



**Environmental Management Consolidated Business Center (EMCBC)**

**Subject: EMCBC or Service Level Agreement (SLA) National Environmental Policy Act (NEPA) Categorical Exclusion (CX) Process**

Implementing Procedure

APPROVED: (Signature on File)  
EMCBC Director

ISSUED BY: Office of Technical Support & Asset Management

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1.0 PURPOSE

The purpose of this procedure is to document a systematic approach for the preparation, review, and approval of *National Environmental Policy Act* (NEPA) Categorical Exclusions for actions under the purview of either EMCBC or SLA sites. A CX should address all technical issues in an appropriate level of detail commensurate with potential impacts, in order to determine if any could lead to a significant impact.

2.0 SCOPE

The scope of this procedure is to provide a systematic approach to prepare, review, approve, distribute and post a CX, when applicable.

3.0 APPLICABILITY

This procedure is applicable to EMCBC / SLA personnel who prepare, review, or approve CX's.

4.0 REQUIREMENTS and REFERENCES

4.1 Requirements:

- 4.1.1 DOE O 451.1B, DOE NEPA Compliance Program, June 25, 2010
- 4.1.2 40 CFR Parts 1500-1508, Council on Environmental Quality NEPA
- 4.1.3 10 CFR Part 1021, DOE NEPA Implementing Procedures and September 27, 2011 CX revisions
- 4.1.4 DOE "Compliance with Floodplains and Wetlands Environmental Review Requirements," 10 CFR Part 1022.
- 4.1.5 "Implementation Guidance for the DOE Policy on Documentation and Online Posting," Office of NEPA Policy and Compliance ( May 25, 2010).

#### 4.2 References:

- 4.2.1 EMCBC/SLA PL-451-01, National Environmental Policy Act (NEPA) Compliance Program Plan
- 4.2.2 EMCBC/SLA NEPA IP-451-02, Establishing the Level of National Environmental Policy Act Review and Documentation

#### 5.0 DEFINITIONS

- 5.1 Refer to Glossary of Terms used in DOE NEPA Documents dated September 1998 located at:  
[http://energy.gov/sites/prod/files/NEPA\\_Glossary%2008\\_2011.pdf](http://energy.gov/sites/prod/files/NEPA_Glossary%2008_2011.pdf)
- 5.2 DOE “NEPA Implementing Procedures,” 10 CFR Part 1021.104 definitions, located at [http://ceq.hss.doe.gov/nepa/regs/nepa1021\\_rev.pdf](http://ceq.hss.doe.gov/nepa/regs/nepa1021_rev.pdf)

#### 6.0 RESPONSIBILITIES

- 6.1 NEPA Specialist or Project Manager transmits the proposed CX determination to the NEPA Compliance Officer (NCO) if the appropriate level of NEPA review has been established, and the action description is accurate. In addition they provide technical and quality assurance support to ensure the NEPA packages that go to the NCO meet expectations.
- 6.2 NEPA Compliance Officer (NCO) approves the CX determination if the appropriate level of NEPA review has been established. NEPA Compliance Officer on case by case basis will provide CX to EMCBC/SLA Legal Counsel for review. In case of EMCBC it will be submitted to the Office of Legal Services.
- 6.3 Contractors prepare and transmit to the Program NEPA Coordinator a CX Determination/Environmental Checklist that contains a recommendation on the appropriate level of NEPA review and an accurate description of the proposed action.
- 6.4 Office of Chief Counsel (OCC) EMCBC will be provided opportunity to review all NEPA CX determinations prior to EMCBC NCO approval.

#### 7.0 PROCEDURES

- 7.1 Flowchart – A flowchart depicting the process and steps presented in this procedure is presented in Section 11 of this procedure.
- 7.2 Preliminary CX Determination Review – For the use of the following procedural steps, the results of the preliminary NEPA level determination review, which was performed under EMCBC/SLA NEPA IP-451-02, “EMCBC or SLA Site NEPA Determination Procedure”, should indicate that the proposed action is listed in Appendices A or B to Subpart D of Title 10 Code of Federal Regulations (CFR)

1021. If the proposed action is not listed in one of the referenced appendices, EMCBC/SLA NEPA IP-451-02 should be reviewed for determining the proper NEPA review level for the proposed action.

