

DOE/EA-1662

**Finding of No Significant Impact
for**

10 CFR Part 430 Energy Conservation Program: Energy Conservation Standards for Certain Consumer Products (Dishwashers, Dehumidifiers, Microwave Ovens, and Electric and Gas Kitchen Ranges and Ovens) and for Certain Commercial and Industrial Equipment (Commercial Clothes Washers)

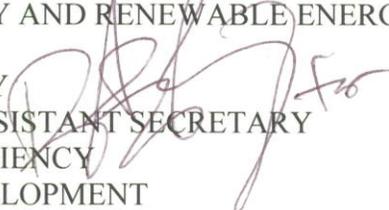
May 19, 2009



Department of Energy
Washington, DC 20585

May 19, 2009

MEMORANDUM FOR: STEVEN G. CHALK
PRINCIPAL DEPUTY ASSISTANT SECRETARY
ENERGY EFFICIENCY AND RENEWABLE ENERGY

FROM: JOHN M. LUSHETSKY 
ACTING DEPUTY ASSISTANT SECRETARY
FOR ENERGY EFFICIENCY
TECHNOLOGY DEVELOPMENT
ENERGY EFFICIENCY AND RENEWABLE ENERGY

SUBJECT: **ACTION:** Approval of the Finding of No Significant Impact for the Final Rule for Energy Conservation Standards for Certain Consumer Products (Dishwashers, Dehumidifiers, Microwave Ovens, and Electric and Gas Kitchen Ranges and Ovens) and for Certain Commercial and Industrial Equipment (Commercial Clothes Washers) (RIN: 1904-AB49)

ISSUE: The Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) have been prepared for the U.S. Department of Energy's (DOE) final rule titled, "Energy Conservation Program: Energy Conservation Standards for Certain Consumer Products (Dishwashers, Dehumidifiers, Microwave Ovens, and Electric and Gas Kitchen Ranges and Ovens) and for Certain Commercial and Industrial Equipment (Commercial Clothes Washers)," and will be placed in the relevant rulemaking docket.

BACKGROUND:

- DOE prepared an EA that accompanied the final rule for residential ranges, ovens, and microwave ovens. The EA was in chapter 16 of the final rule technical support document and was prepared pursuant to the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), the regulations of the Council on Environmental Quality under Title 40 of the Code of Federal Regulations, (40 CFR parts 1500-1508), and DOE's regulations for compliance with NEPA (10 CFR part 1021).
- It is noted that this rulemaking originally bundled separate residential and commercial products (dishwashers, dehumidifiers, electric and gas kitchen ranges, ovens, and microwave ovens, and commercial clothes washers). However, as explained in the final rule, various events occurred during the course of the rulemaking which resulted in consideration of a number of these products separately. Consequently, the current final rule is limited to addressing energy conservation standards for the cooking efficiency of electric and gas kitchen ranges and ovens, and microwave ovens.



- Additionally, DOE has determined that the adoption of trial standard level 1 for residential gas ranges and ovens without an electrical supply cord, as adopted by the above-titled final rule would not be a major Federal action significantly affecting the quality of the human environment within the meaning of NEPA. DOE considered but is not adopting energy conservation standards pertaining to the cooking efficiency of residential electric ranges and ovens and microwave ovens, because no cooking efficiency standards for these products were found to be technologically feasible and economically justified. Therefore, an environmental impact statement is not required, and DOE should issue this FONSI.

SENSITIVITIES: This energy conservation standard is included in the consolidated Consent Decree in New York v. Bodman, No. 05 Civ. 7807 (S.D.N.Y. filed Sept. 7, 2005) and Natural Resources Defense Council v. Bodman, No. 05 Civ. 7808 (S.D.N.Y. filed Sept. 7, 2005). Under the Consent Decree, DOE was required to deliver a final rule to the Federal Register for publication no later than March 31, 2009. Furthermore, this rulemaking is one of the five energy efficiency rules with deadlines prior to and including August 8, 2009, described by President Obama in his February 5, 2009, memorandum, which urged DOE to “finalize legally required efficiency standards as expeditiously as possible and consistent with all applicable judicial and statutory deadlines.”

POLICY IMPACT: None.

URGENCY: This FONSI must be entered into the docket for the final rule, which was issued on March 31, 2009, and published in the Federal Register on April 8, 2009 (74 FR 16040).

RECOMMENDATION: That you sign the attached FONSI for the residential ranges, ovens, and microwave ovens final rule.

Attachment

Approve: 

Disapprove: _____

Date: 5/19/09

CONCURRENCE: GC-71/Dan Cohen, 05/14/09

[6450-01-P]

DEPARTMENT OF ENERGY

10 CFR Part 430

[Docket Number: EERE-2006-STD-0127]

RIN 1904-AB49

Energy Conservation Program: Energy Conservation Standards for Certain Consumer Products (Dishwashers, Dehumidifiers, Microwave Ovens, and Electric and Gas Kitchen Ranges and Ovens) and for Certain Commercial and Industrial Equipment (Commercial Clothes Washers)

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

ACTION: Finding of No Significant Impact: Energy Conservation Program for Residential Ranges, Ovens, and Microwave Ovens.

