NEPA

National Environmental Policy Act

LESSONS LEARNED

U.S. DEPARTMENT OF ENERGY QUARTERLY REPORT

December 5, 2001; Issue No. 29 Fourth Quarter FY 2001

CEQ Chair Describes Goals, Supports NEPA Principles

The Council on Environmental Quality (CEQ) wants Federal agencies to weave environmental considerations into everyday business, as opposed to conducting NEPA compliance as a distinct project to fend off lawsuits. Recently appointed CEQ Chair James L. Connaughton (*Lessons Learned Quarterly Report*, June 2001, page 12) described this and other key CEQ goals at a September 21, 2001, meeting with Federal agency NEPA Contacts.

Mr. Connaughton made it clear that this administration supports NEPA's principles "as much as all previous administrations." In this connection, he referred to Section 101 of NEPA – which declares a Federal policy "to use all practicable means and measures... to create and maintain conditions under which man and nature can exist in productive harmony" – as the first articulation of "sustainable development."

Approach to Environmental Issues

Based on his favorable experiences in advising major corporations how to deal with environmental aspects, Mr. Connaughton described his approach for Federal agencies in terms of the following "themes:"

✓ **Promote stewardship.** Empower and challenge local managers to carry out day-to-day environmental responsibilities as an integral component of their long-range management. Develop an "e-consciousness," seeking to avoid environmental problems today, and in the future.

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DOE NEPA Post-9/11: Reconciling the Need to Protect and the Need to Inform the Public

This article describes the current situation regarding DOE's actions to protect information that terrorists might use and the implications for DOE's NEPA Program. Policies regarding protection of such sensitive information are evolving within DOE and the Federal government. We will update DOE's NEPA Community as any significant changes occur. It should be noted that DOE continues to distribute paper copies of its NEPA documents to the public in accordance with NEPA regulations.

Public access to DOE NEPA documents on the Internet has been restricted as a result of the events of September 11, 2001. In early November, the Office of Environment, Safety and Health blocked all access to environmental assessments (EAs) and environmental impact statements (EISs) and related documents published on the DOE NEPA Web. (Access to NEPA Announcements and guidance modules has not been restricted.) Various DOE Program and Field Offices also removed NEPA documents from their Web sites or blocked access to the documents. Other Federal agencies, including the Nuclear Regulatory Commission and the Federal Energy Regulatory Commission, have taken similar actions.

DOE actions to restrict Web information were taken in response to a memorandum dated October 26, 2001, from DOE Deputy Secretary Francis S. Blake. Referring to the recent terrorist attacks and the resulting heightened concern about publicly available information on the Department's operations, Deputy Secretary Blake directed

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Inside *LESSONS LEARNED*

Welcome to the 29th quarterly report on lessons learned in the NEPA process. We thank you for your continuing support of the *Lessons Learned* program.

Carol Borgstrom

Director
Office of NEPA Policy and Compliance

Be Part of Lessons Learned

We Welcome Your Contributions

We welcome suggestions and contributed drafts for the *Lessons Learned Quarterly Report.* Draft articles for the next issue are requested by February 1, 2002. To propose an article for a future issue, contact Yardena Mansoor at yardena.mansoor@eh.doe.gov or 202-586-9326.

Quarterly Questionnaires Due February 1, 2002

Lessons Learned Questionnaires for NEPA documents completed during the first quarter of fiscal year 2002 (October 1 through December 31, 2001) should be submitted by February 1, but preferably as soon as possible after document completion. The Questionnaire is available interactively on the DOE NEPA Web at tis.eh.doe.gov/nepa/ under DOE NEPA Process Information. For Questionnaire issues, contact Vivian Bowie at vivian.bowie@eh.doe.gov or 202-586-1771.

Feedback on *LLQR*

Do you have a comment or a suggestion? Please submit feedback to either of the contacts listed above.

LLQR Online

Current and past issues of the *Lessons Learned Quarterly Report* are available on the DOE NEPA Web at tis.eh.doe.gov/nepa/ under DOE NEPA Process Information.

LLQR Index

A cumulative index of the *Lessons Learned Quarterly Report* is provided in the September issue each year.

Printed on recycled paper

NAEP Environmental Excellence Award Nominations Due in March

March 30, 2002, is the deadline for submitting nominations for the National Association of Environmental Professionals (NAEP) Environmental Excellence Awards. This national award competition recognizes projects, including NEPA reviews, and programs that serve as models of excellence in the environmental professions and that have made significant contributions. The Award categories are NEPA excellence, educational excellence, environmental management, planning integration, public involvement and partnership, environmental stewardship, conservation programs, and best available environmental technology. NAEP will present the 2002 Environmental Excellence awards at its annual conference to be held June 23 to 26, in Dearborn, Michigan.

DOE has earned several Environmental Excellence Awards (*Lessons Learned Quarterly Report*, June 2001, page 2, and September 2000, page 3). Most recently, DOE's Office of Environmental Policy and Guidance was recognized in June 2001 for its graded approach for evaluating radiation doses to aquatic and terrestrial biota. Previously, DOE received three awards in 2000, including one for its NEPA Lessons Learned Program (which includes this quarterly report).

For additional information and a copy of the award nomination form, visit the NAEP Web site at www.naep.org or contact Dr. Fred Pinkney, NAEP Awards Chairman, at fpinkney@burnsmcd.com or 816-822-3304. Self-nominations are permitted and appropriate.

CEQ Chair Describes Goals (continued from page 1)

- ✓ **Employ science-based decision making.** Improve the application of risk management tools to environmental risks. Mr. Connaughton believes Federal agencies already manage financial and physical risks very well.
- ✓ **Strengthen Federalism.** Involve local governments early. Mr. Connaughton realizes this may be a challenge at the outset, but believes it produces better outcomes. CEQ will press Federal agencies to overcome their apparent resistance and engage local governments as cooperating agencies in EISs.
- ✓ **Strive for innovation.** Emulate how the marketplace often finds efficient solutions by examining underlying issues apart from legal requirements.
- ✓ **Assure compliance.** Build assurance of compliance with environmental requirements into effective management processes.

Upcoming Actions

Mr. Connaughton plans several actions "to help get on with the people's business more quickly." He expects, for example, that the President will "recharge" Executive Orders concerning environmental management, waste prevention, and recycling. Further, the Chair intends to meet frequently with senior-level Federal agency managers, such as Deputy Secretaries, to challenge them to change agency cultures so as to optimize their environmental management processes. That is one of the reasons he recently asked agency heads to designate senior-level managers as NEPA Liaisons to CEQ. Finally, CEQ is seeking to identify potential changes to its regulations or guidance that would streamline or otherwise improve the NEPA process. LL

Recent CEQ NEPA Activities

CEQ circulated refresher guidance on emergency alternative arrangements under NEPA (40 CFR 1506.11). (See page 6.)

CEQ sought and received suggestions from agency NEPA Contacts regarding

- *Improvements to CEQ's NEPA regulations and guidance:* CEQ is evaluating the ideas it has received from Federal agencies and is preparing a draft action plan that it will give to agencies for review and comment. Horst Greczmiel, CEQ's Associate Director for NEPA Oversight, says that CEQ has not yet decided whether it will propose changes to its regulations for implementing NEPA, prepare additional CEQ guidance, or provide education on its current regulations and guidance. He expects that all these options will be used to address the issues raised to date.

