

## 6. ENVIRONMENTAL IMPACT STATEMENT QUALITY ASSURANCE APPROACH

The SC HQ NCO will provide for and steward the QA infrastructure that supports the SC HQ EIS document management process and its continuous improvement, as well as the use of EISs by SC management in supporting planning and quality decisions. This QA approach bridges the SC HQ programs, as well as the Operations Offices and National Laboratories that conduct SC-sponsored research. This approach will include implementation of the applicable quality assurance criteria in the areas of management, performance, and assessment as identified in DOE Order 5700.6C – Quality Assurance Requirements. It is based on the underlying principles and value-added requirements contained in the May 1992 QA guidance document that accompanied the QA Requirements. (see *Ref. 9*). SC's approach to the EIS process is summarized below.

### 6.1 Management

#### Criterion 1: Program

The organizational structure of SC, along with the roles and responsibilities of the management and staff with authority and responsibility for implementing NEPA relative to EISs, will be as described in Chapter 4 above. The principle senior managers, supervisors, program managers, the NCO, and the NDM are those who manage, perform, and assess the adequacy of work and the quality of the NEPA Process and the EIS documents that support SC's project and program planning and decision making. These individuals are responsible for timing, scheduling, and managing the cost of the SC HQ EIS process.

The current SC Strategic Plan dated June 1999 (*Ref. 10*) contains the organization's mission, policies, and objectives. The integration of ES&H with the research mission is a fundamental tenant of the SC program. The SC Strategic Plan states that, "Research funds will be applied as necessary to ensure that all activities are conducted safely and in an environmentally conscientious manner..." Implementation of the NEPA process is one way this is achieved. SC uses a

proactive Integrated Safety Management (ISM) approach to ES&H (including NEPA) that emphasizes preventing or eliminating hazards and environmental impacts. This is preferred over an approach that uses mitigative measures and administrative controls. The principal vehicle for achieving these results is to integrate ES&H and quality into program planning, budgeting, and execution of SC research programs. Early integration of NEPA into the planning process allows NEPA to stay off of the critical path of SC's projects, thereby helping to keep projects on schedule, within budget, and allowing SC's science mission to be fulfilled. SC encourages the Program Offices to initiate internal scoping early in the planning phases of a project. Members of the internal scoping team should be representative of all DOE NEPA Programs that may have a stake in the decisions to be made in the Record of Decision. Members of the internal scoping team should be in positions of authority such that they can speak for the DOE Program Office that they represent.

## Criterion 2: Personnel Training and Qualifications

The SC HQ NCO will be a qualified environmental and NEPA professional by background and experience. The NCO will attend and actively participate in the DOE NCO meetings sponsored by EH. This is done in order to obtain current information and training and then to distribute relevant information to the SC Program Offices and field elements, as appropriate. Other NEPA-related and environmental training opportunities are available to the NCO through the SC and DOE training programs.

The SC HQ senior managers, supervisors, program managers, and other HQ staff have been and will continue to be provided NEPA and environmental compliance training courses organized by the SC HQ NCO. Such periodic awareness and update of training will continue, as needed and as appropriate. The SC Program Office NEPA Contacts and any current NEPA Document Managers are included on the EH distribution list to receive guidance materials and invitations to DOE NEPA community meetings and training sessions. Under the requirements in Section 5(d)(9) of DOE Order 451.1B, the SC HQ NCO is responsible for coordinating NEPA training for SC HQ. The NCO's function also includes interpreting NEPA requirements, procedures, and guidance for SC and enabling their understanding by SC managers and staff. This, also, is a form of training and teaching NEPA.

The SC HQ NCO will ensure that SC HQ personnel are capable of performing their NEPA process responsibilities by providing an infrastructure and continuous improvement program of NEPA materials, process tools, procedures, guidance, information, lessons learned, assessment, and training. This may include periodic SC NEPA Workshops similar to those held since 1991 in conjunction with the Semiannual ES&H Coordination Meetings sponsored by SC-80. The SC "Training Needs Survey in NEPA Implementation" (*Ref. 11*) addressed specific needs of SC throughout the organization. This tool may be revisited periodically as appropriate.

This infrastructure will be designed to promote higher levels of quality in SC's NEPA products and services related to the decisions under review at SC HQ.

### Criterion 3: Quality Improvement

SC will continue to encourage its employees to improve NEPA's products and services. SC will continue to monitor, detect and prevent quality problems in the EIS process and to ensure continuous improvement in support of quality decision-making. This may include the sharing of the SC NCO's Lessons Learned Report to EH, as well as the NDM's Lessons Learned Report, as appropriate, at the end of each NEPA document process. The NCO also may facilitate periodic meetings between former NDMs and new NDMs to enable the sharing of helpful information, at the appropriate times. In addition, SC will continue to utilize NEPA Workshops and seminars as a means to focus on continuous improvement, successes, problem solving, and issue resolution.

SC used the lessons learned approach during the development of the "National Environmental Policy Act Document Manager Guidance" (Appendix B). The SC NCO with Chicago, Richland and Oakland NCOs, combined historic knowledge of DOE's NEPA process to develop this guidance.

The EH "Green Book" and other guidance contained in the DOE NEPA Compliance Guide and on the DOE NEPA Web page ([www.eh.doe.gov/nepa/](http://www.eh.doe.gov/nepa/)) will be used in the preparation and review of EISs at SC HQ. The internal scoping of SC EISs will be used to ensure that the documents and the NEPA process are focused on the proper issues and will be completed in a timely manner to support decision-making. The SC NDM (in consultation with the SC HQ NCO) will coordinate the concurrent review of draft EISs and associated NEPA documentation by individuals and organizations with the proper expertise to ensure document quality and to make certain that the best interests of SC and the Department are being considered. This will include the DOE Office of General Counsel (GC-51) and EH. This concurrent review will be coordinated as much as possible through the use of electronic mail for transfer of documents and comments.

