JUL 26 1994

Tara O'Toole
Assistant Secretary for Environment,
Safety, and Health, HQ
EH-1/FORSTL

SUBJECT: REQUEST FOR DELEGATION

This memorandum is to request the Office of Environment, Safety, and Health delegation of approval for Environmental Assessments, Findings of No Significant Impact, and associated floodplain and wetland documentation requirements to the Chicago Operations Office (CH). This request follows instructions in the Secretary of Energy's Policy Statement on the National Environmental Policy Act (NEPA) dated June 1994, Section I, A.

CH has fulfilled all the requirements listed in the Secretary's NEPA Policy Section I, A.1. Principals in CH's NEPA program include CH's NEPA Compliance Officer, Dr. Bill S. White, and several attorneys from CH's General Law Division who provide legal counsel. CH has prepared a Quality Assurance Plan and an Internal Scoping Document, containing a public participation section. Both documents are consistent with examples provided in Appendices of the Environmental Assessment Process Improvement Team Report dated January 1994. These CH documents in support of delegation are available upon request.

If there are any questions which need to be answered before the delegation to CH can be granted, please contact me or the CH NEPA Compliance Officer, Dr. Bill S. White, at (708) 252-2101.

signed by
Cherri J. Langenfeld

Cherri J. Langenfeld
Manager

cc: J. Farley, HQ, ER-8.2/GTN
H. Garson, HQ, DP-3.2/FORSTL
J. Johnson, HQ, FE-6/FORSTL
C. Kouts, HQ, RW-332/FORSTL
O. Lawrence, HQ, EE-64/FORSTL
M. Mazaleski, HQ, IS-30/FORSTL
R. Scott, HQ, EM-20/FORSTL
R. Sharma, HQ, NE-443/GTN
[redacted]

bc: M. Flannigan, ESHD
AMST
GLD
OM

CONCURRENCES	
RTG. SYMBOL	ESHD
INITIALS/SIG	White
DATE	7/21/94
RTG. SYMBOL	ESHD GLD
INITIALS/SIG	
DATE	7/26/94
RTG. SYMBOL	ESHD
INITIALS/SIG	Flannigan
DATE	7/26/94
RTG. SYMBOL	AMST
INITIALS/SIG	Kennedy
DATE	7/26/94
RTG. SYMBOL	DM
INITIALS/SIG	Goldman
DATE	7/26/94
RTG. SYMBOL	OM
INITIALS/SIG	Langenfeld
DATE	7/24/94
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United States Government | Department of Energy

memorandum

DATE: August 11, 1994

REPLY TO ATTN OF: Office of NEPA Oversight:Osborne:202-586-4596

SUBJECT: Delegation of Environmental Assessment Approval Authority

TO: Cherri J. Langenfeld
Manager, Chicago Operations Office

This is in response to your July 26, 1994, request for approval authority for environmental assessments under the provisions of Section I.A. of the Secretarial Policy Statement on the National Environmental Policy Act (NEPA), issued June 13, 1994. Based on your confirmation that you have designated a NEPA Compliance Officer, have prepared internal scoping procedures and public participation and quality assurance plans, and have adequate Department of Energy legal resources, I hereby delegate the requested authority to you, effective immediately. Please note that Department of Energy counsel must concur in the legal adequacy of NEPA documents before they are approved.

This delegation of environmental assessment approval authority includes the authority to make environmental assessment determinations and to issue environmental assessments, findings of no significant impact (or determinations, based on the assessments, that an environmental impact statement is required), and associated floodplain and wetland action documents. (This delegation also includes authority to make categorical exclusion determinations and approve associated floodplain and wetland action documents.)

The Office of NEPA Oversight monitors activities related to the environmental assessment process as part of its responsibilities to measure the Department's overall compliance with NEPA and to foster continuous improvement under the Secretary's policy. That Office needs your assistance to obtain information on the cost and time for environmental assessment preparation, the influence of the environmental assessment process on decision making, and public reaction to the process. The Office of NEPA Oversight also acts as a central repository of Departmental NEPA documents. The attachment describes the information that we need from your organization.

You are encouraged to redelegate environmental assessment approval authority to the Heads of your subsidiary Field Organizations, in accordance with the Secretarial Policy Statement on NEPA. Heads of subsidiary Field Organizations must confirm that they meet the criteria specified in the Secretarial Policy Statement on NEPA (paragraph I. A. 1), as you confirmed in your request. When you redelegate environmental assessment approval authority, please inform the Heads of the subsidiary Field Organizations of the need for Department of Energy counsel concurrence in the legal adequacy of NEPA documents before they are approved and the need to provide the information in the attachment to the

Office of NEPA Oversight. Also, please inform the Office of NEPA Oversight of your redelegation within two weeks.

The Office of NEPA Oversight is available on request from your organization to provide assistance and training and to serve on NEPA document preparation teams. We will support your efforts to make the NEPA process more efficient and useful to decision makers and the public. Please direct any questions to Carol Borgstrom, Director, Office of NEPA Oversight, at 202-586-4600 (fax: 202-586-7031).

Tara O'Toole, M.D., M.P.H.
Assistant Secretary
Environment, Safety and Health

Attachment

cc: Victor H. Reis, DP-1
Christine Ervin, EE-1
Thomas P. Grumbly, EM-1
Martha A. Krebs, ER-1
Patricia Fry Godley, FE-1
Donald W. Pearman, Jr., FM-1
Robert Nordhaus, GC-1
Terry Lash, NE-1
Bill S. White, NEPA Compliance Officer, CH

ATTACHMENT

INFORMATION TO BE PROVIDED TO THE OFFICE OF NEPA OVERSIGHT RELATED TO THE ENVIRONMENTAL ASSESSMENT PROCESS

The Office of NEPA Oversight monitors activities related to the environmental assessment process as part of its responsibilities to measure the Department's overall compliance with NEPA and to foster continuous improvement under the Secretary's policy. The Office also acts as a central repository of Departmental NEPA documents.

Please provide the following information or materials to that Office within two weeks of their availability.

- Your determination to prepare an environmental assessment (or a courtesy copy of a letter informing States, tribes, and/or the public of that determination). (Note that such notification to the Office of NEPA Oversight has been required under DOE 5440.1E.) Upon receipt of your determination, the Office of NEPA Oversight will assign a Department of Energy environmental assessment number.

- The name of the NEPA Document Manager.

