

**Proposed 10 CFR 1021 with Tracked Changes
December 20, 2010**

[57 FR 15144, Apr. 24, 1992, as amended at 61 FR 36243, July 9, 1996; 61 FR 64608, Dec. 6, 1996]

Title 10: Energy

PART 1021 -- NATIONAL ENVIRONMENTAL POLICY ACT IMPLEMENTING
PROCEDURES

Subpart C – Implementing Procedures

§ 1021.311 Notice of intent and scoping.

(d) Except as provided in paragraph ~~(gf)~~ of this section, DOE shall hold at least one public scoping meeting as part of the public scoping process for a DOE EIS. DOE shall announce the location, date, and time of public scoping meetings in the NOI or by other appropriate means, such as additional notices in the FEDERAL REGISTER, news releases to the local media, or letters to affected parties. Public scoping meetings shall not be held until at least 15 days after public notification. Should DOE change the location, date, or time of a public scoping meeting, or schedule additional public scoping meetings, DOE shall publicize these changes in the FEDERAL REGISTER or in other ways as appropriate.

(f) A public scoping process is optional for DOE supplemental EISs (40 CFR 1502.9(c)(4)). If DOE initiates a public scoping process for a supplemental EIS, the provisions of paragraphs (a) through ~~(fe)~~ of this section shall apply.

§ 1021.322 Findings of no significant impact.

(f) DOE may revise a FONSI at any time, so long as the revision is supported by an existing EA. A revised FONSI is subject to all provisions of ~~paragraph (d) of~~ this section.

§ 1021.331 Mitigation action plans.

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- (b) In certain circumstances, as specified in §1021.322(b)(~~21~~), DOE shall also prepare a Mitigation Action Plan for commitments to mitigations that are essential to render the impacts of the proposed action not significant.

Subpart D -- Typical Classes of Actions

§ 1021.400 Level of NEPA review.

- (a) This subpart identifies DOE actions that normally:
- (1) Do not require preparation of either an EIS or an EA (are categorically excluded from preparation of either document) (appendices A and B to this subpart D);
 - (2) Require preparation of an EA, but not necessarily an EIS (appendix C to this subpart D); or
 - (3) Require preparation of an EIS (appendix D to this subpart D).
- (b) Any completed, valid NEPA review does not have to be repeated, and no completed NEPA documents need to be redone by reasons of these regulations, except as provided in §1021.314.
- (c) If a DOE proposal is encompassed within a class of actions listed in the appendices to this subpart D, DOE shall proceed with the level of NEPA review indicated for that class of actions, unless there are extraordinary circumstances related to the specific proposal that may affect the significance of the environmental effects of the proposal.
- (d) If a DOE proposal is not encompassed within the classes of actions listed in the appendices to this subpart D, or if there are extraordinary circumstances related to the proposal that may affect the significance of the environmental effects of the proposal, DOE shall either:

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(1) Prepare an EA and, on the basis of that EA, determine whether to prepare an EIS or a FONSI; or

(2) Prepare an EIS and ROD.

§ 1021.410 Application of categorical exclusions (classes of actions that normally do not require EAs or EISs).

(a) The actions listed in appendices A and B to this subpart D are classes of actions that DOE has determined do not individually or cumulatively have a significant effect on the human environment (categorical exclusions).

(b) To find that a proposal is categorically excluded, DOE shall determine the following:

(1) The proposal fits within a class of actions that is listed in appendix A or B to this subpart D;

(2) There are no extraordinary circumstances related to the proposal that may affect the significance of the environmental effects of the proposal. Extraordinary

circumstances are unique situations presented by specific proposals, ~~such as~~ including, but not limited to, scientific controversy about the environmental effects of the proposal; uncertain effects or effects involving unique or unknown risks; ~~or and~~ unresolved conflicts concerning alternative uses of available resources ~~within the meaning of section 102(2)(E) of NEPA~~; -and

(3) The proposal has not been segmented to meet the definition of a categorical exclusion. Segmentation can occur when a proposal is broken down into small parts in order to avoid the appearance of significance of the total action. The scope of a proposal must include the consideration of connected and cumulative actions, that is, ~~t~~The proposal is not “connected” to other actions with potentially significant impacts

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(40 CFR 1508.25(a)(1)) ~~to other actions with potentially significant impacts~~, is not related to other ~~proposed~~ actions with individually insignificant but cumulatively significant impacts (40 CFR 1508.2527(~~ab~~)(27)), and is not precluded by 40 CFR 1506.1 or §1021.211 of this part concerning limitations on actions during EIS preparation.

(c) All categorical exclusions may be applied by any organizational element of DOE. The sectional divisions in appendix B to this subpart D are solely for purposes of organization of that appendix and are not intended to be limiting.

(d) A class of actions includes activities foreseeably necessary to proposals encompassed within the class of actions (such as award of implementing grants and contracts, site preparation, purchase and installation of equipment, and associated transportation activities ~~and award of implementing grants and contracts~~).

(e) Categorical exclusion determinations for actions listed in appendix B shall be documented and made available to the public by posting online, generally within two weeks of the determination, unless additional time is needed in order to review and protect classified information, “confidential business information,” or other information that DOE would not disclose pursuant to the Freedom of Information Act (FOIA) (5 U.S.C. 552). Posted categorical exclusion determinations shall not disclose classified information, “confidential business information,” or other information that DOE would not disclose pursuant to FOIA. (See also 10 CFR 1021.340.)

Appendix A to Subpart D of Part 1021 -- Categorical Exclusions Applicable to General Agency Actions

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Routine actions necessary to support the normal conduct of ~~agency-DOE~~ business, ~~such as~~
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- A2 Clarifying or administrative contract actions
Contract interpretations, amendments, and modifications that are clarifying or
administrative in nature.
- A3 Certain actions by Office of Hearings and Appeals

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Adjustments, exceptions, exemptions, appeals, and stays, modifications, or rescissions of orders issued by the Office of Hearings and Appeals.

A4 Interpretations and rulings for existing regulations

Interpretations and rulings with respect to existing regulations, or modifications or rescissions of such interpretations and rulings.

A5 Interpretive rulemakings with no change in environmental effect

Rulemakings interpreting or amending an existing rule or regulation that does not change the environmental effect of the rule or regulation being amended.

A6 Procedural rulemakings

Rulemakings that are strictly procedural, ~~such as including, but not limited to,~~ rulemaking (under 48 CFR ~~part~~ chapter 9) establishing procedures for technical and pricing proposals and establishing contract clauses and contracting practices for the purchase of goods and services, and rulemaking (under 10 CFR part 600) establishing application and review procedures for, and administration, audit, and closeout of, grants and cooperative agreements.

A7 ~~Removed and Reserved~~Reserved

~~Transfer, lease, disposition, or acquisition of interests in personal property (e.g., equipment and materials) or real property (e.g., permanent structures and land), if property use is to remain unchanged; i.e., the type and magnitude of impacts would remain essentially the same.~~

A8 Awards of certain contracts

Awards of contracts for technical support services, management and operation of a government-owned facility, and personal services.

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A9 Information gathering, analysis, and dissemination

Information gathering (including, but not limited to, literature surveys, inventories, site visits, and audits), data analysis (including, but not limited to, computer modelling), document preparation (~~such as~~ including, but not limited to, conceptual design ~~or,~~ feasibility studies, and analytical energy supply and demand studies), and information 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. (~~Also see~~ See also B3.1 of appendix B to this subpart.)

A10 Reports and recommendations on non-DOE legislation

Reports ~~or~~ and recommendations on legislation or rulemaking that isare not proposed by DOE.

A11 Technical advice and assistance to organizations

Technical advice and planning assistance to international, national, state, and local organizations.

A12 Emergency preparedness planning

Emergency preparedness planning activities, including, but not limited to, the designation of onsite evacuation routes.

A13 Procedural Documents

Administrative, organizational, or procedural Policies, Orders, Notices, Manuals, and gGuidelines.

A14 Approval of technical exchange arrangements

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Approval of technical exchange arrangements for information, data, or personnel with other countries or international organizations; ~~(including, but not limited to, assistance in identifying and analyzing another country's energy resources, needs and options-).~~

A15 International agreements for energy research and development

Approval of DOE participation in international “umbrella” agreements for cooperation in energy research and development activities that would not commit the U.S. to any specific projects or activities.

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B. Conditions ~~That~~that Are Integral Elements ~~Of of The the~~ Classes ~~Of of~~ Actions ~~In in~~ Appendix

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~~B.~~ The classes of actions listed below include the following conditions as integral elements of the classes of actions. To fit within the classes of actions listed below, a proposal must be one that would not:

- (1) Threaten a violation of applicable statutory, regulatory, or permit requirements for environment, safety, and health, ~~including or similar~~ requirements of DOE ~~and/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; or
- (4) ~~Have the potential to cause significant impacts on~~ ~~Adversely affect~~ environmentally sensitive resources. An environmentally sensitive resource is typically a resource that has been identified as needing protection through Executive Order, statute, or regulation by Federal, state, or local government, or a Federally recognized Indian tribe. An action may be categorically excluded if, although sensitive resources are present ~~on a site~~, the action would not ~~have the potential to cause significant impacts on~~ ~~adversely affect~~ those resources (~~e.g., such as~~ construction of a building with its foundation well above a sole-source aquifer or upland surface soil removal on a site that has wetlands).

Environmentally sensitive resources include, but are not limited to:

- (i) Property (~~such as e.g.,~~ sites, buildings, structures, ~~and~~ objects) of historic, archeological, or architectural significance designated by Federal, state, or local

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governments, or a Federally recognized Indian tribe, or property determined to be eligible for listing on the National Register of Historic Places;

- (ii) Federally-listed threatened or endangered species or their habitat (including critical habitat), or Federally-proposed or candidate species or their habitat (Endangered Species Act); ~~or~~ state-listed endangered or threatened species or their habitat; and Federally-protected marine mammals and Essential Fish Habitat (Marine Mammals Protection Act; Magnuson-Stevens Fishery Conservation and Management Act);
- (iii) ~~Floodplains and wetlands~~ Wetlands regulated under the Clean Water Act (33 U.S.C. 1344) and floodplains; (as defined in 10 CFR 1022.4, "Compliance with Floodplain and Wetland Environmental Review Requirements: Definitions," or its successor);
- (iv) Areas having a special designation such as Federally- and state-designated wilderness areas, national parks, national monuments, national natural landmarks, wild and scenic rivers, state and Federal wildlife refuges, scenic areas (such as National Scenic and Historic Trails or National Scenic Areas), and marine sanctuaries;
- ~~(v) Prime agricultural lands;~~
- (v) Prime or unique farmland, or other farmland of statewide or local importance, as defined at 7 CFR 658.2(a), "Farmland Protection Policy Act: Definitions," or its successor;
- (vi) Special sources of water (such as sole-source aquifers, wellhead protection areas, and other water sources that are vital in a region); and
- (vii) Tundra, coral reefs, or rain forests.

