

United States Government

Department of Energy

memorandum

Albuquerque Operations Office

DATE: MAY 10 1994

**REPLY TO
ATTN OF:** WFOTD:RED

SUBJECT: Implementation of DOE Work for Others (WFO) Requirements for Nonfederal Entities Under Funds-In Agreements (FIA)

TO: Gerold Yonas, MS 0151, SNL/NM
Larry Warner, MS A104, LANL
Joe L. Mauderly, ITRI

This memorandum documents requirements of DOE Order 4300.2B, Non-Department of Energy Funded Work (Work For Others), dated July 16, 1991, revisions through Change 3, dated January 7, 1993, and related DOE Orders and Notices, and updates my March 12, 1992 memorandum, providing instructions on preparing FIA proposals. Included herein are explanations of the required DOE Orders and statements that must be made in proposals for FIAs.

While the requirements involving the National Environmental Policy Act (NEPA), Item 1., below, apply to all WFO proposals, the other identified requirements will not impact the vast majority of projects with nonfederal entities, although each requirement must be addressed in every proposal.

1. NATIONAL ENVIRONMENTAL POLICY ACT, DOE Orders 5440.1E, dated November 10, 1992, and 4300.2B, Change 2, paragraphs 10.j.(3) and (9) and 10.k.(11), dated February 7, 1992.

NEPA focuses on assuring appropriate environmental considerations in federal decision making. Since DOE approval of a WFO proposal and the associated authorization to start work is a federal decision resulting in the execution of actions as described in the applicable WFO project proposal, DOE NEPA regulations apply to each WFO project.

The four NEPA categories, which are described in the document entitled, "Work For Others, National Environmental Policy Act Compliance," dated April 1993, are (1) Categorical Exclusion A (CX-A), (2) Categorical Exclusion B (CX-B), (3) Environmental Assessment (EA), and (4) Environmental Impact Statement (EIS).

- A. WFO proposals may be submitted to WFOTD when one of the following conditions exist:

1. The project is recommended as a CX-A.

CX-A represents projects that fall under the current "umbrella" of actions identified in Bruce G. Twining's May 14, 1993,

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memorandum entitled "National Environmental Policy Act (NEPA) Determination for General Agency Action at Albuquerque Operations Office, (AL) Sites," copy attached. Provide specific number of categorical exclusion, i.e. CX-A9, and the NEPA Identification Number, i.e. ALO 93-0001 from Mr. Twining's May 14, 1993, memorandum.

2. The project has been determined by DOE to be covered under an existing NEPA document (10 CFR 1021.104), or a categorical exclusion (B) already granted by the appropriate authority.

Provide from the NEPA document (a) title, date, and approving official, (b) NEPA Identification Number (if one exists, or copies of appropriate pages or references if one does not exist), and (c) documentation acknowledging acceptance by the Area Office (which may be recorded on the ES&H checklist).

- B. The following procedures are to be followed in obtaining a DOE determination as to the appropriate NEPA action required on each WFO project for those actions recommended to be a CX-B, EA or EIS:
 1. The facility contractor sends their recommendation to the Area Office.
 2. The Area Office reviews the facility contractor's recommendation, and forwards their recommendation with supporting documentation to the Environmental Protection Division (EPD).
 3. The EPD reviews the Area Office's recommendation, and forwards their recommendation to the AL Manager.
 4. The AL Manager makes the determination.
 5. The EPD notifies the Area Office of the AL Manager's determination.
 6. The Area Office notifies the facility contractor of the AL Managers's determination.
 7. For those actions determined by the AL Manager to be a CX-B, the facility contractor is to provide the NEPA Identification Number, categorical exclusion, i.e., B.3.10, and date of the determination.
 8. For those actions determined by the AL Manager to require an EA or an EIS, the facility contractor is to provide the title, NEPA Identification Number, and date of the approved document (Finding of No Significant Impact or Record of Decision).

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2. **SPACE NUCLEAR AND NONCOMMERCIAL POWER REACTOR AND RADIOISOTOPE POWER WORK FOR OTHERS, DOE N 4300.4, dated January 14, 1993.**

All WFO projects involving space nuclear reactor, noncommercial power reactor, and radioisotope power (excluding Nuclear Regulatory Commission (NRC) fusion, weapons-related activities, naval propulsion reactors, and experimental reactors) require approval from the Office of the Assistant Secretary for Nuclear Energy (NE). Approvals will be based on NE's review of a laboratory or plant proposal and any proposed relationship that may be covered in a formal statement (e.g., Memorandum of Understanding) between the Sponsor, NE, and/or the laboratory.