- Courtesy copies of letters transmitting an environmental assessment to States, tribes, and, when applicable, members of the public for preapproval review. (This continues an existing practice.)

- Copies of an approved environmental assessment and any finding of no significant impact (five hard copies and one electronic file); if the environmental assessment does not support a finding of no significant impact, courtesy copy of the determination that an environmental impact statement is required. (The Office of NEPA Oversight will continue to place copies of approved environmental assessments and findings of no significant impact in its archives and distribute them to the Office of Scientific and Technical Information and the Forrestal Reading Room.)

- When appropriate, a copy of any proposed finding of no significant impact (40 CFR 1501.4(e)(2)).

At the completion of each environmental assessment process, the NEPA Document Manager, your NEPA Compliance Officer, and the team that prepared the document should complete NEPA Lessons Learned Questionnaires as soon as possible and forward the completed forms to the Office of NEPA Oversight. These questionnaires will be used for both the environmental assessment and environmental impact statement processes and will ask for information on the cost of the process, influence of the process on decision making, and public reaction to the process. We will provide these questionnaires to your NEPA Compliance Officer when available.

CHICAGO OPERATIONS OFFICE

Supporting Documentation:

DELEGATION OF APPROVAL AUTHORITY FOR ENVIRONMENTAL ASSESSMENTS

July 1994

Approved by: Cherri J. Langenfeld
Cherri J. Langenfeld
Manager

DEPARTMENT OF ENERGY, CHICAGO OPERATIONS OFFICE INTERNAL SCOPING PLAN FOR NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) DOCUMENTS

INTRODUCTION

Since technical content of Environmental Assessment (EA) is based upon the scope of the specific project under consideration, the internal scoping process is conducted early and is the most critical step for preparation of any EA.

ORGANIZATION

The Chicago Operations Office is structured as follows to facilitate the preparation of EAs:

- CH Line Managers are responsible for preparation of the NEPA documentation on the proposed activities over which they have cognizance.

- Each Line Manager will appoint a NEPA Document Manager with responsibility for coordinating with the line manager, project manager, engineering staff, contractor(s), the DOE/NEPA Compliance Officer (NCO), legal counsel, and other interested and affected CH and program organizations in developing the scope of the document. The NEPA Document Manager works with the laboratory/facility/contractor/grantee to gather information about the proposed activity in order to begin preparing the proper EA. NOTE: The Line Manager may appoint himself/herself as the NEPA Document Manager.

- CH has a NCO, appointed by the Office Manager, located at the Argonne Illinois site. The NCO is responsible for independently evaluating the adequacy of the NEPA documentation. The NCO will coordinate with the NEPA Document Manager and others, as necessary, to assure that EA scoping is adequate.

- Each CH line management organization has a NEPA coordinator. The NEPA coordinator works with the NEPA Document Manager to assure the consistency and quality of the EA.

- The Chicago Operations Office Manager has the final approval of all EA and Finding Of No Significant Impact (FONSI) documents.

INTERNAL SCOPING PROCEDURES FOR PREPARING THE EA

1. The precondition to internal scoping is the preparation of an Environmental Evaluation Notification Form (EENF), which is required to initiate determination of what level of NEPA documentation is required. [For purposes of this document the level is assumed to be an EA.]

    . The EENF is sent by the NEPA Coordinator to the CH NCO for review and verification that the level of NEPA documentation is adequate for the proposed action.

        - This form includes a description of the proposed action and affected environment, and a checklist which describes the regulated substances and activities, impacts on sensitive resources, and other environmental conditions. The EENF is used to explain the recommended level of NEPA documentation.

        - Information attached to the EENF provides additional information on checklist entries.

    . Based upon the EENF and additional information, the CH Manager determines the appropriate level of NEPA documentation.

2. In the first step, if an EA is the appropriate level of documentation, the Cognizant Line Manager designates a Document Manager.

3. The second step is assembly of the EA Review Team. This team includes the NCO, GLD, OPM, and other interested and affected parties. The preparation of an EA is announced, by the Document Manager, throughout CH to enable other organizations to participate.

4. The appropriate third step is to hold an internal scoping meeting with the review team and all internal affected parties.

    . At this meeting a statement of the Purpose and Need for the proposed action(s) is formulated for the EA.

        - Preparation and finalization of the purpose and need statement must center on why DOE needs to take action and what benefits are derived from such an action or what concerns the action prevents.

- This statement provides the foundation for defining the proposed action as well as reasonable alternatives.

- The HQ/DOE Office of NEPA Oversight publication (so-called Green Book): "Recommendations for the Preparation of Environmental Assessments and Environmental Impact Statements," May 1993, is used for guidance.

. Formulation of the description of Proposed Action and reasonable Alternatives to the proposed action is the next step in the internal scoping process.

. The Proposed Action is that action which the agency believes, prior to environmental analysis, is the correct action to be pursued. The description of the Proposed Action should include all project requirements for construction and operation.

  - This includes, but is not limited to, utilities, office space, number of workers, land area required, transportation requirements, and any other related or connected actions necessary to allow the project to proceed.

. Alternatives to the proposed action must include the No Action Alternative and any other reasonable alternative which could be implemented without an extreme and costly effort.

  - Alternatives must be described in detail.

  - Alternatives must be realistic and have a possibility to be carried out after definition.

  - Alternatives which are clearly impossible to carry out are not reasonable and should not be included.

  - The environmental impact of each alternative must be assessed.

In all of the above efforts, the HQ/DOE Office of NEPA Oversight publication; "Recommendations for the Preparation of Environmental Assessments and Environmental Impact Statements," May 1993, serves as guidance.

. One of the more difficult aspects of the scoping phase is deciding on the depth of investigation and analysis to be pursued in preparing the EA.

- Because EAs are not intended to be detailed exhaustive documents, the topics and depth of analysis must be carefully defined.

  - The depth of analysis is not to be confused with simply the inclusion of impacts. The technical support must be provided for the conclusions reached.

  - All impacts are to be addressed along with an accident analysis; environmental justice; pollution prevention; etc.

- The depth of the investigation and analysis will vary from one topic to another depending on the significance of the potential impact of the proposed action.

  - If there is clearly no impact, no in-depth analysis is needed. A statement that there is no impact is adequate.

  - If there is potential for environmental impacts, these impacts must be examined at greater depth to determine significance.

- The sliding scale approach, as described in the HQ/DOE Office of NEPA Oversight publication; "Recommendations for the Preparation of Environmental Assessments and Environmental Impact Statements," May 1993, should be used if feasible.

