

## RECORD OF CATEGORICAL EXCLUSION DETERMINATION

**Project ID No.:** SPR Standard Sales Provisions

**Title:** Review and Update of SPR Standard Sales Provisions

**Description:** DOE is performing a procedural review and update of the Standard Sales Provisions (SSP's) for use in a drawdown of the Strategic Petroleum Reserve (SPR). These SSP's were last published in the Federal Register on July 7, 2005 (70 FR 39364) and are periodically updated by DOE. The SSP's contain or describe contract clauses, terms and conditions of sale, and performance and financial responsibility measures, which may be used for particular sales of SPR petroleum.

**Regulatory Requirements** National Environmental Policy Act (NEPA) Implementing Procedures (10 Code of Federal Regulations (CFR) 1021)

### **10 CFR 1021.410 (Application of Categorical Exclusions)**

(a) The actions listed in Appendices A and B of Subpart D are classes of actions that Department of Energy (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 proposed action fits within a class of actions that is listed in Appendix A or B of Subpart D;
- (2) There are no extraordinary circumstances related to the proposal that may affect the significance of the environmental effects of the proposal; and
- (3) The proposal is not "connected" (40 CFR 1508.25(a)(1)) to other actions with potentially significant impact, is not related to other proposed actions with cumulatively significant impacts (40 CFR 1508.25(a)(2)), and is not precluded by 40 CFR 1506.1 or 10 CFR 1021.211.

### **Appendix B (Categorical Exclusions Applicable to Specific Agency Actions)**

The proposed action must not:

1. Threaten a violation of statutory, regulatory, or permit requirements for environment, safety, and health, including 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 Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)-excluded petroleum and natural gas products that preexist in the environment such that would be uncontrolled or un-permitted releases;
4. Have the potential to cause significant impacts on environmentally sensitive resources, which includes (i) property (sites, buildings, structures, and objects) of historical, archeological, or architectural significance; (ii) federally-listed and state-listed threatened or endangered species or their habitat, federally-protected marine mammals and essential fish habitat and otherwise federally-protected species; (iii) floodplains and wetlands; (iv) federally and state designated areas (wilderness areas, national parks, national monuments, national natural landmarks, wild and scenic rivers, wildlife refuges, scenic areas, and marine sanctuaries); (v) prime or unique farmland; (vi) special sources of water (sole-source aquifers, wellhead protection areas, and other vital water resources); and (vii) tundra, coral reefs, or rain forests); or
5. Involve genetically engineered organisms, synthetic biology, governmentally designated noxious weeds, or invasive species.

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NEPA Preparer: Matthew Dubuc      Creation Date: 06/07/2018

**Environmental Analysis:** (mark all environmental aspects that are applicable to this project)

Air Emissions	<u>    </u>	Environmental Monitoring	<u>    </u>	Fire	<u>    </u>
Green Procurement	<u>    </u>	Project Design	<u>    </u>	Waste	<u>    </u>
Spills/Releases	<u>    </u>	Cavern Integrity	<u>    </u>	Discharges	<u>    </u>
Energy Use	<u>    </u>	Natural Resource Preservation	<u>    </u>	Water Use	<u>    </u>
Transportation	<u>    </u>	Chemical Use/Selection	<u>    </u>	Public Involvement	<u>    </u>
Sustainable Building	<u>    </u>	Electronic Stewardship	<u>    </u>	Wetlands Permitting	<u>    </u>
Clean Water	<u>    </u>	Pollution Prevention	<u>    </u>		

**Aspects/Requirements:**

The task consists of procedural review and update of SPR Standard Sales Provisions for use in an SPR drawdown. There are no environmental concerns.

**Categorical Exclusion (CX) Determination**

NEPA review suggests this project is a Categorical Exclusion. This suggestion is based on review of the project description. If there are changes in the scope of this project additional NEPA review may be required.

CX to be applied A.6

Rulemakings that are strictly procedural, including, but not limited to, rulemaking (under 48 CFR 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.

**NEPA Review Workflow**

This NEPA document is being routed to the following persons or their backups for concurrence.

FFPO Environmental Concurrence:                      Bob Sevcik

SPR Derivative Classifier Concurrence:              Jeff Dugar or Thomas Crosby

DOE Env. Safety & Health Director  
Concurrence    Joe Catyb

**NEPA Approval**

Based on my review of information conveyed to me and in my possession the proposed action, as NEPA Compliance Officer (as authorized under DOE Order 451.1) I have determined that the proposed action fits within the specified actions, the other regulatory requirements set forth above are met, and the action is hereby excluded from further NEPA review.

Approved By

DOE NEPA Compliance Officer

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Stephen Reese

# NEPA Review Summary

Created By:	Auger, Jennifer
Date NEPA Review Initiated:	6/10/2018
Type of NEPA Review:	Type B - DOE Only
Project ID Number:	SPR Standard Sales Provisions
Title:	SPR Standard Sales Provisions
Workflow Status:	Approved

If Workflow Status is Rejected, see below for Reason:

## Concurrence Details:

**Sevcik, Bob** 6/11/2018  
*FFPO Environmental Concurrence* *Compliance Date*  
(not required for Type A-DOE Only Record of NEPA Review or Type B-DOE Only Record of Categorical Exclusion Determination)

**Crosby, Thomas** 6/11/2018  
*SPR Derivative Classifier* *Compliance Date*  
(only required for Type B)

**Catyb, Joseph** 6/12/2018  
*DOE ES&H Director (or Acting)* *Compliance Date*  
(only required for Type B & Type A-DOE Only Record of NEPA Review)

**Reese, Stephen** 6/12/2018  
*DOE NEPA Compliance Officer (or Acting)* *Compliance Date*

**ALL SIGNATURES WERE CAPTURED VIA THE ELECTRONIC WORKFLOW SYSTEM.**

Click on the following Link to view the associated NEPA Document:

[https://myspr.spr.doe.gov/sites/sprworkflow/nepa/NEPA\\_Uploaded\\_Documents/Categorical\\_Exclusion\\_SPR\\_Standard\\_Sales\\_Provision](https://myspr.spr.doe.gov/sites/sprworkflow/nepa/NEPA_Uploaded_Documents/Categorical_Exclusion_SPR_Standard_Sales_Provision)