NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

RECORD OF SUBSTANTIATION OF NEW NATIONAL ENVIRONMENTAL POLICY ACT CATEGORICAL EXCLUSIONS

CONTENTS

ACRONYMS AND ABBREVIATIONS

AI	Artificial Intelligence
BMP	Best Management Practice
CATEX/CE/CX	Categorical Exclusion
CEQ	Council on Environmental Quality
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
C.F.R.	Code of Federal Regulations
CHIPS	Creating Helpful Incentives to Produce Semiconductors
CRS	Community Rating System
DHS	United States Department of Homeland Security
DOC	United States Department of Commerce
DOE	Department of Energy
DOJ	Department of Justice
EA	Environmental Assessment
EPA	United States Environmental Protection Agency
FAA	Federal Aviation Administration
FBI	Federal Bureau of Investigation
FEMA	Federal Emergency Management Agency
FONSI	Finding of No Significant Impact
FR	Federal Register
GSA	General Services Administration
GTC	Georgia Institute of Technology
HUD	United States Department of Housing and Urban Development
JPL	Jet Propulsion Laboratory
LiMWA	Limit of moderate wave action
MCHA	MOWA Choctaw Housing Authority
NASA	National Aeronautics and Space Administration
NCPC	National Capital Planning Commission
NEPA	National Environmental Policy Act
NFPA	National Fire Protection Association
NIH	National Institute of Health
NIST	National Institute of Standards and Technology
NOA	Notice of Availability

NOAA	National Oceanic and Atmospheric Administration
NPDES	National Pollutant Discharge Elimination System
NPS	National Park Service
NTIA	National Telecommunications and Information Association
OE	Ocean Energy
OSHA	Occupational Safety and Health Act
PCB	Polychlorinated biphenyl
PEA	Programmatic Environmental Assessment
PEIS	Programmatic Environmental Impact Statement
PSIC	Public Safety Inoperable Communications
RCRA	Resource Conservation and Recovery Act
SHPO	State Historic Preservation Office
U.S.	United States
U.S.C.	United States Code
USCG	United States Coast Guard
USFWS	United States Fish and Wildlife Service

1.0 INTRODUCTION

The Council on Environmental Quality's (CEQ's) regulations, 40 Code of Federal Regulations (C.F.R.) parts 1500 through 1508, which implement the National Environmental Policy (NEPA) Act, 42 United States Code (U.S.C.) § 4321 et seq., provide the requirements for establishing and using categorical exclusions (CEs). See 40 C.F.R. §§ 1501.4(a), 1507.3(c)(8), 1508.1(e). Additionally, CEQ has provided guidance on how an agency may document its determination that a CE is appropriate for a particular category of actions. CEQ, *Final Guidance for Federal Departments and Agencies on Establishing, Applying, and Revising Categorical Exclusions under the National Environmental Policy Act*, 75 Federal Register (FR) 75628 (Dec. 6, 2010) ("2010 Guidance").

Agencies may establish new CEs or revise existing CEs for a variety of reasons. For example, an agency may need to establish new CEs or revise existing CEs to accommodate changes in the agency's programs. In addition, an agency may propose a new or revise an existing CE for a category of actions that it previously evaluated by preparing Environmental Assessments (EAs), if the agency has determined that the category of actions does not normally result in significant effects.

In order to demonstrate that a CE is appropriate for a particular category of actions, an agency must prepare an analysis that explains how the agency determined that the category of actions covered by the proposed CE normally does not have a significant effect on the human environment, individually or in the aggregate, consistent with section 111(1) of NEPA (42 U.S.C. § 4336e(1)) and 40 C.F.R. §§ 1501.4(a), 1507.3(c)(8), and 1508.1(e). This analysis document is referred to as a "substantiation record."

When an agency establishes CEs as part of the agency's NEPA procedures, the agency must consult with CEQ, which includes consulting on the substantiation record for any CEs that the agency proposes to add to or revise in its procedures. 40 C.F.R. § 1507.3(b)(1). The agency developing or revising a CE should also consult with agencies that have similar programs in order to coordinate their NEPA procedures, including their CEs, especially when the agencies' programs request similar information from applicants. 40 C.F.R. § 1507.3(b)(1).

Following these initial consultations, the agency must publish its proposal in the Federal Register, make its substantiation record available to the public, and seek input from the public. 40 C.F.R. § 1507.3(b)(2). Before an agency issues final procedures, CEQ must review them, which includes reviewing how the agency addressed public comments, and determining whether the procedures conform with NEPA and the CEQ regulations. 40 C.F.R. § 1507.3(b)(2).

Consistent with CEQ's regulations and the 2010 Guidance, the National Institute of Standards and Technology (NIST) has prepared this document to support its rationale for 16 new CEs.

NIST CE	CE TEXT
Administrative Activities	
NIST A-1	Preparation, modification, and issuance of policy directives, rules, regulations, procedures, guidelines, guidance documents, bulletins, and informational publications that are of an administrative, financial, legal, technical, or procedural nature, and for which the environmental effects are too broad, speculative, or conjectural to lend themselves to meaningful analysis and will be, in whole or part, subject later to the NEPA process, either collectively or on a case-by-case basis.

NIST CE	CE TEXT
NIST A-2	Planning, educational, informational, or advisory activities provided to other agencies, public and private entities, visitors, individuals, or the public, including training exercises and simulations conducted under appropriately controlled conditions and in accordance with all applicable laws, regulations, and requirements.
NIST A-3	Preparation and dissemination of scientific results, studies, surveys, audits, reports, plans, papers, recommendations, and technical advice.
NIST A-4	Technical assistance to other Federal, Tribal, State, and local agencies or the public.
Operations	
NIST A-5	Routine procurement, use, storage, transportation, and disposal of non-hazardous goods and services in support of administrative, operational, or maintenance activities in accordance with Executive Orders and Federal procurement guidelines. Examples include office supplies and furniture; equipment; mobile assets (i.e., vehicles, vessels, aircraft); utility services; and deployable emergency response supplies and equipment.
NIST A-6	Routine use of hazardous materials (including procurement, transportation, distribution, and storage of such materials) and reuse, recycling, and disposal of solid, medical, radiological, or hazardous waste in a manner that is consistent with all applicable laws, regulations, and requirements. Examples include use of chemicals for laboratory applications; refueling of storage tanks; temporary storage and disposal of solid waste; disposal of waste through manufacturer return and recycling programs; and hazardous waste minimization activities, including source reduction activities and recycling.
NIST A-7	Maintenance of facilities, equipment, and grounds that is limited to existing uses and facility conditions and would not expand the footprint of the facility. Examples include interior utility work, road maintenance, window washing, lawn mowing, landscaping, weed management/maintenance, trash collecting, facility cleaning, and snow removal.
Facility Modernization	
NIST A-8	Internal modifications, renovations, or additions (e.g., computer facilities, relocating interior walls) to structures or buildings that do not result in a change in the functional use of the property.
NIST A-9*	Exterior or interior renovation, addition, repair, alteration, safety and environmental improvements, and demolition projects affecting buildings, roads, grounds, equipment, and other facilities, including subsequent disposal of debris, which may be contaminated with hazardous materials, lead, or asbestos. Hazardous materials must be disposed of at approved sites in accordance with all applicable laws, regulations, and requirements. These actions may require operations to be suspended and then resumed, but the actions must not result in a substantial change in the expected useful life, design, capacity, or function of the facility. The actions do not include rebuilding or modifying substantial portions of a facility (such as replacing a reactor vessel). Examples include the following: a) Painting, roofing, siding, or alterations to an existing building; b) Adding a small storage shed to an existing building; c) Retrofitting for energy and water conservation and efficiency, including weatherization (such as insulation and replacing windows and doors); installation of timers on hot water heaters; installation or replacement of energy efficient lighting,

NIST CE	CE TEXT
	heating, ventilation, and air conditioning systems, and appliances; installation of low flow plumbing fixtures (such as faucets, toilets, and showerheads); programmed lowering of thermostat settings; installation of drip-irrigation systems; improvements in generator efficiency and appliance efficiency ratings; and efficiency improvements for vehicles and transportation (such as fleet changeout); d) Closing and demolishing a building not eligible for listing under the National Register of Historic Places; e) Replacement or upgrade of control valves, in-core monitoring devices, facility air filtration systems, or substation transformers or capacitors; f) Addition of structural bracing to meet earthquake standards and/or sustain high wind loading; g) Replacement of aboveground or belowground tanks and related piping, provided that there is no evidence of leakage, based on testing in accordance with applicable requirements (such as 40 C.F.R. Part 265, "Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities" and 40 C.F.R. Part 280, "Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks"); h) Installation of power storage (such as flywheels and batteries), less than 10-megawatt equivalent; or i) Installation of transportation management systems such as traffic signal control systems, car navigation, speed cameras, and automatic plate number recognition.
NIST A-10*	Minor improvements to existing steam plants and cooling water systems (including, but not limited to, modifications of existing cooling towers and ponds) that support building, commercial, laboratory, or industrial spaces, provided that the improvements would not: a) Create new sources of water or involve new receiving waters; b) Have the potential to significantly alter water withdrawal rates; c) Exceed the permitted temperature of discharged water; or d) Increase introductions of, or involve new introductions of, hazardous substances, pollutants, contaminants, or Comprehensive Environmental Response, Compensation, and Liability Act-excluded (CERCLA) petroleum and natural gas products.
NIST A-11*	Installation or relocation and operation of machinery and equipment (including, but not limited to, laboratory equipment, electronic hardware, manufacturing machinery, maintenance equipment, and health and safety equipment), provided that uses of the installed or relocated items are consistent with the general missions of the receiving structure. Covered actions include modifications to an existing building, within or contiguous to a previously disturbed or developed area, that are necessary for equipment installation and relocation. Such modifications would not appreciably increase the footprint or height of the existing building or have the potential to cause significant changes to the type and magnitude of environmental effects.

NIST CE	CE TEXT
Real Property	
NIST A-12*	Acquisition or use of existing facilities or portions thereof by purchase, lease, or use agreement where use or operation will remain unchanged. Examples include acquiring office space through lease, purchase, or use agreement, and acquisition of laboratory space through lease, purchase, or use agreement.
NIST A-13*	Decisions and actions to close facilities, decommission equipment, or temporarily discontinue use of facilities or equipment, where the facility or equipment, including office equipment, telecommunications equipment, and computer equipment, is not used to prevent or control environmental effects.
Research	
NIST A-14*	Proposed new and recurring activities and operations conducted in laboratories and facilities where research practices and safeguards (including but not limited to environmental permits for operation) prevent environmental effects, would be consistent with previously established safety levels, and would not result in a change in use of the facility. Examples include types of research, development, testing, and evaluation activities, and laboratory operations conducted within existing facilities designed to support research and development activities. Such facilities could be used for indoor small-scale research and development projects and small-scale pilot projects using nanoscale materials in accordance with applicable requirements (such as engineering, worker safety, procedural, and administrative regulations) necessary to ensure the containment of any hazardous materials. Not included in this category are demonstration actions, meaning actions that are undertaken at a scale to show whether a technology would be viable on a larger scale and suitable for commercial deployment.
NIST A-15*	Outdoor research activities conducted in compliance with all applicable laws, regulations, and requirements where no new ground disturbance occurs and no sensitive resources (e.g., threatened or endangered species, archaeological sites, Tribal resources, wetlands, and waterbodies) are present, such as radar testing, radio noise measurements, and public safety communications research.
Facility Construction	
NIST A-16*	New construction or improvement of buildings or experimental equipment (e.g., trailers, prefabricated buildings, and test slabs) on previously disturbed ground, with no more than 1 acre (0.4 hectare) of ground disturbance in previously disturbed areas, where the proposed facility use is generally compatible with the surrounding land use and applicable zoning standards and will not require additional support infrastructure.

CEs labeled with an asterisk (*) require documentation in accordance with NIST's NEPA procedures.

2.0 BACKGROUND

Founded in 1901, the mission of NIST is to promote United States (U.S.) innovation and industrial competitiveness by advancing measurement science, standards, and technology in ways that enhance economic security and improve our quality of life. Historically, NIST has carried out this mission through activities such as operation of the NIST Laboratories, which conduct world-class research, often in close collaboration with industry, that advances the nation's technology infrastructure and helps U.S. companies continually improve products and services.

NIST, as part of the Department of Commerce (DOC), operates under NEPA procedures established for the entire department. The most recent update to the DOC NEPA procedures, including CEs applicable to DOC activities, was published in the Federal Register on December 22, 2009 (74 FR 67829). That document outlines the process by which the DOC, including agencies like NIST, ensures compliance with NEPA and details specific CEs for routine activities unlikely to have significant environmental effects on the environment.

In August 2022, Congress passed the CHIPS and Science Act of 2022, which amended Title XCIX of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, 15 U.S.C. § 4651 et seq., also known as the Creating Helpful Incentives to Produce Semiconductors (CHIPS) for America Act. The law provides the DOC with $50 billion for a suite of programs to strengthen and revitalize the U.S. position in semiconductor research, development, and manufacturing. The CHIPS for America program encompasses two offices within NIST responsible for implementing the law: the CHIPS Research and Development Office is investing $11 billion into developing a robust domestic semiconductor R&D ecosystem, while the CHIPS Program Office is dedicating $39 billion to provide incentives for investment in semiconductor facilities and equipment in the U.S. NIST is uniquely positioned to successfully administer the CHIPS for America program because of the bureau's strong relationships with U.S. industries, its deep understanding of the semiconductor ecosystem, and its reputation as fair and trustworthy.

Due to the addition of the CHIPS programs under NIST, NIST developed NEPA Procedures, and the substantiation of these CEs, tailored to NIST-specific activities for the purposes of more focused and efficient processes. The purpose of this CE substantiation is to integrate NEPA into NIST's decision-making processes in order to help achieve the purposes of NEPA, as set forth in the statute and reflected in CEQ's regulations. See 40 C.F.R. § 1500.1. These CEs are intended to make the NEPA process more useful to decision makers and the public by helping NIST to reduce paperwork and the accumulation of extraneous background data; emphasize important environmental issues and alternatives; and prepare environmental documents that are concise, clear, and supported by evidence that NIST has conducted the necessary environmental analyses.

3.0 METHODOLOGY TO DEVELOP THE NEPA COMPLIANCE FRAMEWORK

3.1 OVERVIEW

To ensure consistency within this document, the term "CE" is used universally to denote "Categorically Excluded Action," despite variations in abbreviations or monikers used by NIST and other federal agencies such as "CATEX" and "CX."

The NIST CEs are supported by long-standing CEs and administrative records that have been developed by other federal agencies through processes consistent with NEPA's regulatory requirements and CEQ guidance on the establishment of CEs. NIST identified existing CEs established by other federal agencies that are sufficiently described in supporting substantiation records to demonstrate that the actions covered

by these existing CEs are similar in nature, scope, and effect on the human environment to actions performed by NIST. NIST also reviewed and analyzed other past actions of NIST and other federal agencies, including supporting NEPA documentation, to develop the CEs. The past actions were evaluated to demonstrate that the NIST actions that will be eligible under the CEs normally do not have a significant effect on the human environment, individually or in the aggregate. For each of the CEs in this substantiation document, NIST concludes that the CEs encompass activities that normally do not have a significant effect on the human environment, individually or in the aggregate.

3.2 EXTRAORDINARY CIRCUMSTANCES

NIST's NEPA procedures require the consideration of the following extraordinary circumstances before application of any CE. In developing and substantiating these CEs, NIST took into account these extraordinary circumstances and did not include specific exclusions in each CE that would replicate these extraordinary circumstances. In applying a CE, NIST must consider whether:

1) The action has the potential to adversely affect human health or safety.
2) The action is located in or may affect an area with unique environmental characteristics, such as: historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; national monuments; or other ecologically significant or critical areas.
3) The action may affect a species that is listed, or proposed to be listed, as threatened or endangered under the Endangered Species Act (ESA), or is located in the critical habitat of such a species.
4) The action has the potential to affect properties that are listed or eligible for listing on the National Register of Historic Places.
5) The action has the potential to affect lands owned by or held in trust for a federally recognized Tribe.
6) The action has the potential to restrict access to and ceremonial use of Indian sacred sites on federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites.
7) The action has the potential to have a disproportionate and adverse effect on communities with environmental justice concerns.
8) The action has the potential to violate a federal, state, tribal, or local law or requirement imposed for protection of the environment.
9) The action involves unresolved conflicts concerning alternative uses of available resources.
10) The action has highly uncertain and potentially significant environmental effects or involves unique or unknown environmental risks.
11) The action has the potential to establish a precedent for future action, or represents a decision in principle about future actions with potentially significant environmental effects.
12) The action has the potential for significant cumulative effects when the proposed action is combined with other past, present, and reasonably foreseeable future actions, even though the impacts of the proposed action may not be significant by themselves.

For a CE that NIST has adopted from another federal agency pursuant to Section 109 of NEPA, 42 U.S.C. § 4336c, and 40 C.F.R. § 1501.4(e), and where NIST has not independently substantiated that CE, NIST will consider extraordinary circumstances in the manner described in the Federal Register notice announcing the adoption of that CE. This process will typically require considering the extraordinary

circumstances identified by the agency that originally established the CE in that agency's NEPA procedures, either alone or in conjunction with the NIST extraordinary circumstances identified above.