  - This approach helps to set priorities for the significance of each potential impact.

  - Items with the most impact would receive the most analysis.

- The depth of analysis of any potential impact should also be guided by the potential for input from State, local and tribal organizations and the public.

- If there is the potential for public concerns about the proposed action, the potential impacts must receive deeper analysis than a sliding scale approach would indicate, because we must demonstrate to the public that its concerns have been considered.

- Accident potential and analysis is an area which requires much deliberation to determine which accident(s) to select for analysis. The accident analysis must be consistent with the "Green Book" guidance. The consideration of which accidents to analyze must include respect for the public's perception of potential accidents.

- Accident scenarios should not take advantage of mitigation put in place to prevent such accidents from happening, but simply assume that the accident happens.

5. The fourth step is integration of the EA schedule with the Project schedule.

   - Since initiation of Title II activities should not normally occur without approval of the NEPA document [EA in this case] and issuance of a Finding of No Significant Impact (FONSI), it is imperative that the project schedule and the EA schedule be fully integrated and the critical path highlighted.

   - If the EA results in a NEPA decision which directs that an EIS be prepared, the effort cannot go forward until the EIS is completed and a Record of Decision is issued.

6. The fifth step is development of the annotated EA outline. The EA should be outlined capturing all deliberations and comments.

   - It should include the agreed upon Purpose and Need, Proposed Action, all reasonaable Alternatives, including the No Action Alternative, and selection of resources potentially receiving impact.

   - Estimated depth of analysis should be provided for each potentially impacted resource.

   - Accident Scenario(s) should be finalized and the possible risk of accident(s) occurring properly analyzed.

7. The final step is documentation of the internal scoping process. All actions during scoping, (e.g., preparation of purpose and need, the proposed action, the reasonable alternatives, scope and depth of analysis, and accident scenario selection), should be summarized and documented so there is a record of what occurred, who was involved in the process, and who is responsible for completing each action.

QUALITY ASSURANCE PLAN FOR CHICAGO OPERATIONS OFFICE ENVIRONMENTAL ASSESSMENT (EA) DOCUMENTATION

I. INTRODUCTION

The NEPA is the federal government's basic charter for protection of the environment. The NEPA process is a service to the public by enabling public input into potential federal decisions and by providing public disclosure of agency actions that potentially affect the environment. The NEPA process enables the Department of Energy (DOE) to achieve the results, outcomes, and products that respond to the goals of the Act and the goals of the Council on Environmental Quality (CEQ) regulations.

NEPA's procedural provisions provide for the preparation of EAs that serve as a tool to inform decision makers and the public regarding the consequences of the approval of specific proposed projects and other actions. EAs are used in deciding whether to prepare an Environmental Impact Statement (EIS) based on the presence or absence of significant impacts to the environment.

To ensure that the use of EAs by CH continues to enable quality decisions, public disclosure, and environmental protection, quality assurance (QA) planning is essential. The implementation of this QA Plan for the conduct and management of the EA process will assure the preparation, review and approval of quality EAs.

The Chicago Operations Office has management oversight for Argonne National Laboratory-West, Argonne National Laboratory-East, Ames Laboratory, New Brunswick Laboratory, Fermi National Accelerator Laboratory, Battelle Columbus Laboratory Decommissioning Project, RMI Titanium Decommissioning Project, Brookhaven National Laboratory, Environmental Measurements Laboratory, Princeton Plasma Physics Laboratory, and/or other projects and facilities.

II. SCOPE AND APPLICABILITY

This QA Plan addresses the requirements of DOE Order 5700.6C, "Quality Assurance". It presents a summary of CH's policy, procedures, and requirements for implementing a comprehensive QA program for the preparation, review, and approval of EAs and for their use in decision making.

The process requirements established in this QA Plan follow the Secretarial Policy Statement on NEPA of June 13, 1994). This QA Plan is applied by CH (under provisions of DOE and CH Order 5440.1E) in providing QA and NEPA program oversight of the laboratories, facilities, projects, and contracts.

III. REFERENCES OF SPECIFIC REGULATORY AND PROCEDURAL DRIVERS

A. Requirements and Regulations

The National Environmental Policy Act of 1969, As Amended.

40 CFR 1500-1508, "Council on Environmental Quality Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act".

Council on Environmental Quality, "Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations", 55 FR 18026.

10 CFR 1021, "Department of Energy National Environmental Policy Act Implementing Procedures and Guidelines".

10 CFR 1022, "Department of Energy Compliance with Floodplain/Wetlands Environmental Review Requirements".

DOE Order 4300.2B, "Non-Department of Energy Funded Work (Work for Others)".

DOE Order 4320.1B, "Site Development Planning".

DOE Order 4700.1, "Project Management System".

DOE Order 5401, "General Environmental Protection Program"

DOE Order 5440.1E, "National Environmental Policy Act Compliance Program".

DOE Order 5480.4, "Environmental Protection, Safety, and Health Protection Standards".

DOE Order 5700.6C, "Quality Assurance".

B. Policies, Procedures, and Guidance

1. Departmental and Secretarial

"Secretarial Policy Statement on the National Environmental Policy Act", Office of the Secretary, June 13, 1994.

"Quality Assurance Program: A Total Management System", Office of Nuclear Safety Policy and Standards, May 1993.

"Energy's Quality Journey: Total Quality Management Implementation Guidelines", December 1993.

"Department of Energy Policy on Waste Minimization and Pollution Prevention", Office of the Secretary, August 20, 1992.

"Waste Minimization/Pollution Prevention Crosscut Plan 1994", Office of the Secretary, February 28, 1994.

2. Office of Environment, Safety and Health

"Recommendations for the Preparation of Environmental Assessments and Environmental Impact Statements" ("EH Green Book"), May 1993.

"Directory of Potential Stakeholders for Department of Energy Actions Under the National Environmental Policy Act" ("EH Yellow Book"), January 1994.

"Draft NEPA Compliance Guide: Guidance Manual for Department of Energy Compliance with the National Environmental Policy Act and Related Federal Environmental Statutes", October 1988.

"Improving DOE's National Environmental Policy Act (NEPA) Compliance: Role of the NEPA Compliance Officer (NCO)/Delegation of Environmental Assessment (EA) Determination Authority", July 15, 1992.

"Integrating Pollution Prevention with NEPA Planning Activities, October 15, 1992.

"Procedures for Approval of Environmental Assessments", October 16, 1992.