### 7.3 Generic CX Document

7.3.1 The proposed action should be reviewed against the list of any generic CXs that might already exist for the EMCBC or SLA site. Discuss this with either the Site NCO or NEPA Specialist. If the proposed action is covered by a generic CX, the use of a generic CX determination should be documented by the program. If the proposed action is not covered by a generic CX, then proceed to paragraph 7.4.

### 7.4 CX Document

7.4.1 If the proposed action is not covered by a generic EMCBC/SLA CX, determination, then the EMCBC/SLA or Contractor NEPA Coordinator will prepare a draft CX determination and Environmental Questionnaire (Reference PL-451-01 Form F1) for review by the EMCBC NCO.

7.4.2 The format for a CX determination and Environmental Questionnaire should include:

- The title of the proposed action including a unique identification number assigned by the program sponsoring or conducting the proposed action;
- Proposed Action: A one-sentence description of the action;
- Location: The location of the action;
- Description of the Proposed Action: A brief, yet complete, description of the proposed action;
- CX to be applied: Citation of the applicable CX from Appendix A or B of Subpart D (10 CFR 1021); and
- Signature block for NCO approval.

7.4.3 The draft CX determination and Environmental Questionnaire should contain sufficient information to conclude that the environment impacts of the project are insignificant and that a CX listed in Appendix A and/or B of Subpart D (10 CFR 1021) is appropriate. Further, the CX should address whether there are extraordinary circumstances and whether the action is connected to other actions with potentially significant impacts (as described in 10 CFR 021.410(b) (2) and (3)). The document should also address briefly the four criteria listed in Appendix A and/or B of Subpart D (both construction and operation, if applicable) and any local, State, or Federal environmental permits required (permits required by the contractor at the facility should not be included). Also, any change or lack of change in effluents should be addressed; and if the change is an increase, then disposal and any modifications or lack of modification in permits should be addressed.

- 7.4.4 The CX determination and Environmental Questionnaire may describe multiple actions that fit in the same category of the actions listed in Appendix A and/or B Subpart D (10 CFR 1021), describing each one individually in the CX determination (i.e., one CX applied to several similar actions); or the CX and Environmental Questionnaire may describe one action and apply it to more than one CX, as when building alteration requires a tank removal as well as construction ( i.e., applying two CX's to one action). A CX determination statement may also contain Best Management Practices (BMP) utilized to avoid environmental impacts or to enhance security.
- 7.4.5 An example CX determination and Environmental Questionnaire is shown in Attachment A of this procedure.

## 7.5 Document Flow

- 7.5.1 The EMCBC/SLA Project Lead or contractor NEPA Coordinator prepares a description of the action and the draft CX determination and submits the draft CX determination to the EMCBC/SLA NCO. If requested the NCO NEPA staff can review the draft CX determination concurrently and provide comments in order to expedite the process.
- 7.5.2 The responsible EMCBC/SLA Project Lead or Contractor Program NEPA Coordinator prepares the CX memorandum for hard copy or electronic submittal to the NCO.

## 7.6 Document Review - Upon receipt of a proposed CX determination, the DOE EMCBC/SLA NEPA Compliance officer will:

- 7.6.1 Review it to obtain a clear understanding of the proposed action.
- 7.6.2 Review it for the location of the action, including building numbers (if applicable) whether environmentally sensitive areas are involved, and whether or not the action is within the boundaries of an established facility or within a building on the facility.
- 7.6.3 Ensure that it describes the types of wastes that are expected to be generated, and a plan for their ultimate disposition.
- 7.6.4 Ensure that it discusses all issues of concern, including any expected releases of hazardous or contaminated materials to the environmental, additional permits that may be required, modifications to permits that may be needed and complete citations for exemptions to State or Federal permitting requirements.
- 7.6.5 Ensure that CX is the appropriate level of NEPA documentation for the action (i.e., the Environmental impacts of the action are clearly insignificant). A determination of the significance of an action requires

consideration of both context and intensity (See Council on Environmental Quality (CEQ) Regulations [40 CFR 1508.27]).