SUMMARY: The Energy Policy and Conservation Act (EPCA), as amended, establishes mandatory energy conservation standards for certain consumer products and certain commercial and industrial equipment, including residential cooking products. (42 U.S.C. 6291 *et seq.*) Based on an Environmental Assessment (EA), contained in Chapter 16 of the final rule Technical Support Document (TSD) for residential ranges, ovens, and microwave ovens, the U.S. Department of Energy (DOE) has determined that the adoption of energy conservation standards for the cooking efficiency of residential gas

ranges and ovens without an electrical supply cord, as adopted by the final rule titled the “Energy Conservation Program: Energy Conservation Standards for Certain Consumer Products (Dishwashers, Dehumidifiers, Microwave Ovens, and Electric and Gas Kitchen Ranges and Ovens) and for Certain Commercial and Industrial Equipment (Commercial Clothes Washers),” 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/residential/cooking_products.html

FOR FURTHER INFORMATION CONTACT: Mr. Stephen Witkowski, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, EE-2J, 1000 Independence Avenue, SW., Washington, DC 20585-0121. Telephone: (202) 586-7463. E-mail: Stephen.Witkowski@ee.doe.gov.

Mr. Eric Stas or Mr. Michael Kido, U.S. Department of Energy, Office of the General Counsel, GC-72, 1000 Independence Avenue, SW., Washington, DC 20585-0121.
Telephone: (202) 586-9507. E-mail: Eric.Stas@hq.doe.gov or Michael.Kido@hq.doe.gov.

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 new energy conservation standards for certain residential cooking products. Specifically, DOE is adopting energy conservation standards pertaining to the cooking efficiency of residential gas kitchen ranges and ovens without an electrical supply cord at Trial Standard Level (TSL) 1. DOE is not adopting energy conservation standards pertaining to the cooking efficiency of residential electric kitchen ranges and ovens and microwave ovens, because no cooking efficiency 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 energy conservation standards for residential ranges, ovens, and microwave ovens. The results are presented for each TSL DOE considered for these products. Each TSL 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 from fossil fuel use and from fossil-fueled electricity generation. Specifically, site emissions will decrease as a result of reduced fuel use associated with elimination of the standing pilot in residential gas ranges and ovens without an electrical supply cord. Furthermore, the reduction in household natural gas consumption resulting from the elimination of the standing pilot is expected to have an effect on overall natural gas use patterns in the U.S. As estimated by a modified version of the National Energy Modeling System (NEMS-BT¹), elimination of the standing pilot is expected to increase the availability of natural gas for electricity generation, thereby causing a drop in electricity generation from other fossil-fuel sources, primarily coal-fired power plants. This migration from coal-fired electricity generation to cleaner natural gas-fired electricity generation is the source of the emissions reductions at electrical power plants expected to result from the final rule.

¹ The Energy Information Administration (EIA) approves the use of the name NEMS to describe only an official *Annual Energy Outlook (AEO)* version of the model without any modification to code or data. Because the present analysis entails some minor code modifications and runs the model under various policy scenarios that deviate from AEO assumptions, the name “NEMS-BT” refers to the model as used here. (“BT” stands for DOE’s Building Technologies Program.) For more information on NEMS, refer to “The National Energy Modeling System: An Overview,” DOE/EIA–0581 (98) (Feb. 1998). Available at <http://tonto.eia.doe.gov/ftproot/forecasting/058198.pdf>.

All of the TSLs considered for the product 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 (CO₂) and three criteria pollutants—nitrogen oxides (NO_x), sulfur dioxide (SO₂), and mercury (Hg). The energy savings from new energy conservation standards for residential gas ranges and ovens without an electrical supply cord are expected to result in reduced power sector emissions of CO₂, NO_x, and Hg, as well as reduced CO₂ and NO_x emissions at the sites where appliances are used. The results of this analysis show that the power plant emissions reductions in this final rule are projected to be 6.0 million metric tons (Mt) of CO₂, 0.6 kilotons (kt) of NO_x and between 0 and 0.15 tons of Hg. Additionally, the standards are projected to reduce CO₂ emissions by 7.7 Mt and NO_x emissions by 6.1 kt at the sites where appliances are used. These emissions reductions and those from the other TSLs are not substantial enough to significantly affect the quality of the human environment. See Chapter 16 of the residential cooking products TSD Table 16.2.3 through Table 16.2.5 for more information on the emissions reductions at all TSLs.

Determination

Based upon the EA, DOE has determined that the adoption of the energy conservation standards for residential gas ranges and ovens without an electrical supply cord 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 May 19, 2009.



Steven G. Chalk
Principal Deputy Assistant Secretary
Energy Efficiency and Renewable Energy