B1. Categorical Exclusions Applicable to Facility Operation

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B1.1 Changing rates and prices

~~Changing Rate increases rates for services or prices~~ for products ~~or services~~ marketed by parts of DOE other than Power Marketing Administrations, and approval of rate or price increases changes for non-DOE entities, that ~~do not exceed~~ are consistent with the change in the ~~overall price level in the economy (inflation)~~ implicit price deflator for, ~~as measured by~~ the Gross National Domestic Product ~~(GNP) fixed weight price index~~ published by the Department of Commerce, during the period since the last rate or price increase change.
~~(Also see B4.3.)~~

B1.2 Training exercises and simulations

Training exercises and simulations (including, but not limited to, firing-range training, small-scale and short-duration force-on-force exercises, emergency response training, fire fighter and rescue training, and decontamination and spill cleanup training) conducted under appropriately controlled conditions and in accordance with applicable requirements.

B1.3 Routine maintenance

Routine maintenance activities and custodial services for buildings, structures, rights-of-way, infrastructures (~~e.g.,~~ including, but not limited to, pathways, roads, and railroads), vehicles and equipment, and localized vegetation and pest control, during which operations may be suspended and resumed, provided that the activities would be conducted in a manner consistent in accordance with applicable requirements. Custodial services are activities to preserve facility appearance, working conditions, and sanitation, ~~(such as cleaning, window washing, lawn mowing, trash collection, painting, and snow removal).~~ Routine maintenance activities, corrective (that is, repair), preventive, and predictive, are required to maintain and preserve buildings, structures, infrastructures, and

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equipment in a condition suitable for a facility to be used for its designated purpose. Such maintenance may occur as a result of severe weather (such as hurricanes, floods, and tornados), wildfires, and other such events. Routine maintenance may result in replacement to the extent that replacement is ~~in~~-in-kind and is not a substantial upgrade or improvement. ~~In~~-In-kind replacement includes installation of new components to replace outmoded components, if provided that the replacement does not result in a significant change in the expected useful life, design capacity, or function of the facility. Routine maintenance does not include replacement of a major component that significantly extends the originally intended useful life of a facility (for example, it does not include the replacement of a reactor vessel near the end of its useful life). Routine maintenance activities include, but are not limited to:

- (a) Repair or replacement of facility equipment, such as lathes, mills, pumps, and presses;
- (b) Door and window repair or replacement;
- (c) Wall, ceiling, or floor repair or replacement;
- (d) Reroofing;
- (e) Plumbing, electrical utility, lighting, and telephone service repair or replacement;
- (f) Routine replacement of high-efficiency particulate air filters;
- (g) Inspection and/or treatment of currently installed utility poles;
- (h) Repair of road embankments;
- (i) Repair or replacement of fire protection sprinkler systems;
- (j) Road and parking area resurfacing, including construction of temporary access to facilitate resurfacing, and scraping and grading of unpaved surfaces;
- (k) Erosion control and soil stabilization measures (such as reseeding and revegetation);

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- (l) Surveillance and maintenance of surplus facilities in accordance with DOE Order 5820.2435.1, “Radioactive Waste Management,” or its successor;
- (m) Repair and maintenance of transmission facilities, ~~including such as~~ replacement of conductors of the same nominal voltage, poles, circuit breakers, transformers, capacitors, crossarms, insulators, and downed transmission lines, in accordance, where appropriate, with 40 CFR part 761 (Polychlorinated Biphenyls Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions); or its successor;
- (n) Routine testing and calibration of facility components, subsystems, or portable equipment (~~including but not limited to, such as~~ control valves, in-core monitoring devices, transformers, capacitors, monitoring wells, lysimeters, weather stations, and flumes); ~~and~~
- (o) Routine decontamination of the surfaces of equipment, rooms, hot cells, or other interior surfaces of buildings (by such activities as wiping with rags, using strippable latex, and minor vacuuming), ~~including and~~ removal of contaminated intact equipment and other materials (~~other than not including~~ spent nuclear fuel or special nuclear material in nuclear reactors); and

(p) Removal of debris.

B1.4 Air conditioning systems for existing equipment

Installation or modification of air conditioning systems required for temperature control for operation of existing equipment.

B1.5 Existing steam plants and cooling water systems

Minor improvements to existing steam plants and cooling water systems (including, but not limited to, modifications of existing cooling towers and ponds), ~~within an existing~~

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~~building or structure if provided that~~ the improvements would not: (1) ~~create~~ create new sources of water or involve new receiving waters; (2) have the potential to cause significant impacts on water~~adversely affect water~~ withdrawals or the temperature of discharged water; or (3) increase introductions of hazardous or involve new introductions of hazardous substances, pollutants, contaminants, or CERCLA-excluded petroleum and natural gas products.

B1.6 Tanks and equipment to control runoff and spills

Installation or modification of retention tanks or small (normally under one acre) basins and associated piping and pumps for existing operations to control runoff or spills (such as under 40 CFR part 112). Modifications include, but are not limited to, installing liners or covers. (See also B1.33 of this appendix.)

B1.7 Electronic equipment

Acquisition, installation, operation, modification, and removal of electricity transmission control and monitoring devices for grid demand and response, communication systems, data processing equipment, and similar electronic equipment.

B1.8 Screened water intake and outflow structures

Modifications to screened water intake and outflow structures such that intake velocities and volumes and water effluent quality and volumes are consistent with existing permit limits.

B1.9 Airway safety markings and painting

Placement of airway safety markings on and, painting of, and repair and in-kind replacement of ~~(but excluding lighting) of on existing~~ electrical transmission lines and

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antenna structures, wind turbines, and similar structures in accordance with applicable requirements (such as Federal Aviation Administration standards-).

B1.10 Onsite storage of activated material

Routine, onsite storage at an existing facility of activated equipment and material (including, but not limited to, lead) used at that facility, to allow reuse after decay of radioisotopes with short half-lives.

B1.11 Fencing

Installation of fencing, including, but not limited to~~that for~~ border marking, that would not have the potential to cause significant impacts on~~will not adversely affect~~ wildlife movements~~populations or migration~~ or surface water flow.

B1.12 Detonation or burning of explosives or propellants after testing

~~Detonation~~Outdoor detonation or burning of explosives or propellants that failed ~~in outdoor tests (i.e., duds) or~~ were damaged ~~in outdoor tests (e.g., such as by fracturing), or were otherwise not consumed in testing.~~ ~~in~~ Outdoor detonation or burning would be in areas designated and routinely used for ~~explosive detonation or burning~~those purposes under ~~an~~ existing applicable permits issued by Federal, state, or~~and~~ local authorities (such as a permit for a RCRA miscellaneous unit (40 CFR part 264, subpart X)).

B1.13 Pathways, short access roads, and rail lines

Construction, acquisition, and relocation-, consistent with applicable right-of-~~onsite pathways-~~way conditions and approved land use or transportation improvement plans, of pedestrian walkways and trails, bicycle paths, small outdoor fitness areas, and short ~~onsite~~ access roads and ~~railroads-~~rail lines (such as branch and spur lines).

B1.14 Refueling of nuclear reactors

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Refueling of ~~an~~ operating nuclear reactors, during which operations may be suspended and then resumed.

B1.15 Support buildings

Siting, construction ~~(or modification)~~, and operation of support buildings and support structures (including, but not limited to, trailers and prefabricated and modular buildings) within or contiguous to an already developed area (where active utilities and currently used roads are readily accessible). Covered support buildings and structures include, but are not limited to, those for office purposes; parking; cafeteria services; education and training; visitor reception; computer and data processing services; ~~employee~~ health services or recreation activities; routine maintenance activities; storage of supplies and equipment for administrative services and routine maintenance activities; security (~~including such as~~ security posts); fire protection; small-scale fabrication (such as machine shop activities), assembly, and testing of non-nuclear equipment or components; and similar support purposes, but excluding facilities for nuclear weapons activities and waste storage activities, such as, except as provided in other parts of this appendix activities covered in B1.10, B1.29, B1.35, B2.6, B6.2, B6.4, B6.5, B6.6, and B6.10 of this appendix.

B1.16 Asbestos removal

Removal of asbestos-containing materials from buildings in accordance with applicable requirements (such as 40 CFR part 61 ~~(, “National Emission Standards for Hazardous Air Pollutants), subpart M (National Emission Standard for Asbestos);”;~~ 40 CFR part 763 ~~(, “Asbestos), subpart G (Asbestos Abatement Projects);”;~~ 29 CFR part 1910, subpart I ~~(, “Personal Protective Equipment), §1910.134 (Respiratory Protection); subpart Z (Toxic~~

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~~and Hazardous Substances), §1910.1001 (Asbestos, tremolite, anthophyllite and actinolite);” and 29 CFR part 1926 (“Safety and Health Regulations for Construction), subpart D (Occupational Health and Environmental Controls), §1926.58 (Asbestos, tremolite, anthophyllite, and actinolite), other appropriate Occupational Safety and Health Administration standards in title 29, chapter XVII of the CFR;” and appropriate state and local requirements, including certification of removal contractors and technicians).~~

B1.17 Polychlorinated biphenyl removal

Removal of polychlorinated biphenyl (PCB)-containing items, ~~such as (including, but not limited to, transformers or and capacitors),~~ PCB-containing oils flushed from transformers, PCB-flushing solutions, and PCB-containing spill materials from buildings or other aboveground locations in accordance with ~~40 CFR part 761 (Polychlorinated Biphenyls Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions)~~ applicable requirements (such as 40 CFR part 761).

