

memorandum

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REPLY TO EM-453 (A Rampertaap, 3-8191)
ATTN OF

SUBJECT Frazer Lockhart, Rocky Flats Office

MAY 22 9 7 39

TO: National Environmental Policy Act Requirements Categorical Exclusion for Rocky Flats Site Wide Treatability Study

As you are aware, on April 24, 1992, the Department of Energy's (DOE) National Environmental Policy Act (NEPA) Implementing Procedures were published in the Federal Register as 10 Code of Federal Regulations Part 1021. Appendix B to Subpart D of the final procedures lists Categorical Exclusions (CX) Applicable to Specific Agency Actions, and specifically includes "Indoor bench-scale research projects/conventional laboratory operation" (Item B3.6). The purpose of this memorandum is to direct you, consistent with this new implementing regulation, to perform the Site Wide Treatability Study (SWTS) as a CX to NEPA requirements.

DOE-Headquarters had originally directed Rocky Flats to perform a simplified Environmental Assessment (mini-EA) for the SWTS. This decision was based on the fact that the list of CX available at the time did not include "Indoor, bench-scale research projects." Without the necessary CX, DOE conservatively chose a more rigorous NEPA documentation approach, the mini-EA. As the mini-EA has not yet been approved, it is appropriate to stop work on this document, and instead focus on the simpler, more efficient CX vehicle. Recently, Rocky Flats has been delegated the authority to issue its own CX documentation.

Based on the information presented in the SWTS EA, a concern remains regarding consultation with the U. S. Fish and Wildlife Service (USFWS) on threatened and endangered species and related habitat. The EA did not indicate that the necessary consultation with USFWS had been obtained. Any subsequent discussion of this subject in a NEPA document (such as the CX) should either state that the consultation has occurred or that it will be obtained before the action is taken.

Consistent with CX actions to be conducted in floodplains and/or wetlands, a Notice of Floodplain/Wetland Involvement for this action has been published in the Federal Register. EM-453 will generate the subsequent Statement of Findings from information available in the draft Finding of No Significant Impact which accompanied the original SWTS mini-EA and then have the Statement published in the Federal Register.

Please contact me at FTS 301-903-8191 if you have questions on this subject.

Autar Rampertaap
Rocky Flats/Albuquerque Production Division
Office of Southwestern Area Programs
Environmental Restoration

CC:
J. Hartman, RF

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