3.3 CONSIDERATION OF DOE CONDITIONS THAT ARE INTEGRAL ELEMENTS OF THE CLASSES OF ACTIONS

In substantiating its CEs, NIST relies in many cases on CEs established by the Department of Energy (DOE) as benchmarks. NIST acknowledges that DOE's CEs include conditions known as "integral elements," which are outlined in Appendix B of DOE's NEPA implementing regulations (10 C.F.R. Part 1021) and are part of these DOE CEs. NIST has considered these integral elements and has designed its CEs and its extraordinary circumstances considerations (listed above) to fully account for these DOE integral elements. This approach ensures the analysis relying on DOE benchmarked CEs is conducted in the proper context with all associated limitations. For reference, DOE's integral elements, as outlined in 10 C.F.R. Part 1021 Appendix B, are included below:

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, 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. An environmentally sensitive resource is typically a resource that has been identified as needing protection through Executive Order, statute, or regulation by Federal, state, or local government, or a Federally recognized Indian tribe. An action may be categorically excluded if, although sensitive resources are present, the action would not have the potential to cause significant impacts on those resources (such as construction of a building with its foundation well above a sole-source aquifer or upland surface soil removal on a site that has wetlands). Environmentally sensitive resources include, but are not limited to:

   (i) Property (such as sites, buildings, structures, and objects) of historic, archeological, or architectural significance designated by a Federal, state, or local government, federally recognized Indian tribe, or Native Hawaiian organization, or property determined to be eligible for listing on the National Register of Historic Places;

   (ii) Federally-listed threatened or endangered species or their habitat (including critical habitat) or Federally-proposed or candidate species or their habitat (Endangered Species Act); state-listed or state-proposed endangered or threatened species or their habitat; Federally-protected marine mammals and Essential Fish Habitat (Marine Mammal Protection Act; Magnuson-Stevens Fishery Conservation and Management Act); and otherwise Federally-protected species (such as the Bald and Golden Eagle Protection Act or the Migratory Bird Treaty Act);

   (iii) Floodplains and wetlands (as defined in 10 C.F.R. § 1022.4, ''Compliance with Floodplain and Wetland Environmental Review Requirements: Definitions,'' or its successor);

   (iv) Areas having a special designation such as Federally- and state-designated wilderness areas, national parks, national monuments, national natural landmarks, wild and scenic rivers, state and Federal wildlife refuges, scenic areas (such as National Scenic and Historic Trails or National Scenic Areas), and marine sanctuaries;

(v) Prime or unique farmland, or other farmland of statewide or local importance, as defined at 7 C.F.R. § 658.2(a), ‘‘Farmland Protection Policy Act: Definitions,’’ or its successor;

(vi) Special sources of water (such as sole- source aquifers, wellhead protection areas, and other water sources that are vital in a region); and

(vii) Tundra, coral reefs, or rain forests; or

(viii) 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 of the Department of Agriculture, the Environmental Protection Agency, and the National Institutes of Health.

3.4 SUBSTANTIATION DOCUMENT ORGANIZATION

In accordance with CEQ's guidance for substantiating CEs, this document is organized to include one or more of the following headings detailing the substantiation analysis for each CE.

Prior NEPA Analyses of Comparable Actions / Previously Implemented Actions

This section is included where NIST has identified previously implemented actions for which NIST or other agencies prepared EAs that consistently supported findings of no significant impact (FONSIs) without the need for mitigation to reduce effects below significance. An analysis of these actions and their effects is included in this document where applicable.

Comparable Agency Categorical Exclusions/ Benchmarking Other Agencies' Experience

This section is included for CEs where NIST has assessed other agencies' experience with comparable CEs.

The CEs with an asterisk within this document require documentation. NIST's NEPA Procedures note that some activities, such as routine personnel actions or purchases of small amounts of supplies, may carry no risk of significant environmental effects, such that there is no benefit from preparing additional documentation when applying a CE to those activities. In these cases, NIST will not prepare CE documentation such as a record of consideration, unless NIST identifies extraordinary circumstances for a particular action and applies the CE to the proposed action notwithstanding the extraordinary circumstances.

4.0 NEW CATEGORICAL EXCLUSIONS

4.1 ADMINISTRATIVE ACTIVITIES

Categorical Exclusion A-1

Preparation, modification, and issuance of policy directives, rules, regulations, procedures, guidelines, guidance documents, bulletins, and informational publications that are of an administrative, financial, legal, technical, or procedural nature, and for which the environmental effects are too broad, speculative, or conjectural to lend themselves to meaningful analysis and will be, in whole or part, subject later to the NEPA process, either collectively or on a case-by-case basis.

Analysis: This CE is directly derived from the National Telecommunications and Information Association's (NTIA) A-2 CE, and NIST has incorporated NTIA's substantiation of this CE into its analysis of its application. NTIA developed this CE based on benchmark CEs from federal agencies such as the U.S.

Department Commerce (DOC) National Oceanic and Atmospheric Administration (NOAA), National Aeronautics and Space Administration (NASA), the U.S. Department of Homeland Security (DHS), the U.S. Department of Transportation Federal Aviation Administration (FAA), and the U.S. Department of the Treasury (NTIA 2024a, NTIA 2024b).

The actions in this CE will cover the administrative and procedural activities of preparing, modifying, or issuing policy directives, rules, regulations, procedures, guidelines, guidance documents, bulletins, and informational publications of an administrative, financial, legal, technical, or procedural nature. Activities covered under this CE could result in changes to NIST's administrative, financial, legal, technical, or procedural operations at the office, program, or agency level. This CE is only applicable in situations in which the ultimate environmental effects of the resulting change in NIST operations are too broad, speculative, or conjectural to lend themselves to meaningful analysis at the time that the CE is applied, and would be, in whole or in part, subject to later NEPA analysis. The later NEPA analysis must occur before NIST takes individual actions to implement the policies promulgated using the CE, and may be conducted either collectively (e.g., through a Programmatic Environmental Assessment [PEA] or Programmatic Environmental Impact Statement [PEIS]) or on a case-by-case basis as needed. Because these eventual effects are not reasonably foreseeable at the time that NIST applies the CE, and because those effects (including any cumulative effects) would be analyzed under NEPA before NIST takes an action that results in those effects, NIST can reasonably conclude that the action to which the CE applies will not in themselves have any significant, reasonably foreseeable effects.

These actions are supported by longstanding CEs from other federal agencies. NIST developed this CE based on the benchmark CEs listed below, including NTIA's previous substantiation. NIST analyzed the actions addressed by the CEs from other agencies and determined that the actions proposed by these agencies are sufficiently similar to the actions covered by this CE, and no controversy has been noted regarding the use of similar CEs within NTIA or among the referenced benchmark agencies. NIST has determined that this CE involves activities that inherently do not have a significant effect on the human environment, individually or in the aggregate.

Comparable Agency Categorical Exclusions

National Telecommunications and Information Administration
Reference: NEPA Procedures and CEs (April 2, 2024) (FR, 2024)
A-2. Preparation, modification, and issuance of policy directives, rules, regulations, procedures, guidelines, guidance documents, bulletins, and informational publications that are of an administrative, financial, legal, technical, or procedural nature, for which the environmental effects are too broad, speculative, or conjectural to lend themselves to meaningful analysis and will be, in whole or part, subject later to the NEPA process, either collectively or on a case-by-case basis.

U.S. Department of Homeland Security
Reference: Instruction Manual 023-01-001-01, Revision 01: Implementation of NEPA, Appendix A (November 6, 2014) (DHS, 2014)
A3. Promulgation of rules, issuance of rulings or interpretations, and the development and publication of policies, orders, directives, notices, procedures, manuals, advisory circulars, and other guidance documents of the following nature:

Those of a strictly administrative or procedural nature;

1) Those that implement, without substantive change, statutory or regulatory requirements;
2) Those that implement, without substantive change, procedures, manuals, and other guidance documents;

3) Those that interpret or amend an existing regulation without changing its environmental effect;
4) Technical guidance on safety and security matters; or
5) Guidance for the preparation of security plans.

U.S. Department of the Treasury
Reference: Treasury Directive 75-02: NEPA Program (May 6, 2015)
A3. Promulgation of rules, issuance of rulings or interpretations, and the development and publication of policies, orders, directives, notices, procedures, manuals, and other guidance documents of the following nature:

1) Those of a strictly administrative or procedural nature;
2) Those that adopt, without substantive change, statutory or regulatory requirements;
3) Those that implement, without substantive change, procedures, manuals, and other guidance documents;
4) Those that interpret or amend an existing regulation without changing its environmental effect;
5) Technical guidance on safety and security matters; or
6) Guidance for the preparation of security plans.

Categorical Exclusion A-2

Planning, educational, informational, or advisory activities provided to other agencies, public and private entities, visitors, individuals, or the public, including training exercises and simulations conducted under appropriately controlled conditions and in accordance with all applicable laws, regulations, and requirements.

Analysis: This CE is directly derived from NTIA's A-4 CE, and NIST has incorporated NTIA's substantiation of this CE into the analysis of its application. NTIA developed this CE based on prior NTIA actions and benchmark CEs from federal agencies including National Aeronautics and Space Administration (NASA), National Oceanic and Atmospheric Administration (NOAA), U.S. Agency for International Development, U.S. Department of Agriculture (USDA), and DOE. NTIA concluded that though some of the examples listed by the benchmark agencies were specific to those agencies' missions, the essential activity contemplated by the CEs (i.e., those of training exercises and simulations) are the same (NTIA 2024a, NTIA 2024b).

This CE covers planning, educational, informational, or advisory activities provided to other agencies, public and private entities, visitors, individuals, or the public, including classroom- and field-based training exercises and simulations conducted under in accordance with, all applicable laws, regulations, and requirements. The actions conducted under this CE will be consistent with previously established safety levels (such as those developed and managed by NIST's Office of Safety, Health, and Environment [OSHE]) and in compliance with federal, state, tribal, and local requirements to protect the environment and will not alter NIST policy or operations. Due to these limitations, this CE covers activities that will have no potential for significant effects to the human environment. NIST may use this CE for training exercises and simulations on existing NIST property, and it may also be applied to activities at properties for which NIST provides funding or is working in partnership with external entities. NIST might engage in these activities in multiple ways, including in person conferences, classroom training sessions, in field activities, or webinar trainings.

NIST analyzed the actions addressed by CEs from other agencies listed below, including NTIA's previous substantiation, and determined that the actions proposed by these agencies are sufficiently similar to the

actions covered by this CE and that no controversy has been noted regarding the use of similar CEs within NTIA or among the referenced benchmark agencies. Training exercises and simulation activities of a similar nature, scope, and intensity are routinely performed throughout the federal government without significant environmental effects. NIST concludes that the actions described in this CE encompass planning, educational, informational, or advisory activities that will not result in significant effect on the human environment, individually or in the aggregate.

Prior NEPA Analyses of Comparable Actions

National Telecommunications and Information Administration
Reference: 74 *FR* 78: Notice of Availibility (NOA) of a PEA Final FONSI for the Public Safety Inoperable Communications (PSIC) Grant Program PEA (April 24, 2009); PEA Draft FONSI for the Implementation of the PSIC Grant Program (February 18, 2009) (NTIA, 2009)
The National Telecommunications and Information Administration (NTIA) developed a PEA to evaluate the potential effects of the Public Safety Interoperable Communications Grant Program. The PEA analyzed the potential effects of the Proposed Action, which included a wide range of construction, installation, and procurement activities designed to improve interoperable communications among public safety agencies. Among the activities analyzed, the PEA evaluated the effects of planning, training, and exercises on a range of natural and cultural resources as well as on the built environment. Planning, training, and exercises involved single- and multi-event activities, including both classroom-based and field-based training, to prepare first responders and support personnel to use interoperability communications equipment in a coordinated and efficient manner. The analysis concluded that exercises to be conducted at previously undisturbed sites that would involve ground disturbance of 1 acre or more would require further site-specific EAs. The FONSI also acknowledged that extraordinary circumstances must be considered when considering the applicability of the EA to propose training exercise. For example, if the training exercise is proposed to take place where sensitive environments exist, an EA may be necessary. For other training actions for which extraordinary circumstances do not exist, the analysis determined that planning, training, and exercises would not significantly affect any of the resource areas analyzed and would not require site-specific EAs. A FONSI was issued for the project that determined the Preferred Alternative, which included analyzing the effects of planning, training, and exercises on a range of resource areas, would not significantly affect the environment.

Comparable Agency Categorical Exclusions

National Telecommunications and Information Administration
Reference: NEPA Procedures and CEs (April 2, 2024) (FR, 2024)
A-4. Planning, educational, informational, or advisory activities provided to other agencies, public and private entities, visitors, individuals, or the public, including training exercises and simulations conducted under appropriately controlled conditions and in accordance with all applicable laws, regulations, and requirements.

National Oceanic and Atmospheric Administration
Reference: Policy and Procedures for Compliance with NEPA and Related Authorities, Companion Manual to NOAA Administrative Order 216-6A, Appendix E (January 13, 2017) (NOAA, 2017)
G8. Activities that are educational, informational, or advisory to other agencies, public and private entities, visitors, individuals, or the general public, including training exercises and simulations.
Examples:

1) On-site personnel providing support (e.g., data, modeling, interpretation, and administrative) to the National Response Framework of National Oil and Hazardous Substances Pollution Contingency Plan;

2) Formal or informal education and scholarship programs (e.g., NOAA's Bay Watershed Education and Training Program, National Marine Sanctuary Foundation and associated programs, Nancy Foster Scholarships, The Jason Project, Science on a Sphere, Cooperative Program for Earth System Education);
3) Outreach events to provide training, education, and environmental literacy;
4) Experiential learning activities that take place in the environment (e.g., field trips to terrestrial, coastal, and marine/aquatic habitats for educational purposes, such as Nature's Classroom); and
5) Marine debris public education and outreach.

U.S. Department of Energy
Reference: 10 C.F.R. Part 1021, Subpart D, Appendix B: CEs Applicable to Specific Agency Actions (April 30, 2024)
B1.2. Training exercises and simulations (including, but not limited to, firing-range training, small-scale and short-duration force-on-force exercises, emergency response training, fire fighter and rescue training, and decontamination and spill cleanup training) conducted under appropriately controlled conditions and in accordance with applicable requirements.

Categorical Exclusion A-3

Preparation and dissemination of scientific results, studies, surveys, audits, reports, plans, papers, recommendations, and technical advice.

Analysis: This CE is directly derived from NTIA's A-6 CE, and NIST has incorporated NTIA's substantiation into the analysis of its application. NTIA developed this CE based on benchmark CEs from the DOE, NASA, DHS, Department of Interior (DOI), and the US Department of the Treasury. NTIA contemplated that the CE may be applied to either direct or grant-funded actions (NTIA 2024a, NTIA 2024b). In addition, NIST adopted DOE CE A9 (effective September 20, 2024), which applies to similar activities described in this NIST CE. DOE developed CE A9 in the early 1990s and clarified in 2011 that this CE includes (but is not limited to) site visits (DOE, 2011a). DOE has used this CE for activities related to buffer storage for solar industrial steam applications, seismic surveying, studies quantifying coal resources, and studies pertaining to hydrogen. By substantiating this CE, NIST aims to align it seamlessly with its NEPA procedures.

The actions in this CE will cover the activities of preparing and disseminating scientific results that have no inherent potential for significant environmental effects and are supported by long standing CEs from other federal agencies. These actions would comprise information sharing, including through reports and similar documents that do not result in a commitment of resources beyond staff time. The preparation and dissemination of information does not commit NIST to further action.

NIST developed this CE based on the benchmarked CEs from multiple federal agencies listed below, including NTIA's previous substantiation, each of which includes information dissemination activities. NIST analyzed the actions addressed by the CEs from other agencies and determined that the actions proposed by these agencies are sufficiently similar to the actions covered by this CE and that no controversy has been noted for use of similar CEs within NTIA or DOE. NIST's activities could include all the activities enumerated in the cited CEs and could be applied to either direct NIST actions or grant-funded actions. NIST concludes that the actions described in this CE encompass administrative activities that will not result in significant effects on the human environment, individually or in the aggregate.

Comparable Agency Categorical Exclusions

National Telecommunications and Information Administration
Reference: NEPA Procedures and CEs (April 2, 2024) (FR, 2024)
A-6. Preparation and dissemination of scientific results, studies, surveys, audits, reports, plans, papers, recommendations, and technical advice.

U.S. Department of Energy
Reference: 10 C.F.R. Part 1021, Subpart D, Appendix A: CEs Applicable to General Agency Actions (April 30, 2024)
A9. Information gathering (including, but not limited to, literature surveys, inventories, site visits, audits), data analysis (including, but not limited to, computer modeling), document preparation (including, but not limited to, conceptual design, feasibility studies, and analytical energy supply and demand studies), and information dissemination (including, but not limited to, document publication and distribution, and classroom training and informational programs), but not including site characterization or environmental monitoring.

U.S. Department of Homeland Security
Reference: Instruction Manual 023-01-001-01, Revision 01: Implementation of NEPA, Appendix A (November 6, 2014) (DHS, 2014)
A4. Information gathering, data analysis and processing, information dissemination, review, interpretation, and development of documents. If any of these activities result in proposals for further action, those proposals must be covered by an appropriate CE. Examples include but are not limited to:

1) Document mailings, publication and distribution, training and information programs, historical and cultural demonstrations, and public affairs actions.

Studies, reports, proposals, analyses, literature reviews; computer modeling; and non-intrusive intelligence gathering activities.

U.S. Department of the Treasury
Reference: Treasury Directive 75-02: NEPA Program (May 6, 2015) (USDT, 2015)
A4. Information gathering, data analysis and processing, information dissemination, review, interpretation, and development of documents. If any of these activities result in proposals for further action, those proposals must be covered by an appropriate CE. Examples include but are not limited to:

1) Document mailings, publication and distribution, training and information programs, historical and cultural demonstrations, and public affairs actions.

Studies, reports, proposals, analyses, literature reviews; computer modeling; and non-intrusive information gathering activities.

National Institute of Health
Reference: General Administration Manual Part 30: Environmental Protection (February 25, 2000) (HHS, 2000)
20. The collection, processing, retention, evaluation and dissemination, including publication, of data and other information, including the acquisition and management of resources necessary to carry out those functions.

Categorical Exclusion A-4

Technical assistance to other Federal, Tribal, State, and local agencies or the public.

Analysis: This CE is directly derived from NTIA's A-7 CE, and NIST has incorporated NTIA's substantiation of this CE into the analysis of its application. NTIA developed this CE based on benchmark CEs from the federal agencies of the National Park Service (NPS), DOE, and DHS. NTIA concluded that although the non-exhaustive examples listed by the benchmark agencies were unique to agency missions, the essential activity contemplated was the same. NTIA concluded that it could apply the CE to direct or grant-funded actions (NTIA 2024a, NTIA 2024b).

This CE will cover technical assistance actions that are administrative in nature and will not inherently have potential for significant environmental effects. NIST promotes innovation and industrial competitiveness within the U.S. by advancing measurement science, standards, and technology. Its mission inherently has a component of providing technical assistance to other entities. This technical assistance may include actions such as standards development, research and development, training and education, and information dissemination. The provision of technical assistance will not commit the agency to any other action. NIST may apply this CE to its own activities and to technical assistance rendered through partnerships with other public or private entities.

NIST developed this CE based on the benchmarked CEs from multiple federal agencies listed below, including NTIA's previous substantiation, each of which includes technical assistance activities. NIST analyzed the actions addressed by the CEs from other agencies and determined that the actions proposed by these agencies are sufficiently similar to the actions covered by this CE and that no controversy has been noted for use of similar CEs within NTIA or DOE. NIST concludes that the actions described in this CE encompass administrative activities that will not result in significant effects to the human environment, individually or in the aggregate.