B1.18 Water supply wells

Siting, construction, and operation of additional water supply wells (or replacement wells) within an existing well field, or modification of an existing water supply well to restore production, ~~if provided that~~ there would be no drawdown other than in the immediate vicinity of the pumping well, ~~and the covered actions would not have the potential to cause significant no resulting~~ long-term decline of the water table, and ~~would not have the potential to cause significant degradation of the aquifer from the new or replacement well~~ ~~no degradation of the aquifer from the new or replacement well.~~

B1.19 Microwave, meteorological, and radio towers

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Siting, construction, ~~modification, and~~ operation, ~~abandonment, and removal~~ of microwave, ~~and~~ radio communication, ~~and meteorological~~ towers and associated facilities, ~~provided that if~~ the towers and associated facilities would not be in ~~a governmentally designated scenic area (see B(4)(iv) of this appendix) unless otherwise authorized by the appropriate governmental entity~~ ~~an area of great visual value.~~

B1.20 Protection of cultural resources, fish and wildlife habitat

Small-scale activities undertaken ~~to protect cultural resources (such as fencing, labeling, and flagging) or~~ to protect, restore, or improve fish and wildlife habitat, fish passage facilities (such as fish ladders ~~or~~ ~~and~~ minor diversion channels), or fisheries. ~~Such activities would be conducted in accordance with an existing natural or cultural resource plan, if any.~~

B1.21 Noise abatement

Noise abatement measures- ~~(such as including, but not limited to,~~ construction of noise barriers and installation of noise control materials~~).~~

B1.22 Relocation of buildings

Relocation of buildings (including, but not limited to, trailers and prefabricated buildings) to an already developed area (where active utilities and currently used roads are readily accessible).

B1.23 Demolition and disposal of buildings

Demolition and subsequent disposal of buildings, equipment, and support structures (including, but not limited to, smoke stacks and parking lot surfaces)~~),~~ ~~provided that there would be no potential for release of substances at a level, or in a form, that could pose a threat to public health or the environment.~~

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B1.24 Property transfers

Transfer, lease, disposition, or acquisition of interests in ~~uncontaminated permanent or temporary structures, equipment therein, and only land that is necessary for use of the transferred structures and equipment, for residential, commercial, or industrial uses~~personal property (including, but not limited to, ~~office space, warehouses, equipment storage facilities~~) ~~where, equipment and materials~~ or real property (including, but not limited to, permanent structures and land), provided that under reasonably foreseeable uses, (1) there would ~~not be any lessening in quality~~no potential for release of substances at a level, or increases in volumes, concentrations, in a form, that could pose a threat to public health or ~~discharge rates, of wastes, air emissions, or water effluents~~the environment; and ~~environmental~~ (2) the covered actions would not have the potential to cause a significant change in impacts ~~would generally be similar to those from~~ before the transfer, lease, disposition, or acquisition of interests. ~~Uncontaminated means that there would be no potential for release of substances at a level, or in a form, that would pose a threat to public health or the environment.~~

B1.25 Property transfers for cultural resources protection, habitat preservation, and wildlife management

Transfer, lease, disposition, or acquisition of interests in ~~uncontaminated~~ land and associated buildings for cultural resources protection, habitat preservation, or fish and wildlife management, ~~and only associated buildings that support these purposes.~~ ~~Uncontaminated means~~provided that there would be no potential for release of substances at a level, or in a form, that ~~w~~could pose a threat to public health or the environment.

B1.26 Small water treatment facilities

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Siting, construction ~~(or, expansion, modification, or replacement)~~, operation, and decommissioning of small (total capacity less than approximately 250,000 gallons per day) wastewater and surface water treatment facilities whose liquid discharges are externally regulated, and small potable water and sewage treatment facilities.

B1.27 Disconnection of utilities

Activities that are required for the disconnection of utility services ~~(such as including, but not limited to,~~ water, steam, telecommunications, and electrical power) after it has been determined that the continued operation of these systems is not needed for safety.

B1.28 Placing a facility in an environmentally safe condition

Minor activities that are required to place a facility in an environmentally safe condition where there is no proposed use for the facility. These activities would include, but are not limited to, reducing surface contamination, and removing materials, equipment or waste ~~(such as final defueling of a reactor, where there are adequate existing facilities for the treatment, storage, or disposal of the materials, equipment or waste:).~~ These activities would not include conditioning, treatment, or processing of spent nuclear fuel, high-level waste, or special nuclear materials.

B1.29 Disposal facilities for construction and demolition waste

Siting, construction, expansion, modification, operation, and decommissioning of ~~a~~ small (less than approximately 10 acres) ~~onsite~~ solid waste disposal ~~facility~~ facilities for construction and demolition waste ~~which would, in accordance with applicable requirements (such as 40 CFR part 257, “Criteria for Classification of Solid Waste Disposal Facilities and Practices,” and 40 CFR part 61, “National Emission Standards for Hazardous Air Pollutants”)~~ that would not release substances at a level, or in a form, that

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~~would pose a threat to public health or the environment. These wastes, as defined in the Environmental Protection Agency's regulations under the Resource Conservation and Recovery Act, specifically 40 CFR 243.101, include building materials, packaging, and rubble.~~

B1.30 Transfer actions

Transfer actions, in which the predominant activity is transportation, ~~and in which provided that (1) the receipt and storage capacity and management capability for the amount and type of materials, equipment, or waste to be moved is small and incidental to the amount of such materials, equipment, or waste that is already a part of ongoing exists at the receiving site and (2) all necessary facilities and operations at the receiving site are already permitted, licensed, or approved, as appropriate.~~ Such transfers are not regularly scheduled as part of ongoing routine operations.

B1.31 Installation or relocation of machinery and equipment

~~Relocation~~Installation or relocation and operation of machinery and equipment, ~~such as analytical (including, but not limited to, laboratory apparatus equipment, electronic hardware, manufacturing machinery, maintenance equipment, and health and safety equipment, including minor construction necessary for removal and installation, where), provided that uses of the installed or relocated items will be similar to their former uses and are consistent with the general missions of the receiving structure. Included in this category of actions areCovered actions include modifications to an existing building, within or contiguous to a previously disturbed or developed area, that are necessary for equipment installation and relocation. Such modifications would not appreciably increase~~

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the footprint or height of the existing building or have the potential to cause significant changes to the type and magnitude of environmental impacts.

B1.32 Traffic flow adjustments

Traffic flow adjustments to existing roads ~~at DOE sites~~ (including, but not limited to, stop sign or traffic light installation, adjusting direction of traffic flow, and adding turning lanes). ~~Road~~, and road adjustments ~~such as~~(including, but not limited to, widening ~~or~~ and realignment) that are ~~not included~~within an existing right-of-way and consistent with approved land use or transportation improvement plans.

B1.33 Stormwater runoff control

Design, construction, and operation of control practices to reduce stormwater runoff and maintain natural hydrology. Activities include, but are not limited to, those that reduce impervious surfaces (such as vegetative practices and use of porous pavements), best management practices (such as silt fences, straw wattles, and fiber rolls), and use of green infrastructure or other low impact development practices (such as cisterns and green roofs).

B1.34 Lead-based paint

Containment, removal, and disposal of lead-based paint in accordance with applicable requirements (such as provisions relating to the certification of removal contractors and technicians at 40 CFR part 745, “Lead-Based Paint Poisoning Prevention In Certain Residential Structures”).

B1.35 Drop-off, collection and transfer facilities for recyclable materials~~Recycling stations~~

Siting, construction, modification, and operation of recycling or compostable material drop-off, collection, and transfer stations on or contiguous to a previously

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disturbed or developed area and in an area where such a facility would be consistent with existing zoning requirements. The stations would have appropriate facilities and procedures established in accordance with applicable requirements for the handling of recyclable or compostable materials and household hazardous waste (such as paint and pesticides). Except as specified above, the collection of hazardous waste for disposal and the processing of recyclable or compostable materials are not included in this class of actions.

B1.36 Determinations of excess real property

-Determinations that real property is excess to the needs of DOE and, in the case of acquired real property, the subsequent reporting of such determinations to the General Services Administration or, in the case of lands withdrawn or otherwise reserved from the public domain, the subsequent filing of a notice of intent to relinquish with the Bureau of Land Management, Department of the Interior. Covered actions would not include disposal of real property.

B2. Categorical Exclusions Applicable to Safety and Health

B2.1 Workplace enhancements

Modifications ~~of~~within or contiguous to an existing structure, in a previously disturbed or developed area, to enhance workplace habitability (including, but not limited to ~~;~~, installation or improvements to lighting, radiation shielding, or heating/ventilating/air conditioning and its instrumentation~~;~~, and noise reduction).

B2.2 Building and equipment instrumentation

Installation of, or improvements to, building and equipment instrumentation (including, but not limited to, remote control panels, remote monitoring capability, alarm and

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surveillance systems, control systems to provide automatic shutdown, fire detection and protection systems, water consumption monitors and flow control systems, announcement and emergency warning systems, criticality and radiation monitors and alarms, and safeguards and security equipment).

B2.3 Personnel safety and health equipment

Installation of, or improvements to, equipment for personnel safety and health; (including, but not limited to, eye washes, safety showers, radiation monitoring devices, ~~and~~ fumehoods, and associated collection and exhaust systems;), provided that the covered actions would not have the potential to cause a significant increase in emissions.~~emissions would not increase.~~

B2.4 Equipment qualification

~~Development and implementation of Equipment Qualification Programs (under DOE Order 5480.6, “Safety of DOE-owned Nuclear Reactors”) to augment information on safety-related system components or to improve systems reliability.~~

Activities undertaken to (1) qualify equipment for use or improve systems reliability or (2) augment information on safety-related system components. These activities include, but are not limited to, transportation container qualification testing, crane and lift-gear certification or recertification testing, high efficiency particulate air filter testing and certification, stress tests (such as “burn-in” testing of electrical components; and leak testing), and calibration of sensors or diagnostic equipment.