- *Draft guidance on cooperating agencies:* CEQ continues efforts to ensure that all Federal agencies actively consider designation of Federal and non-Federal cooperating agencies in the preparation of NEPA analyses and documents. Mr. Greczmiel projected that the guidance will provide factors for Federal agencies to consider when determining whether to invite or to end cooperating agency status. Mr. Connaughton again emphasized that "cooperating agency status does not enlarge or diminish the decision-making authority of any agency involved in the NEPA process."

NEPA Post-9/11 (continued from page 1)

all Departmental elements to review information that is available on the Internet and in other venues that could be used by those who would target DOE sites, facilities, and activities for terrorist attacks. Citing EISs as an example of the type of information that could be used by terrorists, the Deputy Secretary directed the Department to remove or restrict public access to such information, as appropriate.

Aiming to Limit But Not Eliminate Access

"The need to protect the public post-9/11 and the need to inform the public through the NEPA process presents an extremely challenging security review, but these two objectives must be reconciled," said Nancy Slater, who is leading an ongoing operational security review for the Office of Civilian Radioactive Waste Management (RW). "Our intention is to limit, as necessary, but not eliminate, access to sensitive material," she said.

Public access to information under the NEPA process generally parallels public access under the Freedom of Information Act (FOIA). The Council on Environmental Quality's regulations implementing NEPA direct Federal agencies to make EISs and related documents available to the public under the provisions of FOIA with one exception – "without regard to the exclusion for interagency memoranda where such memoranda transmit comments of Federal agencies on the environmental impact of the proposed action" (40 CFR 1506.6(f)). In its NEPA regulations, DOE affirms that it shall not disclose classified, confidential, or other information that DOE otherwise would not disclose pursuant to FOIA. However, DOE shall, "to the fullest extent possible," segregate any information that is exempt from disclosure requirements into an appendix to allow public review of the remainder of a NEPA document. (See 10 CFR 1021.340.)

Attorney General John Ashcroft issued a Memorandum on FOIA procedures for Heads of all Federal Departments and Agencies on October 12, 2001, emphasizing the need for Federal agencies to carefully consider institutional, commercial, and personal privacy interests that could be implicated by disclosure of information. "When you carefully consider FOIA requests and decide to withhold records in whole or in part," the memorandum states, "you can be assured that the Department of Justice will defend your decisions unless they lack a sound legal basis...."

The Attorney General's memorandum and Department of Justice guidance on its application are available on the Department of Justice Web site (www.usdoj.gov, under "FOIA," then "Reference Materials," then "FOIA Post," then "New Attorney General FOIA Memorandum Issued" (posted 10/15/01)). The guidance accompanying the memorandum focuses on an exemption referred to as "High 2 Exemption: Risk of Circumvention," and the important role it can play in allowing agencies to protect critical infrastructure information.

The Department's regulations implementing FOIA require DOE to make records (even records authorized by FOIA to be withheld) available to the requester whenever such disclosure is in the public interest (10 CFR 1004.1), and obligates DOE when denying a request for information to state why a discretionary release is not appropriate (10 CFR 1004.7(b)(1)).

Focus Shifts to Documents in Preparation

In response to the Blake directive, the NEPA Office first focused on securing information on the DOE NEPA Web site so as to limit easy access to existing information. (In this regard, access to EAs and EISs on the DOE NEPA Web for persons with doe.gov addresses has been restored. A process for password access for others with a "need to know" is being developed.) Attention has now shifted to the content of NEPA documents that are being prepared.

In reconciling the sometimes competing needs of protecting and informing the public in the RW program, Ms. Slater is consulting with the NEPA Office, Office of General Counsel, Office of Security, and other entities, and applying a general security concept that is analogous to a "three-legged stool."

The "three legs" represent types of information that may be useful to a terrorist who wants to cause an adverse "consequence" (e.g., fatalities, radiation exposures to the public, theft of Special Nuclear Material, etc.). Removing any one "leg" would render the stool useless – that is, make the information represented by the other two legs unusable. The three legs are: (1) "Target" (e.g., identifying an inventory of nuclear or hazardous material that a terrorist might find to be an attractive target),

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NEPA Post-9/11 (continued)

(2) "Location" (e.g., identifying specific buildings or operations where such materials or hazards are located), and (3) "Accessibility" (e.g., identifying vulnerabilities of materials to unauthorized access or destruction).

Security Concerns Do Not Change Required NEPA Analysis

The analytical work that is done for an EIS or EA has not changed as a result of our heightened concerns for security. The same type of analysis with the same level of detail needs to be provided to the decision maker and others with a "need to know." How the analytical information is packaged and issued may change, however.

Most DOE NEPA documents routinely undergo a Scientific and Technical Information review before issuance that may consist of a patent review, classification review and review for "unclassified controlled nuclear information" (UCNI), and an operational security review. As the Department is now focusing more attention on operational security, these reviews may take longer, affect EIS and EA schedules, and result in segregation of certain sensitive information.

DOE has precedents and the NEPA process provides flexibility for necessary segregation of all or parts of an environmental analysis from public review. For example, in proposing the "Sapphire Project," DOE prepared a classified EA that was later declassified and issued to the public after the action was taken (DOE/EA-1006, October 1994, Proposed Interim Storage at the Y-12 Plant, Oak Ridge, TN, of Highly Enriched Uranium Acquired from Kazakhstan by the United States). In several other cases, DOE has segregated material into classified appendices that were nonetheless provided to Environmental Protection Agency personnel with security clearances for review (DOE/EIS-0236, Stockpile Stewardship and Management Programmatic EIS, is a major example).

What's Next

The Office of NEPA Policy and Compliance is working to address the need for public disclosure of appropriate information while protecting homeland security. The Office plans to prepare guidance on evaluating and segregating NEPA information for security purposes as NEPA documents are prepared. In addition, the Office is considering the feasibility of reviewing NEPA documents that were previously accessible to the public on the DOE NEPA Web, segregating information as necessary, and again making the documents accessible to the public on its Web site. LL

Some Types of Information

Classified – Information that is classified as Restricted Data or Formerly Restricted Data under the Atomic Energy Act of 1954, as amended, or information determined to require protection against unauthorized disclosure under Executive Order 12958 or prior Executive Orders, which is identified as National Security Information. DOE Manual 475.1-1A, May 8, 1998, issued under DOE Order 200.1.

Official Use Only (OUO) – A designation identifying certain unclassified but sensitive information that may be exempt from public release under the Freedom of Information Act. DOE Manual 475.1-1A, May 8, 1998. (Per the Office of DOE General Counsel for General Law, OUO is not a recognized exemption under FOIA. Only that material that qualifies under one or more of FOIA's nine exemptions may be withheld from a FOIA requester.) (A DOE Order concerning OUO is being developed.)

Unclassified Controlled Nuclear Information (UCNI) – Certain unclassified but sensitive Government information concerning nuclear material, weapons, and components whose dissemination is controlled under Section 148 of the Atomic Energy Act. DOE Order 471.1A, June 30, 2000.

