



# U.S. Department of Energy

## Categorical Exclusion Determination Form

**Proposed Action Title:** CATEGORICAL EXCLUSION (CX) DETERMINATION FOR COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENT (CRADA) ACTIVITIES (CX-GEN-015)

**Program or Field Office:** Oak Ridge Office, Oak Ridge, Tennessee

**Location(s) (City/County/State):** Oak Ridge, TN; Berkeley, CA; Menlo Park, CA; Newport News, VA; and other DOE-operated facilities and ancillary areas associated with these sites, programs, and projects

**Proposed Action Description:**

Actions associated with CRADAs include, but would not be limited to, (1) demonstrating processes for production of various material components to be used by industries and the private sector; (2) providing expertise, experience, facilities, and equipment for working with and developing new processes and technologies; (3) evaluating and testing new materials, equipment, and components; (4) analyzing and testing materials to increase understanding of important manufacturing technologies and processing parameters; (5) demonstrating the feasibility of new products and processing technologies; (6) testing and demonstrating cost-effective, high-volume, environmentally responsible processing technologies; (7) developing new capabilities for fabricating instrumentation relevant to environmental monitoring, proliferation detection, etc.; (8) developing and improving computer and data processing systems hardware and software applications; (9) using theoretical and computational capabilities to model problems of industrial interest; and (10) demonstrating, developing, and verifying appropriate cost-effective sample process technologies.

Because CRADAs are associated with existing research activities, it is anticipated that no new permits or modifications to existing permits would be required for the proposed actions. Should new permits or modifications to existing permits be required, the actions would be reviewed by site compliance personnel and handled in accordance with existing site compliance procedures. In addition, site participation in CRADAs would take place in previously developed/disturbed areas and would not disturb sensitive resources.

Any wastes generated during CRADA activities would be appropriately characterized and disposed of at existing permitted/approved waste storage, treatment, or disposal facilities. The proposed action would be evaluated before implementation to identify options to reduce or eliminate generation of waste materials.

The proposed CRADA actions that would take place on the Oak Ridge Reservation (ORR) have been reviewed in accordance with the Cultural Resource Management Plan (CRMP) or applicable sections in a ratified Programmatic Agreement document and would not result in an adverse effect to historic properties included or eligible for inclusion in the National Register of Historic Places (National Register). If the proposed ORR actions would have an adverse effect on properties included or eligible for inclusion in the National Register, DOE would consult with the State Historic Preservation Officer (SHPO) and initiate actions specified in procedures set forth in the Advisory Council's regulations in 36 CFR Part 800.

For sites other than the ORR, DOE would follow the Section 106 process and would consult with the respective SHPO, as appropriate.

To ensure that sensitive resources are protected, existing maps and surveys/studies on threatened and endangered species, wetlands and floodplains, and historically sensitive areas would be used to locate these areas. In addition, personnel responsible for identifying these resources would be consulted and, if warranted, additional surveys and walkovers would be conducted to confirm or update available information.

No known extraordinary circumstances would be associated with these actions that might affect the significance of the environmental effects of the proposed action based on past similar actions. These actions would not be connected to other actions with potentially significant impacts or related to other proposed actions with cumulatively significant impacts; they would meet the conditions that are integral elements of the classes of actions which may be categorically excluded from further National Environmental Policy Act (NEPA) documentation. Should the action not meet the conditions for CX consideration, a separate NEPA document would be prepared and submitted to DOE-ORO for review and approval.

Although an action may fall under the category of "CRADA," a separate NEPA review would be performed and documented should the action or related/cumulative effect of the action have the potential to result in an unusual or significant impact to the environment.

**Categorical Exclusion(s) Applied:**

- B3.6 - Small-scale research and development, laboratory operations, and pilot projects
- B3.10 - Particle accelerators
- B3.11 - Outdoor tests and experiments on materials and equipment components

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.

NEPA Compliance Officer: \_\_\_\_\_ /s/ \_\_\_\_\_

Date Determined: \_\_\_\_\_ 11/19/2012 \_\_\_\_\_