



NEPA Categorical Exclusion Determination Form

Program or Field Office: U.S. Department of Energy (DOE) Office of Legacy Management (LM)

Project Title: Site Transition and Associated Long-Term Surveillance and Maintenance Actions at Split Rock, Wyoming, Disposal Site

Location: Split Rock, Wyoming, Disposal Site

Proposed Action or Project Description:

LM is proposing to transition the long-term care and custody of the Split Rock, Wyoming, Disposal Site—located in Fremont County, Wyoming, approximately two miles northeast of Jeffrey City, Wyoming—from Western Nuclear Incorporated (WNI) to LM. LM would be responsible for long-term care and custody of approximately 5431 acres of land surface and approximately 5174 acres of mineral interests within the long-term surveillance boundary. Long-term care and custody would include administrative and asset management actions related to transferring property from WNI and the U.S. Bureau of Land Management (BLM) to LM and post-transition long-term surveillance and maintenance (LTS&M) actions. Activities covered under these actions are described below.

Administrative functions associated with site transition would include LM acquiring and preserving site information, LM evaluating the disposal structures, LM and WNI establishing the administrative transfer boundary, LM developing a long-term surveillance plan (LTSP), WNI and BLM transferring surface and subsurface estates in fee to DOE, LM evaluating reuse opportunities, LM determining post-closure care requirements, LM adding assets to the Facilities Information Management System, the State of Wyoming terminating WNI's site radioactive materials license, and the U.S. Nuclear Regulatory Commission (NRC) licensing the site to LM under a general license for custody and long-term care of uranium or thorium byproduct materials disposal sites, as stipulated in Title 10 *Code of Federal Regulations* Part 40.28 (10 CFR 40.28). Site transition would be complete and in accordance with Uranium Mill Tailings Radiation Control Act (UMTRCA) Title II requirements and 10 CFR 40.28 when NRC approves LM's site LTSP and licenses the site to LM.

Once site transition is complete, the Legacy Management Support (LMS) contractor would immediately begin implementing the LTSP and conduct a site inspection within one year. In addition, LMS would begin conducting LTS&M activities, including: (1) conducting annual site inspections; (2) monitoring groundwater and surface water quality at existing groundwater wells and surface water locations on the Sweetwater River; (3) maintaining, repairing, replacing, or abandoning existing (or installing new) groundwater monitoring wells; (4) maintaining, repairing, or replacing existing (or installing new) boundary and survey monuments, signs, fences, gates, and erosion controls; (5) maintaining or repairing existing site roads; (6) controlling site vegetation by hand or mechanical means or by applying herbicides; (7) conducting environmental monitoring (including visual monitoring and sampling) of wetlands areas, flora and fauna, disposal cell cover materials, and archeological, historical, and cultural resources; (8) conducting land surveys using various technologies deployed by hand, vehicle, or aerial means; and (9) maintaining existing or establishing new institutional controls and alternate concentration limits.

Future aerial surveys would occur as needed. Aerial surveys are expected to be conducted by unmanned aerial vehicles (also called drones); however, there is a potential for a manned aircraft or helicopter to be used to conduct the surveys. If a manned aircraft or helicopter were to be used, the takeoff and landing would occur at a nearby airport. No aviation activities would commence until required flight safety plans are approved by a certified DOE aviation manager and permission is received from the LM site manager to proceed with aviation activities. The need to perform follow-up aerial surveys would depend, in part, upon results of a baseline aerial survey. Follow-up aerial surveys would require new flight safety plans approved by a certified DOE aviation manager and the LM site manager.

Land use is expected to remain the same at the site after transition is complete. There is currently no onsite recreational use, use of surface and subsurface minerals would remain prohibited, and onsite grazing could continue where currently permitted. The current grazing permittee would need a new grazing permit with LM.

Site transition and LTS&M actions would occur provided that, under reasonably foreseeable uses, (1) 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; and (2) the covered actions would not have the potential to cause a significant change in impacts from before the transfer, lease, disposition, or acquisition of interests.



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Categorical Exclusion(s) Applied:

- A1, Routine DOE business actions
- A9, Information gathering, analysis, and dissemination
- B1.3, Routine maintenance
- B1.11, Fencing
- B1.24, Property transfers
- B1.33, Stormwater runoff control
- B3.1, Site characterization and environmental monitoring
- B3.2, Aviation activities
- B3.3, Research related to conservation of fish, wildlife, and cultural resources

For the complete DOE National Environmental Policy Act (NEPA) regulations regarding categorical exclusions, including the full text of each categorical exclusion, see Subpart D of Title 10 *Code of Federal Regulations* Section 1021 (10 CFR 1021).

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

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

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

- There are no extraordinary circumstances related to the proposal that may affect the significance of the environmental effects of the proposal.
- The proposal has not been segmented to meet the definition of a categorical exclusion. This proposal is not connected to other actions with potentially significant impacts (40 CFR 1508.25(a)(1)), is not related to other actions with individually insignificant but cumulatively significant impacts (40 CFR 1508.27(b)(7)), and is not precluded by 40 CFR 1506.1 or 10 CFR 1021.211 concerning limitations on actions during preparation of an environmental impact statement.

Based on my review of the proposed action, as NEPA Compliance Officer (as authorized by the LM Director per DOE Policy 451.1), I have determined that the proposed action fits within the specified classes of action, the other regulatory requirements set forth above are met, and the proposed action is hereby categorically excluded from further NEPA review.

NEPA Compliance Officer Signature and
Determination Date

TRACY RIBEIRO Digitally signed by TRACY RIBEIRO
Date: 2020.12.09 12:50:56 -07'00'