- 7.6.6 Ensure that an appropriate CX was applied. (See 10 CFR 1021, Appendix A and/or B to Subpart D).
- 7.6.7 If the document is inadequate, return it to the cognizant EMCBC/SLA Project Lead or Contractor Program NEPA Coordinator for revision.
- 7.7 Document Approval - If the CX determination is acceptable, the NCO in consultation with the EMCBC OLS will approve it. After the NCO approves the CX determination, notification is made to those listed on the CX determination.
- 7.8 Document Posting- To further transparency and openness, DOE established a policy to document and post online all CX determinations involving classes of actions listed in Appendix B to Subpart D of the DOE NEPA regulations (10 CFR Part 1021). This database contains CX determinations required to be posted under the policy, and also some for which documentation and posting are optional, i.e., determinations involving classes of actions listed in Appendix A or made before the policy's effective date of November 2, 2009. The EMCBC NCO will post all applicable CX determinations issued by the EMCBC to the OTSAM web page.

## 8.0 RECORDS MAINTENANCE

- 8.1 Records generated as a result of implementing this document are identified as follows and maintained in accordance with Office of Technical Support and Asset Management File Plan:
  - 8.1.1 ENV 02-F-01C – National Environmental Policy Act - Environmental Impact Statement – Final Published Version
  - 8.1.2 ENV 02-F-02C - National Environmental Policy Act – Environmental Assessment Records – Background Documentation
  - 8.1.3 ENV 02-F-03C - National Environmental Policy Act – Categorical Exclusion Records – Background Documentation
  - 8.1.4 ENV 02-F-04 - National Environmental Policy Act Support Documentation

## 9.0 FORMS USED – Forms used shall be the latest revision unless otherwise specified.

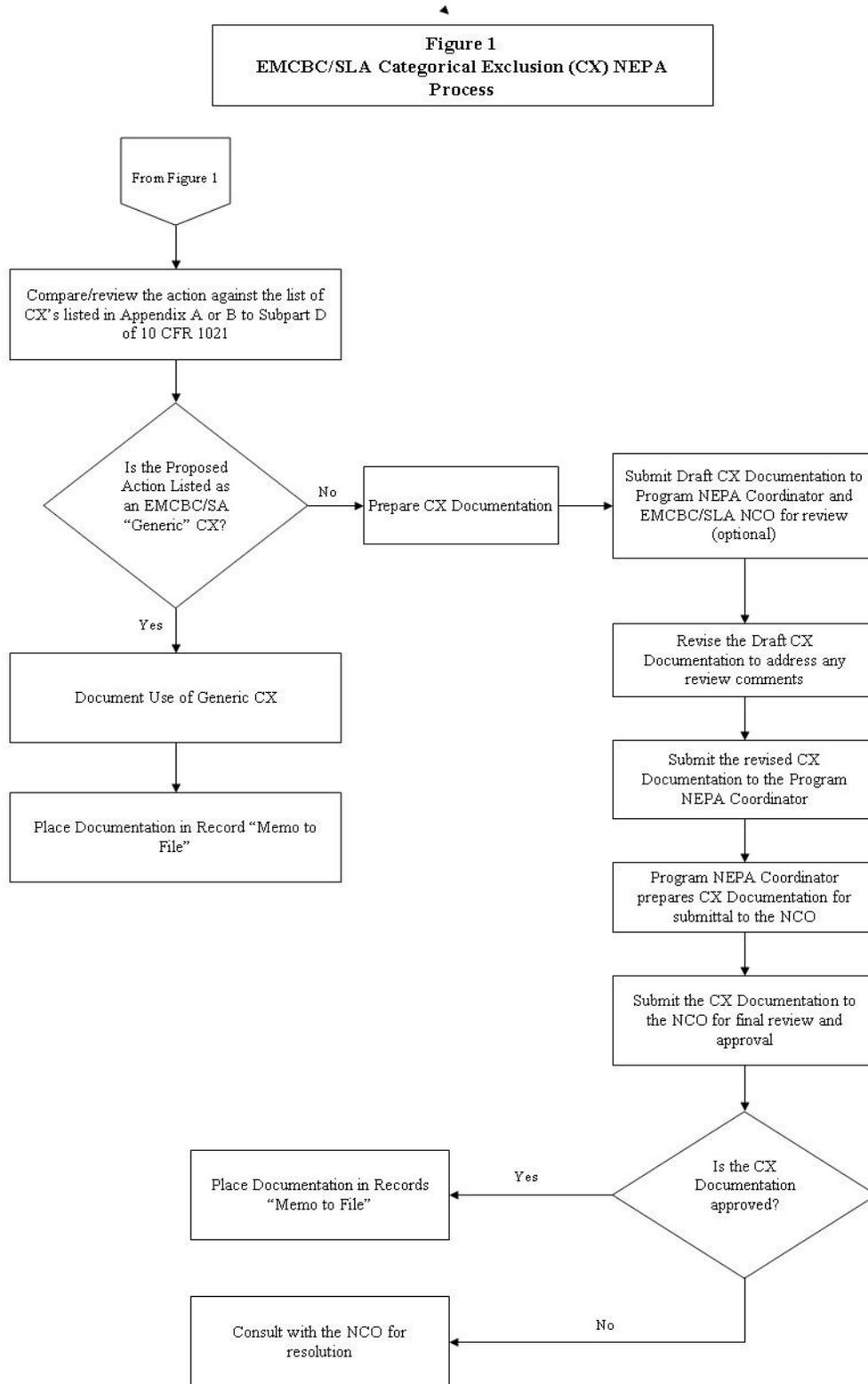
- 9.1 U.S. Department of Energy Environmental Questionnaire
- 9.2 Categorical Exclusion Form