The SC infrastructure for quality improvement in the EIS includes encouraging individuals and organizations to examine their work processes and make suggestions for quality improvement, so that the process becomes timely and efficient and leads to positive results. This process quality improvement is supported by an infrastructure of electronic communications, training, regular workshops, lessons learned analyses, and guidance and procedures that bridge SC programs and provide for consistency across SC. SC employees are encouraged to examine their NEPA work and to make suggestions for improving SC's 'NEPA products and services'. As a research community, SC will endeavor to be on the 'cutting edge' of innovative approaches to implementing NEPA and all needed environmental protection programs. SC's past problems and successes in the NEPA

process provide opportunities for learning and for improvement, just as do problems and successes in the scientific research process. SC welcomes suggestions and innovative ways to improve quality, efficiency, and the effectiveness of environmental protection as part of the scientific mission.

#### Criterion 4. Documents and Records.

An administrative record is required for each EIS prepared by DOE. The SC HQ NDM will be responsible for development, control and maintenance of the record. In general, the administrative record will consist of all documents (hard copies, electronic files, overhead slides, pictures, public/stakeholder comments, transcripts of public meetings, other documents or records) relied upon in preparing the EIS, as well as those that were considered by the decision maker in arriving at any decisions. The administrative record documents DOE's consideration of all relevant and reasonable factors and should include evidence of diverging opinions and criticisms of the proposed action and its reasonable alternatives, where they may exist. Overall, it should document that DOE took the "hard look" at the proposed action and its reasonable alternatives that is required by law (*Ref. 12*). Federal agency decisions under NEPA are subject to judicial review, and a well developed administrative record provides protection against a lawsuit that could challenge DOE's decisions and its decision making process, and thus have far-reaching effects on proposed projects or programs. The administrative record also demonstrates that DOE followed the proper process in complying with NEPA's procedural provisions. Where there may be questions on aspects of the administrative record, the SC HQ NCO should be consulted.

## 6.2 Performance

### Criterion 5: Work Processes

The EISs used to support SC HQ decision-making will be prepared, reviewed, approved, and issued according to DOE and SC policies, procedures and requirements. The SC HQ EIS management process will be as summarized under this criterion, which constitutes one means of quality control.

The general requirements for the content of an EIS and its public process that are to be followed are found in the CEQ regulations at 40 CFR 1502 and in DOE's NEPA regulations at 10 CFR 1021.300. The compilation of DOE's process, procedures, requirements, and guidance for preparation of EISs and conduct of the NEPA process in general is contained in the DOE NEPA Compliance Guide, Volumes I and II. This Guide should be consulted throughout the management of the EIS process. The specific steps and milestones in the SC HQ EIS document management process that should be followed are summarized below. The order in which these work process elements occur may vary, depending on the management decisions on conducting the process. Following the text, there is a summary chart that describes the actions and responsible parties involved in the process.

**a. Determination to Prepare an EIS** - The DOE NEPA regulations, at 10 CFR 1021.200(b), stipulate that:

“DOE shall begin its NEPA review as soon as possible after the time that DOE proposes an action or is presented with a proposal.”

It is the responsibility of the SC Program Associate Director’s (PAD) Office in coordination with the SC NCO to determine if the proposed project, research initiative, or action is listed in Appendix D to Subpart D of 10 CFR 1021 – Classes of Actions that Normally Require EISs, and then to advise SC-1 accordingly.

If the proposed action is not listed in the classes of actions that require an EIS, then SC will make a “non-Subpart D” determination that an EIS will be prepared. This should be based on whether the proposal is a major federal action and whether there may be potentially significant impacts from the project or action. The CEQ regulations can be used as guidance in deciding on whether to prepare such an EIS. The proposed project will be compared with the definitions and explanations in the regulations for what constitutes a “major federal action” (section 1508.18 of the CEQ regulations) and what constitutes a potentially “significant” impact (section 1508.27).

Once the PAD’s office and NCO have decided that an EIS is the proper course of action, the PAD will take the lead to prepare a determination memorandum for signature of SC-1. The memorandum will be addressed back to the responsible SC Associate Director whose project will be the subject of the EIS. Once signed, the memorandum will be distributed to all interested and affected SC and DOE stakeholder organizations and individuals.

Examples of SC’s NEPA Determinations are in Appendix C.

**b. Designation of a NEPA Document Manager** – SC-1 has the responsibility under the DOE NEPA Order 451.1B to designate a NEPA Document Manager (NDM) for each EIS. The NDM normally an Associate Director’s Staff Member can be identified in the SC-1 determination memorandum. An example of an NDM Designation Memo can be found in Appendix B.

**c. Development of an EIS Schedule** – A draft EIS NEPA schedule will be prepared by the NDM, in coordination with the SC Program Manager. The planned milestone dates will be provided to the SC HQ NCO for tracking the progress of each EIS. The NCO can assist the NDM and Program Manager in developing the EIS schedule.

In setting the schedule, the NDM should keep in mind that the DOE NEPA regulations, at 10 CFR 1021.210(b), stipulate that:

“DOE shall complete its NEPA review 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)...”

The EIS schedule, therefore, must be integrated with the overall project schedule so that the EIS process is completed prior to initiation of detailed design and any long-lead procurement activities that would prejudice the analysis and selection of alternatives contained in the EIS. In DOE terms, this means that the EIS should be completed prior to CD-2 in the project management process. Integrating the EIS schedule with the project schedule also will allow the NDM and the SC Project Manager to control both schedules. It also will better enable this environmental planning document to influence the project positively, while staying off of the project’s critical path and thus not impacting the project schedule.

Consult the NEPA Document Managers Guidance (Appendix B) for information of the time requirements for various aspects of the public process for EISs. These mandatory public involvement time frames need to be built into the EIS schedule.

**d. Formation of an EIS Preparation Team** - A decision should be made early in the process concerning the formation of a team to prepare the Draft EIS. Early formation of a team enables its team members or leaders to be involved in (or at minimum to observe) the internal discussions on the scope of the EIS during preparation of the NOI, and/or the conduct of public scoping. If the preparation team observes the public scoping process and understands the public’s concerns, then the team will be in a better position to address the concerns in the Draft EIS.