Prior NEPA Analyses of Comparable Actions

NIST has reviewed the application of DOE's similar CE A11 (DOE, 2024a). DOE has applied CE A11 over 2,400 times since 2009 (DOE, 2024a). NIST's review of DOE's application of CE A11 to various activities identified that the activities are consistent with the types of activities the NIST CE will cover. DOE's recent application (in years 2023-2024) of A11 included activities such as:

1) Providing funding for MOWA Choctaw Housing Authority (MCHA) to establish a planning team focused on developing and implementing a clean energy program;
2) Funding for the Idaho National Laboratory/ Georgia Institute of Technology (GTC) proposal to develop a predictive tool to estimate the magnitude of induced seismicity using artificial intelligence (AI) and physics-based modeling;
3) Exploring innovative training techniques and methods;
4) Technical assistance to state and territory energy offices and providing communication and coordination assistance between DOE and the State Energy Offices on the implementation of DOE's State Energy Program;
5) Consumer education campaigns for electric vehicles and charging;
6) Proposing to issue a Funding Opportunity Announcement for advancing building energy codes and building efficiency policies;
7) Conceptual design studies to integrate the NRL Electrolytic Cation Exchange Module system with the Ocean Energy (OE) Buoy wave energy converter to develop ocean-based carbon dioxide removal technology; and
8) Projects aimed at advancing and commercially translating the technology that uses concentrated solar radiation to convert natural gas directly into high-quality graphite and hydrogen.

NIST will evaluate each proposed action for the applicability of this CE and identify if any extraordinary circumstances will preclude the use of the CE. NIST will also identify if a proposed action includes activities beyond technical assistance that may be covered by other CEs. If an action in its entirety is not covered by CEs (i.e., in the case a provision of technical assistance is connected to a larger action not falling within a CE), an EA will be prepared.

Comparable Agency Categorical Exclusions

National Telecommunications and Information Administration
Reference: NEPA Procedures and CEs (April 2, 2024) (FR, 2024)
A-7. Technical assistance to other Federal, Tribal, State, and local agencies or the public .

U.S. National Park Service
Reference: National Park Service (NPS) NEPA Handbook, Chapter 3: CEs (2015) (NPS, 2015)
Section 3.2, L. Technical assistance to other Federal, State, and local agencies or the general public.

U.S. Department of Energy
Reference: 10 C.F.R. Part 1021, Subpart D, Appendix A: CEs Applicable to General Agency Actions (April 30, 2024)
A11. Technical advice and planning assistance to international, national, state, and local organizations.

U.S. Department of Homeland Security
Reference: Instruction Manual 023-01-001-01, Revision 01: Implementation of NEPA, Appendix A (November 6, 2014) (DHS, 2014)
M1(a). Review of information, provision of technical assistance, and classification for individual communities under the Community Rating System (CRS).

4.2 OPERATIONS

Categorical Exclusion A-5

Routine procurement, use, storage, transportation, and disposal of non-hazardous goods and services in support of administrative, operational, or maintenance activities in accordance with Executive Orders and Federal procurement guidelines. Examples include office supplies and furniture; equipment; mobile assets (i.e., vehicles, vessels, aircraft); utility services; and deployable emergency response supplies and equipment.

Analysis: This CE is directly derived from NTIA's A-8 CE, and NIST has incorporated NTIA's substantiation of this CE into the analysis of its application. NTIA developed this CE based on benchmark CEs from the Federal Bureau of Investigation (FBI), U.S. Navy, U.S. Air Force, and NOAA. NTIA noted that this CE is not intended to cover large-scale purchases or replacement of mobile assets and that the CE could be applied to items purchased by NTIA directly or through NTIA grant-funded actions (NTIA 2024a, NTIA 2024b).

Actions of a similar nature, scope, and intensity are quite common throughout the federal government and are supported by long standing CEs from other federal agencies for both administrative and operational activities. These procurements consist of procuring commercially available goods and services in conformance with federal procurement policies that govern the acquisition of goods and services by the federal government, including Federal Acquisition Regulation and other policies and practices put forth by the Office of Federal Procurement Policy. This CE is limited to non-hazardous goods and services, materials, and wastes; limited to actions that comply with all applicable environmental compliance requirements; limited to actions in support of routine activities; limited to storage activities on previously

disturbed land or in existing facilities; and limited disposal to only apply to established permitted landfills and authorized facilities. These limitations ensure that there will be no potential for significant environmental effects by the application of this CE.

NIST developed this CE based on the benchmark CEs from several other federal agencies listed below, including NTIA's previous substantiation. NIST analyzed the actions addressed by the CEs from other agencies and determined that the actions proposed by these agencies are sufficiently similar to the actions covered by this CE. No controversy has been noted regarding the use of similar CEs within NTIA or among the referenced benchmark agencies. The NIST CE includes components from these benchmarked CEs: procurement activities from all the agencies; storage and disposal of non-hazardous materials from NTIA, FBI, and DHS; and examples of items for procurement from NTIA, FBI, Defense Threat Reduction Agency, DHS, and U.S. Coast Guard (USCG). This CE could be applied to items either directly purchased by NIST or through NIST grant-funded actions. NIST's conclusion is that the actions described in this CE encompass activities that will not result in significant effects on the human environment, individually or in the aggregate.

Comparable Agency Categorical Exclusions

National Telecommunications and Information Administration
Reference: NEPA Procedures and CEs (April 2, 2024) (FR. 2024)
A-8. Routine procurement, use, storage, transportation, and disposal of non-hazardous goods and services in support of administrative, operational, or maintenance activities in accordance with Executive Orders and Federal procurement guidelines. Examples include office supplies and furniture; equipment; mobile assets (i.e., vehicles, vessels, aircraft); utility services; and deployable emergency response supplies and equipment.

U.S. Department of Commerce
Reference: 74 *FR* 33204: Department-Wide CEs (July 10, 2009) (FR, 2009)
A-9. Purchase of mobile and portable equipment and infrastructure which is stored in previously existing structures or facilities.

Federal Bureau of Investigation
Reference: 28 C.F.R. Part 61, Appendix F: FBI Procedures Relating to the Implementation of NEPA (April 9, 2019)
5.(c)(NR10). Routine procurement, use, storage, and disposal of non-hazardous goods and services in support of administrative, operational, or maintenance activities in accordance with executive orders and Federal procurement guidelines. Examples include:

1) Office supplies and furniture;
2) Equipment;
3) Mobile assets (i.e., vehicles, vessels, aircraft);
4) Utility services; and
5) Deployable emergency response supplies and equipment.

U.S. Navy
Reference: 32 C.F.R. § 775.6: Planning considerations (December 5, 2019)
(f)(7). Routine procurement of goods and services conducted in accordance with applicable procurement regulations, executive orders, and policies.

U.S. Air Force
Reference: 32 C.F.R. Part 989, Appendix B: CEs (March 28, 2001)
A2.3.1. Routine procurement of goods and services.

National Oceanic and Atmospheric Administration
Reference: Policy and Procedures for Compliance with NEPA and Related Authorities, Companion Manual to NOAA Administrative Order 216-6A, Appendix E (January 13, 2017) (NOAA, 2017)
H1. Procurement of labor, equipment, materials, data, and software needed to execute mission requirements in accordance with applicable procurement regulations, executive orders, and policies. This includes, but is not limited to, procurement of mobile and portable equipment that is stored in existing structures or facilities.

Defense Threat Reduction Agency
Reference: NEPA Procedures Guide, Appendix B (2016) (DTRA, 2016)
4. Routine procurement of goods and services conducted in accordance with applicable procurement regulations and green purchasing requirements including office supplies, equipment, mobile assets, and utility services for routine administration, operation, and maintenance.

U.S. Department of Homeland Security
Reference: Instruction Manual 023-01-001-01, Revision 01: Implementation of NEPA, Appendix A (November 6, 2014) (DHS, 2014)
A6. Procurement of non-hazardous goods and services, and storage, recycling, and disposal of non-hazardous materials and wastes, that complies with applicable requirements and is in support of routine administrative, operational, or maintenance activities. Storage activities must occur on previously disturbed land or in existing facilities. Examples include but are not limited to:

1) Office supplies,
2) Equipment,
3) Mobile assets,
4) Utility services,
5) Chemicals and low-level radio nuclides for laboratory use,
6) Deployable emergency response supplies and equipment, and,
7) Waste disposal and contracts for waste disposal in established permitted landfills and facilities.

First Responder Network Authority
Reference: Procedures for Implementing NEPA (January 2018) (FirstNet Authority, 2018)
A.2. Procurement activities related to the operation of FirstNet, including routine procurement of goods and services.

National Telecommunications and Information Administration
Reference: 74 *FR* 52456: NEPA-CEs covering the Broadband Technology Opportunities Program (October 13, 2009) (FR, 2009)
Procurement activities related to the operation of the Broadband Technology Opportunities Program.

U.S. Coast Guard
Reference: Instruction Manual 023-01-001-01, Revision 01: Implementation of NEPA, Appendix A, Unique CEs for the USCG (November 6, 2014) (DHS, 2014)
L2. Routine procurement activities and actions for goods and services, including office supplies, equipment, mobile assets, and utility services for routine administration, operation, and maintenance.

Categorical Exclusion A-6

Routine use of hazardous materials (including procurement, transportation, distribution, and storage of such materials) and reuse, recycling, and disposal of solid, medical, radiological, or hazardous waste in a manner that is consistent with all applicable laws, regulations, and requirements. Examples include use of chemicals for laboratory applications; refueling of storage tanks; temporary storage and disposal of solid waste; disposal of waste through manufacturer return and recycling programs; and hazardous waste minimization activities, including source reduction activities and recycling.

Analysis: This CE is directly derived from NTIA's A-10 CE, and NIST has incorporated NTIA's substantiation of this CE into the analysis of its application. NTIA developed this CE based on benchmark CEs from DHS, NASA, the Environmental Protection Agency (EPA), and the U.S. Navy (NTIA 2024a, NTIA 2024b).

Actions of a similar nature, scope, and intensity are quite common throughout the federal government and are supported by long standing CEs from other federal agencies for both administrative and operational activities. A wide variety of materials are considered to be hazardous materials, including fuels for vehicles and equipment; thus, actions involving the routine use of hazardous materials are common throughout NIST in both operational and support activities. The majority of hazardous materials procured, transported, distributed, used, and stored consist of commercially available materials in conformance with federal procurement policies that govern the acquisition of goods and services by the federal government including the Federal Acquisition Regulation and other policies and practices put forth by the Office of Federal Procurement Policy. A more limited quantity of hazardous materials are of a type provided by commercial sources specifically for scientific and research purposes such as semiconductor manufacturing or other laboratory activities.

A wide variety of materials are used by NIST, some of which are considered to be hazardous materials. Some of these materials may not be fully used, resulting in small quantities of hazardous waste. Materials, such as fuels for vehicles and equipment, can change in nature over time, rendering them inappropriate for use, requiring recycling or disposal as hazardous waste. Small quantities of generated medical waste would either be treated prior to disposal or disposed through a contractor or facility that treats the medical waste appropriately in accordance with federal and state requirements. Some equipment used could contain materials that are disposed of as radiological waste through manufacturer sponsored return and replacement programs. Reuse, recycling, and disposal actions of a similar nature, scope, and intensity are common throughout the federal government in both operational and support activities. The term “reuse” emphasizes the importance of reutilization of hazardous waste; it is an action that, similar to recycling, reduces the volume of waste disposal and the potential for environmental effects of hazardous waste.

Hazardous, radiological, or medical waste activities contemplated by this CE are those that would be undertaken at facilities or as a part of operations that must meet a variety of stringent requirements designed to protect the quality of the human environment. Actions of a similar nature, scope, and intensity are performed throughout NIST in compliance with federal, tribal, state, or local law and/or regulatory policy. This CE is limited to actions that conform with all applicable environmental compliance requirements (e.g., hazardous materials must be transported and disposed of at approved sites in accordance with federal, state, and local regulations); limited to actions in support of routine activities; and limited to disposal only in compliance with all applicable laws, regulations, and requirements. These limitations ensure that there would be no potential for significant environmental effects by the application of this CE.

NIST developed this CE based on the benchmark CEs from several other federal agencies listed below, including NTIA’s previous substantiation. This CE could be applied to items either directly purchased by NIST or through NIST grant-funded actions. NIST analyzed the actions addressed by the CEs from other

agencies and determined that the actions proposed by these agencies are sufficiently similar to the actions covered by this CE. No controversy has been noted for use of similar CEs within NTIA. All federal agencies, with very few limitations, must meet the same requirements to protect the environment. Other federal agencies have CEs for similar activities that are sufficiently descriptive such that it could be determined that they included a broader range of activities and encompassed activities of generally greater than or similar to the scope and intensity of NIST activities; for example, the volume of materials procured by agencies of the Department of Defense. The USCG has a CE that includes the routine movement, handling, and distribution of hazardous materials. The USCG operates in a variety of natural environments and has a large variety of operations that may have a requirement for hazardous materials, including industrial operations, motor pool, vessel maintenance, aircraft maintenance, and facility maintenance.

This CE does not apply to actions that include extraordinary circumstances that may result in the activity having significant environmental effects. NIST's consideration of extraordinary circumstances, including whether a proposed action is located in a unique environmental area or involves unique or unknown environmental risks, will ensure that actions that are not routine with unknown potential for significant effects will not be classified as a CE. This evaluation will include not only the direct effect of NIST's decision, but also the potential environmental effects that may indirectly result from implementing the decision and the cumulative effects of the decision on the quality of the human environment.

NIST's conclusion is that the actions described in this CE encompass activities that will not result in significant effects on the human environment, individually or in the aggregate.

Comparable Agency Categorical Exclusions

National Telecommunications and Information Administration
Reference: NEPA Procedures and CEs (April 2, 2024) (FR, 2024)
A-10. Routine use of hazardous materials (including procurement, transportation, distribution, and storage of such materials) and reuse, recycling, and disposal of solid, medical, radiological, or hazardous waste in a manner that is consistent with all applicable laws, regulations, and requirements. Examples include use of chemicals for laboratory applications; refueling of storage tanks; temporary storage and disposal of solid waste; disposal of waste through manufacturer return and recycling programs; and hazardous waste minimization activities, including source reduction activities and recycling.

U.S. Department of Homeland Security
Reference: Instruction Manual 023-01-001-01, Revision 01: Implementation of NEPA, Appendix A (November 6, 2014) (DHS, 2014)
F1. Routine procurement, transportation, distribution, use, and storage of hazardous materials that comply with all applicable requirements, such as Occupational Safety and Health Act (OSHA) and National Fire Protection Association (NFPA).

F2. Reuse, recycling, and disposal of solid, medical, radiological, and hazardous waste generated incidental to Department activities that comply with applicable requirements such as Resource Conservation and Recovery Act (RCRA), OSHA, and State hazardous waste management practices. Examples include but are not limited to:

1) Appropriate treatment and disposal of medical waste conducted in accordance with all Federal, Tribal, State, and local laws and regulations;
2) Temporary storage and disposal of solid waste, conducted in accordance with all Federal, Tribal, State, and local laws and regulations;
3) Disposal of radiological waste through manufacturer return and recycling programs; and

4) Hazardous waste minimization activities.

Federal Bureau of Investigation
Reference: 28 C.F.R. Part 61, Appendix F: FBI Procedures Relating to the Implementation of NEPA (April 9, 2019)
5.(c)(NR11). Routine use of hazardous materials (to include procurement, transportation, distribution, and storage of such materials) and reuse, recycling, and disposal of solid, medical, radiological, or hazardous waste in a manner that is consistent with all applicable laws, regulations, and policies. Examples include:

i. Use of chemicals and low-level radionuclides for laboratory applications;
ii. Refueling of storage tanks;
iii. Appropriate treatment and disposal of medical waste;
iv. Temporary storage and disposal of solid waste;
v. Disposal of radiological waste through manufacturer return and recycling programs; and
vi. Hazardous waste minimization activities.

National Aeronautics and Space Administration
Reference: 14 C.F.R. § 1216.304: CEs (April 11, 2024)
(d)(2)(v). Routine packaging, labeling, storage, and transportation of hazardous materials and wastes, in accordance with applicable Federal, federally recognized Indian tribe, State, and/or local law or requirements.

U.S. Environmental Protection Agency
Reference: 40 C.F.R. § 6.204: CEs and extraordinary circumstances (February 4, 2009)
(a)(2)(iv). Actions relating to or conducted completely within a permanent, existing contained facility, such as a laboratory, or other enclosed building, provided that reliable and scientifically-sound methods are used to appropriately dispose of wastes and safeguards exist to prevent hazardous, toxic, and radioactive materials in excess of allowable limits from entering the environment. Where such activities are conducted at laboratories, the Lab Director or other appropriate official must certify in writing that the laboratory follows good laboratory practices and adheres to all applicable federal, state, local, and federally recognized Indian tribal laws and regulations. This category does not include activities related to construction and/or demolition within the facility (see paragraph (a)(1)(I) of this section).

U.S. Navy
Reference: 32 C.F.R. § 775.6: Planning considerations (December 5, 2019)
(f)(15). Routine movement, handling, and distribution of materials, including hazardous materials/wastes that are moved, handled, or distributed in accordance with applicable regulations.

U.S. Coast Guard
Reference: Instruction Manual 023-01-001-01, Revision 01: Implementation of NEPA, Appendix A, Unique CEs for the USCG (November 6, 2014) (DHS, 2014)
L40. Routine movement of personnel and equipment, and the routine movement, handling, and distribution of non-hazardous and hazardous materials and wastes in accordance with applicable regulations.

U.S. Army
Reference: 32 C.F.R. Part 651, Appendix B (No Date)
(h)(4). Routine management, to include transportation, distribution, use, storage, treatment, and disposal of solid waste, medical waste, radiological and special hazards (for example, asbestos, PCBs, lead- based paint, or unexploded ordnance), and/or hazardous waste that complies with EPA, Army, or other regulatory

agency requirements. This CX is not applicable to new construction of facilities for such management purposes.

Categorical Exclusion A-7

Maintenance of facilities, equipment, and grounds that is limited to existing uses and facility conditions and would not expand the footprint of the facility. Examples include interior utility work, road maintenance, window washing, lawn mowing, landscaping, weed management/maintenance, trash collecting, facility cleaning, and snow removal.

Analysis: This CE is directly derived from NTIA's B-1 CE, and NIST has incorporated NTIA's substantiation of this CE into the analysis of its application. NTIA developed this CE based on benchmark CEs from FBI, National Institute of Health (NIH), EPA, and U.S. Navy. NTIA concluded its actions under this CE were similar to those actions contemplated by the agencies. NTIA noted it would most likely apply this CE to direct actions at NTIA facilities but that it could also be applied to grant-funded actions (NTIA 2024a, NTIA 2024b).