B2.5 Facility safety and environmental improvements

Safety and environmental improvements of a facility; (including, but not limited to, replacement and upgrade of facility components;) that do not result in a significant change

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in the expected useful life, design capacity, or function of the facility and during which operations may be suspended and then resumed. Improvements ~~may~~ include, but are not limited to: ~~R~~ replacement/upgrade of control valves, in-core monitoring devices, facility air filtration systems, or substation transformers or capacitors; addition of structural bracing to meet earthquake standards and/or sustain high wind loading; and replacement of aboveground or belowground tanks and related piping ~~if, provided that~~ there is no evidence of leakage, based on testing ~~that meets performance in accordance with applicable requirements in (such as 40 CFR part 280, subpart D (40 CFR part 280.40)). This includes activities taken under RCRA, subtitle I; 40 CFR part 265, “Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities”; subpart J; 40 CFR part 280, subparts B, C, and D; and other applicable state, Federal and local requirements for underground storage tanks. 40 CFR part 280, “Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks”).~~ These actions do not include rebuilding or modifying substantial portions of a facility; ~~(such as replacing a reactor vessel).~~

B2.6 Recovery of radioactive sealed sources

~~— Packaging, transportation, and storage of radioactive materials from the public domain, in accordance with the Atomic Energy Act upon a request by the Nuclear Regulatory Commission or other cognizant agency, which would include a State that regulates radioactive materials under an agreement with the Nuclear Regulatory Commission or other agencies that may, under unusual circumstances, have responsibilities regarding the materials that are included in the categorical exclusion. Covered materials are those for which possession and use by Nuclear Regulatory Commission licensees has been~~

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~~categorically excluded under 10 CFR 51.22(14) or its successors. Examples of these radioactive materials (which may contain source, byproduct or special nuclear materials) are density gauges, therapeutic medical devices, generators, reagent kits, irradiators, analytical instruments, well monitoring equipment, uranium shielding material, depleted uranium military munitions, and packaged radioactive waste not exceeding 50 curies.~~

Recovery of radioactive sealed sources and sealed source-containing devices from domestic or foreign locations provided that (1) the recovered items are transported and stored in compliant containers, and (2) the receiving site has sufficient existing storage capacity and all required licenses, permits, and approvals.

B3. Categorical Exclusions Applicable to Site Characterization, Monitoring, and General Research

B3.1 Site characterization and ~~environmental monitoring~~

~~Onsite and offsite site~~Site characterization and environmental monitoring, (including, but not limited to, siting, construction ~~(or, modification)~~, operation, and dismantlement ~~or and closing~~ ~~(abandonment)~~ of characterization and monitoring devices, and siting, construction, and associated operation of a small-scale laboratory building or renovation of a room in an existing building for sample analysis~~).~~ Such activities would not have the potential to cause significant impacts from ground disturbance. ACovered activities ~~covered~~ include, but are not limited to, site characterization and environmental monitoring under CERCLA and RCRA. (This class of actions excludes activities in salt water and freshwater. See B3.16 of this appendix for salt water and freshwater activities.) Specific activities include, but are not limited to:

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- (a) Geological, geophysical (such as gravity, magnetic, electrical, seismic, ~~and radar~~, and temperature gradient), geochemical, and engineering surveys and mapping, ~~including~~ and the establishment of survey marks. Seismic techniques would not include large-scale reflection or refraction testing;
- (b) Installation and operation of field instruments, ~~(such as stream-gauging stations or flow-measuring devices, telemetry systems, geochemical monitoring tools, and geophysical exploration tools);~~);
- (c) Drilling of wells for sampling or monitoring of groundwater or the vadose (unsaturated) zone, well logging, and installation of water-level recording devices in wells;
- (d) Aquifer and underground reservoir response testing;
- (e) Installation and operation of ambient air monitoring equipment;
- (f) Sampling and characterization of water, soil, rock, or contaminants; ~~(such as drilling using truck- or mobile-scale equipment, and modification, use, and plugging of boreholes)~~);
- (g) Sampling and characterization of water effluents, air emissions, or solid waste streams;
- (h) Installation and operation of meteorological towers and associated activities, ~~including~~ (such as assessment of potential wind energy resources);
- (i) Sampling of flora or fauna; and
- (j) Archeological, historic, and cultural resource identification in compliance with 36 CFR part 800 and 43 CFR part 7.

B3.2 Aviation activities

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Aviation activities for survey, monitoring, or security purposes that comply with Federal Aviation Administration regulations.

B3.3 Research related to conservation of fish, ~~and~~ wildlife, and cultural resources

Field and laboratory research, inventory, and information collection activities that are directly related to the conservation of fish ~~or~~ and wildlife resources or to the protection of cultural resources, provided that such activities would not have the potential to cause significant impacts on~~and that involve only negligible habitat destruction or population reduction~~ fish and wildlife habitat or populations or to cultural resources.

B3.4 Transport packaging tests for radioactive or hazardous material

Drop, puncture, water-immersion, thermal, and fire tests of transport packaging for radioactive or hazardous materials to certify that designs meet the applicable requirements ~~of (such as 49 CFR §§173.411 and 173.412 and requirements of severe accident conditions as specified in 10 CFR §71.73-).~~

B3.5 Tank car tests

Tank car tests under 49 CFR part 179 (including, but not limited to, tests of safety relief devices, pressure regulators, and thermal protection systems).

B3.6 Small-scale research and development, laboratory operations, and pilot projects

Siting, construction ~~(or, modification)~~, operation, and decommissioning of facilities for ~~indoor benches~~ small-scale research and development projects ~~projects and~~; conventional laboratory operations (for example, such as preparation of chemical standards and sample analysis); ~~small-scale research and development projects;~~ and small-scale pilot projects (generally less than ~~two~~ 2 years) frequently conducted to verify a concept before demonstration actions. ~~Construction (, provided that construction or modification) would~~

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be within or contiguous to ~~an already~~ a previously disturbed or developed area (where active utilities and currently used roads are readily accessible). ~~See also C12~~ For purposes of this category, “demonstration actions” means actions that are undertaken at a scale to show whether a technology would be viable on a larger scale and suitable for commercial deployment. Demonstration actions frequently follow research and development and pilot projects that are directed at establishing proof of concept.

B3.7 New terrestrial infill exploratory and experimental wells

Siting, construction, and operation of new ~~infill exploratory and experimental (test) oil, gas, and geothermal wells, which are to be drilled in a geological formation that has existing operating well~~ terrestrial infill exploratory and experimental (test) wells in a locally characterized geological formation in a field that contains existing operating wells, properly abandoned wells, or unminable coal seams containing natural gas, provided that the site characterization has verified a low potential for seismicity, subsidence, and contamination of freshwater aquifers, and the actions are otherwise consistent with applicable best practices and DOE protocols, including those that protect against uncontrolled releases of harmful materials. Such wells may include those for brine, carbon dioxide, coalbed methane, gas hydrate, geothermal, natural gas, and oil. Uses for carbon sequestration wells include, but are not limited to, the study of saline formations, enhanced oil recovery, and enhanced coalbed methane extraction.

B3.8 Outdoor terrestrial ecological and environmental research

Outdoor terrestrial ecological and ~~other~~ environmental research in a small area (generally less than 5 acres), (including, but not limited to, siting, construction, and operation of a small-scale laboratory building or renovation of a room in an existing building for

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~~sample associated analysis, in a small area (generally less than five acres) provided that such activities that would not have the potential to cause significant impacts on result in any permanent change to the ecosystem. These actions include, but are not limited to, small test plots for energy-related biomass or biofuels research. Such research may include the use of genetically engineered plants where the test plot of such plants and associated activities have been authorized by the U.S. Department of Agriculture, in accordance with applicable requirements (such as 7 CFR part 340), including the use of any required confinement measures and buffer zones.~~

B3.9 Projects to reduce emissions and waste generation

~~Demonstration actions proposed under the Clean Coal Technology Demonstration Program, if the actions would not~~Projects to reduce emissions and waste generation at existing fossil or alternative fuel combustion or utilization facilities, provided that these projects would not have the potential to cause a significant increase in the quantity or rate of air emissions. For this category of actions, “fuel” includes coal, oil, natural gas, hydrogen, syngas, and biomass. Neither “fuel” nor “alternative fuel” herein includes nuclear fuels. Covered actions include, but are not limited to:

- (a) Test treatment of ~~20 percent or less of~~ the throughput product (solid, liquid, or gas) generated at an existing and fully operational ~~coal~~fuel combustion or ~~coal~~ utilization facility;
- (b) Addition or replacement of equipment for reduction or control of sulfur dioxide, oxides of nitrogen, or other regulated substances that requires only minor modification to the existing structures at an existing ~~coal~~fuel combustion or ~~coal~~ utilization facility, for which the existing use remains essentially unchanged; ~~and~~

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(c) Addition or replacement of equipment for reduction or control of sulfur dioxide, oxides of nitrogen, or other regulated substances that involves no permanent change in the quantity or quality of ~~coal being fuel~~ burned or used and involves no permanent change in the capacity factor of the ~~coal fuel~~ combustion or ~~coal~~-utilization facility; ~~other than for demonstration purposes of two years or less in duration.; and~~

(d) Addition or modification of equipment for capture and control of carbon dioxide or other regulated substances, provided that adequate infrastructure is in place to manage such substances.

B3.10 Particle accelerators

Siting, construction, modification, operation, and decommissioning of ~~a~~-particle accelerators, including electron beam accelerators, with primary beam energy less than approximately 100 million electron volts (MeV⁻) and average beam power less than approximately 250 kilowatts (kW), and associated beamlines, storage rings, colliders, and detectors, for research and medical purposes (such as proton therapy), and isotope production, within or contiguous to ~~an already a previously disturbed or~~ developed area (where active utilities and currently used roads are readily accessible), or internal modification of any accelerator facility regardless of energy, that does not increase primary beam energy or current. In cases where the beam energy exceeds 100 MeV, the average beam power must be less than 250 kW, so as not to exceed an average current of 2.5 milliamperes (mA).

B3.11 Outdoor tests and experiments on materials and equipment components

Outdoor tests and experiments for the development, quality assurance, or reliability of materials and equipment (including, but not limited to, weapon system components);)

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under controlled conditions- ~~Covered actions that would not involve source, special nuclear, or byproduct materials. Covered activities may~~ include, but are not limited to, burn tests (such as tests of electric cable fire resistance or the combustion characteristics of fuels), impact tests (such as pneumatic ejector tests using earthen embankments or concrete slabs designated and routinely used for that purpose), or drop, puncture, water-immersion, or thermal tests. Covered actions would not involve source, special nuclear, or byproduct materials, except that encapsulated sources that contain source, special nuclear, or byproduct materials may be used for nondestructive actions such as detector/sensor development and testing and first responder field training.