The EIS can be prepared by a team of DOE federal staff or by a team of contractor specialists. The use of a contractor team typically has been the method for preparation of DOE EISs. Criterion 7 of this Section discusses the procuring of a contract team, which is the responsibility of the sponsoring AD office. The EIS preparation team reports to the NDM.

**e. Preparation of a Notice of Intent**– A Notice of Intent (NOI) to Prepare an EIS needs to be published in the *Federal Register*. The early draft of an NOI can be the vehicle to initiate internal DOE planning on the scope and content of the EIS. This process is called “internal scoping” and is discussed in the subsection below. The NOI must be published in the *Federal Register* as soon as practicable after a decision is made to prepare an EIS.

SC has the responsibility to draft the NOI and to coordinate its review and approval within DOE. The DOE NEPA Order 451.1B stipulates that NOIs are approved and issued by EH-1. The SC NDM and PAD staff, in consultation with the SC NCO, should draft the NOI. As stated in the CEQ regulations at 40 CFR 1508.22, the NOI will:

- Briefly describe the proposed action and possible alternatives,
- Describe the agency’s proposed public scoping process including when and where any public scoping meetings will be held,
- State the name and address of a person within SC who can answer questions about the proposed action and the environmental impact statement.

These are the minimum requirements for the content of an NOI for a DOE proposal. Typically, a DOE NOI will contain the following additional types of information about the proposed project and the NEPA process:

- A summary,
- Information on the dates, times and places for public scoping meetings,
- An agency contact for further information,
- Background on the project or initiative being proposed,
- Purpose and need for the action,
- A preliminary list of alternatives, including the proposed action,
- A preliminary list of issues expected to be addressed in the EIS,
- Other NEPA documents that are related to the this EIS,
- A preliminary EIS schedule.

When the NOI has been drafted and all parties are satisfied with its content, it will be transmitted formally from SC-1 to EH-1 for signature. The final version of the NOI formally is signed and approved by EH-1 for publication in the *Federal Register*. EH will consult with the Office of General Counsel and secure a GC concurrence prior to transmitting the NOI to the *Federal Register* for publication. EH and GC, as internal stakeholders in the EIS process, will participate throughout the internal scoping and NOI development process.

The NOI becomes SC’s and DOE’s statement on what the agency believes the EIS should be about and what the agency proposes to analyze in the EIS. The NOI is the document that also initiates the public’s involvement in the design of the EIS process. This initial involvement is called “public scoping” and is discussed in the subsection below.

Consult Section 4 of DOE's publication, "Effective Public Participation Under the National Environmental Policy Act" (Second Edition, August 1998) for information and suggestions concerning the development and content of an NOI. It can be found at tab IV-1 of the DOE NEPA Compliance Guide (Vol. II). An example of an SC NOI is included in Appendix C.

**f. Conducting Internal Scoping** – Internal scoping is a collaborative process of designing the scope and content of an EIS, and assisting in the development of the schedule for its preparation. To the maximum extent practical, the goal of internal scoping should be to reach agreement among the internal DOE stakeholders on the issues of concern and then to design the EIS to focus on the issues of concern to decision making. Internal scoping under this Criterion 5 will be consistent with the document and process "design" under Criterion 6 below, and with Criterion 7 below for inclusion of procured services in the internal scoping process. Additional information and examples of documents prepared for use during internal scoping are found in Appendix F.

Results of Internal Scoping: Internal scoping will be initiated and coordinated by the SC NDM with assistance from the SC HQ NCO, and will include all appropriate SC and DOE stakeholders. This internal scoping should result in:

- Development of an NOI for publication in the *Federal Register*, and thus agreements on the scope and content of the EIS, plus a design for the public process;
- Agreement and understanding of the process to be followed for review and approval of the EIS;
- A schedule for the EIS process (or affirmation of the validity of the schedule attached to the original determination); also
- The likelihood that a Mitigation Action Plan may be necessary and placed into the EIS schedule, as appropriate.

Internal scoping will consider the need for any *Federal Register* notices in addition to the Notice of Intent (i.e., floodplains/wetlands involvement,) that may be needed. For all of these notice procedures, the EIS schedule will need to be planned accordingly. The NCO should be consulted for examples of all *Federal Register* notices related to the EIS under consideration. Included in Appendix D are some examples. All *FR* notices require consultation with and concurrence from the Office of General Counsel prior to publication.

An Official DOE/EIS Number: As part of internal scoping, the NDM will contact EH-42 and request a DOE/EIS number for the document under consideration. This

can be done as part of the process of sending the draft NOI to EH for review and approval.

**g. Notification of the EIS Determination** - Notification to the host states/tribes of DOE's intent to prepare an EIS will be made in a timely manner following an SC-1 NEPA determination. If there will be a time delay between the time SC-1 makes the EIS determination and the beginning of public scoping via publication of an NOI, then letter notifications may be appropriate. This should be done usually within two weeks of the determination. The letters of notification will be prepared by the NDM, and signed either by the NDM or the SC HQ NCO, with concurrence from the sponsoring SC Program Office. If desirable, the letters could be signed by an appropriate level of SC management. The current edition of the DOE "Directory of Potential Stakeholders for Department of Energy Actions under the National Environmental Policy Act" (the EH "Yellow Book") should be used as the source of official host state/tribe points of contact. The Yellow Book is updated periodically. In between updates, the NDM should check with the appropriate Operations Office that would administer the proposed project under review, regarding updates to the list of host state or tribal contacts to be notified. The DOE Office of Public Affairs also can provide assistance in identifying appropriate contacts in the states and tribes. See Appendix E for example notification letters.

Ordinarily, publication of the NOI will provide adequate notice to states and tribes that SC and DOE have determined to prepare an EIS. Additional notification regarding the holding of public scoping meetings will be necessary to fully inform and involve the public. Consult the DOE NEPA Compliance Guide and its "Effective Public Participation" guidance for assistance.

Examples of SC Transmittal and Approval letters are found in Appendix E. In addition, examples of fact sheets, newsletters and press releases used by SC are found in Appendix G.