"Draft DOE Environmental Assessment Checklist", February 7, 1994.

3. Office of Energy Research

"Office of Energy Research NEPA Guidance and Procedures Handbook", November 1992 and Subsequent Updates.

"Office of Energy Research Statement of Goals and Objectives for Adherence to the Principles of the National Environmental Policy Act", November 11, 1992. (Section 1.2 in ER NEPA Guidance and Procedures Handbook).

"Office of Energy Research Guidance on the Preparation, Scope, and Content of Environmental Assessments (EA)", ER NCO Communication 92-04, November 5, 1992. (Section 5.2 in ER NEPA Handbook).

"Office of Energy Research Lessons-Learned from Environmental Assessment Reviews", ER NCO Communication 94-02, March 10, 1994. (Section 5.2 in ER NEPA Handbook).

"Current Standard Format to be Used for All Office of Energy Research Findings of No Significant Impact (FONSI)", ER NCO Communication 92-01, February 24, 1992. (Section 6.2 in ER NEPA Handbook).

"Procedures for Notification of Availability and Distribution of Energy Research EAs and FONSIs", Revised January 12, 1993. (Section 5.4 in ER NEPA Handbook).

"Annotated Bibliography of Energy Research Environmental Assessments (EA) and Environmental Impact Statements (EIS) Completed Since Secretary of Energy Notice (SEN) 15-90", ER NCO Communication 92-07, July 22, 1992, and Subsequent Updates. (Appendix D in ER NEPA Handbook).

"Energy Research Project NEPA Environmental Assessment Schedule", October 15, 1993.

"Office of Energy Research Draft Guidance on Early Timing and Implementation of the NEPA Process and Integration of the NEPA Process with the Project Management System", ER NCO Communication 94-01, February 1994. (Section 2.2 in ER NEPA Handbook).

"Program Summary [for 1992] of the Office of Energy Research, Office of Assessment and Support, Environmental Division (ER-8.2), NEPA Accomplishments and Future Directions". ER NCO Communication No. 93-02. August 18, 1993.

"Office of Energy Research National Environmental Policy Act Program Summary for 1993 and Status Report on Continuous Improvement in NEPA Services and Products". ER NCO Communication No. 94-03. May 16, 1994.

Office of Energy Research "Training Needs Survey in National Environmental Policy Act (NEPA) Implementation". ER NCO Communication No. 93-10. July 30, 1993.

"NEPA Workshop: Continuous Improvement in ER's NEPA Products and Services". In: "Report of the Office of Energy Research Sixth Semiannual Environment, Safety, and Health Coordination Meeting", February 1-3, 1994, Gaithersburg, Maryland. Section 10, pages 10-21.

4. CH Guidance

DOE-CH Order 5440.1E, NEPA Compliance Program (Currently Under Revision)

CH Procedures For Preparing The Environmental Evaluation Notification Form NEPA Determination Sheets

IV. ORGANIZATIONAL ROLES AND RESPONSIBILITIES

The Strategic Plan identifies five business lines: Contract Management, Facility Management, Project Management, Program Management, and Management Support. One of the integrated technical and business management services CH provides to its customers in these business lines is ensuring that environmental considerations are an essential part of decision making on proposed CH facilities, projects, contracts, and other activities. For example, the strategic goal for Facilities Management is to achieve results-oriented, cost effective, environmentally sound, and safe workplace management practices at all facilities.

CH's implementation of NEPA's procedural provisions is accomplished by individuals at various levels within the CH organization. These individuals and CH elements are described below. All NEPA documents are reviewed by individuals in these organizations prior to approval by the CH Manager. Attachment A indicates the organizational structure of CH.

A. CH Manager

The CH Manager is responsible for: assuring there is appropriate level of NEPA review and that NEPA procedures are established, including record keeping requirements; maintaining an evironmental compliance staff; and that State/Tribal notifications and public notification (if applicable) are issued. The CH Manager also designates the CH NCO.

B. Cognizant Line Manager

The DOE CH Line Manager is responsible for integrating the NEPA process into project planning and scheduling. He/She has responsibility for scheduling the EA process within the overall project management process, and overseeing the contractor NEPA preparation process, and ensuring the quality and adequacy of the EAs. The Line Manager may delegate his/her authority for the NEPA process to a NEPA Document Manager, but retains ultimate responsibility for the NEPA activities.

C. NEPA Coordinator

The NEPA Coordinator provides the continuity in the NEPA Process in the organization and oversees the factual accuracy and general quality (editorial) of each EA. He/She verifies the physical features of each project area and the location of the proposed project.

D. Document Manager

The Document Manager is assigned by the cognizant Line Manager for each project to establish team leadership. The Document Manager manages the document preparation process and keeps it on schedule. He/She considers requesting variances from Department of Energy NEPA regulations (10 CFR 1021), after coordinating with the CH NCO and GLD, to meet timing requirements or for other reasons that are permitted under Section 1021.343 of the regulations. He/She identifies interested/affected organizations and manages the internal scoping document preparation and public participation activities.

E. CH NEPA Compliance Officer

The CH NCO has the responsibilities and authorities as defined and stated in: DOE Order 5440.1E; the July 15, 1992 EH memorandum on the role of the NCO; the June 13, 1994 Secretarial Policy Statement on NEPA. The CH NCO oversees CH's implementation of NEPA's procedural provisions that are defined in 40 CFR 1500-1508, 10 CFR 1021, and the other requirements, regulations, policies, and procedures identified in this QA Plan. The CH NCO reports to the Manager of the Chicago Operations Offices through the AMST and the Director of ESHD. The NCO is responsible for the overall quality of the NEPA process.

F. Environment, Safety and Health Division (ESHD)

Staff members responsible for conducting NEPA appraisals are located within the ESHD, under the Assistant Manager for Safety and Technical Support (AMST). The CH NCO resides organizationally within ESHD. (See Attachment A and the NCO's responsibility in Section IV.C above).

G. General Law Division (GLD)

Legal staff members provide review during the Environmental Evaluation Notification Form (EENF)/determination phase, internal scoping process, draft EA review, and FONSI preparation to assure legal sufficiency. GLD concurs on all EAs and FONSIs. Legal support is also provided upon request.

H. Office Of Communications (OCM)

OCM staff members provide support as necessary to solicit public input and distribute information to the public.