B3.12 Microbiological and biomedical facilities

Siting, construction ~~(or, modification)~~, operation, and decommissioning of microbiological and biomedical diagnostic, treatment and research facilities (excluding Biosafety Level-3 and Biosafety Level-4; ~~reference:~~), in accordance with applicable requirements or best practices (such as Biosafety in Microbiological and Biomedical Laboratories, 3rd5th Edition, May 1993Feb. 2007, U.S. Department of Health and Human Services ~~Public Health Service~~, Centers ~~offor~~ Disease Control and Prevention, and the National Institutes of Health ~~(HHS Publication No. (CDC) 93-8395)~~) including, but not limited to, laboratories, treatment areas, offices, and storage areas, within or contiguous to an already previously disturbed or developed area (where active utilities and currently used roads are readily accessible). Operation may include the purchase, installation, and operation of biomedical equipment; (such as commercially available cyclotrons that are used to generate radioisotopes and radiopharmaceuticals, and commercially available biomedical imaging and spectroscopy instrumentation-).

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B3.13 Magnetic fusion experiments

Performing magnetic fusion experiments that do not use tritium as fuel, within existing facilities (including, but not limited to, necessary modifications).

B3.14 Small-scale educational facilities

Siting, construction, modification, operation, and decommissioning of small-scale educational facilities (including, but not limited to, conventional teaching laboratories, libraries, classroom facilities, auditoriums, museums, visitor centers, exhibits, and associated offices) within or contiguous to a previously disturbed or developed area (where active utilities and currently used roads are readily accessible). Operation may include, but is not limited to, purchase, installation, and operation of equipment (such as audio/visual and laboratory equipment) commensurate with the educational purpose of the facility.

B3.15 Small-scale indoor research and development projects using nanoscale materials

Siting, construction, modification, operation, and decommissioning of facilities for indoor small-scale research and development projects and small-scale pilot projects using nanoscale materials in accordance with applicable requirements (such as engineering, worker safety, procedural, and administrative regulations) necessary to ensure the containment of any biohazardous materials. Construction and modification activities would be within or contiguous to a previously disturbed or developed area (where active utilities and currently used roads are readily accessible).

B3.16 Research activities in salt water and freshwater environments

Small-scale, temporary surveying, site characterization, and research activities in salt water and freshwater environments, limited to:

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- (a) Acquisition of rights-of-way, easements, and temporary use permits;
- (b) Data collection, environmental monitoring, and nondestructive research programs;
- (c) Resource evaluation activities including surveying and mapping, but excluding seismic activities other than passive techniques;
- (d) Collection of geological, paleontological, mineralogical, geochemical, biological, and geotechnical data and samples, but excluding large-scale vibratory coring techniques;
- (e) Installation of monitoring and recording devices;
- (f) Installation of equipment for flow testing of existing wells including equipment for fluid analysis; and
- (g) Ecological and environmental research provided that such activities would not have the potential to cause significant impacts on the ecosystem.

These activities would be conducted in accordance with, where applicable, an approved spill prevention, control, and response plan and would incorporate appropriate control technologies and best management practices. None of the above activities would occur within the boundary of an established marine sanctuary or wildlife refuge, a governmentally proposed marine sanctuary or wildlife refuge, or a governmentally recognized area of high biological sensitivity (such as protected areas and other areas of known ecological importance, whale and marine mammal mating and calving/pupping areas, and fish and invertebrate spawning and nursery areas recognized as being limited or unique and vulnerable to perturbation; these areas can occur in bays, estuaries, near shore, and far offshore, and may vary seasonally), or outside those areas if the activities would have the potential to cause significant impacts within those areas. No permanent facilities

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or devices would be constructed or installed. Covered actions do not include drilling of resource exploration or extraction wells.

B4. Categorical Exclusions Applicable to Power ~~Marketing Administrations and to All of DOE with Regard to Power~~ Resources

B4.1 Contracts, policies, and marketing and allocation plans for electric power

Establishment and implementation of contracts, policies, and marketing and allocation plans related to electric power acquisition or transmission that involve only the use of the existing transmission system and existing generation resources operating within their normal operating limits., ~~policies, allocation plans, or acquisition of excess electric power that does not involve: (1) the integration of a new generation resource, (2) physical changes in the transmission system beyond the previously developed facility area, unless the changes are themselves categorically excluded, or (3) changes in the normal operating limits of generation resources.~~

B4.2 Export of electric energy

Export of electric energy as provided by Section 202(e) of the Federal Power Act over existing transmission systems or using transmission system changes that are themselves categorically excluded.

B4.3 Electric power marketing rate changes

Rate changes for electric power, power transmission, and other products or services provided by a Power Marketing Administration that are based on a change in revenue requirements if the operations of generation projects would remain within normal operating limits.

B4.4 Power marketing services and activities

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Power marketing services, and power management activities (including, but not limited to, storage, load shaping, seasonal exchanges, ~~or~~ and other similar activities ~~if~~), provided that the operations of generating projects would remain within normal operating limits.

B4.5 Temporary adjustments to river operations

Temporary adjustments to river operations to accommodate day-to-day river fluctuations, power demand changes, fish and wildlife conservation program requirements, and other external events, if provided that the adjustments would occur within the existing operating constraints of the particular hydrosystem operation.

B4.6 Additions and modifications to transmission facilities

Additions or modifications to electric power transmission facilities that would not have the potential to cause significant impacts affect the environment beyond the previously disturbed or developed facility area (including, but not limited to, switchyard rock grounding upgrades, secondary containment projects, paving projects, seismic upgrading, tower modifications, load shaping projects (such as the installation and use of flywheels and battery arrays), changing insulators, and replacement of poles, circuit breakers, conductors, transformers, and crossarms-).

B4.7 Fiber optic cable

Adding fiber optic cables to transmission facilities structures or burying fiber optic cable in existing transmission line or pipeline rights-of-way. Covered actions may include associated vaults and pulling and tensioning sites outside of rights-of-way in nearby previously disturbed or developed areas.

B4.8 Electricity transmission agreements

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New electricity transmission agreements, and modifications to existing transmission arrangements, to use a transmission facility of one system to transfer power of and for another system, ~~if provided that~~ no new generation projects would be involved and no physical changes in the transmission system would be made beyond the previously ~~disturbed or~~ developed facility area.

B4.9 Multiple use of transmission line rights-of-way

~~Grant or denial~~ Granting or denying of requests for multiple uses of a transmission facility's rights-of-way, ~~such as~~ (including, but not limited to, grazing permits and crossing agreements, ~~including for~~ electric lines, water lines, natural gas pipelines, communications cables, roads, and drainage culverts:).

B4.10 Removal of electric transmission lines and substations

Deactivation, dismantling, and removal of electric ~~powerlines~~ transmission facilities (including, but not limited to, electric transmission lines, substations, and switching stations;) and ~~other transmission facilities,~~ abandonment and right restoration of rights-of-way ~~abandonment~~ (including, but not limited to, associated access roads).

B4.11 Electric power substations and interconnection facilities

Construction or modification of electric power substations or interconnection facilities (including, but not limited to, switching stations and support facilities) that are not for the interconnection of a new generation resource into a Power Marketing Administration's transmission system, unless: (1) the new generation resource would be eligible for categorical exclusion under this part and (2) the new generation resource would be equal to or less than 50 average megawatts with power delivery at 230 kV or below, or modification (other than voltage increases) of existing substations and support facilities,

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~~that could involve the construction of electric powerlines approximately 10 miles in length or less, or relocation of existing electric powerlines approximately 20 miles in length or less, but not the integration of major new generation resources into a main transmission system.~~

B4.12 Construction of transmission lines

Construction of electric ~~powerlines~~transmission lines approximately 10 miles in length or less inside or outside of previously disturbed or developed transmission line or pipeline rights-of-way, or approximately 20 miles in length or less inside of previously disturbed or developed transmission line or pipeline rights-of-way, that are not for the interconnection of a new generation resource into a Power Marketing Administration's transmission system, unless: (1) the new generation resource would be eligible for categorical exclusion under this part and (2) the new generation resource would be equal to or less than 50 average megawatts.~~that are not for the integration of major new generation resources into a main transmission system.~~

B4.13 Upgrading and rebuilding existing transmission lines

Upgrading or rebuilding approximately 20 miles in length or less of existing electric transmission lines, which may involve minor relocations of small segments of the transmission lines, that is not for the interconnection of a new generation resource into a Power Marketing Administration's transmission system, unless: (1) the new generation resource would be eligible for categorical exclusion under this part and (2) the new generation resource would be equal to or less than 50 average megawatts.~~Reconstruction (upgrading or rebuilding) and/or minor relocation of existing electric powerlines approximately 20 miles in length or less to enhance environmental and land use values.~~

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~~Such actions include relocations to avoid right-of-way encroachments, resolve conflict with property development, accommodate road/highway construction, allow for the construction of facilities such as canals and pipelines, or reduce existing impacts to environmentally sensitive areas.~~

B5. Categorical Exclusions Applicable to Conservation, Fossil, and Renewable Energy Activities

B5.1 Actions to conserve energy or water

- (a) Actions to conserve energy or water, demonstrate potential energy or water conservation, and promote energy efficiency that would not have the potential to cause significant changes do not increase in the indoor or outdoor concentrations of potentially harmful substances. These actions may involve financial and technical assistance to individuals (such as builders, owners, consultants, manufacturers, and designers), organizations (such as utilities), and governments (such as state and, local, and tribal) governments. Covered actions include, but are not limited to: weatherization (such as insulation and replacing windows and doors); programmed lowering of thermostat settings; placement of timers on hot water heaters; installation of solar hot water or replacement of energy efficient lighting, low-flow plumbing fixtures (such as faucets, toilets, and showerheads), heating, ventilation, and air conditioning systems, and appliances; installation of efficient lighting, drip-irrigation systems; improvements in generator efficiency and appliance efficiency ratings; efficiency improvements for vehicles and transportation (such as fleet changeout); power storage (such as flywheels and batteries, generally less than 10 megawatt equivalent); transportation management systems (such as traffic signal control

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systems, car navigation, speed cameras, and automatic plate number recognition);
development of energy-efficient manufacturing ~~or~~ industrial, or building practices; and
small-scale energy efficiency and conservation ~~and renewable energy~~ research and
development and small-scale pilot projects. ~~The Covered~~ actions ~~could involve~~ include
building renovations or new structures, provided that in they occur in a previously
disturbed or developed area. Covered actions could involve commercial, residential,
agricultural, academic, institutional, or industrial sectors. ~~These Covered~~ actions do not
include rulemakings, standard-settings, or proposed DOE legislation, except for those
actions listed in B5.1(b) of this appendix.