**h. Conducting Public Scoping** – The public's involvement in the EIS process is formally initiated by publication of the NOI in the *Federal Register*. DOE normally holds at least one public scoping meeting on its proposal to prepare an EIS. The meeting should be held in the locality where the proposed action may occur. For example, if SC is proposing to build and operate a new accelerator, a public scoping meeting should be held in the community near the site of the proposed project. If the EIS will evaluate several alternative sites for the project, consideration should be given to holding public scoping meetings in the vicinity of each alternative site. Consult the DOE "Effective Public Participation" guidance in the NEPA Compliance Guide for the requirements for public scoping, as well as for other suggestions.

Consider Several Venues and Media for Public Scoping: The receipt of public comments via several media should be considered, such as through public meetings,

written comments, email, voice mail, and via an internet web site. Traditionally, public scoping meetings have been designed around the “presentational” model. In this model, the federal agency makes a formal public statement and presentation on the proposed action and the EIS review, and then takes formal public comments made orally by the interested and affected public. Another good approach in public meetings is the “dialog” model in which the DOE project proponents talk more informally with the interested public in smaller groups than the public meeting. This approach enables more direct contact with the public and facilitates the asking of more questions. It also tends to be a better trust builder than the traditional public meeting. To the degree that this is possible, both types of meetings should be considered during public scoping.

Consult with the Operations Offices: The public affairs specialists in DOE’s Operations Offices and at the National Laboratories can be of great assistance in advising on how to dialog with the local community stakeholders. They also can be of assistance in arranging for local public scoping meetings and for local press announcements and coverage.

Summarize the Results: Following the completion of the formal comment period of the public scoping process, it is SC’s responsibility to consider all of the comments from the public and to revise the scope of the planned EIS accordingly. The public scoping process and its results can be summarized in a separate document that would assist in the revisions of the scope of the Draft EIS. If there is substantial public interest in the EIS, and if there are numerous and significant public comments on the scope of the document, then it may be worth considering the preparation of a separate comment-response document (CRD). The CRD should summarize the public comments and provide DOE’s responses that state how the comments will be treated in defining the scope and content of the Draft EIS. The CRD will state which comments are “out-of-scope” and will not be addressed in the Draft EIS. The original incoming comments (whether written, oral at the public meetings, or email) will be included with the CRD as a matter of public record, for the administrative record.

The public scoping process and its’ results will be summarized in the Draft EIS.

**i. Preparation of the Draft EIS** – Preparation of the Draft and Final EISs will follow the regulations and the established guidance, as specified in Chapter 3 of this QA Plan. The quality and adequacy of each EIS will be assured by preparing, reviewing, and approving them against existing CEQ, DOE, EH, and SC guidance and standards (as identified in Section 3.0 above of this QA Plan). Quality also will be built in up-front by initiating the EIS process early in project planning, and by involving the appropriate persons and organizations in the preparation, review and approval process.

Preparation of the EIS will be accomplished under the management and direction of the NDM, who should consult frequently with the SC HQ NCO. Frequent communication among the NDM, the NCO, the EIS preparation team, EH and GC will enable concerns and issues to be worked through in a timely manner. Consult the NDM's guidance contained in Appendix B for guidance on preparation of the documents, use of teams, etc.

**j. Concurrent Document Reviews** - Concurrent internal DOE reviews of all EIS-related documents will occur to the maximum extent possible. This applies to preparation of both the Draft and Final EISs. Concurrent reviews will promote efficiency, save time, reduce delays, and enhance quality. Concurrent reviews will be conducted to the extent practical on the early drafts of the documents, so that quality and adequacy are ensured early in the process. The concurrent review will be initiated and coordinated by the SC NDM, with assistance from the SC HQ NCO, and will include all appropriate SC and DOE internal stakeholders. These stakeholders include the following: the sponsoring SC HQ Program Offices; the cognizant Operations Office, Area or Site Office; the Laboratory that would conduct the proposed work; the Office of General Counsel (GC-51); and the Office of NEPA Policy and Compliance (EH-42). The use of an "Advisory and Review Team" (see the NDM guidance in Appendix B) through the EIS preparation process will enable the NDM to keep all of the internal stakeholders informed on the progress of the EIS and to solicit concurrent reviews of all documents at the appropriate times.

**k. Securing EIS Concurrences and Approvals** – All DOE EISs, both draft and final, are officially approved by the Assistant Secretary for Environment, Safety and Health (EH-1), after concurrences by the EH Office of NEPA Policy and Compliance (EH-42) and the Office of General counsel (GC-51). Some EIS may need the approval of the Secretary of Energy. Typically, this has been for Site-Wide and Programmatic EISs, and for EISs on proposed actions that have unusual visibility, public interest, or the likelihood of controversy. Secretarial approval of an EIS may add some time to the process of completing the document. EH must be consulted early on the need or advisability of Secretarial approvals of the EIS so that the timing can be included in the schedule.

SC considers the EIS preparation to be complete when the technical analyses are finished and the document is judged to be of proper adequacy and quality by the Advisory and Review Team. The EIS then is ready for formal transmittal to EH-1 from SC-1, with a request for approval to issue the EIS for public review (for a Draft EIS) or for public information (for a Final EIS) prior to issuance of the Record of Decision.

SC Concurrences - Each EIS prepared by SC HQ will receive the concurrence of the appropriate SC Project or Program Manager, the Program Office ES&H

Coordinator, the Program Associate Director, and the SC HQ NCO prior to transmittal of the EIS to SC-1 for submittal to EH-1. The NDM and the AD's Program Manager should prepare the formal transmittal memorandum from SC-1 to EH-1. When the EIS reaches the SC front office, it will receive concurrence from the SC Chief Operations Officer (SC-3) and the Deputy Director (SC-2). Signature of the transmittal memo by SC-1 is the Director's concurrence and approval of the document.

