



NEPA Categorical Exclusion Determination Form

Program or Field Office: U.S. Department of Energy (DOE) Office of Legacy Management (LM)

Project Title: AS&T Disposal Cell Cover Study at L-Bar, New Mexico, Disposal Site

Location: L-Bar, Cibola County, New Mexico

Proposed Action or Project Description:

LM proposes to perform a geotechnical investigation on the L-Bar disposal cell cover, which would be reviewed and concurred with by the U.S. Nuclear Regulatory Commission. The Applied Studies and Technology study would evaluate the effects of natural processes on the performance of the cover and investigate options for improving long-term surveillance and maintenance of the cover. The site is a Uranium Mill Tailings Radiation Control Act Title II site approximately 10 miles north of Laguna Pueblo, New Mexico, in Cibola County.

This study would include up to 20 test pit locations on the disposal cell cover where up to 8-foot by 8-foot areas would be exposed by hand to investigate the features; hand sampling and Geoprobe sampling would be conducted as needed. Hand sampling and Geoprobe sampling of the cover soil layer would be performed at up to five locations on the top slope where erosional features have been identified. Disturbance to earthen materials of the disposal cell caused by sampling would be restored using appropriate materials and methods. The Grand Junction, Colorado, Disposal Site is the proposed source of restoration material for the radon barrier and bedding layers as there are stockpiles of clay and bedding onsite that can be used. Materials for cover soil restoration on the top slope would be sourced on the L-Bar site, which is the original source of the cover material. Other than the off-cell staging of equipment and borrow area to be used for restoration of the cover, no off-cell work would be performed as part of this investigation. The total area of project-related land disturbance would be less than 1 acre. Onsite oil or fuel storage associated with the planned field work would be in approved containers 8 gallons or less with spill containment and a spill kit in place. Any fueling conducted onsite would be in accordance with a project Fueling Plan.

All excavated material would be segregated by type and placed on plastic sheeting. Stockpiled soil material would also be covered by tarps. Additional information and samples would be acquired at some sample locations within the study area by hand augering and by coring using a Geoprobe. The radon barrier would be fully penetrated at some study locations to determine its thickness and to obtain full thickness core samples. Contact with the radiologically contaminated mill tailings waste would be incidental. A radiological control technician (RCT) would be present to monitor and control exposures and to survey equipment and supplies. No samples of tailings material or radiological samples would be collected during the investigation for offsite analysis. Equipment and personnel would be surveyed and decontaminated between locations as determined necessary by field measurements taken by the RCT and as identified in the work plan and radiological procedures. Investigation-derived waste (IDW) would be radiologically surveyed, sorted, and decontaminated for unrestricted release. The unrestricted waste would be managed as solid waste and disposed in a landfill. Any generated liquid or solid IDW would be disposed of down core holes at a depth below the radon barrier. Ground surveying and GPS locating would be performed as needed. Any survey flagging or markers would be placed using hand tools only. All-terrain vehicles and utility vehicle travel would be allowed on the disposal cell cover to support the study, but care would be taken to not damage the cover. A geotechnical engineer subcontractor would utilize a nuclear gauge to determine moisture content and density of compacted soil during restoration of cover layers. The nuclear gauge would contain a radioactive source material.

Categorical Exclusion(s) Applied:

- A9 Information Gathering, Analysis, and Dissemination
- B1.3 Routine Maintenance
- B3.1 Site Characterization and Environmental Monitoring

For the complete DOE National Environmental Policy Act (NEPA) regulations regarding categorical exclusions, including the full text of each categorical exclusion, see Subpart D of Title 10 *Code of Federal Regulations* Section 1021 (10 CFR 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,



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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 by the LM Director per DOE Policy 451.1), I have determined that the proposed action fits within the specified classes 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 Signature and
Determination Date**

Joyce E. Chavez

Digitally signed by Joyce E. Chavez
Date: 2022.08.04 10:15:14 -06'00'