A statement as to whether or not the project involves space nuclear reactor, noncommercial power reactor, or radioisotope power source work (excluding NRC fusion, weapons-related activities, naval propulsion reactors, and experimental reactors) is required in each proposal.

3. **PROPOSED NUCLEAR PROLIFERATION DETECTION TECHNOLOGY-RELATED WFO PROJECTS, DOE ORDER 4300.2B, Change 3, paragraph 10.k.(14), dated January 7, 1993.**

Proposed WFO projects involving nuclear proliferation detection technology must be forwarded to the Office of Arms Control and Nonproliferation, AN-1, for validation as nonproliferation-related and, as applicable, certification and acceptance prior to authorization to commence work.

A statement as to whether or not the project involves nuclear proliferation detection technology-related non-DOE funded work is required in each proposal.

4. **IDENTIFICATION OF CLASSIFIED INFORMATION AND GUIDANCE, DOE Orders 4300.2B, Change 3, paragraph 10.k.(7)(a), dated January 7, 1993, and 5650.2B, page II-9, paragraph 1.f. and page II-11, paragraph 2.m., dated December 31, 1991, and Change 2, page V-10, paragraph 8., dated April 28, 1993.**

The referenced Orders require the sponsor to provide classification guidance on any project involving classified activities or provide a statement that the work does not involve classified activities, but has the potential to become classified. If the project involves classified activities, a DOE Classification Officer (CO) shall ensure that appropriate classification guidance has been established prior to commencement of work. The CO may delegate the authority to review and certify classification guidance to a contractor CO. If so delegated, the contractor's certification must be submitted as part of the WFO proposal package.

Each proposal shall include a statement as to whether or not the sponsor has provided classification guidance for the classified project.

5. SPECIAL SECURITY INTERESTS/FACILITY APPROVALS, DOE Orders 5634.1B, Chapter II, page II-8, paragraph 3.b., dated September 15, 1992, and 4300.2B, Change 3, paragraph 10.k.(7)(b), dated January 7, 1993.

Prior to authorization to commence work on classified non-DOE funded projects, special security interests must be registered through approval of DOE Form 5600.2, Facility Data and Approval Record (FDAR). The FDAR must be approved by the Security and Nuclear Safeguards Division at DOE AL and the Work For Others Technologies Division must be notified prior to the issuance of the FIA on the classified WFO project.

Each proposal shall include a statement as to whether or not the project involves special security interests as defined in DOE Order 5634.1B, Chapter II, page II-8, paragraph 3.b.

6. DOE PROCEDURE FOR IDENTIFICATION, REVIEW, AND APPROVAL OF SPECIAL ACCESS PROGRAMS (SAP).

DOE/Defense Programs (DP) memorandums, "Notification to Work for Others (WFO) Sponsors of Information to be Provided to Department of Energy (DOE) Personnel as Related to Classified, Sensitive, Limited Access (including Special Access), or Other Similar WFO Projects," dated August 16, 1991, and clarification on the same subject, dated May 14, 1993.

The above DP memoranda reference National Security Agency and DOE Inspector General recommendations covering DOE's oversight and control of SAPs, identify a DP point of contact for all SAPs, and include procedural requirements for SAPs funded by non-DOE Sponsors. Transmittal of the DP memorandum, dated May 14, 1993, has been provided to LANL and SNL by the Manager, AL, in his memorandum, dated August 3, 1993, and includes required procedures for AL's involvement covering SAPs.

Each proposal shall contain a SAP contact (name, organization, telephone number of facility contractor WFO point of contact) that is common to all proposals, whether or not special access is required.

7. NON-DEPARTMENT OF ENERGY FUNDED WORK FOR OTHERS INVOLVING AVIATION OPERATIONS, Assistant Secretary for Defense Programs (ASDP) Notice #29, dated January 15, 1993.

The referenced Notice and corresponding transmittal memorandum, dated March 3, 1993, provide specific instructions for reporting projects involving aviation operations, i.e., all DOE M&O operated aircraft in direct support of WFO, excluding DOD or other non-DOE federal agencies such as the National Aeronautics and Space Administration, Federal Aviation Administration, etc.

Each proposal shall include a statement as to whether or not the project involves aviation operations as defined by ASDP Notice #29.