GC Concurrence – Every EIS must receive a legal adequacy review and a concurrence from the Office of General Counsel prior to official issuance for public review by DOE. The Assistant General Counsel for Environment (GC-51) is the organization involved. Normally, the concurrence by GC is secured by EH during the EH approval process. As GC staff counsel is part of the Advisory and Review Team, GC should be familiar with the document and the process and thus able to advise GC-51 on concurrence in the document.

**I. Distribution and Filing of Draft EISs** – All DOE EISs are issued for formal public review and comment (for Draft EISs) and for public information (for Final EISs). The requirements for public involvement are contained in the CEQ regulations at Part 1506.6. The requirements and specifications for inviting public comments and for responding to comments are found in Part 1503 of the CEQ regulations. Also see chapter 6 in DOE's "Mini-guidance from Lessons Learned Quarterly Reports" for guidance on distribution of EISs, and for publishing EISs on the DOE NEPA web site. DOE's "NEPA Document Electronic Publishing Standard and Guidelines" also should be consulted.

Distribution of Draft EISs - Once the Draft EIS is approved for public review under signature of EH-1, it needs to be distributed to all interested and affected persons and organizations within DOE and to the affected persons and agencies outside of DOE. The Draft EIS also needs to be filed officially with the USEPA in order to begin the formal public comment period (This is discussed separately below).

DOE's internal process requires that the distribution (by mail) of the Draft EIS must be completed before the Draft EIS can be filed with the USEPA. This means that all of the draft EISs being distributed have been placed into the postal system. For Draft EISs being distributed to Congress, the DOE Office of Public Affairs usually will assist with the physical transmittal of the documents to "The Hill".

It is not unusual for several hundred EISs to be distributed to interested and affected parties, thus the process for SC to get all of them into the mail system and enroute to Congress can be laborious and time consuming. Draft EISs are distributed with transmittal letters signed by various DOE officials, depending on the recipients. Typically, the transmittal letters are signed as shown below. Example letters are contained in Appendix F.

- Assistant Secretary for Environment, Safety and Health (EH-1) signs letters to: Members of Congress and congressional committees; governors of host states; and American Indian tribes.
- Director of the Office of NEPA Policy and Compliance (EH-42) signs letters to: federal HQ agencies; major national environmental organizations; and the letter to the USEPA that transmits the EIS for official filing.
- Program Secretarial Officer (SC-1) signs letters to: federal regional offices; state and local government agencies; state and local organizations; and local public and community stakeholders in the vicinity of the project or site.

The SC Program Office should prepare these transmittal letters, with assistance from the SC NCO. Draft copies of the letters for EH-1 and EH-42 signatures should be shared with EH ahead of time, so that the proper content can be developed. Also, a draft distribution list of EIS recipients should be prepared and shared with EH so that a complete list can be developed. Once the content and format of the letters are agreed upon, and the distribution list is complete, SC needs to produce a package of the letters, all on original DOE letterhead, for signature by EH. It will help, also, if all of the letters are included on a computer disc, and included with the package, in case any last minute changes are needed by EH.

Filing of the Draft EIS with the USEPA – It is required that all EISs be filed officially with the USEPA. Guidance on the filing requirements and procedures can be found at tab IV-3 of Vol. 1 of the DOE NEPA Compliance Guide. Also, the DOE “Directory of Potential Stakeholders” contains the mailing address for the official filing, as well as the address for hand-carried deliveries of EISs for official filing. This information is contained in the “Stakeholders” section on federal agencies, under the Environmental Protection Agency.

The USEPA requires five copies of draft and final EISs for review and filing. It has been the general practice in DOE for the EISs to be hand carried to the USEPA at the address below. Delivery of the EISs to the USEPA is the responsibility of the SC Program Office and can be done by the NEPA Document Manager or the Program Manager. The SC NCO also can be called upon for assistance.

Room 7228  
Ariel Rios Building  
1200 Pennsylvania Avenue, NW  
Washington, DC 20044

The Ariel Rios Building is a 20-30 minute walk, or a 10-minute cab ride, from the DOE Forrestal Building. Hand-carrying of EISs to the USEPA for official filing has been the best and surest way to deliver the documents and to assure that they are

received by the USEPA in a timely manner that fits with the SC schedule for the proposed project.

When the five copies of an EIS are accepted by the USEPA, a receipt and filing form will be filled out and signed by the SC person making the delivery. Be sure to get a copy of this form for the EIS administrative record. SC should provide a copy of the form to EH-42, as evidence that the EIS has been filed.

Federal Register and Notice of Availability – The USEPA publishes a listing of all EISs officially filed. This listing is published by the USEPA in the *Federal Register* each week, on Fridays, and constitutes the official Notice of Availability (NOA) that starts the public comment period. EISs must be received by the USEPA a week before the official listing and NOA are published. This means that the EIS must be delivered to and received by the USEPA by Friday of one week in order to be included in the *FR* listing on the following Friday. If the EIS is delivered to the USEPA on a Monday, for example, the official *FR* listing with the EIS will not be published in the *FR* on the following Friday, but on a week from that Friday (actually two work weeks from the delivery on Monday). If the timing of the NOA is crucial to the project schedule, the timing of the filing with the USEPA should be considered accordingly.

DOE also requests that the EIS sponsor (SC) prepare a brief NOA for the DOE NEPA web site. This NOA can be a few paragraphs that announce the availability of the document. Consult the DOE NEPA Web Site for examples.

Copies of Draft EIS for EH and NEPA Web – When the Draft EIS is issued for public review, copies will be provided to EH-42 for its staff, corporate archives, and for the NEPA web site. Upon issuing the Draft EIS, the SC NCO should transmit three paper copies, an electronic file, and a completed NEPA Document Certification and Transmittal Form to the EH Office of NEPA Policy and Compliance. Consult the DOE “NEPA Document Electronic Publishing Standards and Guidance” for instructions and for a copy of the transmittal form.