Facilities, equipment, and grounds are manmade in areas that are previously disturbed and may include structures, objects, roads, and landscaped areas. This CE is intended to limit the activity to pre-existing uses and facility conditions; the CE will not expand the footprint of disturbed areas beyond the footprint of the existing facility, remove native vegetation, or cause substantial ground disturbance. NIST will most likely apply this CE to direct actions at NIST facilities, although it can also be applied to grant-funded actions at private or other non-federal facilities.

DHS has a similar maintenance CE, D1. DHS previously evaluated similar actions through evaluating CEs and actions of its various components, including the USCG, which is the manager of the largest number of real properties within DHS. DHS found that the activities covered by this CE were performed throughout its Department without significant environmental effect. DHS does not view its maintenance activities falling under D1 as those that have a high likelihood of extraordinary circumstances existing as noted in its CE substantiation document developed in the early 2000s.

DOE has a similar CE, B1.3, for routine maintenance activities. It has applied this CE 5,720 times since the year 2009, as of June 6, 2024 (DOE, 2024b). The proposed NIST actions falling under the CE closely match those for which DOE uses its CE B1.3.

NIST developed its CE based on the long-standing benchmark CEs noted above and from several other federal agencies listed below, including NTIA’s previous substantiation. NIST also reviewed two EAs for campus master planning at DOC facilities. NIST analyzed the actions addressed by the CEs from other agencies, all of which address activities at facilities such as maintenance, minor renovations, repairs, and grounds-keeping, and determined that the actions proposed by these agencies are sufficiently similar to the actions covered by this CE and no controversy has been noted regarding the use of similar CEs within NTIA or among the referenced benchmark agencies. NIST’s conclusion is that the actions described in this CE will not result in significant effects on the human environment, individually or in the aggregate.

Prior NEPA Analyses of Comparable Actions

National Institute of Standards and Technology
Reference: EA FONSI for the NIST Gaithersburg Campus Master Plan (July 12, 2018) (NIST, 2018)
NIST evaluated similar actions in an EA (2018) for master planning of NIST’s 579-acre campus in Gaithersburg, Maryland. The analysis in this EA, which included a comprehensive analysis of new construction of facilities, modernization of existing facilities, and landscape improvements, was for

activities including general maintenance of facilities and grounds in addition to projects greater in scope. The scope of the analysis considered air emissions from maintenance vehicles and maintenance of pavement (roads, maintenance roads, parking areas). The no action alternative considered ongoing lawn maintenance. The analysis of this EA concluded that no significant effects were identified for the activities proposed; this analysis was based on consultation with the United States Fish and Wildlife Service (USFWS), the Maryland Department of Natural Resources, the Maryland State Historic Preservation Office (SHPO), and the public. The evaluation was dependent on individual undertakings being submitted to SHPO during planning due to the campus being a historic district. NIST's extraordinary circumstances considerations documented in NIST's NEPA procedures will ensure that historical, biological, and other environmental considerations are fully evaluated before application of a CE for maintenance activities.

U.S. Department of Commerce
Reference: EA FONSI for the DOC Boulder Laboratories Campus Master Plan (July 24, 2017) (DOC, 2017)
The DOC evaluated actions in a (2017) 20-year Master Plan for its Boulder Laboratories campus located in Colorado in an EA. The Master Plan included planned activities for new construction, additions, renovation, demolition, landscape improvement, utility improvements, and circulation improvement. Baseline conditions considered that ongoing maintenance activities would continue (lawn care, cooling tower maintenance and cleaning associated with the closed-loop chilled water system, facility and grounds maintenance). DOC consulted with the USFWS and the Colorado Office of Archaeology and Historic Preservation. The analysis for this Master Plan concluded that there would be no significant effects and noted that further NEPA analysis could be necessary as new projects are incorporated into the Master Plan. NIST's extraordinary circumstances considerations documented in its NEPA procedures will ensure that historical, biological, and other environmental considerations are taken into account for maintenance activities. NIST's conclusion is that the actions described in this CE will not result in significant effects on the human environment, individually or in the aggregate.

Comparable Agency Categorical Exclusions

National Telecommunications and Information Administration
Reference: NEPA Procedures and CEs (April 2, 2024) (FR, 2024)
B-1. Maintenance of facilities, equipment, and grounds. Examples include interior utility work, road maintenance, window washing, lawn mowing, landscaping, weed management/maintenance, trash collecting, facility cleaning, and snow removal.

U.S. Department of Homeland Security
Reference: Instruction Manual 023-01-001-01, Revision 01: Implementation of NEPA, Appendix A (November 6, 2014) (DHS, 2014)
D1. Minor renovations and additions to buildings, roads, airfields, grounds, equipment, and other facilities that do not result in a change in the functional use of the real property (e.g. realigning interior spaces of an existing building, adding a small storage shed to an existing building, retrofitting for energy conservation, or installing a small antenna on an already existing antenna tower that does not cause the total height to exceed 200 feet and where the FCC would not require an EA or EIS for the installation).

Federal Bureau of Investigation
Reference: 28 C.F.R. Part 61, Appendix F: FBI Procedures Relating to the Implementation of NEPA (April 9, 2019)
5.(c)(NR13). Maintenance of facilities, equipment, and grounds. Examples include interior utility work, road maintenance, window washing, lawn mowing, trash collecting, facility cleaning, and snow removal.

National Institutes of Health
Reference: 65 Fed. Reg. 2977 (Jan. 19, 2000): Establishment by the NIH of CEs Under NEPA (January 19, 2000)
Section II, Part B. 2. Maintenance, including repairs necessary to ensure the operation of existing facilities, grounds maintenance, and the decontamination of laboratory or other space and equipment.

U.S. Environmental Protection Agency
Reference: 40 C.F.R. § 6.204: CEs and extraordinary circumstances (February 4, 2009)
(a)(1)(i). Actions at EPA owned or operated facilities involving routine facility maintenance, repair, and grounds-keeping; minor rehabilitation, restoration, renovation, or revitalization of existing facilities; functional replacement of equipment; acquisition and installation of equipment; or construction of new minor ancillary facilities adjacent to or on the same property as existing facilities.

U.S. Navy
Reference: 32 C.F.R. § 775.6: Planning considerations (December 5, 2019)
(f)(8). Routine repair and maintenance of buildings, facilities, vessels, aircraft, ranges, and equipment associated with existing operations and activities (e.g., localized pest management activities, minor erosion control measures, painting, refitting, general building/structural repair, landscaping, or grounds maintenance).

U.S. Department of Energy
Reference: 10 C.F.R. Part 1021, Subpart D, Appendix B: CEs Applicable to Specific Agency Actions (April 30, 2024)
B1.3. Routine maintenance activities and custodial services for buildings, structures, rights-of-way, infrastructures (e.g., pathways, roads, and railroads), vehicles and equipment, and localized vegetation and pest control, during which operations may be suspended and resumed, provided that the activities would be conducted in a manner in accordance with applicable requirements. Custodial services are activities to preserve facility appearance, working conditions, and sanitation (such as cleaning, window washing, lawn mowing, trash collection, painting, and snow removal). Routine maintenance activities, corrective (that is, repair), preventive, and predictive, are required to maintain and preserve buildings, structures, infrastructures, and equipment in a condition suitable for a facility to be used for its designated purpose. Such maintenance may occur as a result of severe weather (such as hurricanes, floods, and tornados), wildfires, and other such events. Routine maintenance may result in replacement to the extent that replacement is in kind and is not a substantial upgrade or improvement. In kind replacement includes installation of new components to replace outmoded components, provided that the replacement does not result in a significant change in the expected useful life, design capacity, or function of the facility. Routine maintenance does not include replacement of a major component that significantly extends the originally intended useful life of a facility (for example, it does not include the replacement of a reactor vessel near the end of its useful life). Routine maintenance activities include, but are not limited to:

i. Repair or replacement of facility equipment, such as lathes, mills, pumps, and presses;
ii. Door and window repair or replacement;
iii. Wall, ceiling, or floor repair or replacement;
iv. Reroofing;
v. Plumbing, electrical utility, lighting, and telephone service repair or replacement;
vi. Routine replacement of high-efficiency particulate air filters;
vii. Inspection and/or treatment of currently installed utility poles;
viii. Repair of road embankments;

ix. Repair or replacement of fire protection sprinkler systems;

x. Road and parking area resurfacing, including construction of temporary access to facilitate resurfacing, and scraping and grading of unpaved surfaces;

xi. Erosion control and soil stabilization measures (such as reseeding, gabions, grading, and revegetation);

xii. Surveillance and maintenance of surplus facilities in accordance with DOE Order 435.1, ''Radioactive Waste Management,'' or its successor;

xiii. Repair and maintenance of transmission facilities, such as replacement of conductors of the same nominal voltage, poles, circuit breakers, transformers, capacitors, crossarms, insulators, and downed powerlines, in accordance, where appropriate, with 40 C.F.R. 761 (Polychlorinated Biphenyls Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions) or its successor;

xiv. Routine testing and calibration of facility components, subsystems, or portable equipment (such as control valves, in-core monitoring devices, transformers, capacitors, monitoring wells, lysimeters, weather stations, and flumes);

xv. Routine decontamination of the surfaces of equipment, rooms, hot cells, or other interior surfaces of buildings (by such activities as wiping with rags, using strippable latex, and minor vacuuming), and removal of contaminated intact equipment and other material (not including spent nuclear fuel or special nuclear material in nuclear reactors); and

xvi. Removal of debris.

U.S. Coast Guard
Reference: Instruction Manual 023-01-001-01, Revision 01: Implementation of NEPA, Appendix A, Unique CEs for the USCG (November 6, 2014) (DHS, 2014)
L31. Routine grounds maintenance and activities at units and facilities. Examples include localized pest management actions and actions to maintain improved grounds (such as landscaping, lawn care and minor erosion control measures) that are conducted in accordance with applicable Federal, state, and local directives.

4.3 FACILITY MODERNIZATION

Categorical Exclusion A-8

Internal modifications, renovations, or additions (e.g., computer facilities, relocating interior walls) to structures or buildings that do not result in a change in the functional use of the property.

Analysis: This CE is directly derived from NTIA's B-2 CE, and NIST has incorporated NTIA's substantiation of this CE into the analysis of its application. NTIA developed this CE based on benchmark CEs from DOC, DHS, USFWS, Federal Aviation Administration (FAA), and U.S. Air Force (NTIA 2024a, NTIA 2024b). NTIA also utilized analysis from its own Programmatic EA and FONSI (February 2009) for public safety interoperable communications grant program (NTIA, 2009).

Internal modifications, renovations, or additions to existing structures or buildings in this CE are those that do not result in a change to the functional use of the property. This CE does not apply to internal modifications, renovations, or additions intended to include new mission operations not already undertaken at the existing facility that change the functional use of a property (e.g., including large-scale research laboratories at a facility that previously was only designed for administrative functions) or that require new

air permits, discharge permits, or other environmental permits. The actions conducted under this CE will occur within existing facilities consistent with previously established safety levels (such as those developed and managed by NIST's Office of Safety, Health, and Environment) and in compliance with federal, state, tribal, and local requirements to protect the environment and will be implemented in a manner that will not result in material changes to facility operations.

The activities described under this CE will not alter the property/facility management requirements or the environmental protection requirements (e.g., air permit, water quality permit, or other permits or thresholds) that the functional use of the property currently is already required to meet. NIST may use this CE for internal modifications at existing NIST facilities, and it may also be applied to internal modifications projects at facilities for which NIST provides funds or is working in partnership with external entities.

NIST developed this CE based on the benchmark CEs listed below, including NTIA's previous substantiation, which include internal modifications, renovations, or additions to existing structures with no change in facility operations. NIST has concluded that its actions are similar to the actions contemplated by these agencies and will apply these CEs in a manner consistent with the benchmark agencies' use of similar CEs. No controversy has been noted regarding the use of similar CEs within NTIA or among the referenced benchmark agencies. NIST also evaluated Department of Justice (DOJ) and NTIA EA's analysis for comparable actions.

Prior NEPA Analyses of Comparable Actions

Department of Justice Office on Violence Against Women
Reference: EA FONSI for the Renovation of Housing for Victims of Domestic Violence: A Program Under Recovery Grants to Indian Tribal Governments (July 11, 2011) (DOJ, 2010)
DOJ prepared an EA to evaluate the potential environmental effects of the OVW grant program, administered under the American Recovery and Reinvestment Act Grants to Indian Tribal Governments to provide funding for the interior renovation of ten existing housing units on tribal lands for victims of domestic violence. Interior renovations were limited to those that did not change the basic prior use of the facility or the facility's size. The EA analyzed the potential effects of the Proposed Action, which included a range of interior renovation activities such as painting, replacing carpet, hanging window treatments, and making necessary electrical or plumbing repairs. The analysis determined that internal renovations would not significantly affect any of the resource areas analyzed. A FONSI was issued for the project that determined the Proposed Action, which included analyzing the effects of internal renovations on a range of resource areas, would not significantly affect the environment. Although the NIST CE will not likely be for developing residential space as in this EA, the findings of this EA are applicable in that the effects of internal renovations such as painting, carpet, window treatments, and electrical and plumbing repairs will also apply to NIST actions in commercial spaces.

National Telecommunications and Information Administration
Reference: 74 *FR* 78: NOA of a PEA FONSI for the Public Safety Interoperable Communications Grant Program (April 24, 2009) (NTIA, 2009)
The NTIA developed a PEA to evaluate the potential effects of the Public Safety Interoperable Communications Grant Program. The PEA analyzed the potential effects of the Proposed Action, which included a wide range of construction, installation, and procurement activities designed to improve interoperable communications among public safety agencies. Among the activities analyzed, the PEA evaluated the effects of construction, remodeling, or retrofitting existing facilities (including communications towers, equipment shelters, and fixed-structure dispatch centers or first-responder facilities) on a range of natural and cultural resources and the built environment. The analysis determined

that internal modifications, renovations, or additions would not significantly affect any of the resource areas analyzed. A FONSI was issued for the project that determined the Preferred Alternative, which included analyzing the effects of internal modifications, renovations, and additions on a range of resource areas, would not significantly affect the environment.

Comparable Agency Categorical Exclusions

National Telecommunications and Information Administration
Reference: NEPA Procedures and CEs (April 2, 2024) (FR, 2024)
B-2. Internal modifications, renovations, or additions (e.g., computer facilities, relocating interior walls) to structures or buildings that do not result in a change in the functional use of the property.

U.S. Department of Commerce
Reference: 74 *FR* 33204: Department-Wide CEs (July 10, 2009) (FR, 2009)
A-1. Minor renovations and additions to buildings, roads, airfields, grounds, equipment, and other facilities that do not result in change in the functional use of the real property (*e.g.*, realigning interior spaces of an existing building, adding a small storage shed to an existing building, retrofitting for energy conservation, or installing a small antenna on an already existing antenna tower that does not cause the total height to exceed 200 feet and where the FCC would not require an environmental assessment or environmental impact statement for the installation). This CE does not apply in instances where the project must be submitted to the National Capital Planning Commission (NCPC) for review and NCPC determines that it does not have an applicable Categorical Exclusion.

U.S. Department of Homeland Security
Reference: Instruction Manual 023-01-001-01, Revision 01: Implementation of NEPA, Appendix A (November 6, 2014) (DHS, 2014)
D1. Minor renovations and additions to buildings, roads, airfields, grounds, equipment, and other facilities that do not result in a change in the functional use of the real property (*e.g.*, realigning interior spaces of an existing building, adding a small storage shed to an existing building, retrofitting for energy conservation, or installing a small antenna on an already existing antenna tower that does not cause the total height to exceed 200 feet and where the Federal Communications Commission would not require an EA or EIS for the installation).

U.S. Fish and Wildlife Service
Reference: 516 DM 8.5: CEs (July 30, 2020) (USFWS, 2020)
8.5 B. (2). The operation, maintenance, and management of existing facilities and routine recurring management activities and improvements, including renovations and replacements which result in no or only minor changes in the use, and have no or negligible environmental effects on-site or in the vicinity of the site.

Federal Aviation Administration
Reference: Order 1050.1F: Environmental Impacts, Policies and Procedures (July 16, 2015) (DOT, 2015)
5-6.4.aa. Upgrading of building electrical systems or maintenance of existing facilities, such as painting, replacement of siding, roof rehabilitation, resurfacing, or reconstruction of paved areas, and replacement of underground facilities.

U.S. Air Force
Reference: 32 C.F.R. Part 989, Appendix B: CEs (March 28, 2001)
A2.3.8. Performing interior and exterior construction within the five-foot line of a building without changing the land use of the existing building.

Categorical Exclusion A-9*

Exterior or interior renovation, addition, repair, alteration, safety and environmental improvements, and demolition projects affecting buildings, roads, grounds, equipment, and other facilities, including subsequent disposal of debris, which may be contaminated with hazardous materials, lead, or asbestos. Hazardous materials must be disposed of at approved sites in accordance with all applicable laws, regulations, and requirements. These actions may require operations to be suspended and then resumed, but the actions must not result in a substantial change in the expected useful life, design, capacity, or function of the facility. The actions do not include rebuilding or modifying substantial portions of a facility (such as replacing a reactor vessel). Examples include the following:

a) Painting, roofing, siding, or alterations to an existing building;

b) Adding a small storage shed to an existing building;

c) Retrofitting for energy and water conservation and efficiency, including weatherization (such as insulation and replacing windows and doors); installation of timers on hot water heaters; installation or replacement of energy efficient lighting, heating, ventilation, and air conditioning systems, and appliances; installation of low flow plumbing fixtures (such as faucets, toilets, and showerheads); programmed lowering of thermostat settings; installation of drip-irrigation systems; improvements in generator efficiency and appliance efficiency ratings; and efficiency improvements for vehicles and transportation (such as fleet changeout);

d) Closing and demolishing a building not eligible for listing under the National Register of Historic Places;

e) Replacement or upgrade of control valves, in-core monitoring devices, facility air filtration systems, or substation transformers or capacitors;

f) Addition of structural bracing to meet earthquake standards and/or sustain high wind loading;

g) Replacement of aboveground or belowground tanks and related piping, provided that there is no evidence of leakage, based on testing in accordance with applicable requirements (such as 40 C.F.R. Part 265, “Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities” and 40 C.F.R. Part 280, “Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks”);

h) Installation of power storage (such as flywheels and batteries), less than 10-megawatt equivalent; or

i) Installation of transportation management systems such as traffic signal control systems, car navigation, speed cameras, and automatic plate number recognition.

