



**U.S. Department of Energy
Office of Legacy Management
Categorical Exclusion Determination Form**



Program or Field Office: Office of Legacy Management

Project Title and I.D. No.: Acid Pond Property Disposition Near the Spook, Wyoming, Disposal Site. LM # 08-12.

Location: Spook, Wyoming

Proposed Action or Project Description:

The Spook disposal site is located in Converse County, Wyoming, about 32 miles north of Glenrock, and is managed as a Title I Uranium Mill Tailings Radiation Control Act site. The Acid Pond Parcel located just southwest of the disposal site, also known as Vicinity Property SK-001S, is a previously disturbed area once considered part of the original footprint of the Spook site. This parcel is not associated with current disposal site operations. DOE proposes to disposition the 5.89-acre parcel back to the ranch operation whose property currently surrounds the site and from which it was originally acquired in 1989. During surface remediation, DOE encapsulated the contaminated materials and cleaned up the land encompassed by the former mine, processing site, and acid pond vicinity property. The acid pond surface area has been restored to its pre-mining condition. Historically the land was used for grazing, and the reasonably foreseeable use of the land would continue to be grazing. There is some oil and gas development in the area, but DOE maintains subsurface mineral rights in a portion of the surrounding area, and these mineral rights may preclude any oil and gas or other mineral development on that parcel. The groundwater in this area is of intrinsically poor quality, categorized as "limited use," and unsuitable for human or animal consumption. The U.S. Nuclear Regulatory Commission and the State of Wyoming have agreed with DOE's groundwater characterization and application of supplemental standards and have determined that groundwater monitoring is unnecessary at this site. The LM real property disposition package is expected to be submitted to the U.S. General Services Administration in summer 2012. The intent is for the U.S. General Services Administration to quitclaim the land back to the original landowner on behalf of DOE, pending U.S. Nuclear Regulatory Commission approval. The entire disposition process could possibly take 2 to 3 years. Disposition of this parcel was found to be categorically excluded from further evaluation under the National Environmental Policy Act.

Categorical Exclusion(s) Applied:

- B1.24 Property Transfers
- B1.36 Determinations of Excess Real Property

For the complete DOE National Environmental Policy Act regulations regarding categorical exclusions, including the full text of each categorical exclusion, see Subpart D of 10 CFR Part 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 under DOE Order 451.1B), I have determined that the proposed action fits within the specified class(es) of action, the other regulatory requirements set forth above are met, and the proposed action is hereby categorically excluded from further NEPA review.

Tracy S. Ribeiro
NEPA Compliance Officer:

07/13/12
Date Determined: