U.S. Department of Energy
Categorical Exclusion Determination Form

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Proposed Action Title: Notice of Proposed Rulemaking Regarding Energy Conservation Program for Consumer Products and Certain Commercial and Industrial Equipment: Definitions Applicable to Faucets (RIN: 1904-AC65)

Program or Field Office: EERE- Buildings Technology Program

Location(s) (City/County/State): Nationwide

Proposed Action Description:

On October 23, 2013, DOE issued a final rule amending the test procedures for showerheads, faucets, water closets, and urinals to incorporate by reference the test procedure provisions of ASME A112.18.1-2012, "Plumbing Supply Fittings," for showerheads and faucets and ASME A112.19.2-2008, "Ceramic Plumbing Fittings," for water closets and urinals, with the exception of certain provisions regarding rounding of measured values (78 FR 62970, at 62986-62987). DOE also added to 10 CFR 430.2 definitions related to showerheads, body sprays, and hand-held showerheads; and incorporated by reference definitions related to water closets (778 FR at 62986).

Since publication of the October 2013 Final Rule, DOE has received several questions regarding whether certain faucets are subject to DOE requirements. In this proposed rule, DOE seeks to clarify the regulations to add to 10 CFR 430.2 definitions for the terms "kitchen faucet," "lavatory faucet," "metering faucet," "and "replacement aerator."

Categorical Exclusion(s) Applied:

B5.1 - Actions to conserve energy or water

For the complete DOE National Environmental Policy Act regulations regarding categorical exclusions, including the full text of each categorical exclusion, see Subpart D of 10 CFR Part 1021.

Regulatory Requirements in 10 CFR 1021.410(b): (See full text in regulation)

✔ The proposal fits within a class of actions that is listed in Appendix A or B to 10 CFR Part 1021, Subpart D.

To fit within the classes of actions listed in 10 CFR Part 1021, Subpart D, Appendix B, a proposal must be one that would not: (1) threaten a violation of applicable statutory, regulatory, or permit requirements for environment, safety, and health, or similar requirements of DOE or Executive Orders; (2) require siting and construction or major expansion of waste storage, disposal, recovery, or treatment facilities (including incinerators), but the proposal may include categorically excluded waste storage, disposal, recovery, or treatment actions or facilities; (3) disturb hazardous substances, pollutants, contaminants, or CERCLA-excluded petroleum and natural gas products that preexist in the environment such that there would be uncontrolled or unpermitted releases; (4) have the potential to cause significant impacts on environmentally sensitive resources, including, but not limited to, those listed in paragraph B(4) of 10 CFR Part 1021, Subpart D, Appendix B; (5) involve genetically engineered organisms, synthetic biology, governmentally designated noxious weeds, or invasive species, unless the proposed activity would be contained or confined in a manner designed and operated to prevent unauthorized release into the environment and conducted in accordance with applicable requirements, such as those listed in paragraph B(5) of 10 CFR Part 1021, Subpart D, Appendix B.

✔ There are no extraordinary circumstances related to the proposal that may affect the significance of the environmental effects of the proposal.

✔ The proposal has not been segmented to meet the definition of a categorical exclusion. This proposal is not connected to other actions with potentially significant impacts (40 CFR 1508.25(a)(1)), is not related to other actions with individually insignificant but cumulatively significant impacts (40 CFR 1508.27(b)(7)), and is not precluded by 40 CFR 1506.1 or 10 CFR 1021.211 concerning limitations on actions during preparation of an environmental impact statement.

Based on my review of the proposed action, as NEPA Compliance Officer (as authorized under DOE Order 451.1B), I have determined that the proposed action fits within the specified class(es) of action, the other regulatory requirements set forth above are met, and the proposed action is hereby categorically excluded from further NEPA review.

NEPA Compliance Officer: LISA JORGENSEN Digitally signed by LISA JORGENSEN DN: c=US, o=U.S. Government, ou=Department of Energy, cn=LISA JORGENSEN, 0.9.2342.19200300.100.1.1=89001000512443 Date: 2015.01.23 11:59:50 -07'00' Date Determined: 01/23/2015