**m. Enabling Public Involvement** – Public involvement in the Draft EIS process occurs in several ways. Consult the DOE publication “Effective Public Participation under the National Environmental Policy Act” for a summary of the requirements and for suggestions. It can be found at tab IV-1 in volume II of the DOE NEPA Compliance Guide. The process and venues used for the public scoping of the EIS also can be used to enable the public review and comment process for the Draft EIS. Consult with the appropriate Operations Offices and with the DOE Office of Public Affairs for assistance. Also, see Chapter 5 in DOE’s “Mini-guidance Articles from Lessons Learned Quarterly Reports” for guidance on public participation.

Formal Public Comment Period - All Draft EISs are issued for public comment for a minimum of 45 calendar days. The 45-day comment period begins with the publication of the NOA by the USEPA. The length of the comment period should be considered in the early planning of the NEPA process and should be factored into the schedule for the EIS and for the proposed project as well. A longer comment period should be considered for Draft EISs on proposed projects that are especially complicated, where there are a number of alternative sites, or where controversy is expected.

Public Meetings – The sponsoring Program Office in coordination with the Operations Office responsible for the project are required to hold public meetings. DOE typically holds public meetings on the Draft EISs in the vicinity of the proposed project. There should be a waiting period of at least 15 days from the publication of the NOA until the first meeting is held. This gives the public an opportunity to read the Draft EIS and to gather information prior to attending the meetings. If there are alternative sites in locations removed from the location of the proposal, meetings should be held at the alternative locations as well. If the proposed action would involve activities at separate sites or locations, considerations should be given to holding meeting convenient to the public in all such locations.

The public meetings are for the purpose of encouraging discussion and mutual understanding of the NEPA process and the proposed action. Some meetings may be informal, off-the-record information exchanges between DOE and the public. Other meetings may be structured more formally, including presentations by DOE on the proposed action, as well as oral presentations by members of the public for on-the-record statements.

The more traditional structured public meetings are useful for gathering formal statements and comments from the public. These types of meeting, however, are less helpful in fostering good communications, information exchange, and the sharing of concerns regarding the proposed action. The DOE “Effective Public Participation” guide contains suggestions on other formats for meeting with interested parties in order to foster better communications and understanding. Workshop and “dialog” models of communication sometimes can be more effective than “presentational” models in reducing the polarization between the parties, reducing conflict and controversy, and in enhancing the effectiveness of public meetings. These require up front planning and may add time to the public process.

The SC Office of Biological and Environmental Research (SC-70) has been researching new and innovative ways for scientists to communicate effectively with the public. Consult with the SC NCO for contacts in SC-70 who can assist with and advise on public involvement during a Draft EIS process on SC’s scientific programs and projects.

Local Notifications and Press Releases – The availability of Draft EISs released for public review must be made known to the local communities in the vicinity of SC’s proposed activities. As local communities may not always know of the availability of Draft EISs as announced in the Federal Register, local notifications should be made to interested individuals, organizations and local governmental leaders. The direct mailing of copies of the Draft EIS to such persons should be done, based on knowledge of their interest (e.g., from the scoping process). For other citizens and organizations, notification should be made through the use of local media. The appropriate Operations Office and national laboratory, as appropriate, can provide advice and assistance in this regard. Also, the DOE Office of Public Affairs can assist.

The SC program office should draft press releases announcing the availability of the Draft EIS for review and comment, with assistance from the DOE Office of Public Affairs. Normally, Public Affairs will request that EH review any press release related to the NEPA process. To expedite the completion of press releases, the SC program office should coordinate the early drafts with staff from Public Affairs and EH-42. Consult with the SC NCO for assistance in this regard.

Appendix G contains example press releases, fact sheets, and newsletters on EISs and their public process.

**n. Preparation of the Final EIS** – Preparation of the Final EIS should follow the regulations and the established guidance, as specified in Section 3.0 of this QA Plan. Management of the Final EIS preparation process is very similar to that described for “Preparation of the Draft EIS” above.

Managing the Receipt of Public Comments for the Administrative Record – The public may provide comments on Draft EISs to DOE in one or more of several ways. There will be oral comments, and possibly written statements, provided at the public meetings. Comments also may be provided by U.S. mail, over the phone, by email, or over the internet. All of these venues need to be provided to enable the public to participate in reviewing SC’s Draft EISs. See chapter 5 of DOE’s “Effective Public Participation” for suggestions on the array of media to use for involving the public and receiving comments. Also, see section 6.1.4, criterion 4, above on documents and records. The NEPA Document Manager is the person primarily responsible for collating and maintaining the comments received by DOE on the Draft EIS. They are part of the official administrative record of the NEPA process.

Public Comments & the Final EIS - Normally, comments will be received on DOE’s Draft EISs. Time should be provided in the EIS schedule for resolution of the comments and for revising the Draft EIS and thus creating the Final EIS. The comments received during public scoping helped to shape the scope and content of the Draft EIS. Similarly, comments received on the Draft EIS help to revise the

Draft EIS and thus shape the content of the Final EIS. Public comments received on Draft EISs from host states/tribes and the public must be addressed and resolved in the Final EIS, which may require that the Draft EIS be revised in response to the comments. The CEQ regulations at section 1503.4 provide the regulatory guidance on how an agency shall handle response to comments.

The Final EIS must complete the administrative record of the disposition of public comments. All of the comments received on the Draft EIS (both written and oral comments) should be included in a comment/response matrix. The matrix can be included as an appendix to the Final EIS, or it can be produced as a stand alone document that is referenced in the Final EIS. Examples of Comment/Response documentation can be found in Appendix H.

Final EIS Concurrence & Approval - EISs that are revised based on public comments received will go through the SC concurrence process, leading to transmittal of the document to EH-1 for approval and issuance, as was done for the Draft EIS. If no comments are received, the EIS that was issued as a Draft for public review may be the final EIS presented to SC-1. This would need to be discussed with EH and GC.

Distribution & Filing - Once the Final EIS is approved for issuance, the same process is followed, as was done for the Draft EIS, for distribution to stakeholders and for filing with the USEPA. A brief Notice of Availability (NOA) of the final EIS will be provided in the *Federal Register* by the USEPA. An NOA needs to be prepared for the DOE NEPA web site, as well.