An e-NEPA Reminder

For all completed DOE NEPA documents, please continue to provide the Office of NEPA Policy and Compliance with the required electronic file(s) and a completed DOE NEPA Document Certification and Transmittal Form. We will continue to maintain the Department's comprehensive electronic NEPA library for access by the DOE NEPA community and others with a "need to know." For further information on electronic files and submittal procedures, see *Lessons Learned Quarterly Report*, December 2000, page 7, and June 2000, page 11, or contact Denise Freeman at denise.freeman@eh.doe.gov or 202-586-7879.

Agencies' Responses to Terrorist Attacks Have Implications for NEPA, Other Reviews

The September 11 terrorist acts at the World Trade Center, the Pentagon, and in Pennsylvania, and the President's subsequent Proclamation 7463 – Declaration of National Emergency by Reason of Certain Terrorist Attacks (66 FR 48199; September 18, 2001), prompted agency responses with implications for all, including the environmental community. The Council on Environmental Quality (CEQ) promptly provided guidance on the applicability of NEPA to emergency actions, and the Advisory Council on Historic Preservation established and then extended emergency provisions.

Emergency Alternative Arrangements under NEPA

One day after the September 11 terrorist attacks, CEQ Chair Jim Connaughton e-mailed to agency NEPA Contacts a list of factors (below) for decision makers to consider in determining whether Federal response actions would trigger the procedural requirements of NEPA. He reminded the Contacts that "CEQ is empowered to provide alternative arrangements for NEPA compliance to facilitate expeditious responses to emergencies."

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Do Agency Responses Trigger NEPA Procedures?

Notes from CEQ, September 12, 2001 (edited for this publication)

- The CEQ NEPA Regulations (40 CFR 1506.11) address emergencies:

  "Where emergency circumstances make it necessary to take an action with significant environmental impact without observing the provisions of these regulations, the Federal agency taking the action should consult with the Council about alternative arrangements. Agencies and the Council will limit such arrangements to actions necessary to control the immediate impacts of the emergency. Other actions remain subject to NEPA review."

- Federal action is required to trigger NEPA. (For example, New York City authorities condemning a building does not trigger NEPA.)

  1. If impacts are not "significant," then the provisions of section 1506.11 do not apply (e.g., the Federal Aviation Administration canceling all flights is unlikely to trigger NEPA).
  2. If impacts are "significant," consider whether they are covered by an existing NEPA analysis or applicable statutory exemption (e.g., implementing plans to redeploy military vessels and aircraft; Federal Emergency Management Agency emergency actions).
  3. If impacts are "significant" and you are not already covered (e.g., unsorted disposal of debris at a specific site; permanent expansion of airport facilities), consult with CEQ.

- ***Do not delay*** immediate actions necessary to secure lives and safety of citizens to consult, but consult as soon as feasible.

- The "alternative arrangements" take the place of an EIS and only apply to ***Federal*** actions with "significant environmental impacts." Lesser actions may be subject to agency NEPA procedures. Agency NEPA personnel should be contacted regarding agency-specific definitions of "significant" actions and actions that are "categorically excluded."

- "Alternative arrangements" for compliance with NEPA may be subject to judicial review. "Alternative arrangements do not waive the requirement to comply with NEPA, but establish an alternative means for compliance."

- Alternative arrangements are limited to "the actions necessary to control the immediate impacts of the emergency."

- Courts afford CEQ substantial deference regarding its determination of emergency alternative arrangements. Alternative arrangements have been unsuccessfully challenged three times (including Westover, Massachusetts, overflights for Desert Storm training). Once the alternative arrangements are established, CEQ will provide a letter spelling out the considerations on which they are based.

- Factors to address when crafting "alternative arrangements:" nature and scope of the emergency; actions necessary to control the immediate impacts of the emergency; potential adverse effects of the proposed action; components of the NEPA process that can be followed and provide value; duration of the emergency; and potential mitigation measures.

Agencies' Responses (continued)

DOE recently applied the emergency provisions of CEQ's and its own NEPA regulations (10 CFR 1021.343) in responding to the Cerro Grande wildfire near Los Alamos National Laboratory. (See *Lessons Learned Quarterly Report,* September 2000, page 1, and September 2001, page 4.)

Advisory Council Sets Emergency Provisions for Historic Properties

On October 26, 2001, the Advisory Council on Historic Preservation notified its contacts that, as a result of the President's declaration of national emergency, Federal agencies may use the emergency provisions of the Advisory Council's regulations, 36 CFR Part 800.12, for undertakings that are an essential and immediate response to the President's declaration.

The Advisory Council's emergency provisions apply "only to those undertakings that will be implemented within 30 days after the disaster or emergency has been formally declared...." Because of the nature of the emergency and the ongoing national security needs, however, the Advisory Council extended the applicability period of the emergency provisions until further notice, provided that agency undertakings are directly associated with "the continuing and immediate threat of further attacks." While the regulations allow for an agency to request an extension of the emergency provisions, the Advisory Council is granting extensions without requiring official requests because many agencies may be implementing emergency undertakings in the coming months.

The Advisory Council urges those agencies that may need to implement emergency provisions for multiple undertakings to develop their own procedures for taking historic properties into account during their emergency operations.

Questions concerning the Advisory Council's decision to extend its emergency provisions can be directed by e-mail to achp@achp.gov.

Forest Service Succeeds with NEPA Training

By: Joseph Carbone, *National Environmental Policy Act Coordinator*
U. S. Department of Agriculture, Forest Service

More than 10 years ago, the Forest Service developed its Forest Plan Implementation course to help its staff successfully implement land and resource management plans at the project level. Taught by instructors with field experience, the course meets the needs of line officers responsible for decisions by focusing on key NEPA and decision-making concepts. Although the course is based on Forest Service procedures and case studies, other agencies have found it useful and are welcome to register their employees.

The course charts a path from broad early planning through analysis to decision making. It presents land and resource plan implementation as a three-phase process:

- Pre-NEPA assessment identifies needs and preliminary project-level alternatives by comparing existing conditions and practices to those described in a land and resource management plan.
- The NEPA process focuses on defining issues, developing alternative activities to implement the plan, and analyzing environmental impacts.
- Environmental monitoring supports mitigation of project impacts and adjustments to the land and resource management plan.

Class modules include: process management, making phased or tiered decisions, and creating a project record to support appeals and litigation. Public involvement strategies are discussed throughout the course.

The Forest Plan Implementation course is "hands on," not just informational. After presenting concepts and case studies, instructors help students practice applications through team exercises. Assessing student performance in the classroom helps instructors and students identify what material they need to revisit before the class ends and students are back on the job.

The four-day course has five or six instructors, drawn primarily from field units, for 30 to 35 students. Many instructors are environmental practitioners rather than NEPA specialists – for example, district rangers may discuss key decision strategies, and wildlife biologists may teach effects analysis. Each of the nine Forest Service regions maintains instructor teams and schedules courses, while the Headquarters Office in Washington, DC, oversees the course content and format.

The Forest Plan Implementation course was offered approximately 30 times during fiscal year 2001 to high praise from students. One student commented: "NEPA is just like eating your vegetables. Not everyone likes to do it, but it is good for you.... You guys are the 'cheese sauce' over the NEPA, you make it taste better." Whatever works!

The Forest Service plans to deliver about 20 to 30 courses in 2002 (with cheese sauce). Contact Joe Carbone at jcarbone@fs.fed.us or 202-205-0884 for schedules and additional information, or see the course description at www.fs.fed.us/forum/nepa/ftcp1.html.

