 5.8.2.1.6 of HRF-1-2019, use the calculations provided in this section. For units with long-time automatic defrost control and variable defrost control with multiple defrost cycle types, the two-part test method in section 5.7.2.1 of HRF-1-2019 shall be used, and the test cycle energy shall be calculated as:

$$ET = \left(\frac{1440 \times K \times EP1}{T1}\right) + \sum_{i=1}^{D}\left[\left(EP2_i - \left(EP1 \times \frac{T2_i}{T1}\right)\right) \times \left(\frac{12}{CT_i}\right) \times K\right]$$

Where:

ET, 1440, 12, and K are defined in section 5.3(a) of this appendix;

EP1, and T1 are defined in section 5.3(a) of this appendix;

i = a subscript variable that can equal 1, 2, or more that identifies the distinct defrost cycle types applicable for the product;

D = the total number of defrost cycle types;

$EP2_i$ = energy expended in kilowatt-hours during the second part of the test for defrost cycle type i;

$T2_i$ = length of time in minutes of the second part of the test for defrost cycle type i;

CT_i = defrost timer run time or compressor run time between instances of defrost cycle type i, rounded to the nearest tenth of an hour;

12 = factor to adjust for a 50-percent run time of the compressor in hours per day.

(i) For long-time automatic defrost control, CTi shall be equal to a fixed time in hours rounded to the nearest tenth of an hour. For cases in which there are more than one fixed CT value for a given defrost cycle type, an average fixed CT value shall be selected for this cycle type.

(ii) For variable defrost control, CTi shall be calculated equivalent to:

$$CT_i = \frac{CT_{L,i} \times CT_{M,i}}{F \times \left(CT_{M,i} - CT_{L,i}\right) + CT_{L,i}}$$

Where:

$CT_{L,i}$ = the least or shortest compressor run time between instances of the defrost cycle type i in hours rounded to the nearest tenth of an hour (CT_L for the defrost cycle type with the longest compressor run time between defrosts must be greater than or equal to 6 but less than or equal to 12 hours);

$CT_{M,i}$ = the maximum compressor run time between instances of defrost cycle type i in hours rounded to the nearest tenth of an hour (greater than $CT_{L,i}$ but not more than 96 hours);

For cases in which there are more than one CT_M and/or CT_L value for a given defrost cycle type, an average of the CT_M and CT_L values shall be selected for this defrost cycle type. For defrost cycle types with no values of CT_L and CT_M in the algorithm, the default values of 6 and 96 shall be used, respectively.

F = ratio of per day energy consumption in excess of the least energy and the maximum difference in per-day energy consumption and is equal to 0.20.

(f) If the three-point interpolation method of section 5.2(b) of this appendix is used for setting temperature controls, the average per-cycle energy consumption shall be defined as follows:

$E = E_x + IET$

Where:

E is defined in 5.9.1.1 of HRF-1-2019;

IET is defined in 5.9.2.1 of HRF-1-2019; and

E_x is defined and calculated as described in appendix M, section M4(a) of AS/NZS 4474.1:2007. The target temperatures t_{xA} and t_{xB} defined in section M4(a)(i) of AS/NZS 4474.1:2007 shall be the standardized temperatures defined in section 5.6 of HRF-1-2019.

§ 430.32 [Amended]

6. Remove and reserve § 430.32(aa).

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