10.0 ATTACHMENTS

10.1 Attachment A - Categorical Exclusion Determination

11.0 FLOWCHART- EMCBC or Service Level Agreement (SLA) National Environmental Policy Act (NEPA) Categorical Exclusion (CX) Process.

11.0 FLOWCHART



**Attachment A**

United States Government

Department of Energy  
**Consolidated Business Center**

**memorandum**

DATE: JUL 13 2007

REPLY TO EMCBC:YERACE  
ATTN OF:

EMCBC-00565-07

**SUBJECT: CATEGORICAL EXCLUSION DETERMINATION ON THE TRANSFER OF  
PROPERTY TO THE U. S. DEPARTMENT OF THE INTERIOR, FISH AND  
WILDLIFE SERVICE**

TO:  
Jack R. Craig, Director, EMCBC

Attached please find the following Categorical Exclusion Determination, Environmental Checklist and supporting record for one proposed action at the Rocky Flats Environmental Technology Site.

EMCBC-2007-01 Rocky Flats Environmental Technology Site to  
Rocky Flats National Wildlife Refuge

As the Environmental Management Consolidated Business Center (EMCBC) National Environmental Policy Act (NEPA) Compliance Officer, I have reviewed the above proposed action in accordance with DOE's NEPA Implementing Procedures and Guidelines (10 CFR § 1021, Appendix B to Subpart D). Based on this review, I have determined that B1.25 applies to this action which is **categorically excluded** from the requirement to prepare additional NEPA documentation in the form of either an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). Therefore, the proposed action may be allowed to proceed.

Please contact me at 513-246-0598 if further information on this matter is needed.



Pete Yerace  
EMCBC NEPA Compliance Officer  
Office of Logistics Management

Attachment: As Stated

cc electronically w/o attachment:  
M. Roy, EMCBC

**Attachment A**  
(Con't)

EMCBC-2007-07

**Record of Categorical Exclusion Determination for Rocky Flats Land Transfer**

*Description of Proposed Action:* The United States Department of Energy (DOE) is transferring to the U.S. Department of the Interior (DOI), Fish and Wildlife Service, management responsibilities and administrative jurisdiction, to include custody, accountability and control of approximately 3953.03 acres of real property of the Rocky Flats Environmental Technology Site. The Transfer Area, as it is called, is located in Jefferson and Boulder Counties, Colorado approximately sixteen miles northwest of Denver, Colorado.

