# [***80 FR 9591***](https://advance.lexis.com/api/document?collection=administrative-codes&id=urn:contentItem:5FCD-XN70-006W-8457-00000-00&context=)

Vol. 80, No. 036, Tuesday, February 24, 2015

Rules and Regulations

**Reporter**

80 FR 9591

***Federal Register* > *2015* > *February* > *Tuesday, February 24, 2015* > *Rules and Regulations* > *DEPARTMENT OF ENERGY (DOE) -- Office of Energy Efficiency and Renewable Energy***

**Title:** **Energy Conservation Program: Energy Conservation Standards for Walk-in Coolers and Freezers**

**Action:**  Publication of determination.

**Agency**

DEPARTMENT OF ENERGY (DOE) > Office of Energy Efficiency and Renewable Energy

**Identifier:** **[Docket Number EERE-2008-BT-STD-0015]** > **RIN 1904-AB86**

**Administrative Code Citation**

**10 CFR Part 431**

**Synopsis**

**SUMMARY:** The Energy Policy and Conservation Act of 1975 (EPCA), as amended, prescribes that the U.S. Department of Justice (DOJ) make a determination on the impact, if any, on the lessening of ***competition*** likely to result from a U.S. Department of Energy (DOE) proposed rule for energy conservation standards and that DOE publish the determination in the **Federal Register** . DOE published its final rule for energy conservation standards for walk-in coolers and freezers on June 3, 2014, and is today publishing DOJ's determination on such proposed rule.

**Text**

**SUPPLEMENTARY INFORMATION:** On June 3, 2014, DOE published a final rule for walk-in coolers and walk-in freezers in which DOE amended the energy conservation standards for certain walk-in cooler and walk-in freezer components. Those standards were determined by DOE to be technologically feasible and economically justified and would result in the significant conservation of energy. The Energy Conservation and Policy Act of 1975 ([*42 U.S.C.6291*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GN51-NRF4-412F-00000-00&context=), *et seq;* "EPCA"), [*Public Law 94-163*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:5CD7-HSG0-01XN-S495-00000-00&context=), requires that the Attorney General make a determination and analysis of the impact, if any, of any lessening of ***competition*** likely to result from a proposed standard, within 60 days of publication. ([*42 U.S.C. 6295(o)(2)(B)(ii)*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GR61-NRF4-40BK-00000-00&context=)) EPCA also requires that DOE publish the determination and analysis in the **Federal Register** .  *Id.*

DOE received the determination in response to the September 11, 2013 NOPR from the Attorney General and the U.S. Department of Justice on November 13, 2013. Accordingly, DOE is publishing that determination in today's notice.

Issued in Washington, DC, on February 12, 2015.

**Kathleen B. Hogan,**

*Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.*

U.S. DEPARTMENT OF JUSTICE

***Antitrust*** Division

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November 12, 2013

Eric J. Fygi

Deputy General Counsel Department of Energy Washington, D.C. 20585

Re: Walk In Coolers & Freezers Energy Conservation Standards Dear Deputy General Counsel Fygi:

I am responding to your September 10, 2013 letter seeking the views of the Attorney General about the potential impact on ***competition*** of proposed energy conservation standards for walk-in coolers and refrigerators. Your request was submitted under Section 325(o)(2)(B)(i)(V) of the Energy Policy and Conservation Act, as amended (ECPA), [*42 U.S.C. 6295(o)(2)(B)(i)(V)*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GR61-NRF4-40BK-00000-00&context=), which requires the Attorney General to make a determination of the impact of any lessening of ***competition*** that is likely to result from the imposition of proposed energy conservation standards. The Attorney General's responsibility for responding to requests from other departments about the effect of a program on ***competition*** has been delegated to the Assistant Attorney General for the ***Antitrust*** Division in [*28 CFR § 0.40(g)*](https://advance.lexis.com/api/document?collection=administrative-codes&id=urn:contentItem:5K62-SBN0-008H-03GT-00000-00&context=).

In conducting its analysis the ***Antitrust*** Division examines whether a proposed standard may lessen ***competition***, for example, by substantially limiting consumer choice, by placing certain manufacturers at an unjustified ***competitive*** disadvantage, or by inducing avoidable inefficiencies in production or distribution of particular products. A lessening of ***competition*** could result in higher prices to manufacturers and consumers, and perhaps thwart the intent of the revised standards by inducing substitution to less efficient products.

We have reviewed the proposed standards contained in the Notice of Proposed Rulemaking [*(78 FR 55781,*](https://advance.lexis.com/api/document?collection=administrative-codes&id=urn:contentItem:59BN-FWN0-006W-818D-00000-00&context=) September 11, 2013) (NOPR). We have also reviewed supplementary information submitted to the Attorney General by the Department of Energy, including a transcript of the public meeting held on the proposed standards on October 9, 2013. Based on this review, our conclusion is that the proposed energy conservation standards for walk-in coolers and freezers are unlikely to have a significant adverse impact on ***competition***.

Sincerely,

William J. Baer

Enclosure

[FR Doc. 2015-03557 Filed 2-23-15; 8:45 am]

BILLING CODE 6450-01-P

**Dates**

**EFFECTIVE DATE:** February 24, 2015.

**Contacts**

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