



**Department of Energy**  
Washington, DC 20585

**RECORD OF CATEGORICAL EXCLUSION (CX) DETERMINATION**

**OFFICE:** Office of Electricity Delivery and Energy Reliability (OE)

**PROJECT:** OE is initiating the 2012 National Electric Transmission Congestion Study

**CX BACKGROUND:** The National Environmental Policy Act (NEPA) requires federal agencies to prepare Environmental Impact Statements (EISs) for every recommendation or report on proposals for legislation and other major federal actions significantly affecting the quality of the human environment.

The Department of Energy's (DOE's) regulations that implement NEPA require it to determine whether a proposal (in this case the study of electric transmission congestion and constraints within the Eastern and Western Interconnections) requires that an EIS, an Environmental Assessment (EA), or a Categorical Exclusion (CX) be prepared. An EA is a concise public document that provides sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact. A CX refers to a category of actions that DOE has determined do not individually or cumulatively have a significant effect on the human environment. As such DOE need not prepare an EA or an EIS for categorically excluded actions.

All of DOE's CXs are listed at 10 CFR 1021, Appendices A and B to Subpart D. The use of CXs provides a way for DOE to streamline the NEPA review process and preserve its resources for environmentally significant proposals.

In order to conclude that a proposed action is categorically excluded, DOE is required by regulation to first determine that: 1) the action fits within a categorical exclusion, 2) there are no extraordinary circumstances related to the action that may affect its significance, and 3) the action is not connected to other actions with potentially significant impacts.

In this CX Determination, DOE describes the proposed action and explains why it is categorically excluded.

**PROPOSED ACTION:** The Energy Policy Act of 2005 (EPAct) added several new provisions to the Federal Power Act (FPA), including FPA section 216. FPA section 216(a) requires the Secretary of Energy to conduct a study of electric transmission congestion within one year from the date of enactment of EPAct and every three years thereafter. The 2012 congestion study will be conducted in consultation with affected States. Also, in exercising its responsibilities under

Section 216, DOE is required to consult regularly with the Federal Energy Regulatory Commission (FERC), any appropriate regional entity referred to in FPA section 215, i.e., the regional electric reliability organizations, and Regional Transmission Organizations approved by FERC.

DOE intends to use only data that is publicly available for this study. This data may include, but is not limited to: Electricity market analyses, Locational marginal price patterns, Reliability analyses and actions, Transmission loading relief actions, Historic energy flow records, Current and projected electric supply and generation plans, Recent, current and planned transmission and interconnection queues, Current and forecast electricity loads and analytic results from the eastern and western interconnection-level planning studies undertaken with DOE support.

DOE intends to release a draft version of the 2012 Congestion Study in 2012 for a 60-day comment period. After reviewing and considering the comments received, DOE will issue a final version of the study.

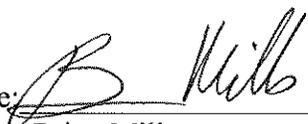
**CX TO BE APPLIED:** 10 CFR 1021, Appendices A:

A1 Routine actions necessary to support the normal conduct of agency business, such as administrative, financial, and personnel actions.

A9 Information gathering (including, but not limited to, literature surveys, inventories, audits), data analysis (including computer modeling), document preparation (such as conceptual design or feasibility studies, analytical energy supply and demand studies), and dissemination (including, but not limited to, document mailings, publication, and distribution; and classroom training and informational programs), but not including site characterization or environmental monitoring.

**RATIONALE:** The planned activities will involve the utilization of existing facilities and infrastructure to accomplish the goal of study of electric transmission congestion. The actions identified in the CXs above have been determined by DOE in the past to not individually or cumulatively have a significant effect on the human environment.

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

Signature:   
Brian Mills  
NEPA Compliance Officer  
Office of Electricity Delivery  
and Energy Reliability

Date: Dec. 23, 2011