V. ENVIRONMENTAL ASSESSMENT MANAGEMENT PROCESS

CH's goal is to prepare quality EAs that assist decision making and are as concise as possible. Our goal is to meet the 15 page length recommendation of the CEQ ("Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations", Question/Answer No. 35).

The CH process for the preparation, review, approval, and issuance of EAs is described in section VII, B, Criterion 5 and the major sections of this document ("DOE, CH INTERNAL SCOPING PLAN FOR NATIONAL ENVIRONMENTAL POLICY ACT DOCUMENTS," "QUALITY ASSURANCE PLAN FOR CH ENVIRONMENTAL ASSESSMENT DOCUMENTATION," and "DOE, CH PUBLIC PARTICIPATION/COMMUNICATION PLAN FOR ENVIRONMENTAL ASSESSMENTS"). This EA document management process should be initiated as early as possible in the project/program planning cycle by the cognizant Line Manager. This process consists of the elements involved in: the EA preparation, review, and approval; and the preparation, review, approval, and issuance of FONSIs when a final determination is made that preparation of an EIS is not necessary. This process also applies if the DOE adopts another federal agency's EA where appropriate.

VI. APPROVAL OF CONTRACTOR'S QUALITY ASSURANCE PROGRAM PLAN

Each Line Manager assures that a Quality Assurance Program Plan (QAPP) for the Preparation and Review of EA Documents is prepared for his/her organization and contractors over which he has cognizance. The Line Manager assures the QAPP adequately addresses the technical and environmental requirements as stated in section III references, of this plan. Assistance for this evaluation is available from the ESHD. The Line Manager NEPA Coordinator also, with the support of ESHD, will routinely self-assess the effectiveness of the organization's NEPA process, and ESHD will include a review of the NEPA process as part of its periodic NEPA appraisals.

VII. APPLICABILITY OF THE QUALITY ASSURANCE CRITERIA OF DOE ORDER 5700.6C

The following subsections describe the applicability of the quality assurance criteria of DOE Order 5700.6C to the CH NEPA documentation process.

A. Management

Criterion 1. Program. The organizational structure of CH, along with the roles and responsibilities of the principal managers and staff with authority for NEPA compliance relevant to EAs is described in Section IV above. The line managers, project/program managers, CH NCO, Line Management NEPA Coordinators, GLD, and NEPA Document Managers manage, perform, and assess the adequacy of work and the quality of EA documents that support CH's project and program decision making.

Criterion 2. Personnel Training and Qualifications. All CH personnel involved in the NEPA process should be qualified professionals by background, experience, and/or training.

The CH NCO provides NEPA procedures, guidance, information, and assessment. This includes providing training on the preparation of EAs. These actions promote higher levels of quality in CH NEPA products.

Criterion 3. Quality Improvement. CH encourages its employees to continually improve its NEPA products and services. CH's failures and successes in the NEPA process provide opportunities for learning and improvement. CH welcomes suggestions and innovative ways to improve quality, efficiency, and the effectiveness of the EA process.

CH assesses the quality of NEPA products and services, and tracks and communicates the results obtained. CH utilizes the NEPA Workshops at the Semiannual ES&H Coordination Meetings to focus on continuous improvement, successes, problem solving, and issue resolution. (Reference 4).

The internal scoping of CH EAs ensures that the EAs are focused on the proper issues and will be completed in a timely manner. To ensure document quality, the Document Manager (in consultation with the CH NCO) coordinates the concurrent review of draft EAs by individuals and organizations. CH has a process in place for chartering Proceess Improvement Teams.

Criterion 4. Documents and Records. The CH NCO maintains a computerized NEPA data base tracking system that incorporates the EA determination, scoping milestones, schedule, preparation, review; FONSI approval and issuance; and distribution of final documents. Also, the data base includes summaries of the projects being assessed. It maintains both active and inactive records. This data base tracking system also has the capability to track CH NEPA documents other than EAs. The NEPA data base tracking system enables CH to monitor the EA process. The data base allows all interested parties real-time access to their project status.

B. Performance

Criterion 5. Work Processes. The major milestones in the CH EA preparation process are summarized below. An example is depicted in Attachment B. The major milestones in the CH EA Scoping Process, and CH EA Public Involvement Process are set forth in the CH Documents "CH INTERNAL EA SCOPING PROCEDURES" and "CH PUBLIC PARTICIPATION/COMMUNICATIONS PLAN FOR ENVIRONMENTAL ASSESSMENTS", respectively.

- **Determination of Appropriate Level of NEPA Documentation.** The submission of an Environmental Evaluation Notification Form (CH Form 560) initiates the consideration of the appropriate level of NEPA documentation (CX, EA, or EIS) for each proposed action. The Line Management NEPA Coordinator submits the EENF, with additional information to explain checklist entries, with a recommendation of the appropriate level of documentation, to the CH NCO and GLD for review and concurrence. Based upon the EENF and supporting documentation, the Manager makes the determination.

- **Notification.** The CH NCO is responsible for notifying the host and affected states and tribes of DOE's intent to prepare an EA. The notification letter is prepared by the NEPA Coordinator for the Line Manager's signature.

- **Designation of Document Manager.** If an EA is the appropriate level of NEPA documentation, the cognizant Line Manager designates a Document Manager.

- **Internal Scoping.** This process is used to establish the content and schedule of each EA. Internal scoping is coordinated by the NEPA Document Manager, with the assistance of a review team consisting of the CH NCO, and representatives of GLD, OCM, and other interested and affected organizations. The products of internal scoping include:

  - Annotated Outline. This document is an outline of the EA, with general information on the Purpose and Need, Preferred Action, Reasonable Alternatives, the No Action Alternative, and relevant environmental impacts.

  - EA Schedule. This document is drafted by the NEPA Document Manager, with the assistance of the Line Manager NEPA Coordinator and CH NCO. The schedule establishes the milestones for the preparation, review, approval, and distribution of the EA and FONSI, and must be coordinated with the development of the project schedule.

  - Action Plan. This document identifies the tasks and assigned responsibilities for the EA process.

- **Selection of Preparer.** The cognizant Line Manager selects the EA preparer, with the assistance of the Document Manager, NCO, and Contracting Officer as appropriate. The preparer should be selected prior to internal scoping, to enable the preparer to participate in internal scoping. However, whether or not the preparer participates in internal scoping, the preparer is provided the documentation generated during the internal scoping process, with other appropriate direction.

- **Preparation of the draft EA.** The Preparer prepares a draft EA in accordance with internal scoping and other guidance, and provides the draft EA to the Document Manager.

