FINDING OF NO SIGNIFICANT IMPACT FOR

10 CFR 431

ENERGY CONSERVATION PROGRAM FOR COMMERCIAL AND INDUSTRIAL EQUIPMENT: PACKAGED TERMINAL AIR CONDITIONER AND PACKAGED TERMINAL HEAT PUMP ENERGY CONSERVATION STANDARDS; FINAL RULE

November 7, 2008

DOE/EA-1637

[6450-01-P]

DEPARTMENT OF ENERGY

10 CFR Part 431

[Docket Number: EERE-2007-BT-STD-0012]

RIN 1904-AB44

Energy Conservation Program for Commercial and Industrial Equipment: Packaged Terminal Air Conditioner and Packaged Terminal Heat Pump Energy Conservation Standards

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

ACTION: Finding of No Significant Impact: Energy Conservation Program for Consumer Products

SUMMARY: The Energy Policy and Conservation Act, as amended (EPCA), (42 U.S.C. 6291, et seq.), establishes mandatory energy conservation standards for certain commercial equipment covered by the American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE) and the Illuminating Engineering Society of North America (IESNA) Standard 90.1, including packaged terminal air conditioners (PTACs) and packaged terminal heat pumps (PTHPs). EPCA states that the Department of Energy (DOE) may prescribe amended standards for this equipment that exceed the stringency of efficiency levels contained in amendments to ASHRAE Standard 90.1, only if DOE determines by rule that any such standard "would result in significant additional

conservation of energy and is technologically feasible and economically justified." (42 U.S.C. 6313(a)(6)(A)(ii)(II)) This determination must be "supported by clear and convincing evidence." Id. If DOE is unable to make such a determination, it must establish an amended uniform national standard for the product at the minimum level specified in the amended ASHRAE/IES Standard 90.1. (42 U.S.C. 6313(a)(6)(A)(ii)(I))

Based on an Environmental Assessment (EA), Chapter 16 of the final rule Technical Support Document (TSD), DOE has determined that the adoption of trial standard level (TSL) A for standard size PTACs and PTHPs, and the efficiency levels in ASHRAE Standard 90.1-1999 for non-standard size PTACs and PTHPs, as adopted by the Final Rule entitled the ''Energy Conservation Program for Commercial and Industrial Equipment: Packaged Terminal Air Conditioner and Packaged Terminal Heat Pump Energy Conservation Standards,'' 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 a.m. and 4 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://www.eere.energy.gov/buildings/appliance_standards/commercial/packaged_ac_hp.html.

FOR FURTHER INFORMATION CONTACT: Wes Anderson, Project Manager, Energy Conservation Standards for Packaged Terminal Air Conditioners and Packaged Terminal Heat Pumps, U.S. Department of Energy, Energy Efficiency and Renewable Energy, Building Technologies Program, EE-2J, 1000 Independence Avenue, SW, Washington, DC 20585-0121. Phone: (202) 586-7335. E-mail: Wes.Anderson@ee.doe.gov.

For further information regarding the DOE NEPA process contact: Francine Pinto, Esq., or Michael Kido, Esq., U.S. Department of Energy, Office of General Counsel, GC-72, 1000 Independence Avenue, SW, Washington, DC 20585. Phone: (202) 586-9507. E-mail: Francine.Pinto@hq.doe.gov or Michael.Kido@hq.doe.gov.

SUPPLEMENTARY INFORMATION:

Description of the Proposed Action: The proposed action is the establishment of amended energy conservation standards for packaged terminal air conditioners and heat pumps. DOE is adopting TSL A for standard size PTACs and PTHPs and the efficiency levels in ASHRAE Standard 90.1-1999 for non-standard size PTACs and PTHPs.

Environmental Impacts: The EA evaluates the environmental impacts of a range of amended energy conservation standards for PTACs and PTHPs. The results are

presented for each TSL DOE considered for standard size and non-standard size PTACs and PTHPs. Each TSL is an alternative action and the environmental impacts of each alternative are compared to what would be expected to happen if DOE adopted the efficiency levels in ASHRAE Standard 90.1-1999 for PTACs and PTHPs.

The primary environmental impact is decreased emissions from fossil fuel use and from fossil-fueled electricity generation. All of the TSLs considered for the equipment classes covered under this regulation would result in decreased fossil fuel use and in a reduction in emissions. The energy conservation standards adopted in the final rule would generally decrease air pollution by decreasing future energy demand. The environmental impact analysis considers emissions of carbon dioxide (CO_2) and three criteria pollutants— nitrogen oxides (NO_X), sulfur dioxide (SO_2), and mercury (Hg). The energy savings from amended energy conservation standards for PTACs and PTHPs are expected to result in reduced power sector emissions of CO_2, NO_X, and Hg. Reduced NO_X emissions could also provide an economic benefit in the form of emission allowance credits. The environmental analysis shows projected emissions reductions resulting from the final rule to be 1.06 million metric tons (Mt) of CO_2, between 0.09 and 2.13 kilotons (kt) of NO_X, and between 0 and 0.037 tons of Hg. See Table 16.7.1 of the EA.

Determination

Based upon the EA, DOE has determined that the adoption of TSL A for standard size PTACs and PTHPs, and the efficiency levels in the ASHRAE Standard 90.1-1999 for non-standard PTAC and PTHP, 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 November 7, 2008.

John F. Mizroch
Acting Assistant Secretary
Energy Efficiency and Renewable Energy