



Department of Energy
Washington, DC 20585

RECORD OF CATEGORICAL EXCLUSION (CX) DETERMINATION

OFFICE: Office of Electricity Delivery and Energy Reliability (OE)

STIMULUS PROPOSAL: American Recovery and Reinvestment Act of 2009 (Recovery Act) Program Direction

BACKGROUND: The National Environmental Policy Act (NEPA) requires federal agencies to prepare Environmental Impact Statements (EISs) for every recommendation or report on proposals for legislation and other major federal actions significantly affecting the quality of the human environment.

The Department of Energy's (DOE's) regulations that implement NEPA require it to determine whether a proposal (in this case the proposal to fund third party research and analysis) requires that an EIS, an Environmental Assessment (EA), or a Categorical Exclusion (CX) be prepared. An EA is a concise public document that provides sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact. A CX refers to a category of actions that DOE has determined do not individually or cumulatively have a significant effect on the human environment. As such DOE need not prepare and EA or an EIS for categorically excluded actions.

All of DOE's CXs are listed at 10 CFR 1021, Appendices A and B to Subpart D. The use of CXs provides a way for DOE to streamline the NEPA review process and preserve its resources for environmentally significant proposals. The CXs are applicable to all DOE "actions" which by definition include projects funded by DOE but undertaken by a third party. DOE regulations define "action" to include "a project . . . as discussed at 40 CFR §1508.18, that is subject to DOE's control and responsibility." 10 CFR §1021.104(b). The CEQ regulations at 40 CFR §1508.18 define major federal action to include "projects and programs entirely or partly financed, assisted, conducted, regulated, or approved by federal agencies."

In order to conclude that a proposed action is categorically excluded, DOE is required by regulation to first determine that: 1) the action fits within a categorical exclusion, 2) there are no extraordinary circumstances related to the action that may affect its significance, and 3) the action is not connected to other actions with potentially significant impacts.

In this CX Determination, DOE describes the proposed action and explains why it is categorically excluded.

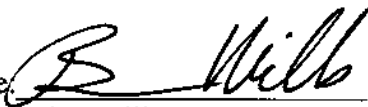
PROPOSED ACTIONS: OE plans to use \$29 million of American Recovery and Reinvestment Act of 2009 (Recovery Act) funds For Program Direction. The funds will be expended at the rate of 0.6M per quarter through 9/30/2015.

CX TO BE APPLIED: : The proposal fits within a class of actions that is listed in appendix A to subpart D of Part 1021- Categorical exclusions applicable to general agency actions, specifically:

A1 Routine actions necessary to support the normal conduct of agency business, such as administrative, financial, and personnel actions.

RATIONAL: The planned activities will involve the utilization of existing facilities and infrastructure to accomplish the goal of establishing a Smart Grid. The actions identified in the CX above has been determined by DOE in the past to not individually or cumulatively have a significant effect on the human environment.

DETERMINATION: Based on OE's review of the above information concerning the proposed action, as NEPA Compliance Officer (as authorized under DOE Order 451.1A), I have determined that the proposed action fits within the specified class of actions, other regulatory requirements set forth above are met, and the proposed action is hereby categorically excluded from further NEPA review.

Signature: 
Brian Mills
NEPA Compliance Officer
Office of Electricity Delivery
and Energy Reliability

Date: March 30, 2009