- **Team review of draft EA.** Each member of the EA Review Team is provided a copy of the draft EA for concurrent review. Concurrent reviews promote efficiency. Each EA is reviewed against existing CEQ and DOE guidance and standards (as identified in Section III of this QA Plan). The Document Manager establishes the due date for completion of review with concurrence of the CH NCO, and consolidates and reconciles all comments. If possible, the Document Manager schedules a Comment Resolution Workshop for the Review Team, which may or may not be attended by the Preparer. The objective of concurrent Team Review/Workshop is to provide explicit direction to the Preparer on how to revise the document. The NEPA Review Team will include, at a minimum, the CH NCO (or designee) to review for compliance with CEQ and DOE regulations and guidance and to verify that supporting documentation is adequate; a project manager/engineer/other qualified technical person to assure that the document is factually correct and complete, and editorially sufficient; and a representative from GLD to review for legal sufficiency. Issues raised by the comments which cannot be reconciled are elevated for dispute resolution.

- **EA Revision.** The Document Manager, through the Contracting Officer if appropriate, provides the consolidated comments to the Preparer, with instructions for appropriate revision of the EA. The Preparer provides the revised EA to the Document Manager, who performs a comparison of the document against the comments to assure that the issues have been adequately and appropriately addressed.

- **Concurrence.** If determined sufficient, the revised draft EA is transmitted by the Document Manager to the NCO for concurrence. The NCO circulates the EA for concurrence of the Review Team members and other members of Principal Staff (Director, ESHD; AMST; Deputy Manager; CH Manager) as appropriate.

- **External review, as appropriate.** (See "CH Public Participation/Communication Plan for Environmental Assessments"). Host and affected State/Tribal coordination for the review of EAs is authorized by the CH Manager, and occurs prior to the final approval of the EA and determination of the significance of environmental impacts. The review is for the verification of information, to give the State(s)/Tribe(s) an opportunity to identify or quantify additional environmental impacts, and to

generally notify the potentially affected State(s)/Tribe(s) of the potential DOE action. Public notification of the availability of the EA is handled in accordance with the "CH Public Participation/Communication Plan For Environmental Assessments." State/Tribe comments (and any comments received from the public, if applicable) are considered by the Review Team, resolved if necessary, and appropriate instruction is provided to the preparer for revision of the document. If no comments are received, the EA transmitted to the State(s)/Tribe(s) is the final EA.

- **Approval of EA.** After external review and revision of the EA to address any comments received, with concurrence of Review Team and Principal Staff, as appropriate, (demonstrating that the EA has been determined to be factually, technically, and legally sufficient), the Manager shall approve the EA, and determine whether the proposed action would have a significant effect on the environment.

- **Preparation of the FONSI or NOI, as appropriate.** If based upon the analysis in the EA, the Manager determines that the proposed action would have no significant impact on the environment, the Document Manager shall provided for the Manager's signature a Finding of No Significant Impacts. If the Manager determines that the proposed action has a potential for significant impacts, a Notice of Intent will be provided. Standard FONSI or NOI format is used.

- **Public Notice.** The public and interested persons shall be notified of the determination and availability of the EA in accordance with the "CH Public Participation/Communication Plan for Environmental Assessments." The notification is prepared by the Document Manager in consultation with the NCO and OCM. Copies of the EA and FONSI (hard copy and computer diskette) are provided to EH-25 and the cognizant PSO's NCO.

- **Process Tracking.** The CH NEPA data base tracking system is used to track the EA Document Management process, including the milestones identified above which involve the NCO or CH Manager.

Criterion 6. <u>Design</u>. Design does not apply to the preparation of EAs.

Criterion 7. Procurement. CH ensures that purchased or supplied services and technical assistance for preparation and/or review of EAs and EA-related documents meet DOE expectations. CH ensures that contractors are qualified to perform the required services, and have sufficient resources to implement and complete the tasks. CH ensures that such contractors are provided with all of the necessary guidance, procedures, rules, and requirements to adequately prepare and/or review quality EAs. Contractor performance is monitored periodically by the cognizant NEPA Coordinator and assessed through the ESHD appraisal system to ensure quality services and acceptable deliverables are supplied.

Criterion 8. Inspection and Testing. Inspection and Testing does not apply to preparation of EAs.

C. Assessment

Criterion 9. Management Assessment. CH management continually assesses the quality and effectiveness of the EA process. This assessment provides feedback to all participants and offers opportunities for quality improvement.

Criterion 10. Independent Assessment. Independent assessment of the CH EA process is provided by EH-25 Headquarters. Periodically, CH can expect that the PO will assess the effectiveness of the EA program in meeting EH-25's and DOE's NEPA objectives.

DEPARTMENT OF ENERGY, CHICAGO OPERATIONS OFFICE PUBLIC PARTICIPATION/ COMMUNICATION PLAN FOR ENVIRONMENTAL ASSESSMENTS

The preparation of Public Participation Plan tailored to the project in question is a required element of internal scoping by Section II.C. of the Secretarial Policy Statement on the National Environmental Policy Act (Ref. 4).

The following tables summarize lead responsibilities and deadlines for public participation activities associated with the CH NEPA Process for proposed actions for which the environmental assessment is the appropriate level of documentation. Depending upon the reference in the fourth column, activities are "required" (references 1.-4.) or suggested (references 5.-8.). To the extent possible, a team approach shall be utilized for the development and review of all documents, and for the planning and scheduling of all NEPA process activities.

Activities are identified by one of three "levels" of significance. A particular public participation activity is <u>required or suggested</u> for proposed actions of the level identified or higher. For example, a level 3 activity applies only to level 3 EAs; a level 2 activity applies to level 2 and level 3 EAs; a level 1 activity applies to all EAs. The EA levels are defined as follows:

Level 1 proposed actions are those for which environmental impacts are clearly insignificant, but for which no appropriate categorical exclusion has been promulgated in Subpart D (Appendix A or Appendix B) of the DOE NEPA Rule. Level 1 EAs generally are short (5 pages), and public interest is de minimis.

Level 2 proposed actions are actions which "normally" require the preparation of an environmental assessment.