Oak Ridge Holds NEPA Community Meeting

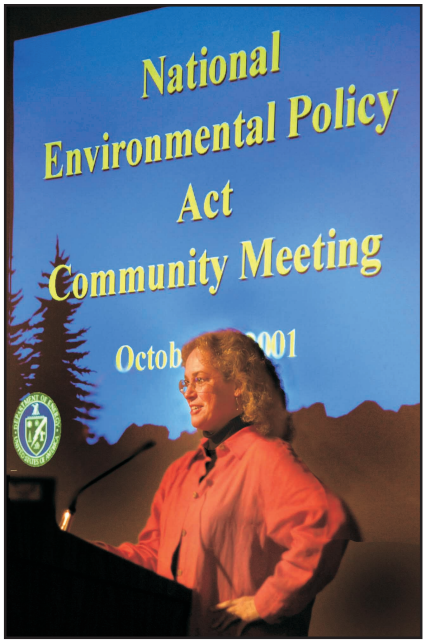
By: Katatra Day, *Environmental Protection Group*
David Allen, *NEPA Compliance Officer, Oak Ridge Operations Office*

To improve its implementation of NEPA, about 40 Oak Ridge Operations Office (ORO) employees and NEPA support contractors gathered for a half-day NEPA Community Meeting on October 4, 2001, in Oak Ridge, Tennessee. Additional participants at ORO-managed facilities in Portsmouth, Ohio, and Paducah, Kentucky, were linked by voice line.

"This meeting provided us with an excellent opportunity to share our accomplishments and plans among our contractors and Federal employees," said Leah Dever, Operations Office Manager. "Oak Ridge has many plans for new projects; consequently, talking about our various projects, the NEPA expectations, and lessons learned was time well spent!"

Ms. Dever opened the meeting by reflecting upon her personal experiences in preparing NEPA documents. She recommended early NEPA planning and close attention to public participation.

The NEPA Community Meeting consisted of five presentations and a panel discussion.



Oak Ridge Operations Office Manager Leah Dever encourages NEPA practitioners to start NEPA early and pay close attention to public involvement.

- ✓ Walter Perry, Public Affairs Office, and David Page, NEPA Team, discussed the benefits of public participation in the NEPA process, describing the appropriately different levels of involvement for an EA and an EIS. Mr. Page emphasized the value of cooperating agency status for agencies such as the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers: such "partnering" can enhance the development of alternatives, provide technical assistance with field studies (e.g., floodplain studies, wetland delineation, and archaeological inventories), and facilitate project implementation.

- ✓ Katatra Day, NEPA Team, discussed matters involving "Electronic NEPA," including electronic publishing guidelines, the Oak Ridge internal NEPA Web site (currently in development), and the DOE NEPA Web.

- ✓ David Allen, NEPA Compliance Officer, explained and promoted the use of the DOE-wide NEPA task order contracts for document preparation. Representatives from contract incumbents SAIC, Battelle Memorial Institute, and Tetra Tech, Inc., discussed NEPA documents completed for ORO under the DOE-wide NEPA contracts and provided information on their companies' NEPA capabilities.

- ✓ Jim Elmore, Alternate NEPA Compliance Officer, discussed environmental reviews and consultations that should be integrated with the NEPA process, to the fullest extent possible, such as the threatened and endangered species consultation with the U.S. Fish and Wildlife Service (http://endangered.fws.gov/consultations/index.html), and floodplain and wetlands requirements under 10 CFR Part 1022.

- ✓ Ray Moore, Cultural Resources Management Coordinator, reviewed cultural resources laws and regulations and discussed the status of cultural resources management at Oak Ridge, Paducah, and Portsmouth. He explained how, in consultation with the State Historic Preservation Office, ORO completed a survey of all structures at Oak Ridge and determined each structure's eligibility for the National Register of Historic Places. He also described the benefits of ORO's recently completed Cultural Resources Management Plan, which adheres closely to DOE cultural resource management guidance (DOE/EH-0501, available at tis.eh.doe.gov/oepa/guidance/cultural.cfm).

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Oak Ridge NEPA Meeting (continued)

The panel discussion focused on lessons learned by Oak Ridge NEPA Document Managers Carolyne Thomas (Programmatic Environmental Assessment to Store Potentially Reusable Uranium Materials, (DOE/EA-1393, in preparation) and Gary Hartman (Y-12 Sitewide EIS, DOE/EIS-0309) and the Portsmouth Winterization EA, DOE/EA-1392). They recommended that NEPA document preparers allow sufficient review time for draft documents and initiate all consultation processes early. The panel also discussed the future development of a handbook for Oak Ridge NEPA Document Managers.

Mr. Allen closed the meeting by emphasizing keys to NEPA success: initiating the NEPA process early, planning for adequate public involvement, writing clearly, consulting other agencies as appropriate in preparing EAs, and properly using and keeping records of categorical exclusions. The participants judged the ORO NEPA Community Meeting a success and scheduled a follow-up meeting for early March. As Mr. Allen stated, "Oak Ridge is a multi-program site, and, without increased communication such as this meeting, we cannot implement NEPA consistently."

For more information on the Oak Ridge NEPA Program, contact David Allen at allendr@oro.doe.gov or 865-576-0411 or Katatra Day at daykc@oro.doe.gov or 865-576-0835.

DOE-wide NEPA Contracts Update

The following tasks have been awarded recently under the DOE-wide NEPA contracts. For previously reported tasks, see the Cumulative Index (under "Contracting, NEPA") in the September 2001 issue. For questions or comments on the DOE-wide NEPA contracts, contact David Gallegos at dgallegos@doeal.gov or 505-845-5849.

Task Description	DOE Contact	Date Awarded	Contract Team
NEPA Document Support for New Power Plant Sites	Nancy Werdel 916-353-4537 werdel@wapa.gov	7/23/01	Battelle
EA for the Gray's Harbor Lateral Pipeline	Federal Energy Regulatory Commission	7/23/01	Battelle
Environmental Reviews and Documentation for Fiber Optic Cable Installations	Ted Anderson 406-247-7385 tanderson@wapa.gov	7/25/01	Tetra Tech, Inc.
EA for Decontamination & Decommissioning of the Omega West Reactor and Associated Structures at Los Alamos National Laboratory	Richard Nevarez 505-845-5804 rnevarez@doeal.gov	8/27/01	Tetra Tech, Inc.
EIS for Islander East Pipeline Project	Federal Energy Regulatory Commission	9/18/01	Tetra Tech, Inc.
Williston-Wolf Point Environmental Review and Documentation	John Harrington 605-353-9431 jharring@wapa.gov	9/19/01	Tetra Tech, Inc.
Supplement Analysis for the Site-wide EIS for the Nevada Test Site	Michael G. Skougard 702-295-1759 skougard@nv.doe.gov	9/28/01	Tetra Tech, Inc.