**(b) Covered actions include rulemakings that establish energy conservation standards
for consumer products and industrial equipment, provided that the actions would
not: (1) have the potential to cause a significant change in manufacturing
infrastructure (such as construction of new manufacturing plants with considerable
associated ground disturbance); (2) involve significant unresolved conflicts
concerning alternative uses of available resources (such as rare or limited raw
materials); (3) have the potential to result in a significant increase in the disposal of
materials posing significant risks to human health and the environment (such as
RCRA hazardous wastes); or (4) have the potential to cause a significant increase in
energy consumption in a state or region.**

B5.2 Modifications to pumps and piping

Modifications to ~~oil, gas, and geothermal facility existing~~ pump and piping configurations
(including, but not limited to, manifolds, metering systems, and other instrumentation that
on such configurations conveying materials such as air, brine, carbon dioxide, geothermal

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system fluids, hydrogen gas, natural gas, nitrogen gas, oil, produced water, steam, and water). Covered modifications would not have the potential to cause significant changes to change design process flow rates or affect permitted air emissions.

B5.3 Modification or abandonment of wells

Modification (but not expansion) or plugging and abandonment ~~(including plugging), which is not part of site closure, of crude oil storage access wells, brine injection wells, geothermal wells, and gas wells~~ of wells, provided that site characterization has verified a low potential for seismicity, subsidence, and contamination of freshwater aquifers, and the actions are otherwise consistent with best practices and DOE protocols, including those that protect against uncontrolled releases of harmful materials. Such wells may include, but are not limited to, storage and injection wells for brine, carbon dioxide, coalbed methane, gas hydrate, geothermal, natural gas, and oil. Covered modifications would not be part of site closure.

B5.4 Repair or replacement of pipelines

Repair ~~or~~ replacement, upgrading, rebuilding, or minor relocation ~~of sections of a crude oil, produced water, brine, or geothermal pipeline, if the actions are determined by pipelines within existing rights-of-way, provided that the actions are in accordance with applicable requirements (such as Army Corps of Engineers to be within the maintenance provisions of a DOE permit~~ permits ~~under section 404 of the Clean Water Act).~~ Pipelines may convey materials including, but not limited to, air, brine, carbon dioxide, geothermal system fluids, hydrogen gas, natural gas, nitrogen gas, oil, produced water, steam, and water.

B5.5 Short pipeline segments

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Construction and subsequent operation of short ~~crude oil, steam, geothermal, or natural gas~~(generally less than 20 miles in length) pipeline segments conveying materials (such as air, brine, carbon dioxide, geothermal system fluids, hydrogen gas, natural gas, nitrogen gas, oil, produced water, steam, and water) between ~~DOE~~existing source facilities and existing receiving facilities (such as facilities for use, reuse, transportation, storage, ~~or~~and refining facilities within a single industrial complex, if), provided that the pipeline segments are within existing previously disturbed or developed rights-of-way.

B5.6 Oil spill cleanup

Removal of oil and contaminated materials recovered in oil spill cleanup operations and disposal of these materials in accordance with applicable requirements (such as the National Oil and Hazardous Substances Pollution Contingency Plan) ~~(NCP and disposed of in accordance with local contingency plans in accordance with the NCP.~~

B5.7 Import or export natural gas, with operational changes

Approvals or disapprovals of new authorizations or amendments of existing authorizations to import ~~/or~~ export natural gas under section 3 of the Natural Gas Act that ~~does not~~ involve minor new construction and only requires operational changes; (such as ~~an increase~~changes in natural gas throughput, ~~change in~~ transportation, ~~or~~and change in storage operations.) but not new construction.

B5.8 Import or export natural gas, with new cogeneration powerplant

Approvals or disapprovals of new authorizations or amendments of existing authorizations to import ~~/or~~ export natural gas under section 3 of the Natural Gas Act that involving involve a new cogeneration powerplants (as defined in the Powerplant and Industrial Fuel Use Act of 1978, as amended) within or adjacent contiguous to an existing industrial

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complex and requiring generally less than 10 miles of new natural gas pipeline or 20 miles within previously disturbed or developed rights-of-way.

B5.9 Temporary exemptions for electric powerplants

~~The g~~Grants or denials ~~or denial~~ of ~~any~~ temporary exemptions under the Powerplant and Industrial Fuel Use Act of 1978, as amended, for ~~any~~ electric powerplants.

B5.10 Certain permanent exemptions for existing electric powerplants

For existing electric powerplants, ~~The g~~grants or denials ~~or denial~~ of ~~any~~ permanent exemptions under the Powerplant and Industrial Fuel Use Act of 1978, as amended, ~~of any existing electric powerplant~~ other than ~~an~~ exemptions under ~~(1)~~ section 312(c) relating to cogeneration, and (2) ~~section 312(1) relating to scheduled equipment outages,~~ ~~(3)~~ section 312(b) relating to certain state or local requirements, ~~and (4) section 312(g) relating to certain intermediate load powerplants.~~

B5.11 Permanent exemptions allowing mixed natural gas and petroleum

For new electric powerplants, ~~The g~~grants or denials ~~or denial~~ of ~~a~~ permanent exemptions from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978, as amended, ~~for any new electric powerplant~~ to permit the use of certain fuel mixtures containing natural gas or petroleum.

B5.12 Workover of existing wells

Workover (operations to restore production, such as deepening, plugging back, pulling and resetting lines, and squeeze cementing) of ~~an~~ existing wells (including, but not limited to, activities associated with brine, carbon dioxide, coalbed methane, gas hydrate, geothermal, natural gas, and oil, gas, or geothermal well) to restore ~~production when functionality, provided that~~ workover operations will be restricted to the existing

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wellpad and do not involve any new site preparation or earth-work that would have the potential to cause significant impacts on nearby~~adversely affect adjacent~~ habitat; that site characterization has verified a low potential for seismicity, subsidence, and contamination of freshwater aquifers; and the actions are otherwise consistent with best practices and DOE protocols, including those that protect against uncontrolled releases of harmful materials.

B5.13 Experimental wells for injection of small quantities of carbon dioxide

Siting, construction, operation, plugging, and abandonment of experimental wells for the injection of small quantities of carbon dioxide (and other incidentally co-captured gases) in locally characterized, geologically secure storage formations at or near existing carbon dioxide sources to determine the suitability of the formations for large-scale sequestration, provided that (1) the characterization has verified a low potential for seismicity, subsidence, and contamination of freshwater aquifers; (2) the wells are otherwise in accordance with applicable requirements, best practices, and DOE protocols, including those that protect against uncontrolled releases of harmful materials; and (3) the wells and associated drilling activities are sufficiently remote so that they would not have the potential to cause significant impacts related to noise and other vibrations. Wells may be used for enhanced oil or natural gas recovery or for secure storage of carbon dioxide in saline formations or other secure formations. Over the duration of a project, the wells would be used to inject, in aggregate, less than 500,000 tons of carbon dioxide into the geologic formation. Covered actions exclude activities in salt water and freshwater environments. (See B3.16 of this appendix for activities in salt water and freshwater environments.)

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B5.14 Combined heat and power or cogeneration systems

Conversion to, replacement of, or modification of combined heat and power or cogeneration systems (the sequential or simultaneous production of multiple forms of energy, such as thermal and electrical energy, in a single integrated system) at existing facilities, provided that the conversion, replacement, or modification would not have the potential to cause a significant increase in the quantity or rate of air emissions and would not have the potential to cause significant impacts to water resources.

B5.15 Small-scale renewable energy research and development and pilot projects

Small-scale renewable energy research and development projects and small-scale pilot projects located within a previously disturbed or developed area. Covered actions would be in accordance with applicable requirements (such as local land use and zoning requirements) in the proposed project area and would incorporate appropriate control technologies and best management practices.

B5.16 Solar photovoltaic systems

The installation, modification, operation, and removal of commercially available solar photovoltaic systems located on a building or other structure (such as rooftop, parking lot or facility, and mounted to signage, lighting, gates, or fences), or if located on land, generally comprising less than 10 acres within a previously disturbed or developed area. Covered actions would be in accordance with applicable requirements (such as local land use and zoning requirements) in the proposed project area and would incorporate appropriate control technologies and best management practices.

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B5.17 Solar thermal systems

The installation, modification, operation, and removal of commercially available small-scale solar thermal systems (including, but not limited to, solar hot water systems) located on or contiguous to a building, and if located on land, generally comprising less than 10 acres within a previously disturbed or developed area.

Covered actions would be in accordance with applicable requirements (such as local land use and zoning requirements) in the proposed project area and would incorporate appropriate control technologies and best management practices.

B5.18 Wind turbines

The installation, modification, operation, and removal of commercially available small wind turbines, with a total height generally less than 200 feet (measured from the ground to the maximum height of blade rotation) that (1) are located within a previously disturbed or developed area; (2) are located more than 10 nautical miles from an airport or aviation navigation aid; (3) are located more than 1.5 nautical miles from National Weather Service or Federal Aviation Administration Doppler weather radar; (4) would not have the potential to cause significant impacts on bird or bat species; and (45) are sited or designed such that the project would not have the potential to cause significant impacts to persons (such as shadow flicker and other visual impacts, and noise). Covered actions would be in accordance with applicable requirements (such as local land use and zoning requirements) in the proposed project area and would incorporate appropriate control technologies and best management practices.

B5.19 Ground source heat pumps

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The installation, modification, operation, and removal of commercially available small-scale ground source heat pumps to support operations in single facilities (such as a school and community center) or contiguous facilities (such as an office complex) (1) only where major associated activities (such as drilling and discharge) are regulated, and appropriate leakage and contaminant control measures would be in place; (2) that would not have the potential to cause significant changes in subsurface temperature; and (3) would be located within a previously disturbed or developed area. Covered actions would be in accordance with applicable requirements (such as local land use and zoning requirements) in the proposed project area and would incorporate appropriate control technologies and best management practices.

B5.20 Biomass power plants

The installation, modification, operation, and removal of small-scale biomass power plants (generally less than 10 megawatts), using commercially available technology (1) intended primarily to support operations in single facilities (such as a school and community center) or contiguous facilities (such as an office complex); (2) that would not affect the air quality attainment status of the area and would not have the potential to cause a significant increase in the quantity or rate of air emissions and would not have the potential to cause significant impacts to water resources; and (3) would be located within a previously disturbed or developed area. Covered actions would be in accordance with applicable requirements (such as local land use and zoning requirements) in the proposed project area and would incorporate appropriate control technologies and best management practices.