**o. Preparation of the Record of Decision** – The CEQ regulations state that one of the purposes of the NEPA process is to facilitate government decision-making. Section 1500.1 provides the following discussion on agency decisions and NEPA:

“Ultimately, of course, it is not better documents but better decisions that count. NEPA’s purpose is not to generate paperwork – even excellent paperwork – but to foster excellent action. The NEPA process is intended to help public officials make decisions that are based on understanding of environmental consequences.”

Writing and Approval of a Record of Decision - The decisions coming out of the NEPA process are required to be formalized and to be published in a public Record of Decision (ROD). Part 1505.2 of the CEQ regulations specifies the scope and content of the ROD. Additionally, the ROD should address any comments that may have been received on the Final EIS during the 30-day period following publication of the NOA for the Final EIS. The SC program office, with input and assistance from the NEPA Document Manager and the SC NCO, should prepare the ROD. During its drafting, the ROD should be provided to any affected DOE Program Offices or Operations Offices for review and comment. The draft ROD

also should be provided to the internal stakeholders who have assisted the EIS process since internal scoping.

DOE's RODs normally are approved and signed by the Program Secretarial Officer (PSO), in this case the Director of the Office of Science (SC-1). DOE's process requires that the ROD receive concurrence by EH-1 (for environmental content) and by GC (for legal sufficiency), prior to being signed by SC-1. EH and GC staff could be involved in reviewing early drafts of the ROD, thus facilitating the formal concurrences later. Some RODs may need to be approved and signed by the Secretary of Energy, rather than the PSO. Such cases may revolve around the visibility of the proposed action, public interest in it, or the likelihood of controversy. If the Draft and Final EISs required Secretarial approval, rather than EH-1, it is likely that the ROD may need to be approved by the Secretary. EH will advise on this. Examples of an SC ROD and the approval transmittals are found in Appendix I.

Timing of ROD in Relation to Final EIS – Part 1506.10 of the CEQ regulations stipulates the timing of the ROD. Approval of the ROD must wait at least 30 days from publication of the NOA for the final EIS. This 30-day waiting period provides an opportunity for the public to read and understand the Final EIS prior to an agency making decisions based on or supported by the EIS, and announcing the decisions in the published ROD. This 30-day period should be planned into both the EIS schedule and the project schedule.

Publication of the ROD - DOE publishes its RODs as a *Federal Register* notice, similar to the Notice of Intent. As noted above, the ROD cannot be published in the *FR* for at least 30 days following the NOA for the Final EIS. The notice should be provided to the *FR* office in GC on a computer disc. It is, therefore, the electronic version of the hard copy of the ROD that was signed by the Program Secretarial Officer (SC-1).

The ROD also can be provided to the public on the DOE NEPA web site. Follow the instructions in the EH "NEPA Document Electronic Publishing Standards and Guidelines" for providing the electronic version of the ROD to EH for the web site.

**p. Availability of FEIS and ROD** - The availability of the Final EIS released for public information should be made known to the local communities in the vicinity of SC's proposed activities. The procedures noted above for providing the availability of the Draft EIS to the public can be followed to do the same for the Final EIS, and for the ROD.

**q. Copies of Final EIS and ROD for EH and the Web Site** - When the Final EIS is issued for public review, copies should be provided to EH-42 for its staff, corporate archives, and for the NEPA web site. Upon issuing the Final EIS and the ROD, the SC NEPA Compliance Officer should transmit three paper

copies, an electronic file, and a completed NEPA Document Certification and Transmittal Form to the EH Office of NEPA Policy and Compliance. Consult the DOE “NEPA Document Electronic Publishing Standards and Guidance” for instructions and for a copy of the transmittal form.

Consult the EH guidance, “Distributing a Record of Decision Makes Sense,” (Mini-guidance articles) for suggestions on providing copies of the published ROD to interested parties.

**r. Completion of LL Questionnaire on the NEPA Web Site** – At the completion of the EIS process, the NEPA Document Manager and the NEPA Compliance Officer are requested to complete a lessons learned questionnaire on the DOE NEPA web site. This will enable the lessons and experiences from this EIS initiative by SC to be applied across the DOE complex for future EISs, and will enable EH to track the progress and effectiveness of DOE’s continuous improvement in its NEPA program.

Action (Steps in the Process)	Responsibility
a. Determination to Prepare and EIS	PAD Office, SC-1, with assistance from NCO
b. Designation of NEPA Document Manager	SC-1
c. Development of EIS Schedule	NDM, SC PM, with assistance from the NCO
d. Formation of the EIS Preparation Team	NDM, PAD, SC PM, DOE Contracts personnel
e. Preparation of Notice of Intent	NDM, SC PM, PAD, NCO, SC-1, EH-1
f. Conducting Internal Scoping	NDM, SC PM, NCO, EIS Writing Team, other internal stakeholders as needed.
g. Notification of the EIS Determination	NDM, PAD, with assistance from NCO
h. Conducting Public Scoping	NDM, SC PM, NCO, EIS Writing Team
i. Preparation of the draft EIS	NDM, EIS Writing Team, NCO
j. Concurrent Document Reviews	NDM, NCO, PAD, SC PM, Operations Office, EH, GC and other internal stakeholders, as needed.
k. Securing EIS Concurrences and Approvals	NDM secures concurrences. SC PM, PAD, SC-3, 2, 1, GC-51, EH-42, EH-1 are involved in the process.
l. Distribution and Filing of Draft EIS and its' availability	NDM, SC PM, NCO, EH-42
m. Enabling Public Involvement	SC Program Office, Public Affairs
n. Preparation of Final EIS	NDM, EIS Writing Team, NCO
o. Preparation and Approval of the ROD	SC PM, NDM, NCO, SC-1, EH-1, GC
p. Availability of FEIS and ROD	NDM, SC PM, NCO
q. Copies of Final EIS and ROD for EH and Website	NDM, NCO
r. Completion of Lessons Learned Questionnaire	NDM, NCO

Table 6-1: EIS Management Responsibility Summary Chart

## Criterion 6: Design

"Design", for the purposes of this QA Plan, refers to the design of SC's EIS documents (i.e., their scope and content) and the process to prepare, review, and approve them. This design then leads to the outputs of quality decision-making, proper public involvement, and environmental stewardship. The EIS and process design will be based on the established NEPA policies, requirements, guidance and procedures accepted by DOE and SC and reflected in this QA Plan. Sound principles of reason and issue identification will be utilized during the internal scoping process to establish the design of the EIS and its schedule of milestones.