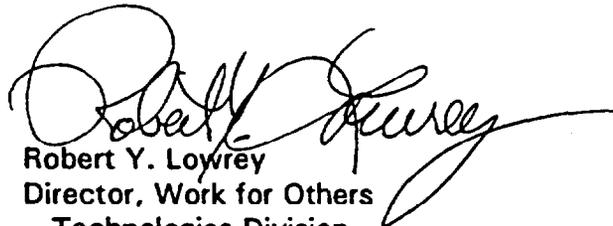
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Addressees

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If this statement applies, the laboratory must notify Rick Arkin, Transportation Management Branch, Transportation Safeguards Division (TSD) at DOE AL to discuss the aviation operations and determine if a risk assessment is required. Even if no assessment is required, the proposal should indicate TSD notification. However, if an assessment is required, the laboratory must document the status of TSD review and approval. Approval is required for all aviation operations as defined by ASDP Notice #29 prior to aviation operations being conducted during the performance of a WFO project.

If you have questions or need additional information, please contact me at (505) 845-6047 or Robert E. Davidson at (505) 845-4310.



Robert Y. Lowrey
Director, Work for Others
Technologies Division

Attachment

cc w/attachment:

- A. Busch, MSK571, LANL
- S. Varnado, MS 0163, SNL/NM
- B. Davis, MS 0107, SNL/NM
- D. Olson, FMD, AL
- L. Hymes, BRMD, AL
- D. Gurule, SNSD, AL
- C. Demos, SNSD, AL
- C. Kenagy, WPD, AL
- J. Robbins, EPD, AL

United States Government

Department of Energy

Memorandum

Albuquerque Field Office

DATE: MAY 14 1993
REPLY TO: EPD
ATTN OF:
SUBJECT: National Environmental Policy Act (NEPA) Determination for General Agency Action at Albuquerque Operations Office (AL) Sites
TO: Those on Attached List

The attached listing of proposed actions has been reviewed by the AL Environmental Protection Division (EPD) in accordance with DOE NEPA Regulations, Subpart D, and DOE Order 5440.1E. Based on my staff's review and analysis, I have determined that these actions are categorically excluded from the requirement to prepare NEPA documentation in the form of either an Environmental Assessment (EA) or an Environmental Impact Statement (EIS).

These actions correspond to those categories of actions listed in Appendix A to Subpart D of the DOE NEPA Regulations. Appendix A lists categorical exclusions (CXs) applicable to general agency actions and includes those classes of actions with impacts so remote or conjectural as to preclude meaningful consideration. Appendix A includes some classes of actions to which NEPA probably does not apply, but that DOE has listed to clarify that neither an EA nor EIS is needed, and to avoid any potential misunderstanding associated with the absence of such listing.

While the guidance from the Office of NEPA Oversight (EH-25) states that the application of those CXs listed in Appendix A does not need to be documented, DOE Order 5440.1E states that only the Operations Office Manager can determine if those CXs can be applied. In order to comply with both of these requirements AL has prepared this "umbrella" CX determination for all the classes of actions listed in Appendix A for the entire AL complex. This CX is similar to those "umbrella" CXs already in place at your office for Routine Maintenance activities. If you have any questions, please contact Jeff Robbins, NEPA Specialist (EPD), at FTS (505) 845-4426.



Bruce G. Twining
Manager

Attachment

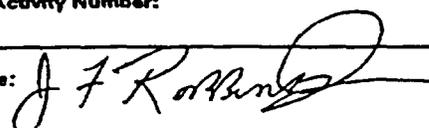
MAY 14 1993

Addressees - Memorandum dated

P. M. Ramey, Area Manager, AAO
L. D. Kirkman, Acting Area Manager, DAO
K. A. Carlson, Area Manager, KAO
E. W. Bean, Area Manager, KCAO
J. L. Bellows, Area Manager, LAAO
R. E. Glass, Area Manager, PAO
A. R. Chernoff, Project Manager, UMTRA
W. J. Arthur, III, Project Director, GJPO
J. E. Solecki, Manager, GJPO
J. L. Loftis, Director, MSD, AL
R. E. Sabre, Director, TSD, AL

APR 20 1993

U.S. DEPARTMENT OF ENERGY
Albuquerque Operations Office
ENVIRONMENTAL CHECKLIST/ACTION DESCRIPTION MEMORANDUM

Project/Activity Title: General Agency Actions for the Albuquerque Operations Office	NEPA ID Number: ALO 93-0001	Date: 04/01/93
Program Office: Defense Programs	B/R Code:	
Line Management Office: Albuquerque Operations Office	Project/Activity Number:	
Contact Name: Jeff Robbins (505) 845-4426	Signature: 	

A. BRIEF PROJECT/ACTIVITY DESCRIPTION: Include category (experiment, test, modification, maintenance, etc.), location, schedule, cost, etc.