Training Opportunities

NEPA-related courses are listed in the Lessons Learned Quarterly Report *for information only, without endorsement.*

- **Cumulative Effects Assessment in the NEPA Process**
  Durham, NC: February 6-8
  Fee: $640
  Register by January 7

  Preparing and Reviewing Environmental Impact Analysis
  Durham, NC: June 3-6
  Fee: $960
  Register by May 6

  Nicholas School of the Environment
  Duke University
  Phone:919-613-8082
  E-mail: britt@duke.edu
  Internet: www.env.duke.edu/cee/execed.html

- **"NEPACoach" Program**
  Custom-designed coaching and training to improve an organization's existing NEPA program in any or all of four phases:

  Phase I – Train the Team (NEPA Toolbox curriculum).

  Phase II – The NEPA Planning Blueprint, focusing on scoping, public involvement, and other early NEPA activities.

  Phase III – The NEPA Navigator, focusing on the middle of the NEPA process – e.g., evaluating impacts, and keeping document preparers on the right track.

  Phase IV – The NEPA Document Production System, dealing with final compliance checks, preparing decision documents, distribution, and the administrative record.

  Available through GSA Contract No. GS-10F-0163L.

  Environmental Training & Consulting International, Inc.
  Phone: 720-859-0380
  E-mail: info@envirotrain.com
  Internet: www.envirotrain.com

- **Clear Writing for NEPA Specialists**
  Boise, ID: February 5-7
  Fee: $795

  How to Manage the NEPA Process and Write Effective NEPA Documents
  Seattle, WA: December 11-14
  Boise, ID: January 29 - February 1
  Fee: $995

  Endangered Species Act Overview
  Portland, OR: February 26
  Fee: $195

  Section 106 (of the NHPA) Overview
  Portland, OR: March 1
  Fee: $195

  The Shipley Group
  Phone: 888-270-2157 or 801-298-7800
  E-mail: ben@shipleygroup.com
  Internet: www.shipleygroup.com

NETO is Closed

Due to the reorganization of DOE Environmental Management resources, the National Environmental Training Office (NETO) has closed and NETO course offerings have been discontinued.

Some environmental training courses previously sponsored by NETO may be offered by the following organizations:

- WPI, an affiliate of Virginia Tech, at www.wpi.org
- Epsilon Solutions. Phone: 803-643-8704
- Advanced Resource Technologies Inc., Environmental Training Management Division at www.team-arti.com/etmd/index.htm
- The Academy of Certified Hazardous Materials Managers (ACHMM) (www.achmm.org) sponsors CHMM course offerings by local ACHMM Chapters.

For more information, contact David Hoel at 803-725-0818 or david.hoel@srs.gov.

New on the NEPA Bookshelf

From time to time the Office of NEPA Policy and Compliance highlights (without endorsement) new books that may be useful or interesting to the DOE NEPA Community. (See *Lessons Learned Quarterly Report*, September 2000, page 11. Also, "Suggestions for the NEPA Practitioner's Bookshelf," August 1996, is available in the DOE NEPA Compliance Guide on the DOE NEPA Web at tis.eh.doe.gov/nepa/ under "DOE NEPA Tools.")

Environmental Assessment, Second Edition

Ravi Jain, L.V. Urban, Gary Stacey, Harold Balbach, and M. Diana Webb
New York, New York: McGraw-Hill; 2002
Phone: 800-262-4729
Internet: www.mhhe.com/catalogs/0071370080.mhtml
ISBN 0-07-137008-0; 700 pages; $89.95

This work is intended as both a handbook for the NEPA practitioner and a textbook for college or graduate level classes. Although it focuses on NEPA, the book also covers other aspects of environmental assessment, including national and international issues such as acid rain, global warming, and biodiversity. DOE's NEPA Community will recognize two case studies based on DOE NEPA reviews, involving Los Alamos National Laboratory: the Dual Axis Radiographic Hydrodynamic Test (DARHT) Facility EIS, and emergency procedures for the Cerro Grande Fire. Other topics of interest include environmental justice, public participation, assessment of energy projects, and ecological risk analyses. Each chapter ends with discussion and study questions.

This book features an appendix that classifies and describes environmental characteristics, or "attributes," of resources that may be affected by proposed actions and therefore need to be addressed in an environmental analysis. Attributes are described for air, water, land, ecology, sound, human aspects (e.g., community needs), economics, and fuel, non-fuel and aesthetic resources. For water, for example, the key attributes listed as potentially relevant to an impact assessment are categorized as physical (such as, aquifer yield, flow variation, radioactivity), chemical (acidity, biochemical oxygen demand), and biological (aquatic life). The text defines each attribute, lists activities that may affect it, and describes measurement of variables, evaluation and interpretation of data, geographical and temporal limitations, and mitigation of impacts. This material could be useful in developing explanations that are readily understandable to nontechnical readers of a NEPA document.

(Diana Webb, formerly with DOE's Office of NEPA Policy and Compliance and a DOE NEPA Compliance Officer, and now Ecology Group Leader at Los Alamos National Laboratory, is a co-author of this second edition.)

The NEPA Book: A Step-by-Step Guide on How to Comply with the National Environmental Policy Act, Second Edition

Ronald E. Bass, Albert I. Herson, and Kenneth M. Bogdan
Point Arena, California: Solano Press Books; 2001
Phone: 800-931-9373
Internet: www.solano.com
ISBN 0-923956-67-0; 475 pages; $65.00

This practitioner's handbook (expanded from a first edition published as *Mastering NEPA: A Step-by-Step Approach*) describes the requirements and decision points of the NEPA review process. In addition to explaining the EA and EIS processes, the book addresses integrating NEPA with other environmental laws, using NEPA information technology, and applying NEPA to global environmental issues. The book provides appendices with the CEQ regulations and guidance, summaries of key NEPA litigation decisions, and lists of Federal agency NEPA regulations and Web sites. (The authors praise the DOE NEPA Web and DOE Lessons Learned Program as particularly worthwhile resources.)

Prediction: Science, Decision Making, and the Future of Nature

Edited by Daniel Sarewitz, Roger A. Pielke, Jr., and Radford Byerly, Jr.
Center for Science, Policy, and Outcomes
Washington, D.C.: Island Press; 2000
Internet: www.cspo.org/products/books/
ISBN 1-55963-776-5; 400 pages; $29.50

Prediction "attempts to paint a comprehensive portrait of the troubled relationship between predictive science and environmental decision making" by looking at the interdependent scientific, political, and social factors involved. It suggests that the appealing notion of basing decisions on a clear picture of the future is deeply problematic in practice. The book explores 10 case histories in predictive science, subdivided into three groups:

1. "Natural" hazards that decision makers perceive as largely unavoidable: short-term weather, floods, asteroids, and earthquakes;

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Litigation Update

Congressional Action Changes Outcome in Glacier Bay National Park Service Case

The September 2001 issue of the *Lessons Learned Quarterly Report* (page 19) reported on litigation involving the National Park Service's Vessel Management Plan and an associated EA for Glacier Bay National Park and Preserve in Alaska. The U.S. Court of Appeals for the Ninth Circuit had found that the Park Service's EA – which acknowledged potential adverse effects on the Glacier Bay environment but assessed their severity as "unknown" – could not support a Finding of No Significant Impact. For this reason, and because agency commitments to monitor impacts and mitigate them after implementing the Plan had the process "exactly backwards," the appeals court found that an EIS was required.

The Park Service's 1996 Plan had proposed to increase cruise ship entries into Glacier Bay by 30 percent and allow phased increases in the future. As part of its decision, however, the appeals court also granted the plaintiff's request for an injunction by ordering the National Park Service to roll back the number of vessels allowed to enter Glacier Bay to pre-Plan levels.