A "sliding scale" (or graded approach) will be used, as appropriate, in the EIS design and in the rigor of the review and approval process. The design of the document scope and schedule will be "risk based" and consider the legal risks to the Department and the risks to environment and to the health and safety of workers and the public. Regardless of how the sliding scale is used, every SC EIS will provide clear information to DOE decision makers and their stakeholders. The EIS must show that SC took the "hard look" at the proposed action(s) and alternatives in terms of the analysis of environmental consequences. The internal stakeholders will finalize the EIS and process designs as soon as possible following the EIS determination. Changes in final designs (during the process implementation) occasionally may be necessary. The internal stakeholders will justify and approve the designs in a timely manner. The NDM, in consultation with the SC HQ NCO, will coordinate this internal scoping and design process, and assure that "design" under this Criterion 6 is consistent with internal scoping under Criterion 5 above.

Example EIS designs and process experiences from previous SC EISs are found in the summaries provided in the SC Annotated NEPA Bibliography (SC NCO Comm. 92-07). These may serve as examples of "verified" or "completed" designs that have been through the DOE review and approval process, including state/tribal coordination and public review. Use of this information as lessons learned may positively influence the process and its outcomes. To achieve quality in its EIS products and services, SC will take into account the schedule of the EIS process. The use of a sliding scale or graded approach in the design, review, and approval of EISs will permit SC to place and use resources where they are most needed.

## Criterion 7: Procurement

SC will ensure that purchased or supplied services and technical assistance for preparation of EISs and EIS-related documents and processes meet expectations. SC will ensure that suppliers are qualified to perform the required services, and that sufficient supplier resources are available to implement and complete the tasks. SC will ensure that such suppliers (i.e., contractors and all EIS authors) are provided with all of the necessary "tools" of guidance, procedures, rules, and requirements to

adequately prepare and supply quality EISs. Suppliers will be involved as early as possible in the EIS design, ideally as part of the EIS internal scoping process (as per Criteria 5 and 6 above). Supplier performance will be monitored periodically to ensure that quality service and acceptable deliverables continue to be supplied. Suppliers will be involved in the SC evaluation of their products to the extent possible.

If contractor support is needed for preparation of an EIS, securing such support will be the responsibility of the sponsoring SC Program Office. The NDM should coordinate the procurement request with the Program Office and the SC Grants and Contracts Division, as appropriate. Example statements of work for NEPA document preparation are contained in the DOE document “A Brief Guide: Department of Energy-wide Contracts for National Environmental Policy Act (NEPA) Documentation.” It also contains guidance for procuring contractor assistance through the DOE-wide contract mechanism. It can be found on the DOE NEPA web site. A sponsoring SC Program Office may use this contracting vehicle, hire a contractor separately, or charter a team of DOE federal employees for preparation of a NEPA document.

To achieve quality in its EIS products and services, SC will take into account resource considerations, cost and schedule. At the completion of an EIS effort, the NDM and the NCO are encouraged to complete one of the DOE lessons learned surveys that are found on the DOE NEPA web site under the category of “DOE NEPA Process Information.” Also, the NDM is encouraged to complete a “DOE NEPA Contractor Performance Evaluation” form if the DOE-wide contracting mechanism was used in preparation of the EIS. This form can be found in the “Brief Guide” cited above.

### Criterion 8: Inspection and Testing

Inspection in the context of the DOE EIS process includes both internal and external (public stakeholders) reviews for adequacy, accuracy and ensuring the “hard look” has taken place. Criteria 1-7 have outlined when internal “inspection” is suggested and when both internal and external “inspection” is required by regulation. When the final EIS is issued and the ROD has been completed without a challenge from the public, then the EIS has “acceptance”. When public involvement has been successful and quality decisions have been made, the EIS process will have passed the “inspection and testing.”

## 6.3 Assessment

### Criterion 9: Management Assessment

The SC HQ NCO will serve as the representative of SC management for the purposes of performing assessments of the adequacy and quality of the EIS

program and its effective implementation. This assessment function will be conducted partly on conformance to requirements, standards or procedures. Assessment will focus on whether SC is effectively using the support of the services provided by the EIS and NEPA processes in the conduct of its research mission. The assessments will identify, correct, and prevent problems that could hinder the achievement by SC of quality decision-making and environmental stewardship via the EIS and NEPA processes.

Additionally, the NDM and the NCO at the end of the NEPA process will complete a Lessons Learned survey for each EIS. The survey can be found on the DOE NEPA web site. It will serve to provide input to this management assessment initiative. Also, this QA Plan will be revisited and assessed periodically in order to maintain its relevance in assuring quality EISs and their NEPA process. Lessons learned will be fed back into continuous improvement of this QA Plan.

Management assessments of the EIS program will provide feedback on the performance of the system and offer opportunities for quality improvement. The assessment will identify, correct, and prevent management problems (in using NEPA) that hinder achievement of SC's objectives. It will focus on broad categories of issues to determine the effectiveness of the integrated management system. This is part of SC's proactive approach to problem prevention.

#### Criterion 10. Independent Assessment.

Independent assessment of the SC EIS process will come from the independent oversight and the document/process reviews provided by GC, EH, and other DOE stakeholders. The host state/tribal reviews and the public reviews of SC's EISs and related documents will provide an additional independent assessment of the documents and the process on a more continuing basis. The input from all independent sources will be received by SC as meaningful feedback and used to correct deficiencies and improve quality and effectiveness in the EIS process and this QA Plan.

Independent assessments of the EIS process and its outcomes will provide feedback on the performance of the system and offer opportunities for quality improvement. These independent inputs will be from internal and external customers and stakeholders.