This Environmental Checklist (ECL) describes general actions and activities that take place at the Albuquerque Operations Office inclusive of all its Area Offices, Project Offices, Divisions, sites, and contractors. The actions described in this ECL consist mainly of those involving only administrative, fiscal, and computational activities. These general actions and activities have impacts so remote or conjectural as to preclude meaningful consideration. This ECL lists some actions to which NEPA may not apply but that have been included in order to ensure compliance with the DOE NEPA Regulation and Order, and to avoid any potential misunderstanding associated with the absence of such listing.

The types of general actions and activities are grouped according to their corresponding specific Categorical Exclusion (CX) listed in Appendix A to the DOE NEPA Regulations (10 CFR 1021). Each CX is quoted and then followed by a list of actions representative of those types of actions that fall under the CX. The lists of actions are not meant to be all inclusive or limiting.

CX A1

Routine actions necessary to support the normal conduct of agency business, such as administrative, financial, and personnel actions.

- Administration of contracts;
- Development and writing of contracts;
- Preparation of work planning documents;
- Purchase, installation, distribution, storage, and operation of computer hardware and software;
- Inventory, purchasing, storage, assignment, and distribution of office supplies, furnishings, and equipment;
- Routine purchasing of maintenance and janitorial supplies and equipment;
- Routine purchasing of laboratory supplies for existing projects, operations, and facilities;
- Development and implementation of filing systems and document tracking systems;
- Acquisition and assignment of office space in existing structures without major modifications;

- Staff meetings, conferences, and travel;
- Scheduling activities;
- Conduct health and safety related activities, occupational, preventative, and emergency medical activities; fitting personnel with personal protective equipment;
- Total Quality Management activities including the conduct of Quality Action Teams;
- Mail, parcel post, and associated shipping activities;
- Data processing/keypunch services;
- Preparation of proposals, including conceptual design preparation and cost estimating;
- Conduct safeguards and security related actions;
- Preparation and review of budgets;
- Routine accounting activities such as banking services;
- Financial and operational strategic planning;
- Preparation of project, process, and program plans;
- Project/cost control activities;
- Financial and other audits;
- Personnel or management reorganizations or restructuring;
- Hiring and orientation of new employees;
- Increase or decrease in the number of personnel assigned to a site or project with no change in nature or mission or ongoing operations;
- Personnel assignments and tasking;
- Disciplinary actions, grievance processes, employee assistance programs, promotions, salary adjustments, and terminations; and
- Preparation and delivery of response to employees and/or contractors regarding ES&H concerns, complaints, and Quality Action Requests.

CX A2

Contract interpretations, amendments, and modifications that are clarifying or administrative in nature.

- Review and evaluation of existing contracts;
- Resolution of apparent conflicts arising from contractual language;
- Addition of organizational, procedural, administrative, or reporting requirements to contracts;
- Addition or enforcement performance-related contract provisions;

- Amendment of contracts to reflect changes in personnel;
- Addition of or revisions to contract schedules and milestones; and
- Administrative activities associated with an increase or decrease of monetary or labor provisions related to changes in contract scope for technical support contracts, personal services contracts, or contracts for management and operation of a government facility.

CX A3

Adjustments, exceptions, exemptions, appeals and stays, modifications, or rescissions of orders issued by the Office of Hearings and Appeals.

CX A4

Interpretations and rulings with respect to existing regulations, or modifications or rescissions of such interpretations and rulings.

CX A5

Rulemaking interpreting or amending an existing rule or regulation that does not change the environmental effect of the rule or regulation being amended.

CX A6

Rulemakings that are strictly procedural, such as rulemaking (under 10 CFR part 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.

CX A7

Transfer, lease, disposition, or acquisition of interests in property, if property use is to remain unchanged.

- Lease, purchase, or sale of existing office space, parking accommodations, storage facilities for operational equipment, supplies, visitor centers, educational facilities, training facilities, and similar non-laboratory or process operations;
- Lease, purchase, or sale of undeveloped property, where property is to remain undeveloped;
- Lease, purchase, or sale of existing storage facilities, where such facilities will not be used for storage of hazardous or radioactive materials, or wastes;
- Lease, purchase, use and disposal of capital equipment;
- Renewal of existing land use permits and leases where use remains unchanged; and
- Land surveys associated with land use agreements, and the lease, sale, purchase or use of such lands.

CX A8

Award of contracts for technical support services, management and operation of a government-owned facility, and personal services.

The items below represent only the actual award of contracts; activities to be performed under the contracts may still require NEPA documentation.