Analysis: This CE is derived from NTIA's B-3 CE and DOE’s B5.1 CE, and NIST has incorporated NTIA's substantiation of this CE into the analysis of its application. NTIA developed its similar CE based on benchmark CEs from FBI, U.S. Air Force, and DHS. NTIA determined that its actions would be similar to those actions contemplated by the benchmarked agencies and that the CE could be applied at NTIA facilities as well as for grant-funded actions (NTIA 2024a, NTIA 2024b). NIST also considered DOE experience and input from information sharing when NIST adopted DOE CE B5.1 in September 2023. DOE had developed a similar CE in the early 1990s and provided examples of types of energy conservation activities in the CE in a final rule for its 10 C.F.R. Part 1021 National Environmental Policy Act Implementing Procedures in 2011 (DOE, 2011a). DOE uses this CE for activities such as geothermal power plant energy efficiency upgrades and distributed photovoltaic solar generation. No controversy has been noted regarding the use of this CE for DOE activities.

NIST proposes this CE based on the benchmark CEs in this section in addition to analysis from previous relevant NIST EAs. This CE covers activities related to existing facilities, with the potential for minor

additions associated with existing facilities. Examples are provided to guide the use of the CE for minor additions, rather than for large scale alterations, additions, and renovations (such as a long-term master planning activity for a large campus facility). This CE also covers demolition of existing facilities in compliance with all applicable regulations. Evaluation of extraordinary circumstances before application of this CE will ensure that it is not applied without close consideration in the event a circumstance, such as historic buildings, is present. NIST will most likely apply this CE to direct actions at NIST facilities, although it could also be applied to grant-funded actions at private or other non-federal facilities. Based on the benchmarked CEs, including NTIA's previous substantiation, and the activities analyzed in two NIST EAs discussed below, NIST concludes that activities described in this CE will not have a significant effect on the human environment, cumulatively or in the aggregate.

DOE has had a similar CE, B5.1, in its records since at least the year 1992 (FR, 1992). This CE's original intended purpose for DOE is similar to the actions proposed by NIST. In 2011, DOE revised its CE B5.1 to closely reflect the language NIST is now proposing. DOE implemented the changes based on its experience with implementing the CE over time. In 2011, DOE included a second part (part b) to its CE B5.1, wherein DOE's CE now identified that rulemakings establishing energy conservation standards may be categorically excluded if it met certain criteria. NIST is not including a similar secondary component in its CE as its mission from DOE differs in this area.

Prior NEPA Analyses of Comparable Actions

National Institute of Standards and Technology
Reference: EA FONSI for the NIST Gaithersburg Campus Master Plan (July 12, 2018) (NIST, 2018)
NIST evaluated similar actions in an EA (2018) for master planning of NIST's 579-acre campus in Gaithersburg, Maryland. The proposed action in this EA included: a new research building construction and new special purpose facilities; building renovation with some small additions; specialty laboratory renovation; replacing major infrastructure exceeding its useful life; energy/sustainability upgrades; additions to campus gates; demolition of over 20,000 square feet of buildings; development of outdoor spaces, including pedestrian links; reforestation; stormwater management improvements; and utility infrastructure upgrades. The EA included analysis of construction and demolition waste, including the potential for demolition of older facilities with potential PCBs, lead, asbestos, or ozone-depleting substances. The EA considered that removal of hazardous substances would be addressed under construction permits. The analysis of this EA concluded that no significant effects were identified for the activities proposed. This analysis was based on consultation with the USFWS, the Maryland Department of Natural Resources, the Maryland SHPO, and the public. The evaluation was dependent on individual undertakings being submitted to SHPO during planning because the campus is in a historic district. NIST's extraordinary circumstances considerations documented in its NEPA procedures will ensure that historical, biological, and other environmental considerations are evaluated before application of this CE to a proposed activity.

U.S. Department of Commerce
Reference: EA FONSI for the DOC Boulder Laboratories Campus Master Plan (July 24, 2017) (DOC, 2017)
The DOC evaluated a proposed (2017) 20-year Master Plan for its Boulder Laboratories campus located in Colorado in an EA. Components of the proposed project analyzed in the EA included the addition of new research facilities; new administrative facilities; a new childcare center, parking garage, and campus center; renovations to a conference center, and several other buildings; development of a green corridor and central promenade; development of an arroyo for stormwater management and aesthetics; extension of the central utility plant services; and improvements to campus circulation through reconfiguration and some road removal. The EA considered that removal of hazardous substances would be addressed under construction

permits and sampling, transporting, and discarding of wastes would be conducted within CDPHE regulations.

USFWS and the Office of Archaeology and Historic Preservation were consulted in the analysis. The analysis for this Master Plan concluded that there would be no significant effects and noted that further NEPA analysis could be necessary as new projects are incorporated into the Master Plan. NIST's extraordinary circumstances considerations documented in its NEPA procedures will ensure that historical, biological, and other environmental considerations are taken into account before application of this CE to any proposed project. NIST's conclusion is that the actions described in this CE will not result in significant effects on the human environment, individually or in the aggregate.

Comparable Agency Categorical Exclusions

National Telecommunications and Information Administration
Reference: NEPA Procedures and CEs (April 2, 2024) (FR, 2024)
B-3. Exterior renovation, addition, repair, alteration, and demolition projects affecting buildings, roads, grounds, equipment, and other facilities, including subsequent disposal of debris, which may be contaminated with hazardous materials, lead, or asbestos. Hazardous materials must be disposed of at approved sites in accordance with all applicable laws, regulations, and requirements. Examples include the following:

i. Painting, roofing, siding, or alterations to an existing building;

ii. Adding a small storage shed to an existing building;

iii. Retrofitting for energy conservation, including weatherization, installation of timers on hot water heaters, installation of energy efficient lighting, and installation of low-flow plumbing fixtures; or

iv. Closing and demolishing a building not eligible for listing under the National Register for Historic Places.

Federal Bureau of Investigation
Reference: 28 C.F.R. Part 61, Appendix F: FBI Procedures Relating to the Implementation of NEPA (April 9, 2019)
5.(d)(R5). Renovation, addition, repair, alteration, and demolition projects affecting buildings, roads, airfields, grounds, equipment, and other facilities, including subsequent disposal of debris, which may be contaminated with hazardous materials such as polychlorinated biphenyls (PCBs), lead, or asbestos. Hazardous materials must be disposed of at approved sites in accordance with Federal, state, and local regulations. Examples include the following:

i. Realigning interior spaces of an existing building;

ii. (Adding a small storage shed to an existing building;

iii. Retrofitting for energy conservation, including weatherization, installation of timers on hot water heaters, installation of energy efficient lighting, installation of low-flow plumbing fixtures, and installation of drip-irrigation systems;

iv. Installing a small antenna on an already existing antenna tower that does not cause the total height to exceed 200 feet and where the FCC's NEPA procedures allow for application of a CE; or

v. Closing and demolishing a building not eligible for listing under the National Register of Historic Places.

U.S. Air Force
Reference: 32 C.F.R. Part 989, Appendix B: CEs (March 28, 2001)
A2.3.8. Performing interior and exterior construction within the 5-foot line of a building without changing the land use of the existing building.

U.S. Department of Homeland Security
Reference: Instruction Manual 023-01-001-01, Revision 01: Implementation of NEPA, Appendix A (November 6, 2014) (DHS, 2014)
D1. Minor renovations and additions to buildings, roads, airfields, grounds, equipment, and other facilities that do not result in a change in the functional use of the real property (*e.g.*, realigning interior spaces of an existing building, adding a small storage shed to an existing building, retrofitting for energy conservation, or installing a small antenna on an already existing antenna tower that does not cause the total height to exceed 200 feet and where the FCC would not require an EA or EIS for the installation).

D3. Repair and maintenance of Department-managed buildings, roads, airfields, grounds, equipment, and other facilities which do not result in a change in functional use or an impact on a historically significant element or setting (*e.g.*, replacing a roof, painting a building, resurfacing a road or runway, pest control activities, restoration of trails and firebreaks, culvert maintenance, grounds maintenance, existing security systems, and maintenance of waterfront facilities that does not require individual regulatory permits).

E4. Removal or demolition, along with subsequent disposal of debris to permitted or authorized off-site locations, of non-historic buildings, structures, other improvements, and/or equipment in compliance with applicable environmental and safety requirements.

U.S. Department of Energy
Reference: 10 C.F.R. Part 1021, Subpart D, Appendix B: CEs Applicable to Specific Agency Actions (April 30, 2024)
B2.5. Safety and environmental improvements of a facility (including, but not limited to, replacement and upgrade of facility components) that do not result in a significant change in the expected useful life, design capacity, or function of the facility and during which operations may be suspended and then resumed. Improvements include, but are not limited to, replacement/upgrade of control valves, in-core monitoring devices, facility air filtration systems, or substation transformers or capacitors; addition of structural bracing to meet earthquake standards and/or sustain high wind loading; and replacement of aboveground or belowground tanks and related piping, provided that there is no evidence of leakage, based on testing in accordance with applicable requirements (such as 40 CFR 265, "Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities" and 40 CFR 280, "Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks"). These actions do not include rebuilding or modifying substantial portions of a facility (such as replacing a reactor vessel).

B5.1. 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 changes 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); programmed 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 generator efficiency and appliance efficiency ratings; efficiency improvements for vehicles and transportation (such as fleet changeout); power storage (such as flywheels and batteries,

generally less than 10 megawatt equivalent); transportation management systems (such as traffic signal control systems, car navigation, speed cameras, and automatic plate number recognition); development of energy-efficient manufacturing, industrial, or building practices; and small-scale energy efficiency and conservation research and development and small-scale pilot projects. 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 rulemakings, standard-settings, or proposed DOE legislation, except for those actions listed in B5.1(b) of this appendix.

U.S. Department of Commerce
Reference: 74 *FR* 33204: Department-Wide CEs (July 10, 2009) (FR, 2009)
A-1. Minor renovations and additions to buildings, roads, airfields, grounds, equipment, and other facilities that do not result in change in the functional use of the real property (*e.g.*, realigning interior spaces of an existing building, adding a small storage shed to an existing building, retrofitting for energy conservation, or installing a small antenna on an already existing antenna tower that does not cause the total height to exceed 200 feet and where the FCC would not require an environmental assessment or environmental impact statement for the installation). This CE does not apply in instances where the project must be submitted to the National Capital Planning Commission (NCPC) for review and NCPC determines that it does not have an applicable Categorical Exclusion.

Categorical Exclusion A-10*

Minor improvements to existing steam plants and cooling water systems (including, but not limited to, modifications of existing cooling towers and ponds) that support building, commercial, laboratory, or industrial spaces, provided that the improvements would not:

1) Create new sources of water or involve new receiving waters;
2) Have the potential to significantly alter water withdrawal rates;
3) Exceed the permitted temperature of discharged water; or
4) Increase introductions of, or involve new introductions of, hazardous substances, pollutants, contaminants, or Comprehensive Environmental Response, Compensation, and Liability Act-excluded (CERCLA) petroleum and natural gas products.

Analysis: This CE is directly derived from DOE's B1.5 CE. NIST coordinated with DOE to adopt the DOE CE B1.5 in September 2023. DOE established this CE in the early 1990s. In 2011, DOE modified the second condition and added the third condition to the CE (DOE, 2011a). DOE utilizes this CE for activities such as providing funding to General Services Administration (GSA) for constructing water supply systems to support water and energy conservation measures for federal facilities, replacing HVAC equipment, and replacing boilers and improving steam distribution systems and new heating/ventilation and air conditioner controls.

This CE covers minor improvements and modifications to existing steam plants and cooling water systems, supporting commercial, laboratory, industrial, or other building spaces required for NIST activities, including but not limited to cooling towers and ponds. This CE does not apply to improvement or modification activities that will create new sources of water or involve new receiving waters; exceed permitted temperature of discharged water; or increase the use or involve new introductions of hazardous substances, pollutants, contaminants, or CERCLA-excluded petroleum or natural gas products. This CE applies to those minor improvements or modifications that will have no or *de minimis* changes in water withdrawal rates. This CE does not apply to the construction or installation of new steam plants or cooling water systems. The limitations included with this CE render it closely aligned with maintenance, repair, and minor renovation actions that are covered by various CEs within the federal government.

NIST developed this CE based on the benchmark CEs from DOE and several other federal agencies listed below. NIST analyzed the actions addressed by the CEs from other agencies and determined that the actions proposed by these agencies are sufficiently similar to the actions covered by this CE. No controversy has been noted regarding the use of similar CEs within DOE or among the referenced benchmark agencies. Activities under this CE will be compliant with previously established safety levels and with applicable federal, tribal, state, and local requirements. Due to these limitations, actions falling within this CE would not result in a significant environmental effect. NIST will most likely apply this CE to direct actions at NIST facilities, although it can also be applied to grant-funded actions at private or other non-federal facilities. NIST concludes that the actions described in this CE will not result in significant effects on the human environment, individually or in the aggregate.

Comparable Agency Categorical Exclusions

U.S. Department of Energy
Reference: 10 C.F.R. Part 1021, Subpart D, Appendix B: CEs Applicable to Specific Agency Actions (April 30, 2024)
B1.5. Minor improvements to existing steam plants and cooling water systems (including, but not limited to, modifications of existing cooling towers and ponds), provided that the improvements would not:

1) Create new sources of water or involve new receiving waters;
2) Have the potential to significantly alter water withdrawal rates;
3) Exceed the permitted temperature of discharged water; or
4) Increase introductions of, or involve new introductions of, hazardous substances, pollutants, contaminants, or CERCLA-excluded petroleum and natural gas products.

Economic Development Administration
Reference: Directive 17.02-2.02: EDA Program to Implement NEPA and Other Environmental Mandates as Required (October 14, 1992) (EDA, 1992)
g. Repairs to plant and equipment, or replacement-in-kind of utilities and infrastructure on facilities currently operating under permit compliance.

U.S. Department of Homeland Security
Reference: Instruction Manual 023-01-001-01, Revision 01: Implementation of NEPA, Appendix A (November 6, 2014) (DHS, 2014)
B3. Proposed activities and operations to be conducted in an existing structure that would be compatible with and similar in scope to its ongoing functional uses and would be consistent with previously established safety levels and in compliance with applicable Federal, Tribal, State, or local requirements to protect the environment.

D1. Minor renovations and additions to buildings, roads, airfields, grounds, equipment, and other facilities that do not result in a change in the functional use of the real property (e.g. realigning interior spaces of an existing building, adding a small storage shed to an existing building, retrofitting for energy conservation, or installing a small antenna on an already existing antenna tower that does not cause the total height to exceed 200 feet and where the FCC would not require an EA or EIS for the installation).

N2. Federal Assistance for Facility Repair. Federal assistance for the repair of structures and facilities in a manner that conforms to pre-existing design, function, location, and land use. This CATEX does not apply to work within or affecting the following: streams; stream banks; seaward of the limit of moderate wave action (LiMWA) (a line mapped to delineate the inland extent of wave heights of 1.5 feet); or the V zone (areas expected to be affected by wave impact of 3 feet or more in height, in a 100-year flood event) if the

LiMWA has not been identified. This CATEX covers the temporary staging and use of equipment and vehicles to carry out the proposed repair actions as long as best management practices are put in place to control noise, water, and air pollution.

Categorical Exclusion A-11*

Installation or relocation and operation of machinery and equipment (including, but not limited to, laboratory equipment, electronic hardware, manufacturing machinery, maintenance equipment, and health and safety equipment), provided that uses of the installed or relocated items are consistent with the general missions of the receiving structure. Covered actions include modifications to an existing building, within or contiguous to a previously disturbed or developed area, that are necessary for equipment installation and relocation. Such modifications would not appreciably increase the footprint or height of the existing building or have the potential to cause significant changes to the type and magnitude of environmental effects.

Analysis: This CE is directly derived from DOE's B1.31 CE. NIST coordinated with DOE to adopt the DOE CE B1.31 in September 2023. DOE established this CE in the mid-1990s. In DOE's notice of proposed rulemaking (February 20, 1996), DOE explained, "The proposed categorical exclusion applies to the relocation and subsequent operation of machinery and equipment including, but not limited to, analytical laboratory apparatus, electronic hardware, maintenance equipment, and health and safety equipment, where use of the relocated items is similar to their former use, and consistent with the missions of the receiving facility. DOE noted that, in their experience, there is no material change in the environmental status quo and no potential for significant impact from use of relocated machinery and equipment. In 2011, DOE clarified that the scope of the CE included modifications to an existing building, within or contiguous to a previously disturbed or developed area, provided that the modifications do not appreciably increase the footprint or height of the existing building or have the potential to cause significant changes to the type and magnitude of environmental impacts (DOE, 2011a).

The actions under this CE for installation or relocation and operation of machinery and equipment to existing buildings are similar to actions from other CEs throughout the federal government for maintenance, minor rehabilitation, and operations. The actions in this CE are supported by longstanding CEs from other federal agencies. The actions under this CE apply only to equipment installations or relocations consistent with the general missions of the receiving structure and that occur within or contiguous to previously disturbed areas. With these limitations, these activities will not substantially alter the property management requirements or environmental protection requirements (e.g., air permit, water quality permit, or other permits or thresholds) that the functional use of the property would otherwise have to meet. Due to these limitations, this CE covers activities that will have no potential for significant effect on the human environment, individually or in the aggregate.

The actions conducted under this CE will occur at or contiguous to existing facilities consistent with previously established safety levels and in compliance with federal, state, tribal, and local requirements to protect the environment, and will be implemented in a manner that will result in no, or *de minimis*, change to facility operations. NIST may use this CE for equipment installation or relocation at existing NIST facilities, and it may also be applied to equipment installation or relocation projects at facilities for which NIST provides funds or is working in partnership with external entities. NIST developed this CE based on the benchmark CEs listed below. NIST anticipates that its actions are similar to the actions contemplated by these agencies and will apply these CEs in a consistent manner. No controversy has been noted regarding the use of similar CEs within DOE or among the referenced benchmark agencies.

Comparable Agency Categorical Exclusions

U.S. Department of Energy
Reference: 10 C.F.R. Part 1021, Subpart D, Appendix B: CEs Applicable to Specific Agency Actions (April 30, 2024)
B1.31. Installation or relocation and operation of machinery and equipment (including, but not limited to, laboratory equipment, electronic hardware, manufacturing machinery, maintenance equipment, and health and safety equipment), provided that uses of the installed or relocated items are consistent with the general missions of the receiving structure. Covered actions include modifications to an existing building, within or contiguous to a previously disturbed or developed area, that are necessary for equipment installation and relocation. Such modifications would not appreciably increase the footprint or height of the existing building or have the potential to cause significant changes to the type and magnitude of environmental impacts.

B3. Proposed activities and operations to be conducted in an existing structure that would be compatible with and similar in scope to its ongoing functional uses and would be consistent with previously established safety levels and in compliance with applicable Federal, Tribal, State, or local requirements to protect the environment.