*Number and Title of Categorical Exclusion:* The proposed action as described in the above action description falls within the bounds of the categorical exclusion B1.25, provided in 10 C.F.R. § 1021, Appendix B to Subpart D, Transfer of land/habitat preservation, wildlife management. Specifically, this categorical exclusion allows for the transfer, lease, disposition or acquisition of interests in uncontaminated land for habitat preservation or wildlife management.

*Regulatory Requirements defined in 10 C.F.R. § 1021.410 (b):* The proposed action as defined above fits within Appendix B of 10 C.F.R. § 1021. To meet the requirements of Appendix B, the following evaluation was performed. There were several documents that were reviewed as part of the evaluation for NEPA determination, including:

- The Rocky Flats National Wildlife Refuge Record of Decision
- Rocky Flats Wildlife Refuge Final Comprehensive Conservation Plan and the Environmental Impact Statement
- Corrective Action Decision/Record of Decision for Rocky Flats Plant Peripheral Operable Unit and Central Operable Unit
- CY-2006 Rocky Flats Site Annual Report of Site Surveillance and Maintenance Activities

Additionally, the NEPA Categorical Exclusion determination relied upon the Letter, Region 8 United States Environmental Protection Agency (USEPA) to DOE and DOI "Nature of Partial Deletion," dated June 11, 2007. The USEPA published in the Federal Register on May 25, 2007 the Notice of Partial Deletion for the Peripheral Operable Unit (OU) and OU 3. The Peripheral OU and OU 3 have been deleted from the National Priorities List in accordance with 40 C.F.R. § 300.425(e). Information gathered as part of this document review produced the following conclusions. The proposed land transfer does not threaten a violation of applicable statutory, regulatory or permit requirements for environmental, safety and health, including DOE and/or Executive Orders. The proposed land transfer does not require siting, construction, or major expansion of waste storage, disposal, recovery, or treatment facilities. The proposed land transfer does not disturb hazardous substances, pollutants, contaminants or CERCLA-excluded petroleum and natural gas products that pre-exist in the environment such that there would be uncontrolled or unpermitted releases. In addition, the proposed land transfer does not adversely affect environmentally sensitive resources.

**Attachment A**

EMCBC-2007-07

It was also determined for this project that there are no extraordinary circumstances related to the proposed land transfer that may affect the significance of the environmental effect of the transfer. Finally, it was determined that the proposed land transfer is not "connected" (as set forth in 40 C.F.R. § 1508.25(a)(1)) to any other action with potentially significant impacts, it is not related to other proposed actions with cumulatively significant impacts (as set forth in 40 C.F.R. § 1508.25(a)(2)), and it is not precluded by 40 C.F.R. § 1506.1 or 10 C.F.R. § 1021.211. Additional detail of the analysis performed can be found in the attached Environmental Checklist for the proposed Rocky Flats Land Transfer.

*Determination:* Based on my review of information conveyed to me and in my possession concerning the proposed action, as NEPA Compliance Officer (as prescribed by DOE Order 451.1B), I have determined that the proposed land transfer action fits within B1.25, the specified class of actions, the other regulatory requirements set forth above are met, and the proposed land transfer action is hereby categorically excluded from further NEPA review.

  
Signature  
NEPA Compliance Officer, EMCBC

*July 3 2007*  
Date

**EMCBC RECORD OF REVISION**

**DOCUMENT- EMCBC or Service Level Agreement (SLA) National Environmental Policy Act (NEPA) Categorical Exclusion (CX) Process**

If there are changes to the controlled document, the revision number increases by one. Indicate changes by one of the following:

- I Placing a vertical black line in the margin adjacent to sentence or paragraph that was revised.
- I Placing the words GENERAL REVISION at the beginning of the text.

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<b>Rev. No.</b>	<b>Description of Changes</b>	<b>Revision on Pages</b>	<b>Date</b>
1	Initial Procedure	All	06/02/08
2	Records Maintenance Updated	5	03/18/13