Congress Overturns Injunction

On November 5, the President signed the Department of the Interior and Related Agencies Appropriations Act of 2002 (Public Law No. 107-63). Section 130, originally attached as a rider to the appropriations bill by Senator Ted Stevens on behalf of the Alaska cruise ship industry, counteracts the appeals court decision.

The Act requires the Park Service "to complete and issue, no later than January 1, 2004, an [EIS] to identify and analyze possible effects of the 1996 increases in the number of vessel entries issued for Glacier Bay National Park and Preserve," and provides that the Secretary of the Interior shall use the completed EIS "to set the maximum level of vessel entries."

The Act further provides that, "until the Secretary sets the level of vessel entries based on the new EIS, the number of vessel entries into the Park shall be the same as that in effect during the 2000 calendar year," thus effectively overturning the appeals court injunction. This provision also approves the alternative in the Park Service's 1996 Plan allowing the highest phased increase of vessel entries. Finally, Section 130 states that "nothing in this section shall preclude the Secretary from suspending or revoking any vessel entry if the Secretary determines that it is necessary to protect Park resources." LL

New on the NEPA Bookshelf (continued)

2. Problems for which environmental predictions are generated in a context that already has strong political involvements: beach erosion, mining impacts, and nuclear waste disposal; and
3. Multifaceted environmental issues that respond to – and raise – complex unresolved policy dilemmas: oil and gas reserves, acid rain, and global climate change.

To help predictive science contribute to positive policy outcomes for environmental issues like these, the authors develop recommendations:

- ✓ Users of predictions, along with other stakeholders, must question predictions. Predictions should be as transparent as possible, including assumptions, limitations, and weaknesses in input data.
- ✓ The prediction process must be open to external scrutiny.
- ✓ Predictions must be generated primarily with the needs of the user in mind.
- ✓ Uncertainties must be clearly articulated so users can understand their implications.
- ✓ Decision makers must realize that predictions can themselves be significant events that catalyze decision making.
- ✓ The quest for alternatives to prediction must be institutionalized in the prediction process, especially when dealing with an action that will occur over or after a very long time and when decision makers have limited experience with the predicted phenomenon. LL

EAs and EISs Completed (July 1 to September 30, 2001)

EAs

Albuquerque Operations Office
DOE/EA-1375 (7/26/01)
Construction and Operation of a New Administration Building and Parking Garage in TA-3 at Los Alamos National Laboratory
Cost: $80,000
Time: 6 months

DOE/EA-1376 (7/26/01)
Construction and Operation of a Joint Operations Center at Los Alamos National Laboratory
Cost: $74,000
Time: 6 months

Chicago Operations Office
DOE/EA-1387 (9/19/01)
Proposed Wetlands Management Program at Argonne National Laboratory
Cost: $100,000
Time: 7 months

Fossil Energy
DOE/EA-1357 (3/8/01)
Presidential Permit Application, Brownsville to Mexico Transmission Line Project
[Not previously reported in *Lessons Learned Quarterly Report*]
Time: 6 months
[**Note:** The cost for this EA was paid by the applicant; therefore, cost information does not apply to DOE.]

DOE/EA-1383 (9/21/01)
Amendment of Presidential Permit (PP-68), San Diego Gas and Electric Company, for Interconnection of Otay Mesa Generating Project to Miguel-Tijuana
Time: 7 months
[**Note:** The cost for this EA was paid by the applicant; therefore, cost information does not apply to DOE.]

Naval Petroleum and Oil Shale Reserves in Colorado, Utah and Wyoming/Fossil Energy
DOE/EA-1350 (7/11/01)
Preparation for Production of Crude Oil from a Subterranean Facility
Cost: $10,000
Time: 12 months

Oak Ridge Operations Office/Environmental Management
DOE/EA-1315 (7/18/01)
Off-Site Transportation of Low Level Waste, Oak Ridge Reservation, Oak Ridge, TN
Cost: $95,000
Time: 30 months

Western Area Power Administration
DOE/EA-1354 (9/25/01)
Fort Collins 115kV Transmission Line Upgrade Project
Time: 13 months
[**Note:** The cost for this EA was paid by the applicant; therefore, cost information does not apply to DOE.]

DOE/EA-1390 (7/9/01)
Page Generating Project
Time: 3 months
[**Note:** The cost for this EA was paid by the applicant; therefore, cost information does not apply to DOE.]

EISs

Bonneville Power Administration
DOE/EIS-0321 (66 FR 46792; 9/7/01)
(EPA Rating: LO)
Condon Wind Project, Gilliam County, OR
Cost: $440,000
Time: 15 months

Savannah River Operations Office/Environmental Management
DOE/EIS-0082-S2 (66 FR 37957; 7/20/01)
(EPA Rating: EC-2)
Savannah River Site Salt Processing Alternatives, Aiken, SC
Cost: $1.5 million
Time: 29 months

ENVIRONMENTAL PROTECTION AGENCY (EPA) RATING DEFINITIONS

Environmental Impact of the Action

LO – Lack of Objections
EC – Environmental Concerns
EO – Environmental Objections
EU – Environmentally Unsatisfactory

Adequacy of the EIS

Category 1 – Adequate
Category 2 – Insufficient Information
Category 3 – Inadequate

(See the EPA Web site, http://es/epa/gov/oeca/ofa/rating.html for a full explanation of these definitions.)

Recent EIS-Related Milestones (September 1 to November 30, 2001)

Notices of Intent

Environmental Management
DOE/EIS-0329
Depleted Uranium Hexafluoride Conversion Facilities
9/10/01 (66 FR 48123; 9/18/01)

Environmental Management/Ohio Field Office
DOE/EIS-0337
Advance Notice of Intent, Decommissioning and/or Long-Term Stewardship at the West Valley Demonstration Project and Western New York Nuclear Service Center
10/31/01 (66 FR 56090; 11/6/01)

Bonneville Power Administration
DOE/EIS-0338
Horse Heaven Wind Farm Project, Benton County, WA
10/5/01 (66 FR 52398; 10/15/01)

DOE/EIS-0340
Northeast Oregon Hatchery – Grande Ronde and Imnaha Spring Chinook Project
11/4/01 (66 FR 58721; 11/23/01)

Draft EISs

Fossil Energy
DOE/EIS-0318
Kentucky Pioneer Integrated Gasification Combined Cycle (IGCC) Demonstration Project, Trapp, Kentucky (Clark County)
November 2001 (66 FR 57716, 11/16/01)

Final EIS

Oak Ridge Operations Office/Defense Programs – National Nuclear Security Administration
DOE/EIS-0309
Site-Wide for the Y-12 National Security Complex
November 2001 (66 FR 55658; 11/2/01)

Amended Record of Decision

Savannah River Operations Office/Environmental Management
DOE/EIS-0220
Interim Management of Nuclear Materials, Savannah River Site, Aiken, SC
10/19/01 (66 FR 55166; 11/1/01)

Records of Decision

Bonneville Power Administration
DOE/EIS-0183
TransAlta Centralia Generation LLC Big Hanaford Project
10/19/01 (66 FR 54507; 10/29/01)