- **Formation of consulting agreements with individuals;**
- **Award of contracts for providing on-site personnel to conduct technical or administrative support;**
- **Award of contracts for office cleaning, office equipment leasing and/or maintenance, or courier services;**
- **Award of contracts for maintenance support services;**
- **Award of contracts for architecture/engineering services;**
- **Award of contracts for security support and/or training;**
- **Award of contracts for environment, health and safety training, hazardous materials communications training, or other general training for DOE employees and/or contractors;**
- **Award of contracts for management of food service facilities;**
- **Award of contracts for leasing, maintaining, or operating vending machines;**
- **Awards of contracts for maintenance and repair of facilities and equipment;**
- **Awards of contracts for waste recycling;**
- **Award of contracts for asbestos abatement;**
- **Award of contracts for safety and health support;**
- **Award of contracts for environmental monitoring, site characterization, remedial actions, or other environmental support;**
- **Award of contracts for laboratory analytical services or laboratory operational/administrative support;**
- **Award of contracts for managing information systems, including installation, repair, upgrades, and replacement of network-related hardware and software; and**
- **Award of any other contract under which activities to be performed will not require NEPA documentation under DOE or CEQ regulations or for which NEPA documentation is complete.**

CX A9

Information gathering (including, but not limited to, literature surveys, inventories, audits), data analysis (including computer modeling), document preparation (such as conceptual designs or feasibility studies, analytical energy supply and demand studies), and dissemination (including, but not limited to, document mailings, publication, and distribution; and classroom training and informational programs), but not including site characterization or environmental monitoring. (Also see B3.1.)

- **Preparation and review of reports;**
- **Development and implementation of training programs for security, health and safety, hazardous materials communications, or other general training of DOE employees and/or contractors;**
- **Engineering studies (conceptual design, feasibility studies, space planning, energy audits, technical design reviews, safety assessments);**
- **Risk assessments, dose and exposure calculations, and similar studies for use in planning and document preparation;**
- **Conduct risk management activities and prepare safety documents including SARs, PHAs, SAs, and others;**
- **Quality assurance activities, data validation, chain of custody documentation;**
- **Conduct scientific and engineering analysis and design activities utilizing computer and/or other analytical, non-invasive methods;**
- **Non-intrusive/non-invasive audits, appraisals, surveillances, and inspections of property, facilities, or operations;**
- **Perform root cause analyses and corrective actions in response to audit findings or occurrences, management surveillances, or inspections;**
- **Conduct health and safety related studies including, but not limited to site and personnel monitoring, bioassay, epidemiological studies, toxicological studies, industrial hygiene studies, health physics studies;**
- **Astronomic or remote sensing data collection activities using existing facilities, not requiring major modification;**
- **Collection, compilation, and analysis of existing hydrologic, climatological, demographic, economic, ecological, archaeological, geological, or other scientific or technical information;**
- **Developing, validating, obtaining and/or use of hydrologic, climatological, demographic, economic, ecological, archaeological, geological, or other computer models;**
- **Computer use, computer studies, computer-aided studies, computer modeling;**
- **Design, development, entry, testing, evaluation, implementation, and distribution of computer software;**
- **Obtaining, development, and/or use of computer database, on-line or subscription-based database or data management systems;**

- Interviews;
- Inventories;
- Development and/or implementation of management tracking systems for documents and/or activities;
- Research, development, and testing designs/paper studies;
- Research, development, compilation, review, publication (if appropriate), and dissemination of materials including, but not limited to guidance documents, newsletters, periodicals, training materials, standard operating procedure (SOP) materials, articles, brochures, handouts, video tapes, log books, press releases, brochures, handouts, meeting minutes, view graphs, recordings;
- Research, review, approval, and publication (if appropriate) of corporate policies, procedures, and documents, (including but not limited to ES&H Manual and supplements, Overview of ES&H Program and supplements, and other contractor policy directives, management procedures, and "lessons learned" information);
- Recording of information including production of computer data files, log books, data bases, reports, videotapes, recordings, and other media;
- Investigations (security, ES&H complaints, other);
- Establishment and operation of a telephone "hotline" to communicate public information, ES&H information, or for other special purpose use;
- Develop and maintain training records;
- Develop, review, approve and publish metrics (measurements of customer satisfaction, customer desires, performance of goals and objectives);
- Communication (including transmission and reception) of information between existing electronic devices, people, fauna and insect life; and
- Preparation of compliance documents including permits for air quality, RCRA, CERCLA, and others.

CX A10

Reports or recommendations on legislation or rulemaking that is not proposed by DOE.

CX A11

Technical advice and planning assistance to international, state, and local organizations.

- Assistance in the areas of advanced energy technologies (including component and system design, design for environmentally conscious manufacturing, pollution detection and monitoring, robotics, arms control, verification, and disarmament.