B5.21 Methane gas recovery and utilization systems

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The installation, modification, operation, and removal of commercially available methane gas recovery and utilization systems installed within a previously disturbed or developed area on or contiguous to an existing landfill or wastewater treatment plant that would not have the potential to cause a significant increase in the quantity or rate of air emissions. Covered actions would be in accordance with applicable requirements (such as local land use and zoning requirements) in the proposed project area and would incorporate appropriate control technologies and best management practices.

B5.22 Alternative fuel vehicle fueling stations

The installation, modification, operation, and removal of alternative fuel vehicle fueling stations (such as for compressed natural gas, hydrogen, ethanol and other commercially available biofuels) on the site of a current or former fueling station, or within a previously disturbed or developed area within the boundaries of a facility managed by the owners of a vehicle fleet. Covered actions would be in accordance with applicable requirements (such as local land use and zoning requirements) in the proposed project area and would incorporate appropriate control technologies and best management practices.

B5.23 Electric vehicle charging stations

The installation, modification, operation, and removal of electric vehicle charging stations, using commercially available technology, within a previously disturbed or developed area. Covered actions are limited to areas where access and parking are in accordance with applicable requirements (such as local land use and zoning

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requirements) in the proposed project area and would incorporate appropriate control technologies and best management practices.

B5.24 Drop-in hydroelectric systems

The installation, modification, operation, and removal of commercially available small-scale, drop-in, run-of-the-river hydroelectric systems that would (1) involve no water storage or water diversion from the stream or river channel where the system is installed and (2) not have the potential to cause significant impacts on water quality, temperature, flow, or volume. Covered systems would be located up-gradient of a natural anadromous fish barrier and where there would not be the potential for significant impacts to threatened or endangered species. Covered actions would involve no major construction or modification of stream or river channels, and the hydroelectric systems would be placed and secured in the channel without the use of heavy equipment. Covered actions would be in accordance with applicable requirements (such as local land use and zoning requirements) in the proposed project area and would incorporate appropriate control technologies and best management practices.

B5.25 Small-scale renewable energy research and development and pilot projects in salt water and freshwater environments

Small-scale renewable energy research and development projects and small-scale pilot projects located in salt water and freshwater environments. Activities would be in accordance with, where applicable, an approved spill prevention, control, and response plan, and would incorporate appropriate control technologies and best management practices. Covered actions would not occur (1) within areas of

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hazardous natural bottom conditions or (2) within the boundary of an established marine sanctuary or wildlife refuge, a governmentally proposed marine sanctuary or wildlife refuge, or a governmentally recognized area of high biological sensitivity (such as protected areas and other areas of known ecological importance, whale and marine mammal mating and calving/pupping areas, and fish and invertebrate spawning and nursery areas recognized as being limited or unique and vulnerable to perturbation; these areas can occur in bays, estuaries, near shore, and far offshore, and may vary seasonally), or outside those areas if the activities would have the potential to cause significant impacts within those areas. No permanent facilities or devices would be constructed or installed. Covered actions do not include drilling of resource exploration or extraction wells, use of large-scale vibratory coring techniques, or seismic activities other than passive techniques.

B6. Categorical Exclusions Applicable to Environmental Restoration and Waste Management Activities

B6.1 Cleanup actions

Small-scale, short-term cleanup actions, under RCRA, Atomic Energy Act, or other authorities, less than approximately 5-10 million dollars in cost ~~and 5 years duration~~, to reduce risk to human health or the environment from the release or threat of release of a hazardous substance other than high-level radioactive waste and spent nuclear fuel, including treatment (~~e.g., such as~~ incineration, encapsulation, physical or chemical separation, and compaction), recovery, storage, or disposal of wastes at existing facilities currently handling the type of waste involved in the action. These actions include, but are not limited to:

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- (a) Excavation or consolidation of contaminated soils or materials from drainage channels, retention basins, ponds, and spill areas that are not receiving contaminated surface water or wastewater, if surface water or groundwater would not collect and if such actions would reduce the spread of, or direct contact with, the contamination;
- (b) Removal of bulk containers (~~for examplesuch as,~~ drums ~~and,~~ barrels) that contain or may contain hazardous substances, pollutants, contaminants, CERCLA-excluded petroleum or natural gas products, or hazardous wastes (designated in 40 CFR part 261 or applicable state requirements), if such actions would reduce the likelihood of spillage, leakage, fire, explosion, or exposure to humans, animals, or the food chain;
- (c) Removal of an underground storage tank including its associated piping and underlying containment systems in ~~compliance with~~accordance with applicable requirements (such as RCRA, subtitle I; 40 CFR part 265, subpart J; and 40 CFR part 280, subparts F and G) if such action would reduce the likelihood of spillage, leakage, or the spread of, or direct contact with, contamination;
- (d) Repair or replacement of leaking containers;
- (e) Capping or other containment of contaminated soils or sludges if the capping or containment would not ~~affected~~unduly limit future groundwater remediation and if needed to reduce migration of hazardous substances, pollutants, contaminants, or CERCLA-excluded petroleum and natural gas products into soil, groundwater, surface water, or air;
- (f) Drainage or closing of man-made surface impoundments if needed to maintain the integrity of the structures;

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- (g) Confinement or perimeter protection using dikes, trenches, ditches, or diversions, or installing underground barriers, if needed to reduce the spread of, or direct contact with, the contamination;
- (h) Stabilization, but not expansion, of berms, dikes, impoundments, or caps if needed to maintain integrity of the structures;
- (i) Drainage controls (~~for example, such as~~ run-off or run-on diversion) if needed to reduce offsite migration of hazardous substances, pollutants, contaminants, or CERCLA-excluded petroleum or natural gas products or to prevent precipitation or run-off from other sources from entering the release area from other areas;
- (j) Segregation of wastes that may react with one another or form a mixture that could result in adverse environmental impacts;
- (k) Use of chemicals and other materials to neutralize the pH of wastes;
- (l) Use of chemicals and other materials to retard the spread of the release or to mitigate its effects if the use of such chemicals would reduce the spread of, or direct contact with, the contamination;
- (m) Installation and operation of gas ventilation systems in soil to remove methane or petroleum vapors without any toxic or radioactive co-contaminants if appropriate filtration or gas treatment is in place;
- (n) Installation of fences, warning signs, or other security or site control precautions if humans or animals have access to the release; and
- (o) Provision of an alternative water supply that would not create new water sources if necessary immediately to reduce exposure to contaminated household or industrial use

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water and continuing until such time as local authorities can satisfy the need for a permanent remedy.

B6.2 Waste collection, treatment, stabilization, and containment facilities

The siting, construction, and operation of temporary (generally less than 2 years) pilot-scale waste collection and treatment facilities, and pilot-scale (generally less than ~~one~~1 acre) waste stabilization and containment facilities (including siting, construction, and operation of a small-scale laboratory building or renovation of a room in an existing building for sample analysis)~~), if~~, provided that the action: (1) ~~S~~supports remedial investigations/feasibility studies under CERCLA, or similar studies under RCRA; ~~(such as RCRA facility investigations/corrective measure studies;~~) or other authorities; and (2) would not unduly limit the choice of reasonable remedial alternatives (such as by permanently altering substantial site area or by committing large amounts of funds relative to the scope of the remedial alternatives).

B6.3 Improvements to environmental control systems

Improvements to environmental monitoring and control systems of an existing building or structure (~~for example, such as~~ changes to scrubbers in air quality control systems or ion-exchange devices and other filtration processes in water treatment systems)~~), if~~, provided that during subsequent operations (1) any substance collected by the environmental control systems would be recycled, released, or disposed of within existing permitted facilities and (2) there are applicable statutory or regulatory requirements or permit conditions for disposal, release, or recycling of any hazardous substance or CERCLA-excluded petroleum or natural gas products that are collected or released in increased quantity or that were not previously collected or released.

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B6.4 Facilities for storing packaged hazardous waste for 90 days or less

Siting, construction ~~(or, modification or, expansion)~~, operation, and decommissioning of an onsite facility for storing packaged hazardous waste (as designated in 40 CFR part 261) for 90 days or less or for longer periods as provided in 40 CFR 262.34-(d), (e), or (f) ~~(e.g., such as~~ accumulation or satellite areas).

B6.5 Facilities for characterizing and sorting packaged waste and overpacking waste

Siting, construction ~~(or, modification or, expansion)~~, operation, and decommissioning of an onsite facility for characterizing and sorting previously packaged waste or for overpacking waste, other than high-level radioactive waste, ~~if provided that~~ operations do not involve unpacking waste. These actions do not include waste storage (covered under B6.4, B6.6, B6.10 of this appendix, and C16 of appendix C) or the handling of spent nuclear fuel.

B6.6 Modification of facilities for storing, packaging, and repacking waste

Modification (excluding increases in capacity) of an existing structure used for storing, packaging, or repacking waste other than high-level radioactive waste or spent nuclear fuel, to handle the same class of waste as currently handled at that structure.

~~**B6.7 Under the Low-Level Radioactive Waste Policy Amendments Act of 1985 (5(e)(5)), granting of a petition qualified under 10 CFR 730.6 for allocation of commercial disposal capacity for an unusual or unexpected volume of commercial low-level radioactive waste or denying such a petition when adequate storage capacity exists at the petitioner's facility.**~~

B6.7 [Reserved]

B6.8 Modifications for waste minimization and reuse of materials

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Minor operational changes at an existing facility to minimize waste generation and for reuse of materials. These changes include, but are not limited to, adding filtration and recycle piping to allow reuse of machining oil, setting up a sorting area to improve process efficiency, and segregating two waste streams previously mingled and assigning new identification codes to the two resulting wastes.

B6.9 Measures to reduce migration of contaminated groundwater

Small-scale temporary measures to reduce migration of contaminated groundwater, including the siting, construction, operation, and decommissioning of necessary facilities. These measures include, but are not limited to, pumping, treating, storing, and reinjecting water, by mobile units or facilities that are built and then removed at the end of the action.

B6.10 Upgraded or replacement waste storage facilities

Siting, construction ~~(or, modification)~~, expansion, operation, and decommissioning of a small upgraded or replacement facility (less than approximately 50,000 square feet in area) ~~at a DOE site~~ within or contiguous to an already a previously disturbed or developed area (where active utilities and currently used roads are readily accessible) for storage of waste that is already at the site at the time the storage capacity is to be provided. These actions do not include the storage of high-level radioactive waste, spent nuclear fuel or any waste that requires special precautions to prevent nuclear criticality. (See also B6.4, B6.5, B6.6 of this appendix, and C16 of appendix C.)