DOE/EIS-0321
Condon Wind Project, Gilliam County, OR
11/6/01 (66 FR 57710; 11/16/01)

Savannah River Operations Office/Environmental Management
DOE/EIS-0082-S2
Savannah River Site Salt Processing Alternatives, Aiken, SC
10/9/01 (66 FR 52752; 10/17/01)

Supplement Analyses

Bonneville Power Administration

Mid-Columbia Coho Reintroduction Feasibility Project (DOE/EA-1282)

DOE/EA-1282/SA-2
Peshastin Incubation Facility
(Decision: No further NEPA review required)
October 2001

Wildlife Mitigation Program
(DOE/EIS-0246)

DOE/EIS-0246/SA-17
Eagle Lakes Ranch Acquisition and Restoration
(Decision: No further NEPA review required)
September 2001

DOE/EIS-0246/SA-18
Eugene Wetlands Acquisition Phase II, Lane County, OR
(Decision: No further NEPA review required)
October 2001

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Recent EIS-Related Milestones (continued from previous page)

Watershed Management Program
(DOE/EIS-0265)

DOE/EIS-0265/SA-60
Wagner Ranch Acquisition
(Decision: No further NEPA review required)
August 2001*

DOE/EIS-0265/SA-62
Hood River Fish Habitat Project
(Decision: No further NEPA review required)
September 2001

DOE/EIS-0265/SA-63
Pelican Creek Crossing Improvement
(Decision: No further NEPA review required)
September 2001

DOE/EIS-0265/SA-64
Yakima Basin Side Channels Project, Easton Reach Land Acquisition
(Decision: No further NEPA review required)
September 2001

DOE/EIS-0265/SA-66
Water Rights Acquisition Program
(Decision: No further NEPA review required)
October 2001

DOE/EIS-0265/SA-67
Install Fish Screens to Protect ESA Listed Steelhead and Bull Trout in the Walla Walla Basin
(Decision: No further NEPA review required)
October 2001

DOE/EIS-0265/SA-68
Mill Creek and Little Creek Crossing Improvement, Union County, OR
(Decision: No further NEPA review required)
October 2001

DOE/EIS-0265/SA-70
Yakima Basin Side Channels Project, Scatter Creek/Plum Creek Land Acquisition, Phase I, Kittitas County, WA
(Decision: No further NEPA review required)
October 2001

DOE/EIS-0265/SA-71
Duncan Creek Channel Rehabilitation Project, Skamania County, WA
(Decision: No further NEPA review required)
November 2001

Transmission System Vegetation Management Program (DOE/EIS-0285)

DOE/EIS-0285/SA-22
Vegetation Management Along the Chief Joseph-Snomish No. 3 and 4 Transmission Line Right-of-Way from Structure 94/1 to Structure 113/1
(Decision: No further NEPA review required)
August 2001*

DOE/EIS-0285/SA-23
Vegetation Management Along the Schultz River Nos. 1 and 2 from Structure 60/3 to Structure 75/5 and the Olympia-Grand Coulee from Structure 70/2 to Structure 70/5 Transmission Line Rights-of-Way
(Decision: No further NEPA review required)
August 2001*

DOE/EIS-0285/SA-24
Vegetation Management Along the Keeler-Alston Transmission Line Right-of-Way from Structure 29/1 to Structure 43/5
(Decision: No further NEPA review required)
August 2001*

DOE/EIS-0285/SA-25
Vegetation Management Along the Right-of-Way of the Ostrander-Pearl Transmission Line
(Decision: No further NEPA review required)
September 2001

DOE/EIS-0285/SA-26
Vegetation Management on Reedsport-Fairview No. 1 Transmission Line from Structure 1/5 to Structure 39/4
(Decision: No further NEPA review required)
September 2001

DOE/EIS-0285/SA-27
Vegetation Management Along the Marion-Alvey No. 1 from Structure 14/5 to Structure 64/3 and the Marion-Lane No. 1 from Structure 14/5 to Structure 70/2
(Decision: No further NEPA review required)
October 2001

DOE/EIS-0285/SA-28
Vegetation Management Along the Port Angeles-Sappo No. 1 Transmission Line Right-of-Way from Structure 1/1 to Structure 42/10
(Decision: No further NEPA review required)
September 2001

**Not previously reported in* Lessons Learned

What Worked and Didn't Work in the NEPA Process

To foster continuing improvement in the Department's NEPA Compliance Program, DOE Order 451.1B requires the Office of NEPA Policy and Compliance to solicit comments on lessons learned in the process of completing NEPA documents and distribute quarterly reports. This Quarterly Report covers documents completed between July 1 and September 30, 2001.

The material presented here reflects the personal views of individual questionnaire respondents, which (appropriately) may be inconsistent. Unless indicated otherwise, views reported herein should not be interpreted as recommendations from the Office of Environment, Safety and Health.

Scoping

What Worked

- *Use of external technical advice in developing alternatives.* A National Academy of Sciences panel advised DOE on alternative technologies for salt processing, which influenced the scope of the EIS. In particular, this advice caused DOE to consider one alternative that DOE had initially rejected as unreasonable.
- *Early involvement of stakeholders.* We invited all the neighboring agencies and entities to come to a kick-off meeting where we visited the existing emergency operations center and then the new proposed replacement building site and asked for participation in the NEPA process. Almost every entity that might ever use the facility sent representatives, and the visit to the old site was sufficient to convince everyone of the need for a new facility. The visit to the proposed building site brought us several comments on how to lessen the effect of the visual impacts of the proposed facility and how to plan the layout to make it more useful and efficient.
- *Use of a research from multiple sources.* DOE, the site contractor, Oak Ridge National Laboratory, the National Academy of Sciences, and internal and expert panels all contributed to determining what technologies should be considered in developing the EIS alternatives.

Data Collection/Analysis

What Worked

- *General site surveys followed by more detailed surveys.* Because wind power projects cover a lot of area (though their actual footprint is small), surveys take a while. In the beginning, the applicant did not know exactly where the turbines would go, so the surveys were larger than necessary. For cultural resources, the contractor did very general surveys and then, after turbine locations were known, they did a thorough survey of the proposed roads, turbine pads, etc.
- *Use of skilled analysts.* A very well-respected and knowledgeable contractor performed wildlife studies. Data obtained will aid future analysis of impacts of wind farm projects on birds.
- *Analysis of impacts on non-DOE workers.* The main effect analyzed was the potential for adverse human health impacts on non-DOE workers who would come to the site to work during an emergency, rather than leave the area. This represented an unusual twist to the "accident analysis," considered as a normal operations analysis in the EA for a proposed emergency operations center.

Schedule

Factors that Facilitated Timely Completion of Documents

- *Communication with reviewers.* All DOE reviewers were notified of the project and EIS schedule, and the reasons for the time constraints were explained.
- *In-house preparation.* Preparing the EA in-house and having complete control facilitated timely completion.
- *Setting monthly goals.* The document was kept on schedule by setting monthly goals and ensuring that they were achieved.
- *A motivated staff.* Motivated project people who gathered information quickly made it easy to stay on schedule.
- *A dedicated staff.* Having a dedicated program and project staff helped the timely completion of the EA. This greatly facilitated gathering information and getting information to the preparers and project team.

