



West Valley Demonstration Project

Introduction to NEPA

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NEPA

◆ National Environmental Policy Act of 1969

—Purpose:

- **Sec. 2 [42 USC § 4321].** The purposes of this Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.

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NEPA

◆ National Environmental Policy Act (NEPA)

Established the...

Council on Environmental Quality
(www.whitehouse.gov/ceq/)

which codified the...

Regulations for Implementing the Procedural Provisions of the National Environmental Quality Act (40 CFR* Parts 1500-1508)

* Code of Federal Regulations

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NEPA

◆ Department of Energy NEPA Regulations

DOE NEPA web site...
<http://www.eh.doe.gov/nepa/>

DOE NEPA regulations...
10 CFR 1021

\$1021.101 Policy.

It is DOE's policy to follow the letter and spirit of NEPA; comply fully with the CEQ Regulations; and apply the NEPA review process early in the planning stages for DOE proposals.

\$1021.103 Adoption of CEQ NEPA regulations.

DOE adopts the regulations for implementing NEPA published by CEQ at 40 CFR parts 1500 through 1508.

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NEPA

◆ DOE Decisionmaking

§1021.210 DOE decisionmaking.

(a) For each DOE proposal, DOE shall coordinate its NEPA review with its decisionmaking. Sections 1021.211 through 1021.214 of this part specify how DOE will coordinate its NEPA review with decision points for certain types of proposals (40 CFR 1505.1(b)).

(b) DOE shall complete its NEPA review for each DOE proposal before making a decision on the proposal (e.g., normally in advance of, and for use in reaching, a decision to proceed with detailed design), except as provided in 40 CFR 1506.1 and §§1021.211 and 1021.216 of this part.



NEPA

◆ DOE Decisionmaking (continued)

(c) During the decisionmaking process for each DOE proposal, DOE shall consider the relevant NEPA documents, public and agency comments (if any) on those documents, and DOE responses to those comments, as part of its consideration of the proposal (40 CFR 1505.1(d)) and shall include such documents, comments, and responses as part of the administrative record (40 CFR 1505.1(c)).

(d) If an EIS or EA is prepared for a DOE proposal, DOE shall consider the alternatives analyzed in that EIS or EA before rendering a decision on that proposal; the decision on the proposal shall be within the range of alternatives analyzed in the EA or EIS (40 CFR 1505.1(e)).



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◆ DOE Decisionmaking (continued)

(e) When DOE uses a broad decision (such as one on a policy or program) as a basis for a subsequent narrower decision (such as one on a project or other site-specific proposal), DOE may use tiering (40 CFR 1502.20) and incorporation of material by reference (40 CFR 1502.21) in the NEPA review for the subsequent narrower proposal.



NEPA

◆ Categories of Environmental Evaluations

—Three categories...

- Categorical Exclusion
- Environmental Assessment
- Environmental Impact Statement



NEPA

◆ Categorical Exclusions

§1021.410 Application of categorical exclusions (classes of actions that normally do not require EAs or EISs).

(a) The actions listed in appendices A and B to this subpart D are classes of actions that DOE has determined do not individually or cumulatively have a significant effect on the human environment (categorical exclusions).



NEPA

◆ Environmental Assessments

Purpose: Determine if there is a potential for a significant environmental impact from a proposed action

Result: No potential for significant impact?

Issue Finding of No Significant Impact (FONSI)

Potential for significant impact?

Conduct Environmental Impact Statement
OR
Abandon action



NEPA

◆ Environmental Impact Statement

Purpose: Evaluate potential significant environmental impacts from a proposed action

Result: Final Environmental Impact Statement

Decision: Record of Decision (ROD)

*Supplemental Analysis – Additional evaluation done for a proposed action considered in an EIS when some factor or factors change.