D1. Minor renovations and additions to buildings, roads, airfields, grounds, equipment, and other facilities that do not result in a change in the functional use of the real property (e.g. realigning interior spaces of an existing building, adding a small storage shed to an existing building, retrofitting for energy conservation, or installing a small antenna on an already existing antenna tower that does not cause the total height to exceed 200 feet and where the FCC would not require an EA or EIS for the installation).

U.S. Department of Homeland Security
Reference: Instruction Manual 023-01-001-01, Revision 01: Implementation of NEPA, Appendix A (November 6, 2014) (DHS, 2014)
N2. Federal Assistance for Facility Repair. Federal assistance for the repair of structures and facilities in a manner that conforms to pre-existing design, function, location, and land use. This CATEX does not apply to work within or affecting the following: streams; stream banks; seaward of the limit of moderate wave action (LiMWA) (a line mapped to delineate the inland extent of wave heights of 1.5 feet); or the V zone (areas expected to be affected by wave impact of 3 feet or more in height, in a 100-year flood event) if the LiMWA has not been identified. This CATEX covers the temporary staging and use of equipment and vehicles to carry out the proposed repair actions as long as best management practices are put in place to control noise, water, and air pollution.

4.4 REAL PROPERTY

Categorical Exclusion A-12*

Acquisition or use of existing facilities or portions thereof by purchase, lease, or use agreement where use or operation will remain unchanged. Examples include acquiring office space through lease, purchase, or use agreement, and acquisition of laboratory space through lease, purchase, or use agreement.

Analysis: This CE is directly derived from NTIA's B-6 CE, and NIST has incorporated NTIA's substantiation of this CE into the analysis of its application. NTIA developed this CE based on benchmark CEs from FBI, GSA, and DHS and concluded its activities could include all of the activities enumerated in the benchmark CEs.

The actions in this CE for acquisition and use of existing facilities are of a similar nature to other common CEs throughout the federal government and are supported by long standing CEs from other federal agencies. This CE is limited to the continued use of a property for its existing purposes or substantially similar purposes; it will not change the functional use of the property. The actions in this CE can be applied to NIST activities for acquiring or leasing an existing building or providing grants or financial incentive actions to industry or private partners such as under the Creating Helpful Incentives to Produce Semiconductors (CHIPS) Program. For example, under the CHIPS Act, existing semiconductor manufacturers or suppliers could acquire space for their operations through purchase or leasing of an existing building. Acquisition or use activities will also avoid action that is located in or may affect environmentally sensitive areas to ensure that the subsequent use of the property will avoid potential to affect the human environment. This limitation is captured by NIST's requirement to consider extraordinary circumstances before application of CE. If environmentally sensitive areas exist in or near the proposed action, NIST must consider if the extraordinary circumstance can be resolved before application of a CE. Otherwise, an EA or EIS may be required. These limitations ensure that there will be no potential for significant environmental effects by the application of this CE.

NIST developed this CE based on the benchmarked CEs from multiple federal agencies listed below, including NTIA's previous substantiation, each of which includes acquisition by purchase or lease, and use of existing facilities. No controversy has been noted regarding the use of similar CEs within NTIA or among the referenced benchmark agencies. GSA adopted two similar CEs, 5.3(a) and (b) and 5.4(b), in 1999 which have been applied on a broad scale in federal building management since that time. NOAA has adopted two CEs, H2 and H4, for property acquisition, including leasing. The U. S. Department of Housing and Urban Development (HUD) adopted similar CEs, 24 C.F.R. § 50.20 (a)(4) and 24 C.F.R. § 58.35(a)(5), for acquisition (including leasing) or disposition of an existing structure and acquisition (including leasing) of vacant land, which HUD and state and local governments have widely used since 1996. NIST analyzed the actions addressed by the CEs from other agencies and determined that the actions proposed by these agencies are sufficiently similar to the actions covered by this CE. NIST's conclusion is that the actions described in this CE encompass administrative activities that will not result in significant effects on the human environment, individually or in the aggregate.

Prior NEPA Analyses of Comparable Actions

U.S. Department of Energy
Reference: EA FONSI for Energy Northwest Washington Nuclear Project-1/4 Lease Renewal, Hanford Site, Washington (January 6, 2017) (DOE, 2017)
NIST evaluated similar actions in a DOE EA (2017) with a proposed action for the lease renewal of the Industrial Development Complex within the Hanford Site by Energy Northwest, which included continuation of subleasing office and warehouse space; existing buildings would be used and new buildings would not be constructed. Additional actions in the EA that are not applicable to this CE include transitioning from groundwater wells to surface water to supply potable water. The EA analyzed potential impacts on biological resources, water resources, and cultural resources. The analysis of this EA concluded that no significant impacts were identified for any of the alternatives for the similar proposed activities of leasing facilities.

Comparable Agency Categorical Exclusions

National Telecommunications and Information Administration
Reference: NEPA Procedures and CEs (April 2, 2024) (FR, 2024)
B-6. Acquisition or use of existing facilities or portions thereof by purchase, lease, or use agreement where use or operation will remain unchanged. Examples include acquiring office space through lease, purchase, or use agreement, and acquisition of laboratory space through lease, purchase, or use agreement.

Federal Bureau of Investigation
Reference: 28 C.F.R. Part 61, Appendix F: FBI Procedures Relating to the Implementation of NEPA (April 9, 2019)
5.(d)(R2). Acquisition or use of space within an existing structure, by purchase, lease, or use agreement. This includes structures that are in the process of construction or were recently constructed, regardless of whether the existing structure was built to satisfy an FBI requirement and the proposed FBI use would not exceed the carrying capacity of the utilities and infrastructure for the use and access to the space. This also includes associated relocation of personnel, equipment, or assets into the acquired space.

U.S. General Services Administration
Reference: NEPA Desk Guide, Automatic CEs (October 1999) (GSA, 1999)
5.3(a). Outleases, licenses, and other arrangements for non-federal use of space in existing Federal office buildings, where such use is consistent with local planning and zoning, where Section 106 of the National Historic Preservation Act is complied with where applicable; and there is no evidence of community controversy or unresolved environmental issues.

5.3(b). Acquisition of space within an existing structure, either by purchase or lease, where no change in the general type of use and only minimal change from previous occupancy level is proposed (previous occupant need not have been a Federal tenant).

U.S. Department of Homeland Security
Reference: Instruction Manual 023-01-001-01, Revision 01: Implementation of NEPA, Appendix A (November 6, 2014) (DHS, 2014) (DHS, 2014)
C1. Acquisition of an interest in real property that is not within or adjacent to environmentally sensitive areas, including interests less than a fee simple, by purchase, lease, assignment, easement, condemnation, or donation, which does not result in a change in the functional use of the property.

C2. Lease extensions, renewals, or succeeding leases where there is no change in the facility's use and all environmental operating permits have been acquired and are current.
C4. Transfer of administrative control over real property, including related personal property, between another federal agency and the Department that does not result in a change in the functional use of the property.

National Oceanic and Atmospheric Administration
Reference: Policy and Procedures for Compliance with NEPA and Related Authorities, Companion Manual to NOAA Administrative Order 216-6A, Appendix E (January 13, 2017) (NOAA, 2017)
H2. Procurement of space by purchase or lease of or within an existing facility or structure in accordance with applicable procurement regulations, executive orders, and policies when there is no change in the general type of use, no new construction of buildings or utilities, and minimal change in design from the previous occupancy level.
Examples:

1. New leases;
2. Succeeding leases; and
3. Extensions of leases.

H4. Acquisition of real property (including fee simple estates, leaseholds, and easements) that is not acquired through condemnation of a lease interest, and will not result in significant change in use and does not involve construction or modification

U.S. Department of Housing and Urban Development
Reference: 24 C.F.R. § 50.20 (a)(4): CEs subject to the Federal laws and authorities cited in 50.4 (April 23, 2024); 24 C.F.R. § 58.35(a)(5): CEs (November 15, 2013)
50.20(a)(4). Acquisition (including leasing) or disposition of, or equity loans on an existing structure, or acquisition (including leasing) of vacant land provided that the structure or land acquired, financed, or disposed of will be retained for the same use.

58.35(a)(5). Acquisition (including leasing) or disposition of, or equity loans on an existing structure, or acquisition (including leasing) of vacant land provided that the structure or land acquired, financed, or disposed of will be retained for the same use.

U.S. Army
Reference: 32 C.F.R. Part 651, Appendix B (No Date)
(f)(1). Grants or acquisitions of leases, licenses, easements, and permits for use of real property or facilities in which there is no significant change in land or facility use. Examples include, but are not limited to, Army controlled property and Army leases of civilian property to include leases of training, administrative, general use, special purpose, or warehouse space.

Categorical Exclusion A-13*

Decisions and actions to close facilities, decommission equipment, or temporarily discontinue use of facilities or equipment, where the facility or equipment, including office equipment, telecommunications equipment, and computer equipment, is not used to prevent or control environmental effects.

Analysis: This CE is directly derived from NTIA's B-8 CE, and NIST has incorporated NTIA's substantiation of this CE into the analysis of its application. NTIA developed this CE based on benchmark CEs from GSA, NOAA, U.S. Air Force, EPA, and the DOE. NTIA concluded that NTIA's activities could include all of the activities enumerated in the cited CEs and would be applied to direct actions relating to NTIA personal and real property, or facilities (NTIA 2024a, NTIA 2024b).

The decisions and actions in this CE for the temporary or permanent closing/decommissioning of facilities/equipment are of a similar nature to other CEs commonly applied throughout the federal government and are supported by long-standing CEs from other federal agencies. This CE is limited to facilities and equipment which are not used to prevent or control environmental effects. This limitation ensures no potential for significant environmental effects in the application of this CE due to decommissioning of equipment or cessation of operations that are necessary to provide environmental controls.

DHS has a similar CE, L20, which covers the temporary or permanent decommissioning, disestablishment, or closure for USCG facilities. DHS previously evaluated similar actions through assessing CEs and actions of various components, including the USCG, the manager of the largest number of real properties within DHS. DHS found that the activities covered by this CE were performed throughout its Department without significant environmental effect. DHS does not view its decommissioning, disestablishment, or closure activities falling under its L20 CE as those that have a high likelihood of extraordinary circumstances.
NIST developed this CE based on the benchmarked CEs from multiple federal agencies listed below, including NTIA's previous substantiation, which broadly include the acquisition, transfer, lease, disposition, or closure of existing permanent structures, land, equipment, materials, or personal property. NIST analyzed the actions addressed by the CEs from other agencies and determined that the actions proposed by these agencies are sufficiently similar to the actions covered by this CE. No controversy has been noted regarding the use of similar CEs within NTIA or among the referenced benchmark agencies.

NIST's conclusion is that the actions described in this CE encompass activities that will not result in significant effects on the human environment, individually or in the aggregate.

Comparable Agency Categorical Exclusions

National Telecommunications and Information Administration
Reference: NEPA Procedures and CEs (April 2, 2024) (FR, 2024)
B-8. Decisions and actions to close facilities, decommission equipment, or temporarily discontinue use of facilities or equipment, where the facility or equipment, including office equipment, telecommunications equipment, and computer equipment, is not used to prevent or control environmental impacts.

U.S. General Services Administration
Reference: NEPA Desk Guide, Automatic CEs (October 1999)
5.4(j). Disposal of properties where the size, area, topography, and zoning are similar to existing surrounding properties and/or where current and reasonable anticipated uses are or would be similar to current surrounding uses (e.g., commercial store in a commercial strip, warehouse in an urban complex, office building in downtown area, row house or vacant lot in an urban area).

National Oceanic and Atmospheric Administration
Reference: Policy and Procedures for Compliance with NEPA and Related Authorities, Companion Manual to NOAA Administrative Order 216-6A, Appendix E (January 13, 2017) (NOAA, 2017)
H7. Transferring real property to a non-Federal entity, an agency other than GSA, as well as to States, local agencies, and Indian Tribes, including return of public domain lands to the Department of the Interior.

U.S. Coast Guard
Reference: Instruction Manual 023-01-001-01, Revision 01: Implementation of NEPA, Appendix A, Unique CEs for the USCG (November 6, 2014) (DHS, 2014)
L20. Decisions to temporarily or permanently decommission, disestablish, or close Coast Guard shore facilities including any follow-on connected protection and maintenance needed to maintain the property until it is no longer under Coast Guard control.

U.S. Air Force
Reference: 32 C.F.R. Part 989, Appendix B: CEs (March 28, 2001)
A2.3.18. Transferring administrative control of real property within the Air Force or to another military department or to another Federal agency, not including GSA, including returning public domain lands to the Department of the Interior.

U.S. Environmental Protection Agency
Reference: 40 C.F.R. § 6.204: CEs and extraordinary circumstances (February 4, 2009)
(a)(2)(vi). Actions involving the acquisition, transfer, lease, disposition, or closure of existing permanent structures, land, equipment, materials or personal property provided that the property: Is either vacant or has been used solely for office functions; has never been used for laboratory purposes by any party; does not require site remediation; and will be used in essentially the same manner such that the type and magnitude of the impacts will not change substantially. This category does not include activities related to construction and/or demolition of structures on the property (see paragraph (a)(1)(i) of this section).

U.S. Department of Energy
Reference: 10 C.F.R. Part 1021, Subpart D, Appendix B: CEs Applicable to Specific Agency Actions (April 30, 2024)
B1.24. Transfer, lease, disposition, or acquisition of interests in personal property (including, but not limited to, equipment and materials) or real property (including, but not limited to, permanent structures and land),

provided that under reasonably foreseeable uses (1) there would be no potential for release of substances at a level, or in a form, that could pose a threat to public health or the environment and (2) the covered actions would not have the potential to cause a significant.

4.5 RESEARCH

Categorical Exclusion A-14*

Proposed new and recurring activities and operations conducted in laboratories and facilities where research practices and safeguards (including but not limited to environmental permits for operation) prevent environmental effects, would be consistent with previously established safety levels, and would not result in a change in use of the facility. Examples include types of research, development, testing, and evaluation activities, and laboratory operations conducted within existing facilities designed to support research and development activities. Such facilities could be used for indoor small-scale research and development projects and small-scale pilot projects using nanoscale materials in accordance with applicable requirements (such as engineering, worker safety, procedural, and administrative regulations) necessary to ensure the containment of any hazardous materials. Not included in this category are demonstration actions, meaning actions that are undertaken at a scale to show whether a technology would be viable on a larger scale and suitable for commercial deployment.

Analysis: This CE is derived from NTIA's C-1 CE and DOE's B3.15 CE, and NIST has incorporated NTIA's substantiation of this CE into the analysis of its application. NTIA developed a similar research-focused CE by benchmarking similar CEs from NOAA, NASA, U.S. Air Force, DOE, FBI, and U.S. Navy. NTIA noted that as part of the CE applicability analysis, proposed best management practices (BMPs) and safeguards would be evaluated for reasonableness and efficacy; if NTIA were not able to confirm or verify the reasonableness and efficacy of such measures, the CE could not be applied (NTIA 2024a, NTIA 2024b). DOE established a similar CE in its 2011 NEPA rulemaking (DOE, 2011a). DOE relied on four EAs in which the DOE had analyzed the construction and operation of nanomaterials facilities and determined that with appropriate controls in place, the activities would not have the potential to cause significant impacts. No controversy has been noted regarding the use of the NTIA C-1 or DOE B3.15 CEs for those agencies' actions.

Research, development, testing, and evaluation activities or laboratory operations in this CE are those that will be undertaken within facilities that are operated under stringent operating requirements designed to protect the quality of the human environment and within the boundary of any environmental permits or thresholds required to operate these facilities (e.g., air permits, water quality permits, or other). Because of controls implemented by these facilities, these types of laboratory activities will not have significant environmental effects. The actions conducted under this CE will occur within existing facilities consistent with previously established safety levels and in compliance with federal, state, tribal, and local requirements to protect the environment and conducted in a manner that will result in no, or *de minimis*, change in the use of the facility. NIST may use this CE for its own research activities at NIST facilities, and it may also be applied to projects for which NIST provides funds or is working in partnership with external entities.

This CE only contemplates new activities and operations that do not change the functional use of a property. This CE is not appropriate for planning new mission requirements, such as entirely new types of research, that could require significant property modifications and new environmental permits. With this limitation, these activities would not alter the property management requirements or the environmental protection requirements that the functional use of the property would otherwise have to meet. As a result of these limitations, this CE covers activities that will have no potential for significant effects on the human environment, individually or in the aggregate.

NIST is staffed with professionals with considerable experience in environmental compliance and NEPA with the ability to evaluate proposed actions to understand the potential environmental effects and determine the presence of extraordinary circumstances. NIST staff will verify the environmental aspects of new activities and evaluate their compatibility with existing spaces and permit conditions prior to applying to this CE. NIST will document its use of this CE in a Record of CE.

NIST developed this CE based on the long-standing benchmark CEs from several other federal agencies listed below, including NTIA's previous substantiation. It is substantially similar to other federal agencies' CEs including DHS's CE B3 that was substantiated by long-standing CEs and administrative records brought to DHS by Federal Emergency Management Agency (FEMA) and USCG with similar CEs. Environmental analysis in EAs by DOE were also analyzed and compared to actions proposed to be covered by this CE. NIST analyzed the actions addressed by the CEs from other agencies and determined that the actions proposed by these agencies are sufficiently similar in nature, scope, and intensity to the actions covered by this CE.

NIST could apply this CE to research activities conducted at NIST facilities and may potentially fund research and innovation under grant programs at partner or other research sites. As part of the CE applicability analysis, proposed BMPs and safeguards will be evaluated for reasonableness and efficacy. If NIST is not able to confirm and verify the reasonableness and efficacy of such measures, the CE will not be applied. NIST's conclusion is that the actions described in this CE will not result in significant effects on the human environment, individually or in the aggregate.

Prior NEPA Analyses of Comparable Actions

U.S. Department of Energy
Reference: CE Determination for the Idaho National Laboratory (January 5, 2011) (DOE, 2011)
This documented evaluation of the addition of analytical capabilities to an existing DOE laboratory concluded that the action fell within a CE and that the analytical capabilities did not have any significant environmental effect on such environmental aspects as air quality, chemical use and storage, drinking water, hazardous waste generation. This judgement was made dependent on the laboratory's use of environmental and safety controls and maintaining compliance with thresholds for various potential contaminants.

