Based on my review of the information concerning the proposed action, as NEPA Compliance Officer (authorized under DOE Policy 451.1), I have made the following determination:

**NEPA PROVISION**

DOE has made a conditional NEPA determination.

The NEPA Determination applies to the following Topic Areas, Budget Periods, and/or tasks:

A completed EQ is required for the TBD field location/demonstration sites. A separate NEPA review is required for the TBD location sites. This CX covers all activities except for the demonstration sites.

Notes:

A completed EQ is required for the TBD field location/demonstration sites. A separate NEPA review is required for the TBD location sites. This CX covers all activities except for the demonstration sites.

**FOR CATEGORICAL EXCLUSION DETERMINATIONS**

The proposed action (for the part of the proposal defined in the Rationale above) 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 requirement for environment, safety, and health, or similar requirements of DOE or Executive Orders; (2) require string and construction or major expansion of waste storage, disposal, recovery, or treatment facilities unless increments, but the proposal may include categorical exclusions; (3) disturb hazardous substances, pollutants, contaminants, or CERCLA-excluded petroleum and natural gas products that exist in the environment such that their release could not be uncontrolled or unpermitted; (4) have the potential to cause significant impacts on environmentally sensitive resources; (5) have the potential to cause significant effects on human health and the environment (such as RCRA hazardous wastes); (6) involve changes to the environment that are not insignificant but cumulatively significant; (7) involve actions during preparation of an environmental impact statement; (8) involve extraordinary circumstances related to the proposed action that may affect the significance of the environmental effects of the proposal.

The proposed action has not been segmented to meet the definition of a categorical exclusion. This proposal is not connected to a previously disturbed or developed area; hence active sites and currently used mines are readily accessible. No included in the category of demonstration actions, actions that are undertaken at a scale too small to show whether a technology would be viable on a larger scale and suitable for commercial deployment.

**RATIONALE FOR DETERMINATION**

(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 impacts 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, local, and tribal). Covered actions include, but are not limited to, weatherization (such as insulation and replacing windows and doors); programed lowering of thermostat settings; placement of timers on hot water heaters; installation 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 drip-irrigation systems; improvements in general efficiency and appliance efficiency ratings; energy improvements for vehicles and transportation (such as fleet changes); power storage (such as batteries and battery packs, generally less than 10 megawatt equivalent(s); transportation management systems (such as traffic signal control systems, car navigation, speed camera, and automatic plate number recognition); development of energy-efficient manufacturing, industrial, or building practices; and small-scale pilot projects.

(b) Covered actions include building renovations or new structures, provided that they occur in a previously disturbed or developed area. Covered actions could involve commercial, residential, agricultural, academic, institutional, or industrial sectors. Covered actions do not include facilities, standard settings, or proposed DOE legislation, except for those actions listed in paragraph B1 of this appendix. (b) Covered actions include the following: marketable products or industrial equipment (such as computers, computer software, and computer hardware); and manufacturing and industrial equipment, including, but not limited to, those actions listed in paragraph B1 of this appendix. (b) Covered actions include conventional laboratory operations (such as preparation of chemical standards and products); pilot projects; conventional laboratory operations (such as preparation of chemical standards and products); and small-scale pilot projects (generally less than 2 years) frequently conducted to verify a concept before demonstration actions, provided that construction or modification would be either to or contiguous to a previously disturbed or developed area where active sites and currently used mines are readily accessible. No included in the category of demonstration actions, actions that are undertaken at a scale too small to show whether a technology would be viable on a larger scale and suitable for commercial deployment.

(c) 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 impacts 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, local, and tribal). Covered actions include, but are not limited to, weatherization (such as insulation and replacing windows and doors); programed lowering of thermostat settings; placement of timers on hot water heaters; installation 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 drip-irrigation systems; improvements in general efficiency and appliance efficiency ratings; energy improvements for vehicles and transportation (such as fleet changes); power storage (such as batteries and battery packs, generally less than 10 megawatt equivalent(s); transportation management systems (such as traffic signal control systems, car navigation, speed camera, and automatic plate number recognition); development of energy-efficient manufacturing, industrial, or building practices; and small-scale pilot projects.

**SIGNATURE OF THIS MEMORANDUM CONSTITUTES A RECORD OF THIS DECISION.**

NEPA Compliance Officer Signature: [Signature]

Date: 12/6/2021

**FIELD OFFICE MANAGER DETERMINATION**

Field Office Manager review not required

Field Office Manager review required

**BASED ON MY REVIEW I CONCUR WITH THE DETERMINATION OF THE NCO :**

Field Office Manager's Signature: [Signature]