

[6450-01-P]

**DEPARTMENT OF ENERGY**

**10 CFR Part 431**

[Docket No. EERE-2008-BT-STD-0013]

**RIN 1904-AB83**

**Energy Conservation Program for Certain Industrial Equipment: Energy Conservation Standards and Test Procedures for Commercial Heating, Air-Conditioning, and Water-Heating Equipment**

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

**ACTION:** Finding of No Significant Impact: Energy Conservation Program for Certain Industrial Equipment: Energy Conservation Standards and Test Procedures for Commercial Heating, Air-Conditioning, and Water-Heating Equipment

**SUMMARY:** The Energy Policy and Conservation Act (42 U.S.C. 6291 et seq.), as amended (EPCA), requires DOE to consider amending the existing Federal energy conservation standard for each type of equipment listed (generally, commercial water heaters, commercial packaged boilers, commercial air conditioning and heating equipment, and packaged terminal air conditioners and heat pumps), each time ASHRAE Standard 90.1, Energy Standard for Buildings Except Low-Rise Residential Buildings (ASHRAE Standard 90.1 or, in context, Standard 90.1), is amended with respect to such

equipment. (42 U.S.C. 6313(a)(6)(A)) For each type of equipment, EPCA directs that if ASHRAE Standard 90.1 is amended, DOE must adopt amended energy conservation standards at the new efficiency level in ASHRAE Standard 90.1, unless clear and convincing evidence supports a determination that adoption of a more-stringent efficiency level as a national standard would produce significant additional energy savings and be technologically feasible and economically justified. (42 U.S.C. 6313(a)(6)(A)(ii)) Based on an Environmental Assessment (EA), contained in Chapter 8 of the final rule Technical Support Document (TSD), the U.S. Department of Energy (DOE) has determined that the adoption of amended energy conservation standards for commercial packaged boilers and new energy conservation standards for water-cooled and evaporatively-cooled commercial package air conditioners and heat pumps with a cooling capacity at or above 240,000 British thermal units per hour (Btu/h) and less than 760,000 Btu/h as described in the final rule titled the “Energy Conservation Standards and Test Procedures for Commercial Heating, Air-Conditioning, and Water-Heating Equipment,” would not be a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA). Therefore, an environmental impact statement (EIS) is not required, and DOE is issuing this Finding of No Significant Impact (FONSI).

**ADDRESSES:** *Public Availability:* Copies of the final rule TSD are available from the U.S. Department of Energy, Resource Room of the Building Technologies Program, 950 L’Enfant Plaza, SW., 6th Floor, Washington, DC 20024, (202) 586-2945, between 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays. You may also

obtain copies of the final rule TSD from the Office of Energy Efficiency and Renewable Energy's website at:

[http://www1.eere.energy.gov/buildings/appliance\\_standards/commercial/ashrae\\_products\\_docs\\_meeting.html](http://www1.eere.energy.gov/buildings/appliance_standards/commercial/ashrae_products_docs_meeting.html).

**FOR FURTHER INFORMATION CONTACT:** Mohammed Khan, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, Mailstop EE-2J, 1000 Independence Avenue, SW., Washington, DC 20585-0121. Telephone: (202) 586-7892. E-mail: [Mohammed.Khan@ee.doe.gov](mailto:Mohammed.Khan@ee.doe.gov).

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*For further information regarding the DOE NEPA process contact:* Ms. Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance (GC-20), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-4600, or leave a message at (800) 472-2756. Additional information regarding DOE NEPA activities and access to many DOE NEPA documents are available on the Internet through the DOE NEPA Website at: <http://www.gc.energy.gov/nepa/>.

**SUPPLEMENTARY INFORMATION:**

*Description of the Rulemaking Action:* This rulemaking action involves the establishment of amended energy conservation standards for commercial packaged boilers and water-cooled and evaporatively-cooled commercial package air conditioners and heat pumps with a cooling capacity at or above 240,000 Btu/h and less than 760,000 Btu/h.

Specifically, DOE is adopting amended energy conservation standards for these two equipment types at the efficiency levels specified in ASHRAE Standard 90.1-2007.

Standards for these products were found to be technologically feasible and economically justified.

*Environmental Impacts:* The EA evaluates the environmental impacts of a range of potential amended energy conservation standards for commercial packaged boilers. DOE also explained in the March 2009 NOPR that it did not analyze the economic and energy savings potential of amended national energy conservation standards for water-cooled and evaporatively-cooled commercial package air conditioners and heat pumps with a cooling capacity at or above 240,000 Btu/h and less than 760,000 Btu/h because there is no equipment currently being manufactured in this equipment class. The results are presented for each efficiency level DOE considered for commercial packaged boilers. Each efficiency level is an alternative action and the environmental impacts of each alternative are compared to what would be expected to happen if no new standard were adopted (*i.e.*, the “no action” alternative).


The primary environmental impact of this final rule is decreased emissions of NO<sub>x</sub>, Hg, SO<sub>2</sub> and CO<sub>2</sub> from fossil fuel use and from fossil-fueled electricity generation. All of the

efficiency levels considered for the equipment classes covered under this regulation would result in decreased fossil fuel use and in a reduction in emissions of these substances. The amended energy conservation standards adopted in the final rule would generally decrease air pollution by decreasing future energy demand. The results of this analysis in the EA show that neither the final rule nor the other efficiency levels lead to emissions reductions of commercial packaged boilers that are substantial enough to significantly affect the quality of the human environment. See Chapter 8 of the TSD Table 8.2.1 through Table 8.2.4.

#### **Determination**

Based upon the EA, DOE has determined that the adoption of the amended energy conservation standards for commercial packaged boilers and new energy conservation standards for water-cooled and evaporatively-cooled commercial package air conditioners and heat pumps with a cooling capacity at or above 240,000 Btu/h and less than 760,000 Btu/h would not constitute a major Federal action significantly affecting the quality of the human environment, within the meaning of NEPA. Therefore, an EIS is not required, and DOE is issuing this FONSI.

Issued in Washington, DC on



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Assistant Secretary  
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