U.S. Department of Energy
Reference: EA FONSI for the Consolidation and Expansion of Idaho National Laboratory Research and Development at a Science and Technology Campus, Idaho Falls, Idaho (March 13, 2007) (DOE, 2007)
NIST evaluated similar actions in an EA (2007) for DOE's consolidation and expansion of existing laboratory capabilities and operations within a central campus. The proposed action was to accommodate anticipated program growth while allowing for the consolidation of various activities located in the Idaho Falls areas and selected low hazard activities from the Idaho National Laboratory Site located west of Idaho Falls. Research and development programs that were to be conducted included microbiology, geochemistry, materials characterization and testing, welding, ceramics, thermal fluids behavior, analytical and environmental chemistry, and biotechnology. Four alternatives were evaluated, including one that is similar to the laboratory activities in this CE: Consolidation and expansion within current existing facilities. The EA analyzed potential effects on resources including climate, land use, air quality, water quality, ecological resources, noise, socioeconomics, and cultural resources. The analysis of this EA concluded that no significant effects were identified for the alternative with similar proposed activities.

U.S. Department of Energy
Reference: EA FONSI for the Sandia National Laboratories/California Site-Wide EA (March 20, 2003) (DOE, 2003)
NIST evaluated similar actions in an EA (2003) for DOE's and National Nuclear Security Administration's continued operation of Sandia National Laboratories/California and associated planned activities to support this work. The specialized capabilities Sandia National Laboratories/California provides in support of the DOE's mission include science-based performance and reliability testing and computer-based modeling of nuclear weapon components; development, design, and testing of nonnuclear components for nuclear weapon systems; materials and diagnostic equipment research and testing (involves biological, chemical, waste, and radiological materials including research and testing); energy and environmental research; and microelectronics, microsystems, and nanotechnologies. The analysis in this EA included continuing and historical research and development operations and related activities (No Action Alternative) as well as two alternatives with higher levels of activity and staffing. The analysis of this EA, including resources such as land use, geology and soils, biological resources, water resources, cultural resources, air quality, noise, socioeconomics, and environmental justice, concluded that there would be no effects or minimal effects for all resources analyzed under any of the alternatives, thus no significant effects were identified.

Comparable Agency Categorical Exclusions

National Telecommunications and Information Administration
Reference: NEPA Procedures and CEs (April 2, 2024) (FR, 2024)
C-1. Research activities conducted in laboratories and facilities where research practices and safeguards (including but not limited to environmental permits for operation) prevent environmental impacts. Examples include types of research, development, testing, and evaluation activities, and laboratory operations conducted within existing facilities designed to support research and development activities. Not included in this category are demonstration actions, meaning actions that are undertaken at a scale to show whether a technology would be viable on a larger scale and suitable for commercial deployment.

National Oceanic and Atmospheric Administration
Reference: Policy and Procedures for Compliance with NEPA and Related Authorities, Companion Manual to NOAA Administrative Order 216-6A, Appendix E (January 13, 2017) (NOAA, 2017)
E1. Activities conducted in laboratories and facilities where research practices and safeguards prevent environmental impacts. Examples include:

1. Research, development, testing, and evaluation studies, including but not limited to analysis of previously collected samples or data;
2. Development and use of mathematical models and computer simulations;
3. Synthesis of previously collected data or information;
4. Database development or maintenance;
5. Software development and testing; fabricating or enhancing prototype or bench-scale research equipment or instrumentation and equipment calibration; • Processing methods to include, but are not limited to filtration, fluorometer, high performance liquid chromatography, and mass spectrometers; and
6. Research and development or pilot projects conducted to verify a concept before demonstration actions (e.g., testbeds and proving grounds such as the Space Weather Prediction Testbed, Hazardous Weather Testbed, Climate Testbed that facilitate transition of research capabilities to operational implementation including pre-deployment testing and operational readiness/suitability evaluations.

National Aeronautics and Space Administration
Reference: 14 C.F.R. § 1216.304: CEs (April 11, 2024)
(d)(3)(i). Research, development, and testing in compliance with all applicable Federal, federally recognized Indian tribe, State, and/or local law or requirements and Executive orders.

U.S. Air Force
Reference: 32 C.F.R. Part 989, Appendix B: CEs (March 28, 2001)
A2.3.27. Normal or routine basic and applied scientific research confined to the laboratory and in compliance with all applicable safety, environmental, and natural resource conservation laws.

U.S. Department of Energy
Reference: 10 C.F.R. Part 1021, Subpart D, Appendix B: CEs Applicable to Specific Agency Actions (April 30, 2024)
B3.15. Siting, construction, modification, operation, and decommissioning of facilities for indoor small-scale research and development projects and small-scale pilot projects using nanoscale materials in accordance with applicable requirements (such as engineering, worker safety, procedural, and administrative regulations) necessary to ensure the containment of any hazardous materials. Construction and modification activities would be within or contiguous to a previously disturbed or developed area (where active utilities and currently used roads are readily accessible).

B3.6. Small-scale research and development, laboratory operations, and pilot projects. Siting, construction, modification, operation, and decommissioning of facilities for small-scale research and development projects; conventional laboratory operations (such as preparation of chemical standards and sample analysis); 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 within or contiguous to a previously disturbed or developed area (where active utilities and currently used roads are readily accessible). Not included in this category are demonstration actions, meaning actions that are undertaken at a scale to show whether a technology would be viable on a larger scale and suitable for commercial deployment.

Federal Bureau of Investigation
Reference: 28 C.F.R. Part 61, Appendix F: FBI Procedures Relating to the Implementation of NEPA (April 9, 2019)
5.(c)(NR8). Proposed new activities and operations to be conducted in an existing structure that would be consistent with previously established safety levels and would not result in a change in use of the facility. Examples include new types of research, development, testing, and evaluation activities, and laboratory operations conducted within existing enclosed facilities designed to support research and development activities.

U.S. Navy
Reference: 32 C.F.R. § 775.6: Planning considerations (December 5, 2019)
(f)(16). New activities conducted at established laboratories and plants (including contractor-operated laboratories and plants) where all airborne emissions, waterborne effluent, external ionizing and non-ionizing radiation levels, outdoor noise, and solid and bulk waste disposal practices are in compliance with existing applicable Federal, state, and local laws and regulations.

U.S. Army
Reference: 32 C.F.R. Part 651, Appendix B (No Date)
(h)(5). Research, testing, and operations conducted at existing enclosed facilities consistent with previously established safety levels and in compliance with applicable federal, state, and local standards. For facilities without existing NEPA analysis, including contractor-operated facilities, if the operation will substantially

increase the extent of potential environmental impacts or is controversial, an EA (and possibly an EIS) is required.

U.S. Environmental Protection Agency
Reference: 40 C.F.R § 6.204: CEs and extraordinary circumstances (February 4, 2009)
(a)(2)(iv). Actions relating to or conducted completely within a permanent, existing contained facility, such as a laboratory, or other enclosed building, provided that reliable and scientifically-sound methods are used to appropriately dispose of wastes and safeguards exist to prevent hazardous, toxic, and radioactive materials in excess of allowable limits from entering the environment. Where such activities are conducted at laboratories, the Lab Director or other appropriate official must certify in writing that the laboratory follows good laboratory practices and adheres to all applicable federal, state, local, and federally recognized Indian tribal laws and regulations. This category does not include activities related to construction and/or demolition within the facility (see paragraph (a)(1)(i) of this section).

Agriculture Research Service
Reference: 7 C.F.R. § 520.5: CEs (January 1, 2023)
(b)(2). Research programs or projects of limited size and magnitude or with only short-term effects on the environment. Examples are:

1) Research operations conducted within any laboratory, greenhouse or other contained facility where research practices and safeguards prevent environment impacts such as the release of hazardous materials into the environment;
2) Inventories, studies or other such activities that have limited context and minimal intensity in terms of changes in the environment;
3) Testing outside of the laboratory, such as in small, isolated field plots, which does not involve the use of control agents requiring containment or a special license or a permit from a regulatory agency.

U.S. Bureau of Reclamation
Reference: 516 DM 14: NEPA Implementation Procedures for the Bureau of Reclamation (May 24, 2019) (USBR, 2019)
A(3). Research activities, such as nondestructive data collection and analysis, monitoring, modeling, laboratory testing, calibration, and testing of instruments or procedures and non-manipulative field studies.

U.S. Department of Homeland Security
Reference: Instruction Manual 023-01-001-01, Revision 01: Implementation of NEPA, Appendix A (November 6, 2014) (DHS, 2014)
B1. Research, development, testing, and evaluation activities, or laboratory operations conducted within existing enclosed facilities consistent with previously established safety levels and in compliance with applicable Federal, tribal, state, and local requirements to protect the environment when it will result in no, or *de minimus* change in the use of the facility. If the operation will substantially increase the extent of potential environmental impacts or is controversial, an EA (and possibly an EIS) is required.

Prior FEMA CEs (now replaced by Department of Homeland Security CEs)
Reference: 44 C.F.R. § 10.8: Determination of requirement for environmental review (October 1, 1998)
(viii). Acquisition or lease of existing facilities where planned uses conform to past use or local land use requirements;
(xvii). Actions conducted within enclosed facilities where all airborne emissions, waterborne effluent, external radiation levels, outdoor noise, and solid and bulk waste disposal practices comply with existing Federal, state, and local laws and regulations.

Categorical Exclusion A-15*

Outdoor research activities conducted in compliance with all applicable laws, regulations, and requirements where no new ground disturbance occurs and no sensitive resources (e.g., threatened or endangered species, archaeological sites, Tribal resources, wetlands, and waterbodies) are present, such as radar testing, radio noise measurements, and public safety communications research.

Analysis: This CE is directly derived from NTIA's C-2 CE, and NIST has incorporated NTIA's substantiation of this CE into the analysis of its application. NTIA developed this CE based on benchmark CEs from NASA, NOAA, DOE, and USFWS. NTIA contemplated that it could apply this CE to research activities conducted by NTIA as well as for research and innovation funding under grant programs (NTIA 2024a, NTIA 2024b).

The research, development, testing, and evaluation activities present in this CE will be conducted outdoors and covers noninvasive methods such as radar testing, radio noise measurements, and public safety communications research. The actions covered under this CE will not result in new ground disturbances or have adverse effects to sensitive resources (e.g., threatened or endangered species, archaeological sites, tribal resources, wetlands, and waterbodies). This CE will not be applied before full consideration of any extraordinary circumstance. The CE will only cover activities that are in compliance with federal, state, tribal, and local requirements to protect the environment. The CE will be conducted in a manner that would result in no, or *de minimis*, effects to the environment. NIST may use this CE for its own outdoor research activities, and it may also be applied to projects for which NIST provides funds or is working under an agreement with external entities.

New activities which do not change the environmental quality of an outdoor location are covered under this CE. As such, this CE is not appropriate for ground or sensitive resource-disturbing activities, such as methods requiring heavy equipment or boring, that would affect the environment. Activities covered by this CE will not alter the environmental protection requirements which are otherwise required. As a result of these limitations, this CE covers activities that will not have potential for significant effects on the human environment, individually or in the aggregate.

In DOE's 1992 procedures (DOE B3.1, B3.3, B3.8, B3.11, and B3.16) for the application of CEs, DOE identified covered activities, such as site characterization and environmental monitoring under CERCLA and RCRA. Activities covered by DOE B3.1 include representative research, development, testing, and evaluation activities conducted outdoors in addition to site characterization and environmental monitoring. B3.1 includes monitoring devices such as wells which, unlike the coverage of this CE, result in ground disturbance. DOE's B3.1 has been applied 61 times in 2024 alone to activities relevant to this CE (DOE, 2024c). DOE's procedures cover only non-aquatic, non-permanent methods outside of marine sanctuary or wildlife refuge, a governmentally proposed marine sanctuary or wildlife refuge, or a governmentally recognized area of high biological sensitivity (as comparably covered in the extent of this CE not affecting sensitive resources).

NIST is staffed with professionals with considerable experience in environmental compliance and NEPA with the ability to evaluate proposed actions to understand the potential environmental effects and determine the presence of extraordinary circumstances. NIST staff will verify the environmental aspects of new activities and evaluate their compatibility with existing spaces and permit conditions prior to applying this CE.

NIST developed this CE based on the long-standing benchmark CEs from several federal agencies listed below, including NTIA's previous substantiation, in addition to DOE's 1992 procedure CEs and NASA's PEA and FONSI also referenced below. DOE's CE limitation for non-aquatic, non-permanent methods

outside of federally recognized ecological regions (e.g., established or recognized marine sanctuaries, wildlife refuges, and area of high biological sensitivity) are realized by this CE through the CE's requirement that sensitive resources are not present. NIST analyzed the actions addressed by the CEs from other agencies and determined that the actions proposed by these agencies are sufficiently similar in nature, scope, and intensity to the actions covered by this CE. No controversy has been noted regarding the use of similar CEs within NTIA or among the referenced benchmark agencies. NIST would apply this CE to research, development, testing, and evaluation activities conducted outdoors. As part of the CE applicability analysis, proposed BMPs and safeguards would be evaluated for reasonableness and efficacy. If NIST were not able to confirm and verify the reasonableness and efficacy of such measures to prevent environmental effects, the CE could not be applied. NIST's conclusion is that the actions described in this CE would not result in significant effects on the human environment, individually or in the aggregate.

Prior NEPA Analyses of Comparable Actions

National Aeronautics and Space Administration
Reference: PEA Final FONSI for Jet Propulsion Laboratory Periodic Scientific Development and Testing Activities On-Site and in the Arroyo Seco; PEA (March 2018) (NASA, 2018)
This PEA (2018) programmatically assesses environmental effects associated with a suite of outdoor scientific development and testing activities at the NASA Jet Propulsion Laboratory (JPL) on-site and within other appropriate landscapes in close proximity, including the adjacent Arroyo Seco. These outdoor testing actions were small-scale, non-intrusive, short-duration outdoor testing, verification, and calibration activities which were necessary to support and fulfill NASA scientific and technology demonstration missions as well as tasks conducted by NASA JPL under technology development agreements with other federal agencies.

Based on the analysis presented in the PEA and coordination with all appropriate federal, state, and other local agencies, NASA determined that the environmental effects associated with the Proposed Action would not individually or cumulatively have a significant effect on the quality of the human or natural environment. Accordingly, an EIS was not required, and NASA issued a FONSI.

Comparable Agency Categorical Exclusions

National Telecommunications and Information Administration
Reference: NEPA Procedures and CEs (April 2, 2024) (FR, 2024)
C-2. Outdoor research activities conducted in compliance with all applicable laws, regulations, and requirements. Examples include types of research, development, testing, and evaluation activities conducted outdoors where no new ground disturbance occurs and no sensitive resources (e.g., threatened or endangered species, archaeological sites, Tribal resources, wetlands, and waterbodies) are present, such as radar testing, radio noise measurements, and public safety communications research.

National Aeronautics and Space Administration
Reference: 14 C.F.R. § 1216.304: CEs (April 11, 2024)
(d)(3)(i). Research, development, and testing in compliance with all applicable Federal, federally recognized Indian tribe, State, and/or local law or requirements and Executive orders.

National Oceanic and Atmospheric Administration
Reference: Policy and Procedures for Compliance with NEPA and Related Authorities, Companion Manual to NOAA Administrative Order 216-6A, Appendix E (January 13, 2017) (NOAA, 2017)
E3. Activities to collect aquatic, terrestrial, and atmospheric data in a non-destructive manner.

U.S. Department of Energy
Reference: 10 C.F.R. Part 1021, Subpart D, Appendix B: CEs Applicable to Specific Agency Actions (April 30, 2024)

B3.3. Field and laboratory research, inventory, and information collection activities that are directly related to the conservation of fish and wildlife resources or to the protection of cultural resources, provided that such activities would not have the potential to cause significant impacts on fish and wildlife habitat or populations or to cultural resources.

B3.8. Outdoor terrestrial ecological and environmental research. Outdoor terrestrial ecological and environmental research in a small area (generally less than 5 acres), including, but not limited to, siting, construction, and operation of a small-scale laboratory building or renovation of a room in an existing building for associated analysis. Such activities would be designed in conformance with applicable requirements and use best management practices to limit the potential effects of any resultant ground disturbance.

B3.11. Outdoor tests and experiments on materials and equipment components. Outdoor tests and experiments for the development, quality assurance, or reliability of materials and equipment (including, but not limited to, weapon system components) under controlled conditions. Covered actions include, but are not limited to, burn tests (such as tests of electric cable fire resistance or the combustion characteristics of fuels), impact tests (such as pneumatic ejector tests using earthen embankments or concrete slabs designated and routinely used for that purpose), or drop, puncture, water-immersion, or thermal tests. Covered actions would not involve source, special nuclear, or byproduct materials, except encapsulated sources manufactured to applicable standards that contain source, special nuclear, or byproduct materials may be used for nondestructive actions such as detector/sensor development and testing and first responder field training.

B3.16. Small-scale, temporary surveying, site characterization, and research activities in aquatic environments, limited to:

1) Acquisition of rights-of-way, easements, and temporary use permits;
2) Installation, operation, and removal of passive scientific measurement devices, including, but not limited to, antennae, tide gauges, flow testing equipment for existing wells, weighted hydrophones, salinity measurement devices, and water quality measurement devices;
3) Natural resource inventories, data and sample collection, environmental monitoring, and basic and applied research, excluding (1) large-scale vibratory coring techniques and (2) seismic activities other than passive techniques; and
4) Surveying and mapping.

These activities would be conducted in accordance with, where applicable, an approved spill prevention, control, and response plan and would incorporate appropriate control technologies and best management practices. None of the activities listed above would occur within the boundary of an established marine sanctuary or wildlife refuge, a governmentally proposed marine sanctuary or wildlife refuge, or a governmentally recognized area of high biological sensitivity, unless authorized by the agency responsible for such refuge, sanctuary, or area (or after consultation with the responsible agency, if no authorization is required). If the proposed activities would occur outside such refuge, sanctuary, or area and if the activities would have the potential to cause impacts within such refuge, sanctuary, or area, then the responsible agency shall be consulted in order to determine whether authorization is required and whether such activities would have the potential to cause significant impacts on such refuge, sanctuary, or area. Areas of high biological sensitivity include, but are not limited to, areas of known ecological importance, whale and marine mammal mating and calving/pupping areas, and fish and invertebrate spawning and nursery areas

recognized as being limited or unique and vulnerable to perturbation; these areas can occur in bays, estuaries, near shore, and far offshore, and may vary seasonally. No permanent facilities or devices would be constructed or installed. Covered actions do not include drilling of resource exploration or extraction wells.

U.S. Fish and Wildlife Service
Reference: 516 DM 8.5: CEs (July 30, 2020) (USFWS, 2020)
8.5, B (1). Research, inventory, and information collection activities directly related to the conservation of fish and wildlife resources which involve negligible animal mortality or habitat destruction, no introduction of contaminants, or no introduction of organisms not indigenous to the affected ecosystem.

