RECORD OF CATEGORICAL EXCLUSION DETERMINATION

A. **Proposed Action:** Western proposes to remove borrow from the Apex Regional Landfill for use at the Basic Substation for soil remediation.

The attached map shows the borrow area which is situated in Sections 18, 19, 20 Township 18 South Range 64 East, Mount Diablo Meridian, Clark County, Nevada. The corresponding U.S.G.S. 7.5-minute topographic maps are Apex, Dry Lake, Dry Lake NW, and Dry Lake SE, Nevada.

B. **Categorical Exclusion Applied:** 10 CFR, Part 1021, Subpart D, Appendix B, B4.11: "Construction of electric power substations with power delivery at 230kV or below or modification of existing substations."

C. **Regulatory Requirements in 10 CFR 1021.410 (b):**

1. The proposed action fits within a class of actions that is listed in Appendix B to Subpart D.

   a. The proposed action was reviewed for the requirements of the Endangered Species Act, the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and all applicable Department of Energy Orders. This action falls under the Programmatic Agreement for routine maintenance activities, type II activities.

   b. The proposed action does not require the siting, construction, or major expansion of waste storage, disposal, recovery, or treatment facilities.

   c. The proposed action does not disturb hazardous substances, pollutants, contaminates, or CERLA-excluded petroleum and natural gas products that pre-exist in the environment such that there would be uncontrolled and unpermitted releases.

   d. The proposed action was reviewed and surveyed for impacts to cultural and sensitive biological resources. There is currently a desert tortoise proof fence around the landfill. Cultural and sensitive biological resources have been determined to not be affected.

2. There are no extraordinary circumstances related to the proposal that may affect the significance of the environmental effects of the proposal; and

3. The proposal is not "connected" to other actions with potentially significant impacts, is not related to other proposed actions with cumulatively significant impacts, and is not precluded by 40 CFR 1506.1 or 10 CFR 1021.211.

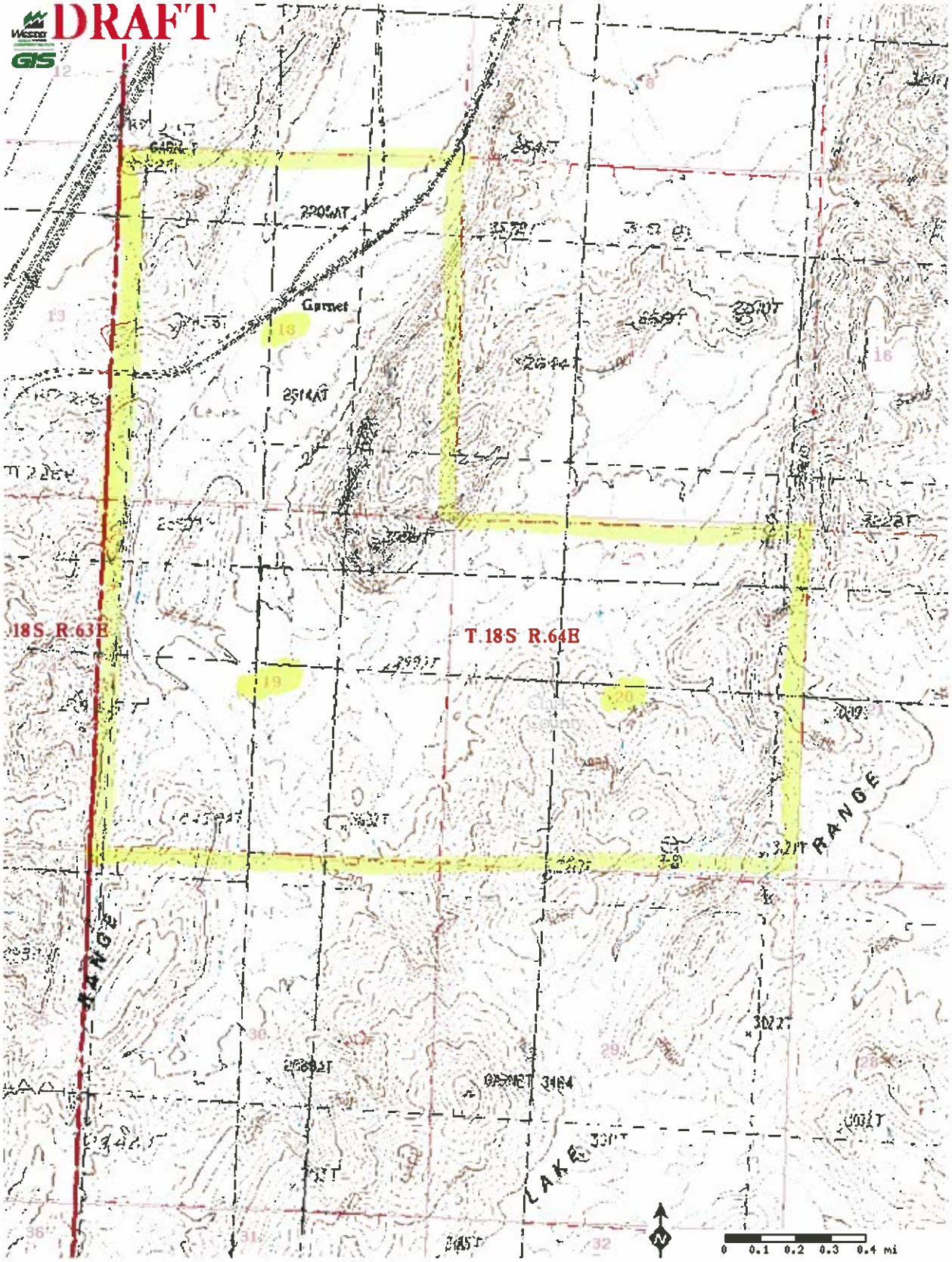
D. **Determination:** Based on my review of information conveyed to me and in my possession (or attached) concerning the proposed action, as NEPA Compliance Officer (as authorized under DOE Order 451.1A), I have determined that the proposed action fits within the specified class of actions, the other regulatory requirements set forth above are met, and the proposed action is hereby categorically excluded from further NEPA review.

E. **Special Conditions:**

1) **If a desert tortoise is encountered, the tortoise must be allowed to move on its own volition.**

John R. Holt
NEPA Compliance Officer

11/30/10
Date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