Level 3 proposed actions are those which have a meaningful potential for significant impacts. These are proposed actions which could, in fact, result in a NOI (Notice of Intent to prepare an EIS), and those for which a Proposed FONSI is <u>required</u> or determined to be appropriate under 10 CFR Section 1021.322(d) and 40 CFR 1501.4(e)(2). These circumstances include:

(1) the proposed action is, or is closely similar to, one which is described in Appendix D of the DOE NEPA rule; or,

(2) the impacts of the proposed action would be significant but for the fact that the FONSI is supported by a commitment to perform mitigation which reduces the impacts of concern to insignificance; or,

(3) other circumstances as appropriate. For example, Level 3 public participation activities would be required for a proposed action which affects a sensitive resource (e.g., historic resource, protected species or its critical habitat, or a wetland), a proposed action with effects of national concern, or a proposed action which is highly controversial.

The Public Participation Plan for a level 1 EA will, at a minimum, contain all the required elements of the tables below for which a "1" is identified in the last column; for a level 2 EA, will contain all required elements designated "1" or "2", and for a level 3 EA, all required elements (designated "1", "2", or "3").

TABLE 1: PRE-EA PUBLIC PARTICIPATION ACTIVITIES

Lead Responsibility	Activity	Milestone	Reference	Level
NCO	Notify Host and Affected State(s) and Tribe(s) of NEPA determination	Within 5 working days of manager's determination	1. 5.	1
NEPA Document Manager	Initiate internal scoping: propose team[1]	Within 5 working days of determination	4.	1
Document Manager	Propose schedule[2]		4.	1
Document Manager	Prepare Public Participation Plan[3]		4.	1
Document Manager	Use CH NEPA data base tracking system		4.	1
Cognizant Line Manager	Approve scope and team		8.	1
OCM	Develop "Ground Zero" plan	Develop in conjunction with schedule	8.	3
Document Manager with NCO/GLD	If necessary, consider toll-free number for scoping or EA review comments		4.	3
Document Manager with OCM/GLD	If necessary, prepare public notice of intent to prepare EA		4.	2
	If necessary, issue public notice of intent to prepare EA	Concurrent with State/tribal notification	4.	2

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1 To include, at a minimum, representatives of OCM, GLD, and NCO.

2 For Level 3 EAs, this document should be coordinated with the OCM "Countdown" or "Ground Zero" document.

3 The Public Participation Plan for Level 1 documents should include all elements of this list showing a "1" in the last column; for Level 2 documents, all elements showing a "1" or a "2"; and for Level 3 documents, all elements showing a "1", "2", or "3".

TABLE 2: PRE-APPROVAL REVIEW PUBLIC PARTICIPATION ACTIVITIES

Lead Responsibility	Activity	Milestone	Reference	Level
NCO with GLD	Propose use of PFONSI if appropriate	With submission of EA for Manager's approval	1.	3
CH Manager	Approve use of PFONSI if appropriate	Within 5 working days of receipt of EA	1.	3
Document Manager	Prepare PFONSI and proposed distribution list	Within 5 working days of EA approval	1.	3
NCO	Recommend publication of PFONSI in Federal Register if appropriate	Within 5 working days of EA approval	1. 2. 5.	2
CH Manager with OCM/GLD	Approve PFONSI and distribution list	Within 5 working days of receipt	1.	
NCO	Recommend appropriate length of pre-approval review (14-30 days)	With submission of draft EA for Manager's approval	1.	1
CH Manager	Determine length of pre-approval review	With approval of draft EA	1.	1
NCO	Provide draft EA to Host and Affected State(s) and Tribe(s) for review	Within 5 working days of Manager's approval	1.	1
NCO with GLD	Provide draft EA to consulting agencies and cooperating agencies	Concurrent with state/tribal review	1.	1
NCO with GLD	Evaluate feasibility of providing draft EA to interested parties		4.	1
OCM with NCO	If appropriate, provide draft EA to interested parties	Concurrent with state/tribal review	4.	1

TABLE 3: FINAL EA PUBLIC PARTICIPATION ACTIVITIES

Lead Responsi-bility	Activity	Milestone	Reference	Level
Document Manager with OCM	Prepare draft FONSI and proposed distribution list	Within 10 working days of approval of EA	7.	1
NCO with OCM	Approve distribution list for EA/FONSI	Within 5 working days of receipt		
OCM with cognizant Line Manager	Prepare press release	Within 5 working days of approval of EA/FONSI	5.	3
OCM with HQs Review	Approve press release	Within 10 working days of approval of EA/FONSI	5.	3
Document Manager	Distribute EA/FONSI	Within 5 working days of approval of press release and distribution list	1. 6. 7.	1

TABLE 4: PUBLIC PARTICIPATION ACTIVITIES FOR MITIGATION ACTION PLAN

Lead Responsi-bility	Activity	Milestone	Reference	Level
Document Manager with OCM	Provide copies of the Mitigation Action Plan to public reading room(s) and other appropriate locations	Within 5 working days of approval	1.	3
NCO	Maintain copies of EA, FONSI, MAP, press release, distribution list, all correspondence		6.	1

REFERENCES:

1. National Environmental Policy Act Implementing Procedures, 10 CFR 1021 ["DOE NEPA Rule"], sections 1021.301; 1021.322(c) and (d); 1021.330; 1021.331; 1021.340; 1021.341; 1021.342;

2. Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act, 40 CFR Parts 1500-1508 ["CEQ Regulations"], especially Part 1503, and sections 1500.2(d); 1501.4(b); 1501.4(e); 1501.7; 1502.25; 1503.9(a)(4); 1506.6;

3. National Environmental Policy Act Compliance Program, DOE Order 5440.1E

4. Secretarial Policy on the National Environmental Policy Act, June, 1994, ["DOE NEPA Policy"], sections II.C. and V.

5. ER Guidance Document, "Procedures for Informing Host States and Indian Tribes of ER's Determination to Prepare an EA", November 6, 1992

6. ER Guidance Document, "Procedures for Notification of Availability and Distribution of Energy Research EAs and FONSIs", January 12, 1993