4.6 FACILITY CONSTRUCTION

Categorical Exclusion A-16*

New construction or improvement of buildings or experimental equipment (e.g., trailers, prefabricated buildings, and test slabs) on previously disturbed ground, with no more than 1 acre (0.4 hectare) of ground disturbance in previously disturbed areas, where the proposed facility use is generally compatible with the surrounding land use and applicable zoning standards and will not require additional support infrastructure.

Analysis: This CE is derived from NTIA's C-6 CE and DOE's B3.15 CE, and NIST has incorporated NTIA's substantiation of this CE into the analysis of its application. NTIA developed this CE based on benchmark CEs from DOC, NOAA, and DOE. NTIA included a 1-acre threshold because this is a threshold for other regulatory requirements such as National Pollutant Discharge Elimination System (NPDES) permits. NTIA contemplated that this CE would apply to either direct or grant-funded actions and that NTIA would document that the action is compatible with surrounding land use and applicable zoning standards before application (NTIA 2024a, NTIA 2024b). DOE established a similar CE in its 2011 NEPA rulemaking (DOE, 2011a). DOE relied on four EAs in which the DOE had analyzed the construction and operation of nanomaterials facilities and determined that, with appropriate controls in place, the activities would not have the potential to cause significant impacts.

NIST analyzed the actions addressed by the CEs from other agencies and determined that the actions proposed by these agencies are similar to the actions covered by this CE. For example, DOC has implemented a similar CE, A-2 for new construction and improvement of land. DOC relied on the experience of the Economic Development Administration, USCG, FEMA, U.S. Navy, and the U.S. Border Patrol and found that actions of a similar nature, scope, and intensity were performed throughout the federal government without significant environmental effects.

NOAA has used a similar CE, F.3. (b), for new construction, expansion and/or improvement of facilities. Use of this CE requires consideration of extraordinary circumstances and includes similar limits to those of DOC's A-2 CE.

DOE in its regulations of 10 C.F.R. Part 1021 has a similar CE, B1.15, for siting, construction or modification, and operation of support buildings and support structures which requires consideration of extraordinary circumstances prior to its use. DOE justifies use of this CE based on its experience at DOE sites where these activities normally fit within this class of actions. DOE has used this CE 1,045 times since 2009 and applied it 29 times in 2024 alone to activities relevant to this CE (DOE, 2024d).

DHS has made use of a similar CE, E2, since 1997. In its administrative record, DHS indicates that these types of actions could involve one or more extraordinary circumstances and recommended preparation of a Record of Environmental Considerations to document whether the CE is appropriately applied.

HUD has a similar CE for improvement of public facilities (other than buildings) that involves construction in previously disturbed areas. This CE requires consideration of related laws and authorities and consideration of extraordinary circumstances prior to its application. Since 1996, HUD and state and local governments have applied this CE widely.

NIST developed this CE based on the benchmarked CEs from the federal agencies listed below, including NTIA's previous substantiation, which include construction on previously disturbed sites. NIST analyzed the actions addressed by the CEs from other agencies and determined that the actions proposed by these agencies are sufficiently similar to the actions covered by this CE. The actions contemplated in this CE can be applied to direct NIST activities (i.e., construction of new temporary additions) or providing grants or financial incentive actions to industry or private partners. For example, under the CHIPS Act, existing semiconductor manufacturers or suppliers could develop temporary structures, such as a prefab building, to support temporary office operations. Similar actions are performed throughout the federal government without significant environmental effects. Furthermore, no controversy has been noted regarding the use of similar CEs within NTIA or among the referenced benchmark agencies. NIST's conclusion is that the actions described in this CE encompass activities will not result in significant effects on the human environment, individually or in the aggregate.

Prior NEPA Analyses of Comparable Actions

Federal Emergency Management Agency
Reference: PEA FONSI for Puerto Rico Public Facilities Infrastructure Recovery and Resiliency (December 22, 2022) (FEMA, 2022)
In 2022, FEMA prepared the Puerto Rico Public Facilities Infrastructure Recovery and Resiliency PEA for funding the restoration of such facilities as emergency response facilities, hospitals, public housing, schools, libraries, and others. The PEA included an action alternative that proposed to repair public facilities to their pre-disaster function as well as improving their resiliency to future disaster events. Public facilities would remain at their same location but allow for minor expansion of facility function, capacity, and density. If a public facility is eligible for replacement, the subrecipient would be able to construct a new facility. The PEA evaluated the physical, biological, cultural, and human use settings in which the proposed activities would occur and found that they would not significantly affect any of the resource areas analyzed. FEMA issued a FONSI for these types of actions contingent on site-specific evaluation of associated laws and authorities and a determination that no extraordinary circumstances exist. These actions are similar in scope to the CE being considered by NIST.

Comparable Agency Categorical Exclusions

National Telecommunications and Information Administration
Reference: NEPA Procedures and CEs (April 2, 2024) (FR, 2024)
C-6. New construction or improvement of temporary buildings or experimental equipment (e.g., trailers, prefabricated buildings, and test slabs) on previously disturbed ground, with no more than 1 acre (0.4 hectare) of ground disturbance, where the proposed facility use is generally compatible with the surrounding land use and applicable zoning standards and will not require additional support infrastructure.

U.S. Department of Commerce
Reference: 74 *FR* 33204: Department-Wide CEs (July 10, 2009) (FR, 2009)
A-10. Siting, construction (or modification), and operation of support buildings and support structures (including, but not limited to, trailers and prefabricated buildings) within or contiguous to an already developed area (where active utilities and currently used roads are readily accessible). This CE does not apply where the project must be submitted to the National Capital Planning Commission (NCPC) for review and NCPC determines that it does not have an applicable Categorical Exclusion.

A-2. New construction upon or improvement of land where all of the following conditions are met:

1) The site is in a developed area and/or a previously disturbed site,
2) The structure and proposed use are compatible with applicable Federal, Tribal, State, and local planning and zoning standards and consistent with Federally approved State coastal management programs,
3) The proposed use will not substantially increase the number of motor vehicles at the facility or in the area,
4) The site and scale of construction or improvement are consistent with those of existing, adjacent, or nearby buildings, and
5) The construction or improvement will not result in uses that exceed existing support infrastructure capacities (roads, sewer, water, parking, etc.).

National Oceanic and Atmospheric Administration
Reference: Policy and Procedures for Compliance with NEPA and Related Authorities, Companion Manual to NOAA Administrative Order 216-6A, Appendix E (January 13, 2017) (NOAA, 2017)
F-1. Siting, construction (or modification), and operation of support buildings and support structures (including, but not limited to, trailers and prefabricated buildings) within or contiguous to an already developed area (where active utilities and currently used roads are readily accessible).

U.S. Department of Energy
Reference: 10 C.F.R. Part 1021, Subpart D, Appendix B: CEs Applicable to Specific Agency Actions (April 30, 2024)
B1.15. Siting, construction or modification, and operation of support buildings and support structures (including, but not limited to, trailers and prefabricated and modular buildings) within or contiguous to an already developed area (where active utilities and currently used roads are readily accessible). Covered support buildings and structures include, but are not limited to, those for office purposes; parking; cafeteria services; education and training; visitor reception; computer and data processing services; health services or recreation activities; routine maintenance activities; storage of supplies and equipment for administrative services and routine maintenance activities; security (such as security posts); fire protection; small-scale fabrication (such as machine shop activities), assembly, and testing of non-nuclear equipment or components; and similar support purposes, but exclude facilities for nuclear weapons activities and waste storage activities such as activities covered in B1.10, B1.29, B1.35, B2.6, B6.2, B6.4, B6.5, B6.6, and B6.10 of this appendix.

U.S. Coast Guard
Reference: Instruction Manual 023-01-001-01, Revision 01: Implementation of NEPA, Appendix A, Unique CEs for the USCG (November 6, 2014) (DHS, 2014)
E2. New construction upon or improvement of land where all of the following conditions are met:

1) The structure and proposed use are compatible with applicable Federal, tribal, state, and local planning and zoning standards and consistent with federally approved state coastal management programs,
2) The site is in a developed area and/or a previously disturbed site,
3) The proposed use will not substantially increase the number of motor vehicles at the facility or in the area,
4) The site and scale of construction or improvement are consistent with those of existing, adjacent, or nearby buildings, and,

5) The construction or improvement will not result in uses that exceed existing support infrastructure capacities (roads, sewer, water, parking, etc.).

U.S. Department of Housing and Urban Development
Reference: 24 C.F.R. § 58.35(a)(5): CEs (November 15, 2013)
58.35(a)(1). Acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities and improvements (other than buildings) when the facilities and improvements are in place and will be retained in the same use without change in size or capacity of more than 20 percent (e.g., replacement of water or sewer lines, reconstruction of curbs and sidewalks, repaving of streets).

5.0 REFERENCES

(CEQ, 2010). Council on Environmental Quality. 2010. Memorandum on Establishing, Applying and Revising CEs under the National Environmental Policy Act. Available online at: https://ceq.doe.gov/docs/ceq-regulations-and-guidance/NEPA_CE_Guidance_Nov232010.pdf.

(DHS, 2014). U.S. Department of Homeland Security. 2014. Instruction Manual 023-01-001-01, Revision 01, Implementation of the National Environmental Policy Act (NEPA). Available online at: https://www.dhs.gov/sites/default/files/publications/DHS_Instruction%20Manual%20023-01-001-01%20Rev%2001_508%20Admin%20Rev.pdf.

(DOC, 2017). U.S. Department of Commerce. 2017. Finding of No Significant Impact for the Department of Commerce Boulder Laboratories Campus Master Plan. Available online at: https://www.nist.gov/system/files/documents/2017/07/31/doc_boulder_mp_ea_fonsi_signed_7-24-17.pdf.

(DOE, 2003). U.S. Department of Energy. 2003. Site Wide Environmental Assessment (SWEA) for Sandia National Laboratories/California. Available online at: https://www.energy.gov/sites/default/files/2019/06/f64/fonsi-ea-1422-snl-ca-swea-2003-03-20.pdf.

(DOE, 2007). U.S. Department of Energy. 2007. U.S. Department of Energy Finding of No Significant Impact for the Environmental Assessment for the Proposed Consolidation and Expansion sf Idaho National Laboratory Research and Development at a Science and Technology Campus. Available online at: https://www.energy.gov/sites/default/files/nepapub/nepa_documents/RedDont/EA-1555-FONSI-2007.pdf.

(DOE, 2011a). U.S. Department of Energy. 2011. National Environmental Policy Act Implementing Procedures: Final Rule, 10 C.F.R. Part 1021. Federal Register, 76(198), 63763–63787. Available online at: https://www.energy.gov/sites/default/files/2018/01/f47/2011-10-13%20Final%201021.pdf.

(DOE, 2011b). U.S. Department of Energy. 2011. DOE-ID NEPA CX Determination Idaho National Laboratory. Available online at: https://www.energy.gov/nepa/articles/cx-004926-categorical-exclusion-determination.

(DOE, 2017). U.S. Department of Energy. 2017. XXX. Accessed June 25, 2024. Available at: https://www.energy.gov/nepa/ea-2044-energy-northwest-wnp-14-lease-renewal-hanford-site-washington

(DOE, 2024a). U.S. Department of Energy. 2024. Categorical Exclusion Determinations: A11. Accessed June 6, 2024, at: https://www.energy.gov/nepa/listings/categorical-exclusion-determinations-a11.

(DOE, 2024b). U.S. Department of Energy. 2024. Categorical Exclusion Determinations: B1.3. Accessed June 6, 2024, at: https://www.energy.gov/nepa/listings/categorical-exclusion-determinations-b13?page=571.

(DOE, 2024c). U.S. Department of Energy. 2024. Categorical Exclusion Determinations: B3.1. Accessed June 6, 2024, at: https://www.energy.gov/nepa/listings/categorical-exclusion-determinations-b31?page=5.

(DOE, 2024d). U.S. Department of Energy. 2024. Categorical Exclusion Determinations: B1.15. Accessed June 18, 2024 at: https://www.energy.gov/nepa/listings/categorical-exclusion-determinations-b115?page=0.

(DOJ, 2010). U.S. Department of Justice. 2010. Draft Environmental Assessment for the Renovation of Housing for Victims of Domestic Violence. Accessed June 12, 2024, at: https://www.justice.gov/archive/ovw/docs/draft-environmental-assessment.pdf.

(DOT, 2015). U.S. Department of Transportation. 2015. Order 1050.1F. Available online at: https://www.faa.gov/documentlibrary/media/order/faa_order_1050_1f.pdf

(DTRA, 2016). Defense Threat Reduction Agency. 2016. National Environmental Policy Act (NEPA) Procedures Guide. Available online at: https://www.dtra.mil/Portals/61/Documents/NEPA/DTRASCCWMD_NEPAProceduresGuide.pdf.

(EDA, 1992). Economic Development Administration. 1992. EDA Program to Implement the National Environmental Policy Act of 1969 and Other Federal Environmental Mandates as Required. Available online at: https://www.corporateservices.noaa.gov/grantsonline/Documents/EDA_DOO_17.02_02.pdf.

(FEMA, 2022). Federal Emergency Management Agency. 2022. Programmatic Environmental Assessment for Public Facilities Infrastructure Recovery and Resiliency, Puerto Rico, FEMA-DR-4336-PR, FEMA-DR-4339-PR, FEMA-DR-4473-PR, 2022. Available online at: https://www.fema.gov/sites/default/files/documents/fema-4336-4339-4473-public-facilities-signed-fonsi_12272022.pdf.

(FirstNet Authority, 2018). First Responder Network Authority. 2018. Procedures for Implementing the National Environmental Policy Act. Available online at: https://www.firstnet.gov/sites/default/files/FirstNet_Implementing_Procedures_January_2018_0_0.pdf.

(FR, 1992). United States Federal Register. 1992. Department of Energy, 101 C.F.R. Part 1021, National Environmental Policy Act Implementing Procedures. Available online at: https://www.energy.gov/nepa/articles/1992-04-24-regulations-final-10-cfr-part-1021-national-environmental-policy-act

(FR, 2000). United States Federal Register. 2000. Department of Health and Human Services National Institutes of Health: Establishment by the National Institutes of Health of Categorical Exclusions Under the National Environmental Policy Act. Available online at: https://www.govinfo.gov/content/pkg/FR-2000-01-19/pdf/00-1128.pdf.

(FR, 2009). United States Federal Register. 2009. Department of Commerce National Environmental Policy Act Categorical Exclusions. Available online at: https://www.govinfo.gov/content/pkg/FR-2009-07-10/pdf/E9-16394.pdf.

(FR, 2023). Federal Register. 2023. Adoption of Department of Energy Categorical Exclusions Under the National Environmental Policy Act. Accessed June 6, 2024, at: https://www.govinfo.gov/content/pkg/FR-2023-09-20/pdf/2023-20303.pdf

(FR, 2024). United States Federal Register. 2024. Department of Commerce National Telecommunications and Information Administration National Environmental Policy Act Procedures and Categorical Exclusions. Available online at: https://www.govinfo.gov/content/pkg/FR-2024-04-02/pdf/2024-06751.pdf.

(GSA, 1999). U.S. General Services Administration. 1999. NEPA Desk Guide, Automatic CEs. https://www.gsa.gov/system/files/PBS_NEPA_Deskguide.pdf

(HHS, 2000). U.S. Department of Health and Human Services. 2000. HHS General Administration Manual Part 30 Environmental Protection. Accessed June 25, 2024, at: https://www.hhs.gov/about/hhs-manuals/gam-part-30/index.html.

(NASA, 2018). National Aeronautics and Space Administration. 2018. Programmatic Environmental Assessment for Jet Propulsion Laboratory Periodic Scientific Development and Testing Activities On-site and in the Arroyo Seco. Available online at: https://www.nasa.gov/wp-content/uploads/2024/01/programmatic-ea-for-outdoor-tests-v9.pdf?emrc=f942d9.

(NIST, 2018). National Institute of Standards and Technology. 2018. Finding of No Significant Impact for the National Institute of Standards and Technology Gaithersburg Campus Master Plan. Available online at: https://www.nist.gov/system/files/documents/2018/06/15/fonsi_signed_6-5-18.pdf.

(NOAA, 2017). National Oceanic and Atmospheric Administration. 2017. Policy and Procedures for Compliance with the National Environmental Policy Act and Related Authorities: Companion Manual for NOAA Administrative Order 216-6A. Available online at: https://www.noaa.gov/sites/default/files/2021-10/NOAA-NAO-216-6A-Companion-Manual-03012018%20%281%29.pdf.

(NPS, 2015). U.S. National Park Service. 2015. National Park Service NEPA Handbook. Available online at: https://www.nps.gov/subjects/nepa/upload/NPS_NEPAHandbook_Final_508.pdf.

(NTIA, 2009). National Telecommunications and Information Administration. 2009. Public Safety Interoperable Communications Grant Program Programmatic Environmental Assessment. Accessed June 12, 2024, at: https://www.regulations.gov/document/NTIA-2009-0001-0005.

(NTIA, 2024a). National Telecommunications and Information Administration. 2024. Substantiation of Proposed New National Environmental Policy Act Categorical Exclusions. Available online at: https://www.nist.gov/system/files/documents/2024/12/10/NIST%20CE%20Substantiation%2012-10-508C.pdf

(NTIA, 2024b). National Telecommunications and Information Administration. 2024. National Environmental Policy Act Procedures and Categorical Exclusions. Federal Register 89(63):19847-19860. Accessed December 31, 2024, at: https://www.federalregister.gov/documents/2024/04/02/2024-06751/national-environmental-policy-act-procedures-and-categorical-exclusions.

(USBR, 2019). U.S. Department of the Interior Bureau of Reclamation. 2019. National Environmental Policy Act Implementing Procedures for the Bureau of Reclamation (516 DM 14). Available online at: https://www.govinfo.gov/content/pkg/FR-2019-05-24/pdf/2019-10967.pdf.

(USDT, 2015). U.S. Department of the Treasury. 2015. Treasury Directive 75-02. Accessed June 25, 2024, at: https://home.treasury.gov/about/general-information/orders-and-directives/td75-02.

(USFWS, 2020). U.S. Department of the Interior Fish and Wildlife Service. 2020. Department of the Interior Departmental Manual Section 8.5: Categorical Exclusions. Available online at: https://www.doi.gov/sites/doi.gov/files/elips/documents/516-dm-8.pdf.

(VA, 2010). Department of Veterans Affairs. 2010. NEPA Interim Guidance for Projects. Available online at: https://www.cfm.va.gov/environmental/NEPAGuidance.pdf.