B7. Categorical Exclusions Applicable to International Activities

B7.1 Emergency measures under the International Energy Program

Planning and implementation of emergency measures pursuant to the International Energy Program.

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B7.2 Import and export of special nuclear or isotopic materials

Approval of import or export of small quantities of special nuclear materials or isotopic materials in accordance with applicable requirements (such as the Nuclear Non-Proliferation Act of 1978 and the “Procedures Established Pursuant to the Nuclear ~~Non~~ Non-Proliferation Act of 1978” (43 FR 25326, June 9, 1978)).

Appendix C to Subpart D of Part 1021 -- Classes of Actions that Normally Require EAs But Not Necessarily EISs

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~~C1—[Reserved]~~

~~C2—Rate increases more than inflation, not power marketing~~

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~~C5—Implementation of Power Marketing Administration systemwide vegetation management program~~

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~~C11—Siting/construction/operation/decommissioning of low or medium energy particle acceleration facility with primary beam energy greater than approximately 100 MeV~~

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~~C13—Import/export natural gas, minor new construction (other than a cogeneration powerplant)~~

~~C14—Siting/construction/operation of water treatment facilities greater than approximately
250,000 gallons per day capacity~~

~~C15—Siting/construction/operation of research and development incinerators/nonhazardous
waste incinerators~~

~~C16—Siting/construction/operation/decommissioning of large waste storage facilities~~

C1 [Reserved]

~~**C2—Rate increases for products or services marketed by DOE, except for electric power,
power transmission, and other products or services provided by the Power
Marketing Administrations, and approval of rate increases for non-DOE entities,
that exceed the change in the overall price level in the economy (inflation), as
measured by the GNP fixed weight price index published by the Department of
Commerce, during the period since the last rate increase for that product or service.**~~

C2 [Reserved]

C3 Electric power marketing rate changes, not within normal operating limits

Rate changes for electric power, power transmission, and other products or services provided by Power Marketing Administrations that are based on changes in revenue requirements if the operations of generation projects would not remain within normal operating limits.

C4 Upgrading, rebuilding, or construction of electric transmission lines

Upgrading or rebuilding more than approximately 20 miles in length of existing electric transmission lines; or construction of electric transmission lines (1) more than

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~~approximately 10 miles in length outside previously disturbed or developed transmission line or pipeline rights-of-way or (2) more than approximately 20 miles in length within previously disturbed or developed transmission line or pipeline rights-of-way.~~

~~Reconstructing (upgrading or rebuilding) existing electric powerlines more than approximately 20 miles in length or constructing new electric powerlines more than approximately 10 miles in length.~~

C5 Vegetation management program

Implementation of a Power Marketing Administration system-wide vegetation management program.

C6 Erosion control program

Implementation of a Power Marketing Administration system-wide erosion control program.

C7 Contracts, policies, and marketing and allocation plans for electric power

Establishment and implementation of contracts, policies, and marketing and allocation plans related to electric power acquisition or transmission, ~~or allocation plans for the allocation of electric power~~ that ~~do not~~ involve (1) the interconnection of, or acquisition of power from, addition of new generation resources ~~greater than~~ equal to or less than 50 average megawatts and that would not be eligible for categorical exclusion under this part; (2) ~~major~~ changes in the normal operating limits of generation resources ~~greater equal to~~ or less than 50 average megawatts; ~~or~~ (3) service to discrete new loads of less than 10 average megawatts ~~or more~~ over a 12-12-month period. ~~This applies to power marketing operations and to siting, construction, and operation of power generating facilities at DOE sites.~~

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- C8 Protection of cultural resources and fish and wildlife habitat
Large-scale activities undertaken to protect cultural resources (such as fencing, labeling, and flagging) or to protect, restore, or improve fish and wildlife habitat, fish passage facilities (such as fish ladders and minor diversion channels), or fisheries. Protection, restoration, or improvement of fish and wildlife habitat, fish passage facilities, and fish hatcheries if the proposed action may adversely affect an environmentally sensitive resource.
- C9 Wetlands demonstration projects
Field demonstration projects for wetlands mitigation, creation, and restoration.
- C10 [Reserved]
- C11 Particle acceleration facilities
Siting, construction ~~(or modification)~~, operation, and decommissioning of a low- or medium-energy ~~(but greater than when the primary beam energy exceeds~~ approximately 100 million electron volts~~MeV primary beam energy and the average beam power exceeds~~ approximately 250 kilowatts or where the average current exceeds 2.5 milliamperes) particle acceleration facilities, including electron beam acceleration facilities, and associated beamlines, storage rings, colliders, and detectors for research and medical purposes, within or contiguous to ~~an already a previously disturbed or~~ developed area (where active utilities and currently used roads are readily accessible).
- C12 Energy system demonstration actions
Siting, construction, and operation of energy system ~~prototypes demonstration actions~~ (including, but not limited to, wind resource, hydropower, geothermal, fossil fuel, biomass, and solar energy, but excluding nuclear). ~~pilot projects. For purposes of this~~

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category, “demonstration actions” means actions that are undertaken at a scale to show whether a technology would be viable on a larger scale and suitable for commercial deployment. Demonstration actions frequently follow research and development and pilot projects that are directed at establishing proof of concept.

C13 Import or export natural gas involving minor new construction

Approvals or disapprovals of ~~an application~~ authorizations to import ~~or~~ export natural gas under section 3 of the Natural Gas Act involving minor new construction ~~(other than a cogeneration powerplant)~~, (such as adding new connections, looping, or compression to an existing natural gas pipeline or liquefied natural gas pipeline, or converting an existing oil pipeline to a natural gas pipeline using the same right-of-way).

C14 Water treatment facilities

Siting, construction (or expansion), operation, and decommissioning of wastewater, surface water, potable water, and sewage treatment facilities with a total capacity greater than approximately 250,000 gallons per day, and of lower capacity wastewater and surface water treatment facilities whose liquid discharges are not subject to external regulation.

C15 Research and development incinerators and nonhazardous waste incinerators

Siting, construction (or expansion), and operation of research and development incinerators for any type of waste and of any other incinerators that would treat nonhazardous solid waste (as designated in 40 CFR ~~Part~~ 261.4(b)).

C16 Large waste packaging and storage facilities

Siting, construction, ~~(or modification to increase capacity)~~, operation, and decommissioning of packaging and unpacking facilities (~~that may include~~ such as characterization operations) and large storage facilities (greater than approximately 50,000

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square feet in area) for waste, except high-level radioactive waste, generated onsite or resulting from activities connected to site operations. These actions do not include storage, packaging, or unpacking of spent nuclear fuel. (See also B6.4, B6.5, B6.6, and B6.10 of appendix B.)

Appendix D to Subpart D of Part 1021—Classes of Actions That Normally Require EISs

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- ~~D1—Strategic Systems~~
- ~~D2—Siting/construction/operation/decommissioning of nuclear fuel reprocessing facilities~~
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- ~~D4—Siting/construction/operation/decommissioning of reactors~~
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- ~~D11—Siting/construction/expansion of waste disposal facility for transuranic waste~~
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- D1 Strategic Systems

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Strategic Systems, as defined in DOE Order 430.1, “Life-Cycle Asset Management,” or its successor, and designated by the Secretary.

D2 Nuclear fuel reprocessing facilities

Siting, construction, operation, and decommissioning of nuclear fuel reprocessing facilities.

D3 Uranium enrichment facilities

Siting, construction, operation, and decommissioning of uranium enrichment facilities.

D4 Reactors

Siting, construction, operation, and decommissioning of power reactors, nuclear material production reactors, and test and research reactors.

~~D5—Main transmission system additions (that is, additions of new transmission lines) to a Power Marketing Administration's main transmission grid.~~

~~D6—Integrating transmission facilities (that is, transmission system additions for integrating major new sources of generation into a Power Marketing Administration's main grid).~~

D5 [Reserved]

D6 [Reserved]

D7 Contracts, policies, and marketing and allocation plans for electric power

Establishment and implementation of contracts, policies, and marketing and allocation plans ~~or~~ related to electric power acquisition or transmission allocation plans for the allocation of electric power that involve (1) the interconnection of, or acquisition of power from, addition of new generation resources greater than 50 average megawatts, ~~;~~ (2) ~~major~~ changes in the normal operating limits of generation resources greater than 50 average megawatts, ~~;~~ or (3) service to discrete new loads of 10 average megawatts or more over a

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~~12-12-month period. This applies to power marketing operations and to siting construction, and operation of power generating facilities at DOE sites.~~

D8 Import or export of natural gas involving major new facilities

Approvals or disapprovals ~~or disapproval~~ of ~~an application~~ authorizations to import or ~~export~~ natural gas under section 3 of the Natural Gas Act involving ~~major new natural gas pipeline~~ construction of major new natural gas pipelines or related facilities; (such as ~~construction of new liquid-liquefied natural gas (LNG) terminals, and~~ regasification or storage facilities); ~~or a significant expansion~~ and modifications of ~~an existing pipeline~~ or related ~~facility or LNG terminal, regasification, or storage facility~~ facilities).

D9 Import or export of natural gas involving major operational change

Approvals or disapprovals ~~or disapproval~~ of ~~an application~~ authorizations to import or ~~export~~ natural gas under section 3 of the Natural Gas Act involving ~~a significant major~~ operational changes; (such as a major increase in the quantity of liquid-liquefied natural gas imported or exported).

D10 Treatment, storage, and disposal facilities for high-level waste and spent nuclear fuel

Siting, construction, operation, and decommissioning of major treatment, storage, and disposal facilities for high-level waste and spent nuclear fuel, including geologic repositories, but not including onsite replacement or upgrades of storage facilities for spent nuclear fuel at DOE sites where such replacement or upgrade ~~will~~ would not result in increased storage capacity.

D11 Waste disposal facilities for transuranic waste

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Siting, construction ~~(or expansion)~~, and operation of ~~a~~-disposal ~~facility~~-facilities for transuranic (TRU) waste and TRU mixed waste (TRU waste also containing hazardous waste as designated in 40 CFR part 261).

D12 Incinerators

Siting, construction, and operation of incinerators, other than research and development incinerators or incinerators for nonhazardous solid waste (as designated in 40 CFR ~~part~~ 261.4(b)).