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What Worked and Didn't Work (continued)

- *Working with the NEPA Compliance Officer.* A close working relationship with the local NEPA Compliance Officer facilitated timely completion of the document.
- *Early completion of a technical analysis.* The risk analysis was conducted up-front in order to prevent negative impacts to the schedule.
- *Priority setting by a Deputy Assistant Secretary.* The responsible Deputy Assistant Secretary made completion of the document the top NEPA priority of his organization.
- *Close communication.* Close communication among EH and GC via fax, e-mail, and conference calls allowed for essentially real-time changes to the approval drafts of the draft and final documents, and avoided travel expenses.
- *Coordination with the printer.* Establishing a contract with the printing contractor prior to the need date, and close communication during the printing process, made printing more efficient.
- *A team approach to document distribution.* Timely document distribution was facilitated by early coordination with EH and Congressional Affairs, sending a small field team to Headquarters to coordinate distribution, and having EH-42 actively assist in distribution.
- *Having a DOE staff person at the contractor's office.* The NEPA Compliance Officer, the document manager, or a program staff member was at the support contractor's office during periods of intense work, which facilitated quick decision making and allowed use of the contractor's office as the central communications point for completion of the EIS.
- *Coffee and donuts.* The unashamed, liberal application of sugar and caffeine was particularly effective as a procedure to help keep the document team on schedule.

Factors that Inhibited Timely Completion

- *Simultaneous EIS preparation and research.* EIS preparation coincided with technology research and development whose results needed to be discussed and reflected in the EIS.
- *Regulatory delays.* Delays in USFWS concurrence with Endangered Species Act Section 7 consultation determinations inhibited timely completion of the document.
- *Outside coordination.* Several regulatory agencies and other organizations did not submit reviews on schedule, which inhibited timely completion of the document.
- *Delayed understanding of the schedule at Headquarters.* An earlier understanding of the EIS process and schedule on the part of Headquarters could have allowed timely completion of the EIS on a more relaxed schedule.

Factors that Inhibited Effective Teamwork

- *Withholding project details.* Project proponents did not always provide complete information for purposes of internal discussion and review. For example, the development and operation of a pilot-scale facility was a key element in implementing the proposed action, but this was not acknowledged or documented until after focused querying by Headquarters participants. For effective teamwork, all team members need to have a full understanding of the project objectives and requirements.
- *Limited DOE resources.* Our office seems to be reaching a critical point in having enough available DOE subject matter experts who can cover their regular jobs and serve on a NEPA management and review team at the same time. The project team had to rely on the site contractor to provide that expertise.
- *An inexperienced contractor.* The contractor hired by the applicant had never prepared a DOE NEPA document before and was a bit argumentative at times.

Process

Successful Aspects of the Public Participation Process

- *Open house workshops.* Open house workshops, which have been used for previous projects, were successful for this EA.
- *Publishing a comment form in a newspaper.* The local newspaper included a write-up on our public scoping meeting, with a comment form. Several EIS comments were submitted on the form.

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What Worked and Didn't Work (continued)

- *Public input to the design process.* By involving the public in the EA process, we were able to find flaws in design prior to construction and create win-win situations with our stakeholders.
- *Giving the public an opportunity to express their feelings.* Some members of the public seemed to appreciate the opportunity to vent their negative feelings about the project for this EA.
- *Providing answers to questions.* Although the process did not provide information useful to DOE decision making, it did provide a vehicle for some members of the public to get answers to questions for which they had not received satisfactory answers in other venues.

Usefulness

Agency Planning and Decision Making – What Worked

- *Anticipating and solving problems.* The EA process helped the project staff anticipate and solve problems. It also helped point out a waste disposal problem for the decontamination and decommissioning of a very large building. The staff then developed creative recycling and waste minimization actions that became part of the project and will affect how other decontamination and decommissioning projects are conducted in the future.
- *Coordinating design criteria.* The project has a large number of user organizations, and the NEPA process provided a useful method to coordinate design criteria.
- *Ensuring the safety of non-DOE workers.* The NEPA process helped to focus the project's attention on the need to insure the safety of non-DOE workers who may come to help staff the emergency operations center. In this respect it helped in making a sound decision on the design and function of the facility.
- *Reconsidering alternatives.* The NEPA process may have helped facilitate identification of a reasonable alternative that previously had been rejected.

Agency Planning and Decision Making – What Didn't Work

- *Difficulty in coordinating related documents.* Two closely related EISs were being prepared at the same time. It was sometimes difficult to reconcile or eliminate differences between the two EISs in the way similar or related issues were being analyzed and discussed. The close association of the two EISs probably inhibited preparation of both because of conflicting demands on staff time and because team members tended to confuse the two EISs.

Enhancement/Protection of the Environment

- *Altering locations of wind turbines.* Several proposed turbine locations were moved based on bird data collected for the wind power EIS.
- *Incorporation of mitigation measures.* Additional scheduling and construction mitigation measures were incorporated into the project as a result of the EA process.
- *Waste reduction.* Less waste will be generated than would have occurred without the NEPA process.
- *Avoiding and reducing impacts.* The human environment was protected as well as the natural environment, in that the facility was sited so as to avoid adverse effects on an archeological site nearby, and to reduce visual impacts to neighboring sensitive areas.

Effectiveness of the NEPA Process

For the purposes of this section, "effective" means that the NEPA process was rated 3, 4, or 5 on a scale from 0 to 5, with 0 meaning "not effective at all" and 5 meaning "highly effective" with respect to its influence on decision making.

- For this quarter, in which there were 8 EAs and 2 EISs, 9 out of 11 respondents rated the NEPA process as "effective."

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What Worked and Didn't Work (continued)

- A respondent who rated the process as "5" explained that DOE had a difficult technical decision to make regarding technology alternatives, and the NEPA process was effective in ensuring that relevant environmental factors were not forgotten or overlooked.
- One respondent who rated the process as "3" stated that the proposed project design incorporated best management practices and best available technologies, and the NEPA process didn't add much more.
- One respondent who rated the process as "3" stated that the NEPA process was valuable to project planning but not to DOE decision making.
- A respondent who rated the process as "4" stated that the NEPA process provided a useful forum for future facility user organizations. LL

NEPA Document Cost and Time Facts

EA Costs and Completion Times

- For this quarter, the median cost of five EAs was $80,000; the average was $72,000**.** The costs for EAs 1354, 1383, and 1390 were paid by the applicant and do not apply to DOE.
- Cumulatively, for the 12 months that ended September 30, 2001, the median cost for the preparation of 23 EAs was $74,000; the average was $82,000.
- For this quarter, the median and average completion times of eight EAs were 7 and 11 months, respectively.
- Cumulatively, for the 12 months that ended September 30, 2001, the median completion time for 29 EAs was 8 months; the average was 11 months.

EIS Costs and Completion Times

- For this quarter, the costs to prepare two EISs were $440,000 and $1.4 million; their respective completion times were 15 and 29 months.
- Cumulatively, for the 12 months that ended September 30, 2001, the median cost for the preparation of 4 EISs, excluding EIS-0322, which was paid for by the applicant, was $1.4 million. The average cost was $1.8 million.
- ***Cumulatively, for the 12 months that ended September 30, 2001, the median completion time for 5 EISs was 15 months; the average was 20 months. This meets DOE's policy goal to reduce median process time to 15 months for EISs.*** LL

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