7. EH NEPA Compliance Guide, Draft 10/88

8. Internal CH policy or practice.

ATTACHMENT A

UNITED STATES DEPARTMENT OF ENERGY
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MANAGER 2110

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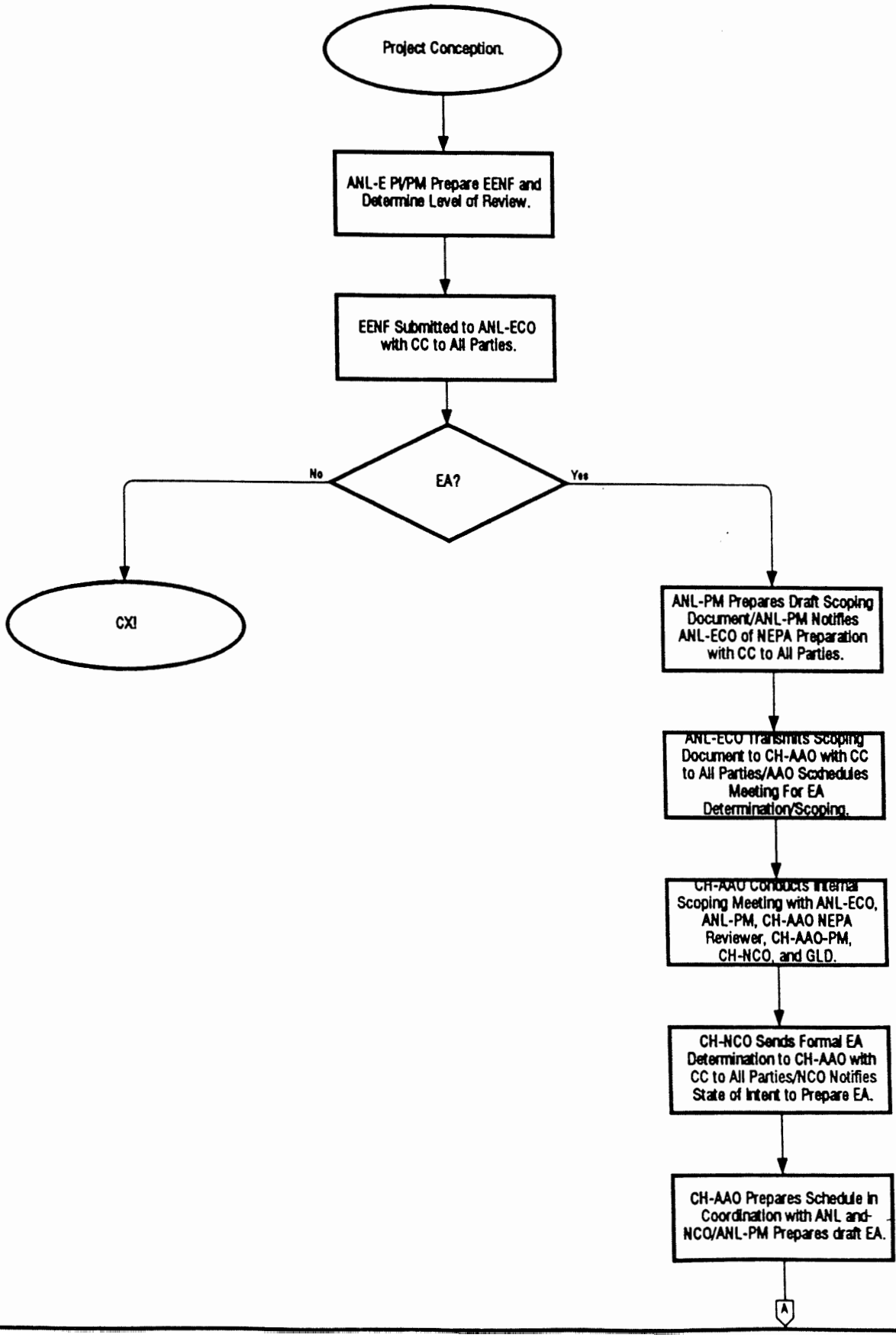
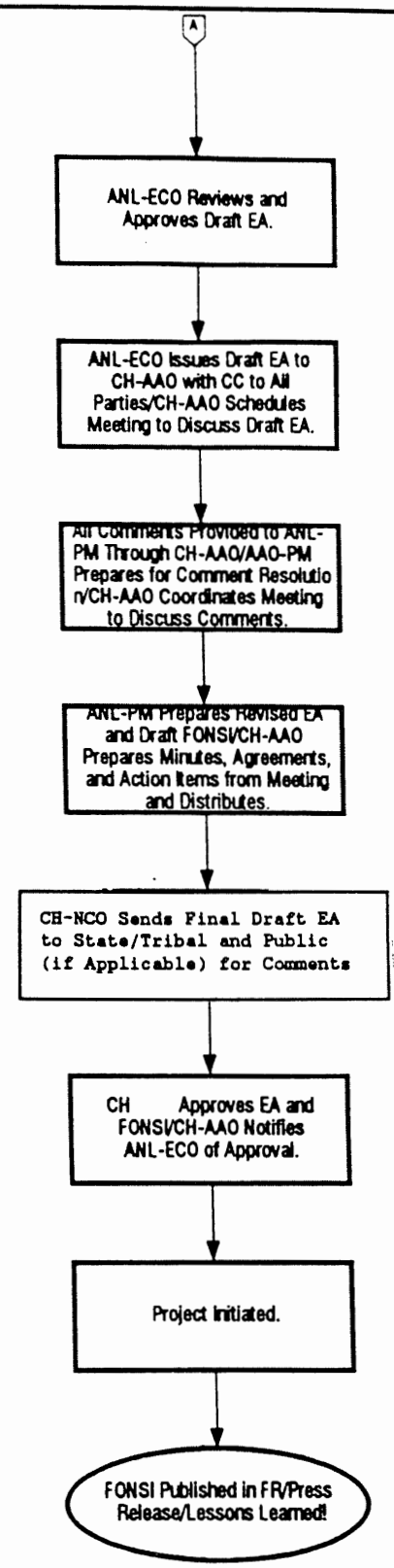
APPROVAL: C J Langenfeld
MANAGER

DATE: 5/25/94

RECOMMENDED NEPA PROCESS

ATTACHMENT B




A
ANL-ECO Reviews and Approves Draft EA.
ANL-ECO Issues Draft EA to CH-AAO with CC to All Parties/CH-AAO Schedules Meeting to Discuss Draft EA.
All Comments Provided to ANL-PM Through CH-AAO/AAO-PM Prepares for Comment Resolutio n/CH-AAO Coordinates Meeting to Discuss Comments.
ANL-PM Prepares Revised EA and Draft FONSI/CH-AAO Prepares Minutes, Agreements, and Action Items from Meeting and Distributes.
CH-NCO Sends Final Draft EA to State/Tribal and Public (if Applicable) for Comments
CH Approves EA and FONSI/CH-AAO Notifies ANL-ECO of Approval.
Project Initiated.
FONSI Published in FR/Press Release/Lessons Learned!