

[6450-01-P]

**DEPARTMENT OF ENERGY**

Office of Energy Efficiency and Renewable Energy

Finding of No Significant Impact

10 CFR 433 “Fossil Fuel-Generated Energy Consumption Reduction for New Federal Buildings and Major Renovations of Federal Buildings” and 10 CFR 435 “Fossil Fuel-Generated Energy Consumption Reduction for New Federal Buildings and Major Renovations of Federal Buildings”

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

**ACTION:** Finding of no significant impact (FONSI) for fossil fuel-generated energy consumption reduction for new Federal Buildings and major renovation of Federal buildings.

**SUMMARY:** Section 433 of the Energy Independence and Security Act (EISA) of 2007 (Pub. L. 110-140) modifies section 305 of ECPA by adding a new section 305(a)(3)(D) which requires DOE, through regulation, to update the energy efficiency requirements for new Federal buildings and Federal buildings undergoing major renovations by requiring that two categories of Federal buildings be designed to reduce their fossil-fuel generated energy consumption.

Section 433 of EISA 2007 also revised the definition of “Federal building” applicable to the regulations for Federal buildings. (42 U.S.C. 6832(6)). DOE addressed the energy efficiency requirements of Section 305 of ECPA in a separate rulemaking published on December 21, 2007 (72 FR 72565).

Based on an Environmental Assessment (EA), DOE/EA-1778, DOE has determined that the adoption of fossil fuel-generated energy consumption reduction requirements in 10 CFR 433 “Fossil Fuel-Generated Energy Consumption Reduction for New Federal Buildings and Major Renovations of Federal Buildings” and 10 CFR 435 “Fossil Fuel-Generated Energy Consumption Reduction for New Federal Buildings and Major Renovations of Federal Buildings” would not be a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act (NEPA) of 1969. Therefore, an environmental impact statement (EIS) is not required, and the Department is issuing this finding of no significant impact (FONSI).

**ADDRESSES:** Copies of the EA and the supplemental notice of proposed rulemaking are available from: U.S. Department of Energy, Office of the Federal Energy Management Program, 955 L’Enfant Plaza, Mail Station EE-5F, 1000 Independence Avenue, S.W., Washington, D.C., 20585-0121, (202) 586-5772.

**FOR FURTHER INFORMATION CONTACT:**

Sarah Jensen, Office of the Federal Energy Management Program (EE-5F), U.S. Department of Energy, 955 L’Enfant Plaza, Washington, D.C. 20585-0121 (202) 287-6033.

**For Further Information Regarding The DOE NEPA Process, Contact:**

Carol Borgstrom, Director, Office of NEPA Policy and Compliance (GC-54), 1000 Independence Avenue, S.W., Washington, D.C. 20585-0119, (202) 586-4600 or leave a message at (800) 472-2756.

#### **SUPPLEMENTARY INFORMATION:**

**Description of the Proposed Action:** The action is the establishment of fossil fuel-generated energy consumption reduction requirements for new Federal commercial and multi-family high rise residential buildings and low-rise residential buildings.

**Environmental Impacts:** The EA evaluates the environmental impacts of the establishment of fossil fuel-generated consumption reduction requirements for new Federal buildings and major renovations of Federal buildings. In accordance with NEPA, this section discusses the elements of the proposed rule itself.

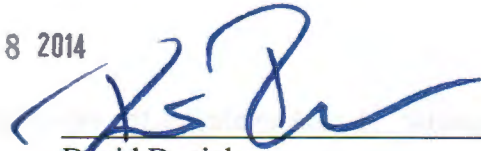
The Supplemental Notice of Proposed Rulemaking addresses the fossil fuel-generated consumption reduction requirements of Section 433 of the Energy Independence and Security Act of 2007 (EISA; Pub. L. 110-140). The supplemental notice establishes fossil fuel-generated energy consumption reduction requirements.

The purpose of the rule is to reduce fossil fuel-generated energy consumption in Federal buildings. Under all the alternatives examined in EA 1778, carbon dioxide, nitrogen oxides, and mercury emissions would be reduced because more energy efficient buildings consume less fossil fuels. DOE also found savings over baseline in its evaluation of emission impacts for methane, nitrous oxide, halocarbons, carbon monoxide, particulate matter, and lead. Because the

fundamental idea of fossil fuel-generated energy consumption in Federal buildings is to reduce impacts on the environment and on emissive contributions to climate change, the supplemental notice is inherently positive in terms of overall environmental impact.

**Determination:** Based on the DOE-EA 1778, DOE has determined that the adoption of fossil fuel-generated energy consumption requirements in 10 CFR Part 433 and 10 CFR Part 435 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.

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